Trend Micro

Government Data Request Policy

Version 1.2 (May 01, 2021)

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1. Introduction

1.1 This Government Data Request Policy sets out Trend Micro's procedure for responding to a request received from a law enforcement or other government authority (each the "**Requesting Authority**") to disclose personal data or other personal information ("**personal information**") processed by Trend Micro (hereafter "**Data Disclosure Request**").

1.2 Where Trend Micro receives a Data Disclosure Request, it will handle that Data Disclosure Request in accordance with this Policy. If applicable data protection law(s) require a higher standard of protection for personal information than is required by this Policy, Trend Micro will comply with the relevant requirements of applicable data protection law(s).

2. General principle on Data Disclosure Requests

2.1 As a general principle, Trend Micro does not disclose personal information in response to a Data Disclosure Request unless either:

- it is under a compelling legal obligation to make such disclosure; or
- taking into account the nature, context, purposes, scope and urgency of the Data Disclosure Request and the privacy and data protection rights and freedoms of any affected individuals, there is an imminent risk of serious harm that merits compliance with the Data Disclosure Requests in any event.

2.2 For that reason, unless it is legally prohibited from doing so or there is an imminent risk of serious harm, Trend Micro will notify and consult with the competent data protection authorities (and, where it processes the personal information on behalf of a Customer, the Customer) in order to address the Data Disclosure Request.

3. Handling of a Data Disclosure Request

3.1 <u>Receipt of a Data Disclosure Request</u>

3.1.1 If a Trend Micro group member receives a Data Disclosure Request, the recipient of the request must pass it to Trend Micro's DPO (if the group member is located within Europe or the UK) or immediately upon receipt, indicating the date on which it was received together with any other information which may assist Trend Micro's the regional DPO and appropriate legal team member to deal with the request.

3.1.2 To qualify as a Data Disclosure Request, a request does not have to be made in writing, made under a court order, or mention data protection law.

3.1.3 Any Data Disclosure Request, howsoever made, must be notified to regional DPO department and/or appropriate legal department personnel for review.

3.2 Initial steps

3.2.1 Trend Micro's regional DPO department will carefully review each and every Data Disclosure Request on a case-by-case basis. Trend Micro's regional DPO will liaise with the legal department as appropriate to deal with the request to determine the nature, context, purposes, scope and urgency of the Data Disclosure Request, as well as its validity under applicable laws, in order to identify whether action may be needed to challenge the Data Disclosure Request and/or to notify the Customer and competent data protection authorities in accordance with paragraph 4.

3.2.2 Where Trend Micro considers a Data Disclosure Request to be over-broad or too general, Trend Micro will ask the Requesting Authority to target its request so as to seek information about specific Customers and specific types of personal information only.

4. Notice of a Data Disclosure Request

4.1 Notice to the Customer

4.1.1 If a request concerns personal information for which a Customer is the controller, Trend Micro will ordinarily ask the Requesting Authority to make the Data Disclosure Request directly to the relevant Customer, and Trend Micro will support the Customer in accordance with the terms of its contract to respond to the Data Disclosure Request.

4.1.2 If this is not possible (for example, because the Requesting Authority declines to make the Data Disclosure Request directly to the Customer), Trend Micro will notify and provide the Customer with the details of the Data Disclosure Request, [in a manner that aims to enable the Customer to challenge the request or seek redress,] prior to disclosing any personal information, unless legally prohibited or where an imminent risk of serious harm exists that prohibits prior notification.

4.2 Notice to the competent data protection authorities

4.2.1 If the Requesting Authority is located in a country that does not provide an adequate level of protection for the personal information in accordance with applicable data protection laws, then Trend Micro will also put the Data Disclosure Request on hold in order to notify and consult with the competent data protection authorities, unless legally prohibited or where an imminent risk of serious harm exists that prohibits prior notification.

4.2.2 Where Trend Micro is prohibited (as referred to in 4.2.1 above) from notifying the competent data protection authorities and suspending the request, Trend Micro will use its best efforts (taking into account the nature, context, purposes, scope and urgency of the request) to inform the Requesting Authority about its obligations under applicable data protection law and to obtain the right to waive this prohibition. Such efforts may include asking the Requesting Authority to put the request on hold so that Trend Micro can consult with the competent data protection authorities, which may also, in appropriate circumstances, include seeking a court order to this effect. Trend Micro will maintain a written record of the efforts it takes.

5. Disclosure of personal information following Data Disclosure Requests

5.1.1 Trend Micro will comply with Data Disclosure Requests only if and to the extent Trend Micro believes them to be legally valid under applicable laws.

5.1.2 If Trend Micro believes a Data Disclosure Request is invalid under applicable laws (for example because the Requesting Authority refuses to narrow the scope of an over-broad request), it will reject or contest the request, which may include using available mechanisms to challenge the request where appropriate, or seek to enable the relevant Customer to challenge the request.

5.1.3 Trend Micro will construe Data Disclosure Requests as narrowly as possible and provide only the specific information sought by the request.

5.2 In no event will any Trend Micro group member transfer any personal information to a Requesting Authority in a massive, disproportionate and indiscriminate manner that goes beyond what is necessary in a democratic society.

5.3 Transparency reports

5.3.1 Should any Data Disclosure Requests be made to Trend Micro, Trend Micro commits to preparing a report (a "**Transparency Report**") at least annually thereafter.

5.3.2 This report will reflect, in each case to the fullest extent permitted by applicable laws, the number and type/nature of Data Disclosure Requests it has received for the preceding calendar year (including, where permitted by applicable laws, the general types of personal information disclosed), and the Requesting Authorities who made those requests.

5.3.3 Trend Micro will make this report available upon request to competent data protection authorities.