

Cloud Software Group

Law Enforcement Guidelines

Law enforcement officials and other government agencies sometimes request information from Cloud Software Group, Inc. and its subsidiaries (collectively, “Cloud Software Group” or “we”) about our customers’ use of Cloud Software Group services. These Law Enforcement Guidelines (the “Guidelines”) are designed to let our customers and law enforcement agencies know how Cloud Software Group will handle those requests.

These Guidelines are not for the use of, and do not apply to, requests for information from private parties, including civil litigants and criminal defendants. More general information about Cloud Software Group’s terms and policies is provided in our [End User License Agreement](#) and [Privacy Policy](#). Cloud Software Group may update or change these Guidelines as necessary in the future without further notice. The current version will be posted at www.cloud.com.

ABOUT CLOUD SOFTWARE GROUP

Cloud Software Group provides the modern enterprise with mission-critical software. Comprised of TIBCO, Citrix, NetScaler, and other business units, Cloud Software Group helps more than 100 million users around the globe evolve, compete, and succeed across private, public, managed, and sovereign cloud environments. To learn how to leverage Cloud Software Group’s solutions for and across data, automation, insight, and collaboration, visit www.cloud.com.

INFORMATION AVAILABLE FROM CLOUD SOFTWARE GROUP

Cloud Software Group collects, stores and processes non-public user information in accordance with our [End User License Agreement](#). In general, Cloud Software Group stores account owner, user content and non-content data. Non-content data may include basic subscriber information, payment history, and certain user and account activity information (“Non-Content Data”). Customer content is any data that we access or receive or that the customer sends or uploads for storage or processing in order for Cloud Software Group to perform services. It also includes proprietary technical information associated with the customer’s environment, such as system or network configurations and controls the customer selects (“Customer Content”).

Cloud Software Group can only provide information insofar as Cloud Software Group still possesses the requested information pursuant to its data retention policies. The length of time data is retained varies based upon various factors including the Cloud Software Group product/service, the type of information, and actions of the user.

For more information regarding Cloud Software Group products and services, see www.cloud.com.

LAW ENFORCEMENT REQUESTS FOR INFORMATION

Generally, Cloud Software Group’s [End User License Agreement](#), and [Privacy Policy](#), and U.S. law, including the Electronic Communications Privacy Act, or “ECPA,” 18 U.S.C. § 2701, *et seq*, govern Cloud Software Group’s ability to access and/or disclose Non-Content Data and Customer Content information to law enforcement, with the exception of emergency circumstances, discussed below. Cloud Software Group will review each law enforcement request in light of the legal and regulatory obligations of Cloud Software Group and its affiliates, including the ECPA and the applicable data privacy statutes, regulations and regulatory guidelines. Cloud Software Group can only disclose Non-Content Data to law enforcement in response to valid legal process, such as subpoenas, court orders, and/or search warrants. Cloud Software Group will only provide stored Customer Content of any account in response to a search warrant issued upon a showing of probable cause or other order of sufficient legal scope and

authority.

Requests for information should be as specific and narrow as possible. Since there are a range of Cloud Software Group products and services, and a single search across all of these products and services is not possible, **a request for information must identify the Cloud Software Group service to which the request applies.**

HOW CLOUD SOFTWARE GROUP HANDLES LAW ENFORCEMENT REQUESTS

When we receive legal process, we analyze it to determine if **it complies with the applicable legal requirements**. If it does not, we will contact the requesting entity and let them know. Also, if a request appears to us to be overly broad, vague, or otherwise problematic (e.g., goes beyond what is proportionate and necessary), **we will seek agreement to narrow the request**. Cloud Software Group cannot respond to unlawful or invalid requests, and **we will challenge** any request we believe is unlawful or invalid.

Cloud Software Group may disclose information that is identified with sufficient particularity, that is requested through valid legal process, and that we are reasonably able to locate and retrieve. We will only produce information if we believe based on reasonable judgment that the information is responsive to the legal process.

PROVIDING REQUESTS FOR INFORMATION TO CLOUD SOFTWARE GROUP

Law enforcement agencies should send legal process to the dedicated email address **lawenforcement@cloud.com**, which is the most efficient way to communicate that legal process to Cloud Software Group. This email address **is for law enforcement and government officials only**, and the request must be sent from the official email address of the law enforcement agency making the request. Law enforcement and government officials may also use this email address for questions to Cloud Software Group about these Guidelines, though it is important to recognize that Cloud Software Group cannot provide legal advice to such officials.

Please allow at least two weeks for Cloud Software Group to respond to your request. Cloud Software Group may need additional time to respond to certain requests. In these cases, we will notify you and request additional time to prepare our response.

Cloud Software Group will also accept service of criminal legal process from law enforcement by U.S. mail and overnight courier services at the following address:

Cloud Software Group, Inc.
c/o Legal Department
851 West Cypress Creek Road
Fort Lauderdale, Florida 33309

Accepting legal process in this manner does not waive any objections that Cloud Software Group may have to the request. Emails to the lawenforcement@cloud.com e-mail address from any private person or entity or non-governmental e-mail address will not receive a response.

CUSTOMER NOTICE

Cloud Software Group respects its customers' rights and privacy. Upon receipt of valid legal process that requests customer information, and before production of any requested information, Cloud Software Group's policy is to **notify an affected customer that a request for information has been made** and to provide them a copy of the process underlying the request. Notification allows our customers to challenge the request for information in court or with the requesting agency, if necessary. Where possible, we strive to give customers 7 days between the time of notification and production of the requested information, though that may vary from case to case.

There are exceptions to customer notification, which may include:

- When we are **prevented from notifying our customer because of a court order, statute, or other legal limitation** (which does *not* include a mere request to keep a subpoena or other legal process confidential). Should customer notification be precluded under this exception, Cloud Software Group will endeavor to

obtain a waiver that would allow it to provide notification;

- In rare cases involving the **danger of death or serious physical injury** to any person;
- When we have reason to believe that the **customer may not get the notification** (such as if we have reason to believe the account has been compromised); or
- When we have a **clear indication** that a customer is using Cloud Software Group's products and services for **criminal activity**.

PRESERVATION REQUESTS

Cloud Software Group will preserve account records and information, to the extent available, upon receipt of a formal preservation request from law enforcement in accordance with 18 U.S.C. § 2703(f). Upon receipt, we will attempt to preserve available account information associated with any properly identified user consistent with our legal obligations.

All preservation requests must comply with the general requirements for requests discussed above. Please note that for certain products, like Podio accounts, Cloud Software Group cannot preserve Customer Content without either blocking user access or requesting user permission to access the account.

EMERGENCY SITUATIONS

Cloud Software Group may disclose Non-Content Data or Customer Content information to law enforcement without a subpoena or warrant when we believe that doing so is necessary to prevent death or serious harm to an identifiable individual. We require emergency requests to be in writing and to include all available information to assist us in evaluating the urgency of the request. Though a government agency may not compel Cloud Software Group to produce information without written legal process, Cloud Software Group may choose to do so if it determines that an emergency exists.

NOTE: Cloud Software Group customers aware of an emergency situation should contact local law enforcement officials for assistance. Cloud Software Group will only produce information to law enforcement (not private citizens) in an emergency.

BUSINESS RECORDS CERTIFICATION AND REQUESTS FOR TESTIMONY

Productions to law enforcement may be accompanied by a signed Business Records Certification, which should eliminate the need for the testimony of a custodian of records. If you require a Business Records Certification, please note that in your request.

REIMBURSEMENT

Cloud Software Group may seek reimbursement for costs associated with responding to law enforcement requests for information, particularly if the costs incurred are the result of responding to burdensome or unique requests.

REQUESTS FOR INFORMATION MAINTAINED OUTSIDE THE U.S. OR FROM LAW ENFORCEMENT OUTSIDE THE U.S.

Cloud Software Group will respond to valid legal process from law enforcement in the United States when required by law and subject to the conditions described herein, including in situations when Cloud Software Group maintains the relevant data outside of the United States.

Cloud Software Group may also be obligated to respond to certain law enforcement requests from foreign jurisdictions subject to executive agreements with the United States. In the absence of an applicable executive agreement, foreign law enforcement officials wishing to request information from Cloud Software Group may use the appropriate formal legal mechanisms such as a mutual legal assistance treaty (MLAT) or letter rogatory.

This version was released in February 2023.