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## PRIVACY POLICY

*Last updated January 14, 2006*

Your privacy and the confidentiality of information you entrust to us is very important.

We will ask you for personal information at various times. In particular during the collection of credit information so we can determine your credit worthiness, during the process of arranging for a lease or rental of FileEngine or other services, upon installation of your FileEngine and to support your use of it. The personal information we collect may include your company or organization name, domain name, phone, address and other information about your company, employees, passwords, type of work your company performs, software it uses, data storage policies and requirements, network, IP address, and bank and credit card information.

This information will be used exclusively to deliver the products and services you have ordered. We may use your personal information to provide you with important information about the products and/or services that you are using, including critical updates and notifications. Additionally, we may send you information about our other products and services.

We do not regularly make available personally identifiable information about you to third parties, except to employees, FileEngine resellers or our bookkeeping and auditing, accounting contractors and vendors.

We may hire other companies to provide limited services on our behalf, such as hosting, transport, answering customer questions about products and services, and sending information about our products, special offers, and other services. We will only provide those companies the personal information they need to deliver the service. They will be required to maintain the confidentiality of the information and are prohibited from using that information for any other purpose.

We may disclose personal information if required to do so by law or in the good faith belief that such action is necessary to (a) conform to the edicts of the law or comply with legal process served on us or the Site; (b) protect and defend the rights or property of Server Partners, LLC; or (c) act in urgent circumstances to protect the personal safety of our employees or agents, users of our products or services, or members of the public.

We may send out special or periodic e-mails, faxes or letters informing you of technical service or security issues related to a product or service you requested, or confirming that you requested a product or service. In some services offered by us, e.g. communicating server monitoring information, contact with the customer is an intrinsic part of the service. You will not be able to choose to unsubscribe to these communications, as they are considered an essential part of the service(s) you have chosen.

For the purposes of regular maintenance, or diagnosing and repairing problems with your FileEngine, we, or our authorized representatives, may access files on your server either locally or remotely. We take great care to limit such access to a limited number of employees or authorized contractors. On such occasions, we will have total access to the files on your server. We may examine logs, user files and network activity among other data.

We are committed to protecting the security of your personal information and the data you store on your FileEngine. We use a variety of security technologies and procedures to help protect it from unauthorized access, use, or disclosure. Additionally, when we connect remotely to your server over the Internet, we protect it through the use of encryption.

Unfortunately (and notwithstanding anything to the contrary in this policy), due to the existing regulatory and technical environment, we cannot guarantee that all of your files, communications and other personally identifiable information will never be disclosed in ways not otherwise described in this Privacy Policy. By way of example (without limiting the foregoing), your server may be "hacked" and confidential information stolen. Despite our best efforts

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to prevent it, we can not promise, and you should not expect, that your personally identifiable information, data or communications may never be disclosed.

The laws of the state of Indiana and the United States, excluding their principles of conflict of laws, shall govern these terms of use and any dispute of any sort that might arise between you and Server Partners, LLC, its suppliers, or affiliates. The United Nations Convention on Contracts for the International Sale of Goods, the application of which is expressly excluded, shall not govern this Privacy Policy.

Any claim in connection with, arising under, or in any way whatsoever relating to (i) this privacy policy, (ii) the relationship created by this policy, or (iii) the applicability and scope of this policy shall be submitted to confidential arbitration in Indianapolis, Indiana.

Arbitration under this policy shall be conducted under the rules then prevailing of the American Arbitration Association. The arbitrator's award shall be binding and may be entered as a judgment in any court of competent jurisdiction. To the fullest extent permitted by applicable law, no arbitration under this policy shall be joined to an arbitration involving any other party subject to this agreement, whether through class arbitration proceedings or otherwise.

Any action or dispute, which is not addressed by the provisions of this policy shall be brought in a court sitting in Indianapolis, Indiana.

We may occasionally update this privacy statement. When we do, we will also revise the "Last updated" date at the top of the privacy statement. For material changes to this privacy, we will notify you either by placing a prominent notice on the home page of our Web site or by directly sending you a notification. We encourage you to periodically review this privacy statement to stay informed about how we are helping to protect the personal information we collect. Your continued use of the service constitutes your agreement to this privacy statement and any updates.

We welcome your comments regarding this privacy policy.†If you believe that we have not adhered to this privacy policy, please e-mail: [support@fileengine.com](mailto:support@fileengine.com) or contact us via postal mail at the address provided below, and we will use reasonable efforts to promptly determine and remedy the problem.

**Server Partners, LLC**  
**101 East Michigan Street**  
**Indianapolis, IN 46204**

This policy is the entire agreement between us regarding the subject matter discussed herein, superseding any other agreement, policy, or discussions, oral or written, and may not be changed except by a written agreement signed by a duly authorized officer of Server Partners, LLC.

If any provision of this policy is declared by a court of competent jurisdiction to be invalid, illegal, unenforceable, or inapplicable to a particular situation, such a provision shall be severed from the policy and the other provisions shall remain in full force and effect.

This policy shall be construed reasonably and not against any particular party.

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