

Penguin Solutions, Inc. Privacy Policy

Last Updated: March 20, 2026

This Privacy Policy (the “**Policy**”) is designed to help you understand how Penguin Solutions, Inc. and its subsidiaries (collectively, “**Penguin Solutions**”, “**we**”, “**us**” or “**our**”) collects, uses and shares personal information of our commercial customers (our “**Customers**”) when individuals visit our website at www.penguinsolutions.com/ or any other website to which we post this Policy (the “**Site(s)**”), use our online services through a customer administrator account, or receive and respond to our communications (collectively, the “**Services**”). Penguin Solutions is the “controller” of your personal information covered by this Privacy Policy.

The individuals about whom we collect personal information are referred to as “**you**” throughout the Policy. For purposes of this Policy, “**personal information**” refers to information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, to you, and includes “personal data” or similar terms as defined in applicable law.

This policy applies to our collection, use, storage, and disclosure of personal information collected in the following ways:

- through the Site(s) where this Policy is posted or linked;
- in connection with the delivery of our Services to our Customers;
- in connection with our business development and marketing activities; and
- through our offline and business interactions.

Penguin Solutions and our subsidiaries 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. Please contact the relevant Customer and/or consult its privacy policy if you have questions, concerns or requests regarding such personal information.

Additionally, personal information of or related to candidates for employment at Penguin Solutions, as well as past, present, and future Penguin Solutions employees, is not governed by this Privacy Policy. For more information, candidates and employees should reach out to Penguin Solutions human resources.

Before accessing our Site, please ensure that you have read and understand our collection, storage, use, and disclosure of your personal information as described in this Policy. If you do not agree to these terms, you are not permitted to access the Site or engage our Services.

Notice at Collection of Personal Information

This section serves as our “Notice at Collection of Personal Information” as required by California law. We collect the following categories of personal information identified below. Some of these categories we “sell” or “share” (as such terms are defined in California law) for marketing and advertising purposes to business partners and third parties, such as data analytics providers, advertising technology vendors, third-party advertising networks, and social media platforms. We also use these categories for business purposes, such as maintaining our Site and operating the Services.

We do not knowingly sell or share personal information about persons under the age of 18. To exercise your privacy rights, including the right to opt out of the sale or sharing of your personal information for targeted advertising, please visit our Privacy Rights Center by clicking the "Privacy Rights Request Center" link in the footer of our Site, or contact us using the methods described in the "Your Choices" section below. You may also choose to enable online, where available, a universal tool that automatically communicates your opt-out preferences, such as the Global Privacy Control (“GPC”). We will process the GPC signal as a request to opt-out of the sale, sharing, and use of your personal information for targeted advertising.

1. Categories of Personal Information We Collect

- **Identifiers and biographical information.** This includes the username and password you establish, your first and last name, business email and mailing addresses, business phone number, professional title and company name. We also collect information about your internet use, including IP address, and similar online identifiers.
- **Personal information categories listed in the California Customer Records statute.** This includes credit or debit card number.
- **Characteristics of protected classifications under California or Federal law.** This includes age and gender.
- **Internet or other electronic network activity information.** This includes information about your device and network usage.

2. Business and Commercial Purposes for Processing Your Personal Information

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

- **To provide the Site and Service.** We use your personal information:
 - to provide, operate and improve the Site and Services;
 - to communicate with you regarding the Services, including by sending you announcements, updates, and support and administrative messages, and to engage in customer support;
 - to understand your needs and interests, and personalize your experience with the Site and Service; and
 - to respond to your requests, questions and feedback related to the Service or the company if you have contacted us as an investor.
- **For research and development.** We analyze how our users use the Site(s) to study trends and users' movements around the Site(s), gather demographic information about our users and customers, improve the **Services**, 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 below.
- **To create anonymous data.** We may create aggregated and other anonymous data from our users' information. We generate and maintain 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.
- **Business transactions.** We use personal information to carry out sales and business transactions in which information held by us is among the assets transferred or is otherwise relevant to the evaluation, negotiation, or completion of the transaction, including in connection with a bankruptcy.
- **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.

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 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;
- ***Compliance with a legal obligation.*** We are subject to various legal requirements in the jurisdictions in which we operate, and we may use, disclose, and retain your personal information if necessary for us to comply with a legal obligation arising under an applicable law to which we are subject; 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 through our Privacy Rights Center or using the contact methods in the “How to Contact Us” section below. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

If you have questions about the legal bases of how we process your personal information, please contact us through our Privacy Rights Center or using the contact methods in the “How to Contact Us” section below.

3. 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). The specific retention period depends on the context of our relationship with you and the nature of the personal information. To illustrate, we retain account information for as long as your account is active and for a reasonable period thereafter; we retain transaction records for at least seven years to comply with tax and accounting requirements; and we retain marketing preferences until you opt out or request deletion. 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.

How We Collect Your Personal Information

We collect your personal information in a number of ways, from various sources:

1. 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 Site, 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.
- **Correspondence.** We may collect information about you when you request information from us or otherwise correspond with us.
- **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.

2. Information we get from others.

We may receive personal information about you from third parties and business partners, including companies that co-sponsor our promotions (e.g., trade shows at which we are present, joint marketing partners); marketing/advertising and analytics partners, including online advertising networks and analytics providers; social media platforms (note that the information we receive from such platforms is dependent upon their policies and your settings on the platforms); and other companies that provide personal information to supplement what we already know about you, including data aggregators.

3. Information automatically collected.

Our servers and third-party service providers may automatically record certain information about how you use the Site and Service, including:

- **Device information**, such as your Internet Protocol (IP) address, domain name, device and browser type, operating system, Internet service provider, etc.
- **Usage information**, such as referring/exit pages, the pages or features of the Site 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. Usage information may also capture keystrokes, mouse movements, form field entries, recordings of chat sessions, your use of and inputs to other AI-supported tools, and other use of and overall engagement with our Site and Services.
- **Marketing information**, including, for example, if you receive an email from us, in which case we may collect information about your interactions with the message (e.g., whether you opened, forwarded, or clicked through to our Site).
- **Cookies and similar technologies**, placed by us or our third-party partners, used to track your browsing activity and ensure that you are recognized on the Site. We may also use these technologies to improve your experience. For example, we may use this information to enhance and personalize your user experience, to monitor and improve our Site and Services, and to improve the effectiveness of our Services, offers, advertising, communications, and features such as live and automated chat and customer service.

We (and our partners and service providers) use the following types of cookies:

- **Strictly necessary cookies**. These cookies are essential to enable you to move around the Site(s) and use their features. These cookies allow us to provide some of the basic functionalities of the Site(s).
- **Analytics cookies**. These cookies generally collect information about how visitors use the Site(s) so that we can improve our Services. These cookies do not collect identifiable information.

- **Personalization cookies.** These cookies allow the Site(s) to remember the choices you make as you browse the Site(s). They provide more enhanced and personal features. The information collected is anonymized, and they cannot track browsing activity on other sites once you leave the Site(s).
- **Targeting/advertising cookies.** These cookies may be set by our advertising partners, including social media platforms. They may be used by our partners to build a profile of your interests and show you relevant advertisements on other online services, **often called** “interest-based advertising.” These cookies uniquely identify your browser and device and observe your behaviors and browsing activities over time across multiple websites or platforms.

4. Combination of information.

We may link or combine the personal information we collect directly from you and the information we collect automatically or receive from third parties. We will treat combined information with the same protections provided under this Privacy Policy.

5. De-identified information.

We may anonymize and aggregate any of the personal information we collect, including information about individuals that are your subscribers, website visitors or customers so that it does not directly identify you or them, and is no longer considered personal information under this Privacy Policy. We may use anonymized information for purposes that include testing our IT systems, research, data analysis, improving the Services and developing new products and features, and we may share this information with other parties.

How We Disclose Your Personal Information

We disclose your personal information in the following circumstances:

- **Affiliates.** We may disclose your personal information to our subsidiaries and affiliates for use consistent with this Privacy Policy.
- **Service providers.** We may disclose your personal information to 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.
- **Targeted advertising partners.** When you access our Site, we, along with our third-party partners, data analytics providers, advertising technology vendors, and social media platforms may collect and

use personal information to serve you interest-based advertising. These disclosures may constitute a “sale” or “share” of your personal information, as described above in the Notice at Collection.

- **Business partners.** We may disclose your personal information to 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 compliance with applicable law. We may also disclose your personal information to protect our rights, privacy, safety, property and/or those of others.
- **Business transfers.** We may sell, transfer or otherwise disclose 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

1. California privacy rights.

Residents of California have specific rights with respect to their personal information outlined below:

- **Right to know.** You may have the right to know what personal information we have collected about you, including the categories of sources from which the personal information is collected, the business or commercial purpose for collecting, selling, or sharing personal information, the categories of third parties to whom we disclose personal information, the categories of personal information disclosed to third parties, and the specific pieces of personal information we have collected about you.
- **Right to data portability.** You may have the right to access your personal information in a portable format.
- **Right to delete.** You may have the right to request that we delete personal information that we have collected from or about you, subject to certain exceptions.
- **Right to correct.** You have the right to correct inaccurate personal information that we may maintain about you, subject to appropriate verification.

- **Right to opt out of certain types of personal information uses and disclosures.** We use and disclose to third parties personal information for analytics and advertising purposes. Accordingly, you have the right to opt out of the “sale” or “sharing” of your personal information, or the use and disclosure of your personal information for “targeted advertising” (as these terms are defined in California law).
- **Right to limit use of sensitive personal information.** You have the right to limit our use and disclosure of your sensitive personal information to uses that are necessary to perform the services or provide the goods you reasonably expect, or as otherwise permitted by law. To exercise this right, please contact us through our Privacy Rights Center or using the **contact** methods **in the “How to Contact Us” section** below.

To exercise one or more of these rights, please use any of the following methods:

- Visit our Privacy Rights Center by clicking the “[Privacy Rights Request Center](#)” link in the footer of our website;
- Call us toll-free at (877) 313-8743; or
- Email us at privacy@penguinsolutions.com with “Data Privacy Rights Request” in the subject line.

Through our Privacy Rights Center, you may exercise your rights to know, delete, correct, access, and port your personal information, as well as opt out of the sale or sharing of your personal information, limit the use of your sensitive personal information, and opt out of targeted advertising. You may also choose to enable a tool that automatically communicates your opt-out preferences to all businesses that you interact with online. If you enable a browser-based opt-out preference signal, such as the Global Privacy Control (“GPC”), upon receipt or detection, we will treat the signal as a valid request to opt out of the sale, sharing, or targeted advertising of personal information linked to that browser and, where we can do so, consumer profiles that we have associated with that browser. Please note that if you use different browsers or browser profiles, you will have to enable the signal on each one that you use.

Depending on the type of request you submit, and to protect the confidentiality of your and others’ personal information, we will only complete your request when your identity has been verified. We will seek to match the information in your request to the personal information we maintain about you. As part of our verification process, we may ask you to submit additional information, use identity verification services to assist, or, if you have set up an account on our website, to sign into your account as part of our identity verification process. Please note that, where permitted under applicable law, we may decline a request (other than for opt outs) if we are unable to verify your identity (or an agent’s authority to make the request) and confirm the personal information we maintain relates to you. We will never ask you to verify your identity to facilitate a request to opt-out.

If we deny your request, you have the right to appeal our decision. To submit an appeal, please contact us through our Privacy Rights Center or using the contact methods in the “How to Contact Us” section below, with “Privacy Rights Appeal” as your subject or topic. We will respond to your appeal within 45 days. If we deny your appeal, we will provide you with information on how to contact the California Attorney General to submit a complaint.

In California, consumers may designate an authorized agent to exercise their privacy rights. You may designate an authorized agent to submit requests on your behalf using the methods described in this section. However, we may require written proof of the agent's permission to do so and verify your identity directly.

You have a right not to receive discriminatory treatment by us for the exercise of the privacy rights conferred by the CCPA. If you exercise any of your rights under the CCPA, we will not deny you goods or services for that reason, or subject you to different prices, provide you a different level or quality of goods or services, or suggest that you may receive a different price or rate or different level or quality of goods or services, except as permitted under the CCPA.

You are not required to create an account to exercise your California privacy rights.

If you are a resident of a US state with an applicable privacy law other than California, you may exercise the rights described above to the extent required by your state's law. Some states may provide additional rights or different procedures; please contact us through our Privacy Rights Center or using the contact methods in the “How to Contact Us” section below for more information about your specific rights.

2. Non-US resident privacy rights.

For non-residents of the US, you may have certain rights in relation to your personal information under applicable law, including the:

- **Right to access.** You may have the right to request access to, or copies (and transmission) of, the personal information we hold about you and the purposes for which we are using it.
- **Right to rectify.** You may have the right to correct inaccurate personal information that we have collected from and maintain about you, subject to appropriate verification.
- **Right to erase.** You may have the right to erase personal information pertaining to you, under certain conditions. We will assess any deletion request after verifying your identity and work to respond within one calendar month, and let you know if we need additional time.
- **Right to object.** You may have the right to object to processing the personal information we process, under certain conditions.

- **Right to restrict.** You may have the right to restrict the processing of your personal information, under certain conditions.
- **Right to data portability.** You may have the right to receive the data we have collected from you. Under certain conditions, you may request that we transfer your personal information to another organization, or directly to you.
- **Right to lodge a complaint.** You may have the right to file a complaint with the supervisory authority in your jurisdiction.
- **Right to withdraw consent.** You may have the right to withdraw your consent where you previously provided consent to certain processing.
- **Right not to be subject to automated processing.** You may also have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. You may have the right to refuse the installation and operation of certain automatic data collection technologies.

You may submit these requests through our Privacy Rights Center or using the contact methods in the “How to Contact Us” section below. 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 through our Privacy Rights Center, using the contact methods in the “How to Contact Us” section below, or submit a complaint to the data protection regulator in your jurisdiction.

3. Client personal information.

Depending on their jurisdiction, you may have rights under applicable data protection laws with respect to personal information we process on behalf of our Customers as a service provider. You should direct any requests regarding your personal information under applicable laws in their jurisdictions to our Customer(s) with whom you have a direct relationship.

4. Opt-out of marketing communications.

From time to time, and where required, with your consent, we may contact you with relevant information about the Site and our Services. You may opt-out of marketing-related emails and communications by following the unsubscribe instructions in the message. You may continue to receive non-marketing emails even after opting out.

Other Important Privacy Information

1. Third party sites and services.

The Site 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.

2. Security.

The security of your personal information is important to us. We employ several 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.

3. 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.

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 email us at privacy@penguinsolutions.com for further information about any such transfers and the safeguards applied.

4. Policy on children's data.

The Service is not directed at, and we do not knowingly collect personal information from, anyone under the age of 18. If we learn that we have collected personal information from a child under age 18, we will attempt to delete that information as soon as possible.

5. Changes to this Policy.

We reserve the right to modify this Policy at any time. If we make changes to this Policy, we will post them on the Site(s) and indicate the effective date of the change. If we make material changes to this Policy, we will notify you by email or through the Services.

How to Contact Us

If you have questions, comments or concerns with respect to our collection and use of your personal information, or your rights with respect to this personal information, please contact us at:

Penguin Solutions, Inc.
45800 Northport Loop W
Fremont, CA 94538
privacy@penguinsolutions.com
(877) 313-8743

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>.