

NEWERA SOFTWARE, INC. PRIVACY POLICY

Date: April 24, 2023

NewEra Software, Inc. develops, markets and sells software tools for the IBM mainframe computing platform. Its suite of software tools checks and determines the state of the IBM z/OS operating system on IBM mainframes, allowing administrators to better manage operations on these mainframes. Also, NewEra operates the “z Exchange,” which is a user group and website that exchanges information about z/OS and mainframe administration.

We refer to NewEra Software, Inc. in this privacy policy as “NewEra,” “we,” “us,” or “our.”

NewEra is committed to protecting your privacy. Accordingly, NewEra wrote this privacy policy to describe the kind of personal information NewEra collects when conducting its business, when using this website and the z Exchange website (the “Sites”), and when managing its social media accounts. This privacy policy also governs how we use and protect the collected personal information.

1. **Information We Collect.** We collect two main categories of personal information: (1) account-related information and other business contact information and (2) information we collect from Site visitors and users of our social media pages. Currently, we use the following social media platforms: LinkedIn, YouTube, and a NewEra blog.
 - a. **Account-Related Information and Business Contact Information.** We collect personal information from past, present, and prospective customers, vendors, and business partners. This personal information includes “business card data” – name, title, company name, postal address, and email address. We may also collect biographical information from these persons. We collect business card data from those who opt in to subscribing our newsletter or who sign up to view webcasts we host. Further, we collect business card data, presentation information, and audiovisual recordings from professionals who present and provide access to a copy of their slide decks and allow NewEra to record their presentations. Finally, we may also collect payment information for customers to pay for our software and services. Account-related information of this kind helps us to create and maintain customer accounts.

Regarding payments, we use a third party payment service to process payments. Some of our clients use this service to respond to a pay-enabled invoice with a button to pay online using a credit or debit card. The payment service also receives payments via the automated clearing house payment system. In either case, the payment service collects payment information on behalf of NewEra and NewEra itself has no access to your payment information. In other cases, however, NewEra personnel collect payment card information and enter the information manually in the payment service’s systems to process payments. In that case, NewEra personnel would have access to a customer’s payment information.

- b. **Information Collected from Website Visitors and Social Media Users.** We collect information from visitors to the Sites that submit information to us using their web form

functionality and social media posts and messages, including name/username, email address, phone number, and message content such as feedback and comments. We may collect the following information when visitors visit our Sites:

- Visitors' Internet protocol addresses
- Web browser visitors are using
- Key words or search terms used by visitors to find our Site
- How many visitors view the website or specific pages on it

c. Cookie Policy.

Cookies may be automatically used to collect specific information from a computer or mobile device that accesses and navigates through our Sites over time. Information collected by cookies may include information to help improve and customize the content or layout of the website.

A cookie is a small text file that websites save on a computer's storage device when a website is visited. Cookies cannot be used to run programs or deliver viruses to the computer or mobile device accessing our website. Users can establish or change their browser settings to refuse cookies. However, refusing cookies may interfere with the full functionality of a website and limit the user experience.

We use a web analytics service, Google Analytics, to evaluate how users view and use our website. Google Analytics tells us about when and how you use or website, the website from which you navigated to one of our Sites, information about your system, and your location.

For more information about Google Analytics, please visit:

<http://www.google.com/policies/privacy/partners/>.

You can opt out to prevent Google's collection and use of data (cookies and IP address) by downloading and installing the browser plug-in available under <https://tools.google.com/dlpage/gaoptout>.

2. Our User Community. Our business, our Sites, and our social media accounts are for the use of adults 18 years of age or older. We do not market or sell products to minors or knowingly collect personal information from children under age 13. If you believe that we have inadvertently gathered personal information about a minor, please contact us using the contact information in Section 8 for us to delete it.

3. Uses of Personal Information.

a. Uses of Account-Related Information.

We use business card data that we collect from past, present, and prospective customers, vendors, and business partners to create and manage business relationships in connection with providing and supporting the software that we offer our customers, as well as obtaining products and services from vendors. We may communicate with you to respond to your questions and comments about our software or the Z Exchange user group. Finally, we use presenter

information and content (e.g., audiovisual recordings and slides) to present our webcasts to attendees and registrants.

We may also use this business card data for the commercial purposes of marketing and licensing our software, as well as promoting marketing initiatives we enter into with other companies. Finally, we use this account-related information for opening new customer accounts, to obtain payments for our software licenses, and to maintain or terminate existing accounts.

b. Uses of Website Visitor and Social Media Information.

We use information collected from visitors to our Sites and social media to operate and improve the Sites and our social media accounts. This information helps us understand you, your interests, and your preferences for using our Sites and our social media accounts. Accordingly, this information helps us improve users' experiences when using these online properties.

Our blog and social media pages provide our user community with a forum to discuss our software, z/OS, and IBM mainframe administration. In addition, we use personal information you submit on web forms to communicate with you and respond to your comments or questions. Finally, we may use collected information to help us manage our information security functions.

4. Sharing or Disclosing Personal Information.

We may share your personal information with NewEra affiliates and distributors. NewEra has several international distributors. We may also share your personal information with presenters who choose to present, who provide access to a copy of their slide decks, and who allow NewEra to record their presentations for attendees and registrants.

We may share your personal information with vendors or outsource service providers that help us provide service to our customers, or that assist with support functions such as marketing, billing, payment card processing, and data analysis. For instance, we use newsletter distributors, IT hosting providers, and marketing service providers to assist in our operations.

We will require all such third parties to manage your personal information with privacy and security safeguards consistent with this privacy policy.

From time to time, we may be required to respond to a subpoena, court order, search warrant, administrative or judicial process, requests by law enforcement agencies, or other requests that we must respond to under applicable law. We may disclose your personal information in response to any of these requirements. Also, we may disclose your personal information to preserve the security of our software, our Sites, and our social media accounts; resolve disputes; or to assess any possible wrongdoing.

We also may share aggregate or anonymous information collected about Site or social media usage, as long as the information does not identify any specific individuals.

We may share or transfer personal information about you in connection with a merger, acquisition, reorganization, or sale of assets of our business, in the event of bankruptcy, or during

the negotiations leading to such an event. We will seek assurances from any buyer that your personal information will be used, shared, maintained, and disclosed consistent with the terms of this privacy policy.

This section describes the circumstances in which we may disclose your personal information. Except as described in this section, we will not sell, distribute, transfer, or lease your personal information to third parties.

5. Protecting Personal Information. We are committed to maintaining the security of your personal information. To prevent unauthorized access or disclosure of it, we have put in place industry standard administrative, physical, and technical safeguards to secure the personal information we collect as described in Section 1. Our payment card processing practices comply with applicable PCI Security Standards Council standards.
6. Links to Other Websites. Our Sites and social media accounts may contain links to other websites of interest. However, once you have used these links to leave one of our Sites or our social media account, you should note that we do not have any control over other websites. Therefore, we cannot be responsible for the protection and privacy of any information you provide while visiting such sites and such sites are not governed by this policy. You should exercise caution and review the privacy policy applicable to the website in question.
7. Choices About Your Personal Information.

You may choose to access or restrict the collection or use of your personal information in the following ways:

- If you would like access to the personal information about you that we may have in our possession, please contact us using the contact information in Section 8 below.
- You may also contact us using the contact information in Section 8 to correct or update personal information about you in our possession. Please keep in mind that we may have a legal right or obligation to preserve personal information as it currently exists.
- If you have previously agreed to us using your personal information for direct marketing purposes, you may change your mind at any time by telling us using the contact information below.

We will use reasonable and appropriate procedures to verify your identity before acting on any such request.

For our newsletter or electronic message, you may opt out by following the instructions in the message. Nonetheless, we will still send you emails relating to the support, administration, and security of our software.

8. Contacting Us About Privacy.

If you have any questions, comments, or concerns about this policy or about our privacy practices, seek to exercise any of your privacy rights under this policy or applicable law, or wish to access, change, or update personal information we have about you, please contact our privacy team by one of the following ways:

Email: support@newera.com

Postal mail: NewEra Software, Inc., 8070 Santa Teresa Blvd, Gilroy, California 95020
Attention: Privacy

If you have a complaint, please provide information relevant to your complaint. Our privacy team will evaluate your complaint based on the information you provide and send you a response. We may need to ask you for additional information to evaluate your complaint. We will promptly investigate and respond to your communications about a complaint. You may have other rights under law and the right to contact the privacy regulator in your jurisdiction about your complaint.

9. Amendments to this Policy. We may change this policy from time to time. We will make changes by posting a revised copy of this policy to our Sites and social media accounts or, if we deem it necessary, by email notice to you. Your continued use of our Sites or social media accounts, after a revised version of this policy appears on the Sites or is linked to our social media accounts, will constitute your approval of the amended version's terms concerning our Sites or social media accounts.