

FAQs: Khoros MSA & Data Protection

Khoros MSA

- **Where can I find your MSA?** Our MSA is located at www.khoros.com/msa
- **If the MSA is online, how does it get signed?** A signature on the Service Order will serve as signature to the MSA.
- **What does your MSA require Khoros to do?** Key obligations are:
 - Khoros provides its services to Customers on a Software as a Service (SaaS) basis.
 - The particular services will be identified and described further on one or more Service Order(s) that will operate under the MSA.
 - Khoros protects your data when it is on the Khoros platform.
 - Khoros agrees to various confidentiality, indemnification and other legal obligations.
- **What does the MSA require Customers to do?**
 - For Khoros Marketing and Care Products, Customers are responsible for the data they submit to the Khoros platform, which is typically data required to log in and use the platform. Customers must obtain consent to submit that data to our platform and cannot allow unauthorized access to our services.
 - For Khoros Communities, Customers are responsible for the data they and their End Users submit to the Khoros platform. As between Khoros and Customers, Customers own all content and responsibility for activities on their Community because the Customer knows how the authorized Users will interact with End Users on their community.
 - Any consents or authorizations necessary for the content Customers use in connection with Khoros services need to be obtained by the Customer. See the explanation below.
 - Customers will need to comply with the Social Media Networks TOS (which were agreed upon when you created your account(s)) and potentially other third-party terms (see below).
 - Customers also agree to various confidentiality, indemnification, and other industry standard and reasonable legal obligations.
- **Why Can't Khoros be 100% Responsible for Consents Necessary for the Data and Information Used by Customers?** Khoros's services provide functionality, but Khoros does not play any role in deciding what Customers do with the content. The Customer controls the content in its entirety while Khoros merely hosts the content and provides the tools. Consequently, Customers determine what consents and authorizations are necessary and obtain them as may be required. From time to time, there may be exceptions to this rule, but only when we have negotiated professional services agreements outside of our standard services.

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- **Why Do Customers Need to Agree to Social Media Networks or other Third Party Terms?** Khoros provides tools that work with Social Media Networks, such as Twitter and Facebook, to allow our Customers to easily perform various tasks on these sites. The Khoros services are not separate consumer facing sites. Consequently, both Khoros and Customers must agree to any applicable terms and conditions of Social Media Networks (such as Twitter or Facebook) and any other third party applications, if applicable, that may be used in connection with the services.
 - **Does Khoros Use Subprocessors?** Yes, Khoros uses third parties to process personal data which Khoros processes on behalf of Customer. The most common use is for the provision of cloud services, which is provided by Amazon Web Services (“AWS”). A full listing of Khoros’s subprocessors can be found [here](#). You can subscribe to this page (free of charge) to receive email notification of any changes, and when you receive such notice can always request an updated Khoros Data Location and Subprocessor Guide for details. Under the MSA, Khoros takes responsibility for the services provided by subcontractors.
 - **Does Khoros Move Data Internationally?** Yes, primary hosting (and back-up data centers) are located in either the EEA or in the US, depending on where the Customer is located and which product(s) the Customer is utilizing. However, some ancillary services such as log file analysis and support are performed by subprocessors in other parts of the globe. In addition, Khoros maintains offices in in the US and India, as well as other locations around the world, so some Content, in the course of Customer support, can be accessed from these locations. Details of our subprocessors and their locations can be found [here](#).

Khoros transfers personal data of EEA data subjects to (or from) areas outside of the EEA, provided that such transfer is carried out under the EC Standard Contractual Clauses - Controller to Processor.

Khoros cannot control how data that is posted to the Social Media Networks or other third-party sites may move around the world since this is determined by those sites. See below for more information on data protection.

- **Does Khoros use Aggregated Data?** Yes, Khoros uses Aggregated Data to determine and report Subscription Services usage patterns by Customers and End Users and to improve our services generally. Aggregated Data is defined in the MSA as “data cleansed of all personal data so that it no longer can identify Customer, any User, or any individual person.” There is no technical way to extract this data for a single Customer from our data stores and analytics. Since the data is both anonymous and aggregated, it is not possible to trace this data back to a Customer.

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- **By Posting Your MSA Online, is Khoros Trying to Make Customers Sign up to One-Sided Terms that Can Change at any Time?** Absolutely not. Our online MSA is part of our streamlined process to make it easy on both parties to move through the contracting process efficiently. Our MSA is straightforward and reasonable for both sides.
 - **Khoros Data Protection**
 - **Is Data Protection addressed in the MSA?** Yes, our MSA is GDPR and CCPA compliant, eliminating the need for a separate Data Protection Agreement. This makes it easy for Customers to check the box in regard to their own compliance efforts.
 - **What Does Khoros do to Protect Data?** Khoros takes data protection very seriously and takes all reasonable measures to secure all data its Customers and partners submit to its platform. Khoros is ISO27001 certified and has successfully passed a SOC 2 audit on an annual basis and employs industry standard practices. For example, Khoros conducts static and dynamic security testing on all applications, employs third parties to conduct web application penetration tests, trains its personnel on security and data privacy measures, enforces controls on access to its systems and encrypts all data. Additional details about Khoros's security practices can be found [here](#).
 - **What Role Does Khoros Play with Respect to Data on its Platform?**

Our Customer is the data controller and Khoros is the data processor of personal data included in the Content. Khoros processes the Content according to our Customers' directions. Customers control what data and information are provided to the platform and what Social Media Content it will access or create in connection with the Khoros platform. Khoros and Customer are each independent data controllers over the personal data included in or derived directly from the Social Media Content to the extent a copy of that data is processed or stored by the Applications.
 - **Do Customers Have a Role in Data Protection?** Absolutely. Customers must guard against unauthorized access to their accounts and are responsible for obtaining any required consents to any data or content they provide through the platform. Moreover, Customers also have to comply with applicable privacy laws in connection with the services provided by Khoros.
 - **What Role Do Social Media Networks or Other Third Parties Play in Data Protection?** Data and content that comes from or is provided to Social Media Networks or other third-party sites will be subject to the data protection and privacy policies of those Social Media Networks and third parties. Khoros's platform



provides tools for Customers to access and interact with such sites, but since data and content contributed to or accessed from the Khoros platform reside on those third-party sites, they are also protected in accordance with their policies. This is another reason Customers and Khoros must agree to the applicable terms and conditions of those Social Media Networks and third parties.

- **What Social Media Networks or Third Parties Are Involved & How Do Customers Know?** Customers know which of the Khoros tools interact with which Social Media Networks or other sites because they are described in the product descriptions here <https://khoros.com/platform>. Customers can find the applicable privacy policies posted on each of those sites. If they don't want to use any particular Social Media Network or other site, Customers can make those choices.
- **What is Considered "Content" and How is it Handled?** Content is a defined term in our MSA and is the data, information, and materials that Customers input into the Khoros platform for log in information, notes and internal Customer communications and materials posted by Customer in the Social Media Networks. Content does not include information or materials provided by Khoros or anything posted by third parties or End Users on Social Media Networks or any other third-party site.
- **Can Customers Download Their Data and How Long is it Retained?** Once the contract is over, we can securely provide the information to the Customer. For Khoros Community content, Khoros will, one time and at no charge, provide Content in a machine-readable format, either in a single data extraction or multiple data extractions (at our option), and for all other Khoros Applications, the Customer may download the content in a comma separated value (.csv) format. Khoros may provide additional reasonable assistance for data extractions at Khoros's standard Professional Services rates. The availability of Content for extraction or downloading from certain Applications may be limited to the most recent 24 months.
- **See Additional Information** about our Privacy Policy at <https://khoros.com/privacy>.

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