



SAFE HARBOR PRIVACY POLICY

THIS POLICY (“Policy”) sets forth the policy of Subex Inc. and its affiliated companies (collectively the “Subex Entities”) to adhere to the Safe Harbor Principles with respect to Safe Harbor Data (as those terms are defined below.)

BACKGROUND: The United States Department of Commerce (USDOC) and the European Commission have agreed on a set of data protection principles to enable companies to satisfy the requirement under European Union (EU) law that adequate protection be given to personal information transferred from the EU to the U.S. (the “U.S.-EU Safe Harbor”). The European Economic Area (EEA) also has recognized the U.S.-EU Safe Harbor as providing adequate data protection (OJ L 45, 15.2.2001, p.47). The USDOC and the Federal Data Protection and Information Commissioner (FDPIC) of Switzerland¹ have agreed on a similar set of principles to enable companies to satisfy the requirement under Swiss law that adequate protection be given to personal information transferred from Switzerland to the U.S. (the “U.S.-Swiss Safe Harbor”). Consistent with its commitment to protect personal privacy, the Subex Entities adhere to the principles set forth in the U.S.-EU Safe Harbor and the U.S.-Swiss Safe Harbor (the “Safe Harbor Principles”). This Policy applies to all personal information received in the United States from the EEA&S by Subex Entities in any format, including electronic, paper or verbal (“Safe Harbor Data”). This policy does not apply to other personal information or other data received or held by Subex Entities. Such other information is governed separately.

PR IVACY PR INCIPLES

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

1) NOTICE: When a Subex Entity collects Safe Harbor Data directly from individuals in EEA&S, it will inform them about the purposes for which it collects the data. Notice will be provided in clear and conspicuous language when individuals are first asked to provide personal information to the Subex Entity, or as soon as practicable thereafter, and in any event before the Subex Entity uses the information for a purpose other than that for which it was originally collected.

2) CHOICE: If a Subex Entity receives Safe Harbor Data from its subsidiaries, affiliates or other entities in the EEA&S, it will use such information in accordance with the notices such entities provided and the choices made by the individuals to whom such personal information relates. When a Subex Entity directly collects the Safe Harbor Data, it will offer individuals a choice to opt out of disclosure of the data to any third party or use for any purpose incompatible with the purpose for which it was originally collected or subsequently authorized. For sensitive information, an affirmative (opt-in) choice will be given to the individual if the information is to be disclosed to a third party or used other than for its original purpose or the purpose subsequently authorized by the individual.

3) ONWARD TRANSFER: Subex Entities will not provide the Safe Harbor Data to third parties unless they adhere to the above stated notice and choice principles or the third party has entered into a written agreement with the Subex Entity that provides the same level of protection with respect to those principles as provided under this Policy.

4) ACCESS AND CORRECTION: Upon request, Subex Entities will provide to a requesting individual reasonable access to Safe Harbor Data it holds about the individual and will take reasonable steps to correct, amend or delete information that is shown to be inaccurate or incomplete.

5) SECURITY: Subex Entities will take reasonable precautions to protect the Safe Harbor Data from loss, misuse, unauthorized access or disclosure, and unauthorized destruction.

6) DATA INTEGRITY AND USE: Subex Entities will use Safe Harbor Data only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. Subex Entities will

¹ The EEA and Switzerland are referred to jointly as EEA&S.

take reasonable steps to ensure that Safe Harbor is relevant to its intended use, accurate, complete, and current.

7) ENFORCEMENT: Subex Entities will take reasonable steps to train employees with access to Safe Harbor Data on the principles of this Policy. Any employee who violates this policy will be subject to discipline up to and including termination. Questions or comments concerning this policy or the use or disclosure of Safe Harbor Data should be directed to the Subex Safe Harbor Privacy office at the contact information below. The Subex Safe Harbor Privacy office will investigate and attempt to resolve complaints reported to it. The Subex Entities agree to cooperate and work with the panel established by the European data protection authorities (in the case of complaints originating out of the EEA) and Swiss FDPIC (in the case of complaints originating out of Switzerland.)

Please contact the following with any questions regarding this policy:

Subex Limited
Attn: Safe Harbor Privacy
Phone: 303-301-6278
Email: USPrivacyOffice@subexworld.com

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