

## Privacy Policy

This Privacy Policy is designed to help you understand how SMART Global Holdings, Inc. and its subsidiaries (collectively, “SMART”, “we”, “us” or “our”) collect, use and share personal information.

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## What this Privacy Policy Covers

This Privacy Policy describes how we collect, use and share your personal information if you visit our website at [www.smartgh.com](http://www.smartgh.com), [www.smartm.com](http://www.smartm.com) or any other website to which we post this privacy policy (the “Sites”), use our online services through a customer administrator account, or receive and respond to our communications. For convenience, we refer to the Sites and our other services collectively as the “Service”.

SMART or our subsidiaries may provide business-to-business services that require us to process personal information that we receive from our business customers on their behalf. This Privacy Policy does not apply to any information that we handle on those customers’ behalf. You should contact the relevant customer and/or consult its privacy policy if you have questions, concerns or requests regarding such personal information.

## Personal Information We Collect

**Information you give us.** Personal information you may provide through the Service or otherwise communicate to us includes:

- **Contact details.** When you contact us through the Sites, register for an account on our website, or otherwise communicate with us, we may collect information such as the username and password you establish, your first and last name, business email and mailing addresses, business phone number, professional title and company name.

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- **Correspondence.** We may collect information about you when you request information from us or otherwise correspond with us.
- **Job-Related Information.** We may collect your CV or resume, including professional and employment related information you may email us in connection with job offerings on our Sites.
- **Product interests.** If you contact us regarding one of our products, we may collect the information you provide to us relating to your product interests.
- **Event information.** If you register for or participate in our events, we may collect the information you provide to us in connection with the event.
- **Other information.** We may collect other information from you that is not specifically listed here. We will use such information in accordance with this Privacy Policy.

**Information we get from others.** We may receive personal information about you from third parties (e.g., trade shows at which we are present, joint marketing partners). We may add this information to the other information about you we have already collected, and will handle such information in accordance with this Privacy Policy.

**Information automatically collected.** Our servers and third party service providers may automatically record certain information about how you use the Service, such as your Internet Protocol (IP) address, domain name, device and browser type, operating system, Internet service provider, referring/exit pages, the pages or features of the Service that you browse and the time you spend on those pages or features, the frequency with which you use the Service, links that you click on or use and other statistics. We collect this information in server logs and by using cookies and similar tracking technologies. See our Cookie Policy for more information.

**Sensitive personal information.** We do not intentionally collect any sensitive personal information (e.g., social security numbers, information related to racial or ethnic origin; political opinions, religion or other beliefs; health, biometrics or genetic characteristics; criminal background or union membership) through the Service or otherwise, but, if you provide it to us, you must consent to our use of this information as described in this Privacy Policy.

### **How We Use Your Personal Information**

We use your personal information for the following purposes and as otherwise described to you in this Privacy Policy or at the time of collection:

**To provide the Service.** We use your personal information:

- to provide, operate and improve the Service;
- to communicate with you regarding the Service, including by sending you announcements, updates, and support and administrative messages;
- to understand your needs and interests, and personalize your experience with the Service;
- to respond to your requests, questions and feedback related to the Service or the company if you have contacted us as an investor; and
- to process job applications if you have submitted an application to us.

**For research and development.** We analyze how our users use the Sites to study trends and users' movements around the Sites, gather demographic information about our users and customers, improve the Service and develop new products and services.

**To send you product and event information.** We may send you information regarding our products or future events that you may be interested in, but you may opt out of receiving such communications as described in the [Opt out of marketing](#) section below.

**To create anonymous data.** We may create aggregated and other anonymous data from our users' information. We make personal information into anonymous data by removing information that makes the data personally identifiable. We may use this anonymous data and share it with third parties to understand and improve our Service and for other lawful business purposes.

**For compliance, fraud prevention and safety.** We may use your personal information as we believe appropriate to (a) protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims); and (b) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

**For compliance with law.** We may use your personal information as we believe appropriate to (a) comply with applicable laws, lawful requests and legal process, such as to respond to subpoenas or requests from government authorities; and (b) where permitted by law in connection with a legal investigation.

**With your consent.** In some cases we may ask for your consent to collect, use or share your personal information, such as when required by law.

## How We Share your Personal Information

We do not share your personal information with third parties without your consent, except in the following circumstances:

**Affiliates.** We may share your personal information with our parent company, subsidiaries and affiliates for use consistent with this Privacy Policy.

**Service providers.** We may share your personal information with third party companies and individuals as needed for them to provide us with services that help us with our business activities and to provide the Service (such as customer support, hosting and storage, website analytics and legal and other professional advice). These third parties will be given limited access to your personal information that is reasonably necessary for them to provide their services.

**Business partners.** We may share your personal information with our business partners who jointly offer a service or co-sponsor promotions or events. We do not control how these business partners handle your personal information, which is governed by their own privacy policies. If you have questions about our business partners' privacy practices, we encourage you to contact them.

**For legal reasons.** We may disclose your personal information as we believe appropriate to government or law enforcement officials or private parties for the purposes described above under the following sections: [For compliance, fraud prevention and safety](#) and [For compliance with law](#).

**Business transfers.** We may sell, transfer or otherwise share some or all of our business or assets, including your personal information, in connection with a business deal (or potential business deal) such as a corporate divestiture, merger, consolidation, acquisition, reorganization or sale of assets, or in the event of bankruptcy or dissolution.

## Your Choices

**Access, update, correct or delete your information.** Individuals who have registered on the Sites may review, update, correct or delete the personal information in their registration profile by logging into their account or

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contacting us at [info@smartm.com](mailto:info@smartm.com). When we delete any information, we will delete it from the active database but copies may remain in our archives and we may also retain it for fraud prevention or similar purposes. If you request deletion of your personal information, we may be unable to provide the Service or some features of the Service to you.

**Opt out of marketing.** You may opt out of marketing-related emails by following the unsubscribe instructions in the email. You may continue to receive non-marketing emails.

### **Cookies and Similar Technologies**

We use session cookies to track your browsing activity and ensure that you are recognized. These session cookies are only temporary and expire as soon as your browsing session is over.

### **California Do Not Track Disclosure**

Some web browsers transmit “do-not-track” signals to the websites you visit. However, we do not recognize or respond to these signals.

### **Other Important Privacy Information**

**Third party sites and services.** The Service may contain links to other websites and services operated by third parties. These links are not an endorsement of, or representation that we are affiliated with, any third party. We do not control third party websites, applications or services, and are not responsible for their actions. Other websites and services follow different rules regarding their collection, use and sharing of your personal information. We encourage you to read their privacy policies to learn more.

**Security.** The security of your personal information is important to us. We employ a number of organizational, technical and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.

**International data use.** We are headquartered in the United States and have affiliates and service providers in other countries, and your personal information may be collected, used and stored in the United States or other locations outside of your home country. Privacy laws in the locations where we handle your personal information may not be as protective as the privacy laws in your home country.

**Children.** The Service is not directed at, and we do not knowingly collect personal information from, anyone under the age of 16. If we learn that we have collected personal information from a child under age 16, we will attempt to delete that information as soon as possible.

**Changes to this Privacy Policy.** We reserve the right to modify this Privacy Policy at any time. If we make changes to this Privacy Policy we will post them on the Sites and indicate the effective date of the change. If we make material changes to this Privacy Policy we will notify you by email or through the Service.

### **How to Contact Us**

SMART Global Holdings, Inc.  
c/o SMART Modular Technologies, Inc.  
39870 Eureka Drive  
Newark, CA 94560  
USA

[Compliance.Legal@smartm.com](mailto:Compliance.Legal@smartm.com)

## Notice to European Users

The following applies to individuals in the European Economic Area or the United Kingdom.

**Controller.** SMART Global Holdings, Inc. is the controller of your personal information covered by this Privacy Policy for purposes of European and UK data protection legislation.

**Legal bases for processing.** Our legal basis for processing the personal information described in this Privacy Policy will depend on the type of personal information and the specific context in which we process it. We process your personal information based on:

- Necessity to perform a contract or in order to take steps at the request of the data subject prior to entering into a contract: we process certain personal information, such as what is described in Contact Details, Correspondence and Event information, in connection with transactions or the sale of our products and services to our customers and performing our contractual obligations;
- Legitimate Interest: we process certain personal information such as Event Information, Correspondence, Contact Details and Product Interests for our legitimate interest such as to market our products and services, or develop and improve our products and services, or in connection with a business transfer. We rely on our legitimate interests except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data; and
- Consent: we may process certain personal information based on your consent. If we rely on consent, we will only process the personal information in accordance with the consent. In addition, you can withdraw your consent at any time by contacting us at [Legal.Compliance@smartm.com](mailto:Legal.Compliance@smartm.com). The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

If you have questions about the legal basis of how we process your personal information, contact us at [Compliance.Legal@smartm.com](mailto:Compliance.Legal@smartm.com).

## Retention

We retain personal information where we have an ongoing legitimate business need to do so (for example, to provide you with a service you have requested; to comply with applicable legal, tax or accounting requirements; to establish or defend legal claims; or for fraud prevention). When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymize it or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible.

## Your rights

European and UK data protection laws give you certain rights regarding your personal information (for this purpose, we follow the definition of personal data in the European and UK data protection laws). You may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.

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- **Restrict.** Restrict the processing of your personal information in certain circumstances.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by email to [Compliance.Legal@smartm.com](mailto:Compliance.Legal@smartm.com) or our postal address provided [above](#). We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you may [contact us](#) or submit a complaint to the data protection regulator in your jurisdiction.

### **Cross-Border Data Transfer**

If we transfer your personal information from the European Economic Area or the United Kingdom to a country outside of it and are required to apply additional safeguards to your personal information under European or UK data protection legislation, we will do so, for instance by entering into standard contractual clauses for the transfer of data as approved by the European Commission or the UK Information Commissioner's Office. Please [contact us](#) for further information about any such transfers and the safeguards applied.

### **Notice to California Users**

The California Consumer Privacy Act of 2018 ("CCPA") provides California residents with specific rights regarding their personal information. In addition to our Privacy Policy, the following further describes your CCPA rights and explains how to exercise those rights. This notice applies to personal information collected through our Sites and Service, as well as any collection of personal information offline at our facilities.

#### **Managing Your Data:**

- We do not sell your personal information.
- We may collect, process, store and disclose your personal information for a disclosed business purpose such as recruitment or investor relations. If consent is required for us to process your personal information, you may withdraw or modify such consent at any time by contacting us [Compliance.Legal@smartm.com](mailto:Compliance.Legal@smartm.com).
- In the preceding twelve (12) months, we have collected the following categories of personal information for a business purpose as described in section entitled How We Use Your Personal Information:
  - Contact information that includes identifiers such as your first and last name, business entity name, address, e-mail address, and telephone number.
  - Professional or employment-related information if you have contacted us about a job offering posted on our Sites.
  - The source of this information is you or a person from your company that provided us this contact information.
  - We shared this information with affiliates and service providers as detailed in the section entitled How We Share Your Personal Information.
- When we disclose personal information for a business purpose, we enter into a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any other purpose.
- You have the right to:

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- request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your request, we may disclose to you:
  - The categories of personal information we collected about you.
  - The categories of sources for the personal information we collected about you.
  - Our business or commercial purpose for collecting or selling that personal information.
  - The categories of third parties with whom we share that personal information.
  - The specific pieces of personal information we collected about you (also called a data portability request).
- delete your personal information that we hold, unless we are legally required or permitted to retain it.

Please contact us via email at [Compliance.Legal@smartm.com](mailto:Compliance.Legal@smartm.com) or via direct mail to our postal address provided [above](#) for more information or to exercise a request regarding your California data rights.

As a California resident, you have the right to designate an agent to exercise these rights on your behalf. We may require proof that you have designated the authorized agent to act on your behalf and to verify your identity directly with us. Please contact us at [Compliance.Legal@smartm.com](mailto:Compliance.Legal@smartm.com) for more information if you wish to submit a request through an authorized agent.

You have a right not to receive discriminatory treatment by us for the exercise of the privacy rights conferred by the CCPA. We hereby inform you that if you exercise any of your rights under the CCPA we may not deny you goods or services for that reason, or subject you to different prices than those paid by other consumers, except to the permitted under the CCPA.

Last modified June 19, 2020