Cray offers the following motion:

“The OA Board immediately adopts the below draft Privacy Policy dated 12 November 2018, to become effective on Thursday, December 13, 2018, and that the approved policy be posted to the OFA website as soon as practical”

OFA Privacy Policy

VOTEABLE ITEM

**OpenFabrics Alliance (OFA) Privacy Policy**

**November \_\_, 2018**

The OpenFabrics Alliance (OFA or “we”, “us”, “our”) has created this privacy policy which describes our information gathering, dissemination and use practices regarding personal information, when you use our website (<https://www.openfabrics.org/index.php> - the “Site”), when you interact with us, participate in our events, programs, trainings, and our other services and offerings (collectively, the “Services”).

**DATA WE COLLECT**

**WHAT INFORMATION DO WE COLLECT?**

OFA may collect the following personal data.

* **Contact Data** includes names, username or similar identifier, physical address, email address, employer company information, employment title, and telephone numbers.
* **Transaction Data:** details about payments to and from you and other details of memberships, registrations and other services that you may purchase from us.
* **Profile Data:** username and password, membership or other OFA participation status, feedback and survey responses.
* **Technical Data**: internet protocol (IP) addresses, login data, browser type and version, time zone setting and location, browser extensions, and user agents, operating system, url visited, browser extensions, methods of access, and platform and other technology on the devices used to access this website and other information about how Site visitors use the Site, products and services. We also collect aggregated data such as statistical or demographic data, which we may use for any purpose. Aggregated data may be derived from your personal data but is not considered personal data as this data does not directly or indirectly reveal your identity.
* **Communication Data**: your communication preferences, including whether to receive marketing messages.

You are not obliged to provide your personal data to us. However, in some cases it might be necessary that you provide your personal data to us to enter into a contract with us, become a member of OFA, participate in our events, or to use or benefit from some of our Services.

**HOW IS YOUR PERSONAL DATA COLLECTED?**

We use different methods to collect data from and about you, including:

1. **When you provide that information to us directly.** You may give us your Contact, Transaction, Profile and Communication Data by filling in forms or surveys that we provide on the Site or via email, when you wish to use certain OFA training materials for third parties, when you participate in certain OFA activities or operations, or by corresponding with us. This includes personal data you provide when subscribe to our newsletter or other mailing lists, fill out other forms or surveys, or provide us with feedback or questions.
2. **From third parties or publicly available sources.** We may receive Contact, Transaction, Profile, Technical, and Communication Data about you from various third parties and public sources, including from partners, administrative, technical, payment and delivery service providers (including when you sign up for membership or register for an event), analytics providers, third party forums, third party websites and repositories related to OFA activities, relevant mailing lists and marketers, and technological systems to help detect and address anomalous activity.
3. **When you provide information to the Site or in connection with Services.** Some Services may permit you to provide us with information, post comments, opportunities, or otherwise engage in networking activities. Some of these Services are moderated; all may be accessed for technical reasons (for example, for improvements or fixes). OFA does not control the content that users choose to provide in connection with the Services. You should carefully consider whether you wish to submit personal information and tailor any content you submit appropriately and in accordance with the relevant terms of use. You should also review any additional terms and conditions that may govern your use of these Services, including terms related to sharing your personal information and receiving communications.
4. **Through automated technologies or interactions.** As you interact with the Site, we may automatically collect Technical and Usage Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies.
5. **Through participation in OFA membership, events or activities.** OFA may capture Contact, Transaction and Communication Data when you participate in OFA activities, events, programs and operations through various means, including sign in sheets, submission documents, records of meeting attendance, and participation lists.

**HOW WE USE YOUR INFORMATION**

OFA uses (either directly or through third party partners and service providers) personal information for the following purposes, on the following legal bases:

|  |  |
| --- | --- |
| **Purpose/Activity** | **Lawful basis for processing** |
| To provide the Site and Services, register you as a Site, Working Group, Community Portal, online forum user  | (a) Performance of a contract with you(b) Necessary for our legitimate interests (to provide the Site and Services; to communicate with users of our Sites and Services; to respond to inquiries, improve and develop the Site and Services; to personalize content, information and the experiences with which we provide users; and for other purposes to support members of the OFA community.) |
| To process your membership or event registration requests. This may include management of payment, fees and charges and collecting money owed to us.  | (a) Performance of a contract with you(b) Necessary for our legitimate interests (to conduct our business; manage memberships; plan, organize, and host events; and recover debts due to us) |
| To manage our relationship with you, including communicate about the terms of our relationship, respond to your requests, notify you about changes to our terms or privacy policy, or ask you to leave a review or take a survey. | (a) Performance of a contract with you(b) Necessary to comply with a legal obligation(c) Necessary for our legitimate interests (to communicate with members and the OFA community; provide the Services; keep our records updated, and to study how the Services are used) |
| To administer and protect our business and the Site (including troubleshooting, data analysis, testing, system maintenance, support, and reporting and hosting of data). | (a) Necessary for our legitimate interests (to conduct our business operations; report to authorities; provide the Services; administer the Site; to coordinate and provide IT services and network security; to prevent fraud; and in the context of a business reorganization or group restructuring exercise)(b) Necessary to comply with a legal obligation |
| To track and document participation in development, interoperability and certification programs  | (a) Performance of a contract with you(b) Necessary for our legitimate interests (to maintain records regarding participation in interoperability and certification programs and activities.)  |
| To provide and administer online forums, including working group lists, community portal and other forums. | Necessary for our legitimate interests (to enable communication between and among members of the OFA community; to facilitate and document working group and other related conversation;, to document contributions, conversations, questions, decisions and other related activities related to OFA’s activities; to develop and promote certain software projects; to understand how users use the Services; and further develop Services) |
| To deliver relevant content and marketing to you.  | (a) Consent(b) Necessary for our legitimate interests (to study the use of the Services and Site; to optimize and personalize content, information, and experiences OFA provides; develop the Services and Site; to grow OFA’s business and to inform our marketing strategy) |
| To use data analytics to improve the Site, products/services, marketing, customer relationships and experiences. | Necessary for our legitimate interests (to gather information to better understand how users access and use the Site and Services; to evaluate, improve and further develop the Site and Services; to develop our business; and to inform our marketing strategy) |
| To protect OFA, the Site, and Services. | (a) Necessary for our legitimate interests (to operate and protect our business; to establish or defend against legal claims)(b) Necessary to comply with a legal obligation |
| To engage with third parties for services that these individuals or entities perform for or with OFA.  | Necessary for our legitimate interests (to receive services that are useful to OFA in connection with the operation and administration of its business and improvement of its offerings).  |

As described above, we may have to share your personal data with certain third parties for the purposes set out in the table above, such as:

1. Service providers and partners, in order to provide services for OFA or for the collaboration in which they and OFA are contractually engaged. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions. These third parties are carefully selected by OFA and obligated to keep your data secure. When we share your data for these purposes this is for our legitimate interest to receive certain services which are useful to us.
2. The public, to coordinate certain development and other collaborative activities
3. Governmental or other authorities, as necessary to protect OFA’s interests or to comply with law.

**INTERNATIONAL TRANSFERS**

As a global organization, OFA engages in a number of international activities.  In connection with the management of those activities, OFA may transfer information to other countries. By submitting your information to OFA, you consent to such transfers and to the processing of this information in other countries.

If personal data is collected from EU residents and transferred to countries outside the EU/EEA we have implemented appropriate safeguards for these transfers to protect that data, including appropriate contractual protections.

**FOR HOW LONG WILL WE RETAIN YOUR PERSONAL INFORMATION?**

We will only keep your personal information (name, email address, physical address) in an identifiable form for as long as it is reasonably necessary to fulfil the purpose for which it was originally collected or any additional uses you have agreed to. After that, we will either delete the information or de-identify it so that it is no longer associated with you.

**COOKIES**

Cookies and web beacons are electronic placeholders that are placed on your device by websites to track users activities on that website over time. OFA uses cookies on the Site which provide useful information, enabling us to recognize repeat users, facilitate a user’s access to and use of our sites, track usage behavior, and to balance the usage of our websites on web servers.

Tracking cookies, third-party cookies, and other technologies such as web beacons may be used to process additional information, enable non-core functionalities on the Site and enable third-party functions (such as an embedded video). We may also include web beacons and other similar technology in promotional email messages to determine whether the messages have been opened.

You may choose to set your web browser to refuse cookies or alert you when cookies are being sent. If you do so, some parts of the Site may not function properly. You will be asked to agree to the cookie policy and consent to the use of cookies when you first access the Site.

**SECURITY**

This site has security measures in place to protect the loss, misuse and alteration of the information under our control. The physical devices running this site are located in a secure facility. A high-strength firewall protects our information from outsiders. Access to many areas of our site is password protected. We use Secure Socket Layers (SSL) to encrypt sensitive data you send us.

**THIRD PARTY LINKS**

This site may contain links to other sites and services, including those of our partners, suppliers, service providers, members, advertisers and other third parties. OFA does not control the content and is not responsible for the practices employed by such third parties. These sites and services may have their own privacy policies and customer service policies. When you transfer to an outside website, OFA’s privacy policies no longer apply. OFA encourages you to read the privacy policy of each external website that you visit before you provide any personal data.

**PERSONAL DATA ABOUT MINORS AND CHILDREN**

OFA does not knowingly collect or solicit personal data from or about children under 16. If it is discovered that any information from a child under 16 is collected in violation of this policy, such information will be removed immediately. If you believe OFA has any information from or about anyone under 16, please Contact Us at chair@openfabrics.org.

**HOW CAN YOU CONTROL YOUR INFORMATION?**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing. Users can access the Privacy Preference Center or email chair@openfabrics.org to verify the status and update or modify their user information and preferences.

You can ask us to stop sending you messages associated with our mailing lists and marketing messages such as our newsletter at any time by contacting chair@openfabrics.org, using the Privacy Preference Center, using the unsubscribe link in the communications that we send or by unsubscribing through the same mechanism used to initially subscribe to the communications in question. When you opt out of receiving those messages, that opt-out will not apply to personal data provided to us as a result of your membership, registration for an event, purchase of a service, or entering into a contract or other transactions.

**YOUR EUROPEAN UNION PRIVACY RIGHTS**

Under the General Data Protection Regulation (Regulation EU 2016/679) (also known as GDPR), if you are an individual protected by the GDPR, such as an EU resident, you have certain rights as a data subject: you have the right to request access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability. If the processing of your personal data is based on consent you have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal. You also have the right to lodge a complaint with a supervisory authority.

To request information about or avail yourself of those rights, please send an email to chair@openfabrics.org with “GDPR Request” in the subject line. In the email please describe, with specificity, the GDPR right you are requesting assistance with. Please note additional information may be requested prior to initiation of a request and that OFA reserves the right to charge a fee with respect to certain requests. However, generally, any requests will be addressed free of charge. Upon OFA’s completion of its review you will be notified if your request has been granted, denied, or exemptions apply.

**COLLABORATION WITH AUTHORITIES**

OFA will investigate complaints, report data breaches and coordinate with the appropriate regulatory authorities when required. Privacy related questions, complaints or other issues can be sent to chair@openfabrics.org.

**YOUR ACCEPTANCE OF THESE TERMS**

By using the Site or otherwise providing us with personal data, you signify your acceptance of this policy. If you do not agree to this policy, please do not use our Site or provide us with personal data. Your continued use of the Site following the posting of changes to this policy will be deemed your acceptance of those changes.

**CONTACT US**

OFA is the controller with respect to the personal data collected by or in connection with OFA. You can contact the data privacy manager of OFA at chair@openfabrics.org if you have any questions about this privacy policy

**MODIFICATIONS**

OFA has the discretion to update this privacy policy at any time. When this privacy policy is updated, we will revise the updated date at the bottom of this page. We encourage you to frequently check this page for any changes to stay informed about how OFA is helping to protect the personal information collected. You acknowledge and agree that it is your responsibility to review this privacy policy periodically and become aware of modifications. If at any point, we decide to use personal data in a manner materially different from that stated at the time it was collected, or to make a retroactive change to our policies that would materially affect the use we make of collected information, we will notify users by way of an email. Users will have a choice as to whether or not we use their information in this different manner, in which case we will use information in accordance with the privacy policy under which the information was collected or, in our sole discretion, delete the information.

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| Date | Comment |
| October 19, 2017 | Original version |
| October xx, 2018 | Revisions for GDPR compliance |