

# SAFE HARBOR NOTICE

*Effective September 15, 2008*

## **SCOPE OF SAFE HARBOR CERTIFICATION**

KLA-Tencor Corporation (hereinafter “KLA-Tencor” or “we”) recognizes that the European community has established a data protection regime pursuant to Directive 95/46/EC, which applies to the European Economic Area (“EEA”) and restricts companies in the EEA in transferring personal data about individuals in the EEA to the United States, unless there is “adequate protection” for such personal data when it is received in the United States. To create such “adequate protection” and to overcome the restriction on international data transfers established by the Directive, KLA-Tencor adheres to the Safe Harbor Privacy Principles published by U.S. Department of Commerce (“Safe Harbor Principles”) with respect to personal data about individuals in the EEA that subsidiaries, customers, suppliers and other businesses in the EEA send to KLA-Tencor. KLA-Tencor’s Safe Harbor Certification does not extend to data that KLA-Tencor receives directly through [www.kla-tencor.com](http://www.kla-tencor.com) or other Web sites (information on KLA-Tencor’s practices regarding data received through Web sites is contained in the Web site Privacy Statement). More information on the Safe Harbor Principles and KLA-Tencor’s scope of participation is available at [www.export.gov/safeharbor/sh\\_overview.html](http://www.export.gov/safeharbor/sh_overview.html).

## **SCOPE OF THIS NOTICE**

KLA-Tencor has issued a separate *Safe Harbor Notice for Employees in the EEA*. This Notice does not apply to employees of KLA-Tencor; this Notice addresses other subjects residing in the EEA (“EEA Persons”) whose data KLA-Tencor may receive from one of its subsidiaries, customers, suppliers or other businesses in the EEA, *e.g.*, customers’ procurement managers, suppliers’ sales representatives, individual independent contractors, etc.

## **CATEGORIES OF EEA DATA**

KLA-Tencor sells process control and yield management solutions largely to businesses and rarely to consumers. Thus, KLA-Tencor receives mostly business-related information from the EEA. Occasionally, KLA-Tencor also receives contact information related to individual representatives of businesses with whom KLA-Tencor is dealing (including, without limitation, names, addresses, work phone numbers, work e-mail addresses, etc.), and, in connection with our managed document review and advisory services, KLA-Tencor processes data that may be relating to EEA residents on behalf of, and in accordance with instructions from, customers (collectively “EEA Data”). Since EEA Data covered by this Notice is by definition sent to KLA-Tencor by another company in the EEA (*e.g.*, a supplier to KLA-Tencor), the categories of data sent and the purposes of processing often depend on such other company, with whom the EEA Persons typically have a closer employment, business or other relationship (and which, therefore, can provide additional information on categories of data shared with us).

## **PURPOSES**

KLA-Tencor collects and uses EEA Data for purposes of communicating with corporate business partners about business matters, processing EEA Data on behalf of corporate customers, transmitting marketing e-mails and performing other marketing activities, and conducting related tasks for legitimate business purposes.

## **DISCLOSURE**

KLA-Tencor shares EEA Data with affiliates and contractors, which process EEA Data on behalf of KLA-Tencor. KLA-Tencor also shares EEA Data with other third parties for the purposes for which KLA-Tencor receives the EEA Data (*e.g.*, performance of contractual obligations) and as required or permitted by law.

With respect to marketing e-mails, EEA Persons may opt-out of receiving further e-mail marketing communications from KLA-Tencor by sending an e-mail to [info@kla-tencor.com](mailto:info@kla-tencor.com), or by following opt-out instructions that are contained in each marketing e-mail. EEA Persons may also send an e-mail to this

address to ask to opt-out of disclosures to third parties, but such a limitation on data sharing may make it difficult or impossible for KLA-Tencor to provide the requested services. Notwithstanding other statements in this General EEA Safe Harbor Notice, KLA-Tencor may disclose EEA Data where it is legally required to disclose (*e.g.*, under statutes, contracts or otherwise) or the disclosure is permitted by law and KLA-Tencor has a legitimate business interest in such disclosure.

#### **ACCESS AND REVIEW**

EEA Persons whose EEA Data KLA-Tencor holds may request access to, and the opportunity to update, correct or delete some or all of the EEA Data that KLA-Tencor holds about them. To submit such requests or raise any other questions, please contact the KLA-Tencor Safe Harbor Contact as described below. KLA-Tencor reserves the right to take appropriate steps to authenticate an applicant's identity, charge an adequate fee before providing access and deny requests, except as required by the Safe Harbor Principles.

#### **SAFE HARBOR CONTACT**

If you have questions, please contact our Safe Harbor Privacy Contact, Brian Martin, at, telephone: 408-875-3000 or e-mail: [brian.martin@kla-tencor.com](mailto:brian.martin@kla-tencor.com).

If you have a comment or concern that cannot be resolved with KLA-Tencor directly, you may contact the competent local data protection authority in your EEA member state.