



# PROPOSAL KIT SAMPLE

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## **Introduction to Safe Harbor**

The European Commission's Directive on Data Protection (October, 1998) prohibits the transfer of Personal Data to non-European Union nations that do not meet the European "adequacy" standard for privacy protection. In order to bridge these different privacy approaches and provide a streamlined means for U.S. organizations to comply with the Directive, the U.S. Department of Commerce, in consultation with the European Commission, developed a "Safe Harbor" framework. The Safe Harbor — approved by the EU in July of 2000 — is a way for U.S. companies to avoid experiencing difficulties with their dealings with the EU or potentially facing prosecution by EU authorities under European privacy laws.

### **<<Company>> Safe Harbor Privacy Policy**

<<Company>> (hereinafter referred to as "Company") values individual privacy and respects the privacy of its customers, clients, employees, vendors, partners, and others. <<Company>> endeavors to gather, use, and disclose Personal Data in a manner consistent with the laws of the countries in which it does business, and upholds the strictest ethical standards in its practice of business. This Safe Harbor Privacy Policy (the "Policy") sets forth the privacy principles that <<Company>> follows with respect to private and Personal Data transferred from the European Union (EU) to the United States.

### **Compliance with Safe Harbor**

The United States Department of Commerce and the European Commission have agreed on a set of data protection principles and frequently asked questions (the "Safe Harbor Principles") to enable U.S. companies to satisfy the "adequacy standard" requirement under EU law that protection be given to Personal Data transferred from the EU to the United States. Consistent with its commitment to protect personal privacy, <<Company>> adheres to the following Safe Harbor Principles:

### **Scope**

The scope of this Safe Harbor Privacy Policy applies to any Personal Data received by <<Company>> in the United States from the EU, in any format including verbal, written, electronic, or printed paper; or transferred from one format to another and stored by Company or a Company Agent.

## Definitions

For purposes of this Safe Harbor Policy, the following definitions shall apply:

**"Company"** means <<Company>>, its predecessors, successors, subsidiaries, divisions, and groups.

**"Agent"** means any third party that collects or processes or otherwise uses Personal Data or Personal Sensitive Data solely on behalf or under the instruction of <<Company>>.

**"Personal Data"** means any information or set of information that identifies or can reasonably be used to identify an individual. Personal Data does not include data that is encoded, encrypted, or made anonymous in part or in whole, or publicly available information that has not been combined with non-public Personal Data.

**"Sensitive Personal Data"** means Personal Data that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or that concerns an individual's health or sex life. Information is treated as sensitive Personal Data when it is received from a user or third party that treats and identifies it as sensitive.

The following privacy principles apply to the collection, use, and disclosure of Personal Data by <<Company>> activities:

## The Information Collected and How it is Used

### Aggregate and Statistical Data

<<Company>> collects certain aggregate data for general statistical information every time a web site is visited. This information is collected through the server web logs, and may consist of: Dates and times of visits

to our web site(s); the IP addresses of visitors to our web site(s); the operating system and browser version of the computers of visitors to our web site(s).

This data is not used individually to identify users of our web site(s). This data is used to analyze system performance, usage, peak usage and usage trends.

## **Cookies**

<<Company>>'s web site employs the use of cookies. Cookies are small data files (text) that are transferred from a standard web server to a user's browser. Cookies contain information that can be read by the Web server for record-keeping purposes. Use of cookies is a standard practice on the Internet and can improve the service a web site provides. The information stored in cookies is not used to personally identify an individual, and does not contain "Personal" or "Sensitive Personal" data. Cookies may be rejected if a user's browser is set to reject or deny cookies; if a user has a third-party program installed that interferes or prevents cookies (i.e., certain firewalls, anti-virus or anti-spyware programs) or notifies the user whenever a cookie is sent to the user's computer. Cookies sent by <<Company>> that are rejected may limit access to <<Company>>'s web sites or the web site may no longer function as intended or be accessible to the user.

## **Personal Data Submitted by Users**

All personally identifiable information received by <<Company>> is voluntarily submitted by users or submitted on the users' behalf by our client company. This information is only used by the specific client web site for the intended purposes of that web site. Web sites are designed to fulfill specific business needs and all Personal Data that is voluntarily collected by <<Company>> is to provide services, or is used to improve the service that the <<Company>> web site(s) provide.

## **<<Company>> Safe Harbor Privacy Principals**

The privacy principles in this Policy are based on the Safe Harbor Principles:

### Notice:

Where <<Company>> collects Personal Data directly from individuals in the EU, it will inform them about the type of Personal Data collected, the purposes for which it collects and uses the Personal Data, and the types of non-agent third parties to which <<Company>> discloses or may disclose that information, and the choices and means, if any, <<Company>> offers individuals for limiting the use and disclosure of their Personal Data. Notice will be provided in clear and conspicuous language when individuals are first asked to provide Personal Data to <<Company>>, or as soon as practicable thereafter, and in any event before <<Company>> uses or discloses the information for a purpose other than that for which it was originally collected.

Where <<Company>> receives Personal Data from their subsidiaries, affiliates, or other entities in the EU, they will use and disclose such information in accordance with the notices provided by such entities and the choices made by the individuals to whom such Personal Data relates.

### Choice:

<<Company>> will offer individuals the opportunity to choose (“opt out”) whether their Personal Data is (a) to be disclosed to a non-agent third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

For sensitive Personal Data, <<Company>> will give

## DEMO CONTRACT

**This demo contract has been truncated. The complete 5 page editable version of this document is available in the Contract Pack template collections**

<https://www.proposalkit.com/htm/legal-contract-templates/policy-templates/eu-european-union-safe-harbor-policy-template.htm>

Once you purchase, download and install a retail Contract Pack that includes this contract, the complete version of this contract will be inserted into your project.

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