

## POSITIONING STATEMENT

### GDPR

#### **What is the General Data Protection Regulation (GDPR)?**

The GDPR is a European Union (EU) Regulation, which comes into effect in all EU Member States on 25 May, 2018. The GDPR was envisaged to harmonise the current data protection laws in Europe, which up to now have been implemented differently through the various Member States. It will replace the Data Protection Directive 1995/46/EC and the Data Protection Directive 2002/58/EC for the electronic communication sector, which originally set out the standards for the protection of personal data in the EU.

The European Union's GDPR is a comprehensive overhaul of data protection legislation and contains new requirements that expand its scope and requires greater transparency from companies when handling personal data. It applies to all EU citizens and so for many global organizations, like Equinix, it can have extra-jurisdictional reach if a company's systems, processes and procedures are global. In that sense, the GDPR has become the new benchmark for personal data protection across the world.

And all of this is underpinned by significantly expanded enforcement options for non-compliance. Under the GDPR, EU regulators will be vested with the ability to fine organizations between 2% and 4% of worldwide annual global revenue.

The new GDPR law will become enforceable from 25 May 2018, after a two year transition period, and there is no grace period for compliance after this date.

#### **How is Equinix responding to GDPR?**

Equinix is committed to complying with data protection laws applicable to our business, including the GDPR.

We began an evaluation of the requirements under the GDPR early in 2017 in terms of what it means for Equinix for its own compliance as for any other global organization and what it means in the context of Equinix's provision of colocation, interconnection and ancillary services (collectively described as data center services) to our customers, to determine where and how we might best support our customers' own compliance efforts.

Equinix has established a comprehensive and cross functional program of work to address the changes required by GDPR. The program of work incorporates work across the company, led by the Legal and IT (including Information Security) teams, with involvement from Human Resources, Sales & Marketing and the Operations teams. Where systems and supporting processes are global in nature, we are applying GDPR across the board, for consistency purposes and so we adhere to the highest quality standards in terms of security parameters, confidentiality requirements, access and availability, and data integrity and data privacy controls.

Further, we are evaluating our policies and procedures across all business functions to ensure they align to our compliance requirements under the GDPR.

**What is the impact to Equinix customers?**

In the provision of our core data center services, we believe that the GDPR does not alter the nature of Equinix's relationship with the customer and its customer data and end-user data that is stored on and processed on the customer equipment in our data centers. We continue not to perform any processing activity and therefore we do not assume any legal responsibility as a data processor or otherwise in relation to that customer data or end-user data.

However, customers can continue to take comfort from the robust physical security measures that Equinix has in place, which provide a secure environment for customers and/or their end-users (and possibly their service providers in each case) to carry out their data processing activities.

And as Equinix implements GDPR principles across its own global systems and processes that handle personal data, including customer facing portals, biometric readers for access control to our data centers etc., our customers will now be able to take the same level of comfort around Equinix's data security parameters as it does in terms of physical security.

Additionally, there are limited types of personal data from customers and business partners that it does obtain, which is, for the most part, business contact information that Equinix obtains in the context of providing data center services to customers, and in its capacity as data controller. Equinix will take all necessary steps to comply with GDPR obligations with respect to such personal data, including taking all appropriate technical and organizational measures and safeguards to protect such personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access and against other unlawful forms of processing.

**Launch of a Privacy Office**

To facilitate GDPR compliance, and to ensure strong and consistent support for data privacy matters within Equinix globally, Equinix has recently established a Privacy Office to manage data privacy compliance for Equinix and to co-ordinate support for customers on data privacy matters. The Privacy Office has cross functional representation and is both internal and external facing, working internally across the company, but also acting as a point of contact for data subjects or local regulators to liaise with Equinix regarding any data privacy matters, ensuring all applicable information is provided as required and requested.

A Privacy Hub is being developed to assist the Privacy Office to carry out its activities, and to bolster its internal controls to ensure the confidentiality and integrity of the personal data held by Equinix. Details of Equinix's personal data processing activities will be retained on the Privacy Hub. It will also be the forum within Equinix to manage valid subject access requests made by data subjects and bona fide complaints handling.

**How will Equinix ensure its staff understand the data privacy requirements in relation to GDPR?**

Equinix has undertaken an internal communications initiative to raise awareness of GDPR and what it means for Equinix, including with the Governance Committee of the Board of Equinix, Inc. and various executive management teams. Equinix has in place a series of internal mandatory training programs for employees covering security awareness and responsibility. Equinix has a Code of Business Conduct on which all Equinix employees are trained periodically, and this training will include concepts of data privacy awareness and understanding. The Code of Business Conduct is available at <http://investor.equinix.com/phoenix.zhtml?c=122662&p=irol-govConduct>.



**How will Equinix comply with GDPR requirements around data breaches?**

Equinix is supplementing its existing data security breach notification process, its incident management process and its crisis communications plans to ensure full compliance to the GDPR notification requirements in the event of a data security breach involving personal data, with more automated controls in place to ensure Equinix can adhere to all applicable time lines for notification.

**How does Equinix ensure that its sub-contractors and suppliers comply with GDPR?**

Equinix's compliance program of work includes outreach to all current system vendors or service providers who handle personal data to require responses on a comprehensive questionnaire with detailed follow up as necessary to ensure compliance with Equinix's own high standards in relation to GDPR. In many cases, these responses will also be supplemented by contractual assurances relating to GDPR compliance. Our procurement processes and procedures are being updated to ensure that data privacy compliance is an important selection criteria for all new supplier engagements, which involve the substantive processing of personal data.

**How does Equinix demonstrate GDPR compliance on all transfers of personal data?**

GDPR maintains the EU regulatory framework for the trans-border flow of personal data. In certain cases, and in its capacity as data controller, Equinix does transfer business contact information of customers and business partners from the EU to the United States and a select group of other countries. Equinix has a comprehensive set of inter-company agreements within the Equinix group of companies based on the current EU Model Clauses. Additionally, Equinix is awaiting final approval on a set of Binding Corporate Rules or BCRs that it has submitted to EU regulators which do demonstrate that the proper safeguards and security parameters are in place to allow the transfer of personal data across Equinix's global organization.

**How will GDPR compliance be ensured by Equinix going forward?**

Equinix recognises that ensuring GDPR standards such as Privacy by Design & Default are embedded in our day to day operations is a key GDPR compliance requirement. GDPR compliance will be applied to any new system or process, any new product or service being developed or against any new supplier engagement, which involves some substantive form of personal data processing. The work of the Privacy Office is key to this on-going compliance effort.

Finally, as GDPR takes effect, rest assured that Equinix will be monitoring GDPR enforcement and responding appropriately as the European Commission and local regulators provide advice and direction as to how companies comply with the GDPR. Equinix will be continually assessing the impact of GDPR on its business and take the necessary steps to ensure that compliance is maintained going forward.

London, 7<sup>th</sup> March 2018



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