

Configuration Services (CS)

SOFTWARE EXPORT COMPLIANCE CERTIFICATION

Customer/Company Name: _____

SI Number: _____ Rev Number: _____

This Configuration Services (CS) Software Export Compliance Certification is executed by the undersigned on behalf of Customer as of the effective date set forth below in connection with the integration by DELL of software provided by Customer on computer systems purchased from Dell by Customer. The software provided by Customer for integration is referred to herein collectively as the "Image".

I hereby agree to the following terms:

- **Compliance with Laws.** Each party agrees to comply with all laws and regulations applicable to such party in the course of performance of its obligations under this Agreement. Customer acknowledges that the Solutions provided under this Agreement, which may include technology, authentication and encryption, are subject to the customs and export control laws and regulations of the United States ("U.S."); may be rendered or performed either in the U.S., in countries outside the U.S., or outside of the borders of the country in which Customer or its systems are located; and may also be subject to the customs and export laws and regulations of the country in which the Solution is rendered or received. Each party agrees to abide by those laws and regulations applicable to such party in the course of performance of its obligations under this Agreement. Customer also may be subject to import or re-export restrictions in the event Customer transfers the Products, Software or Deliverables from the country of delivery and Customer is responsible for complying with applicable restrictions.
- **Regulatory Requirements.** If any software and / or hardware provided by Customer and used as part of the Solution contains or enables encryption functions, then Customer certifies that the software and/ hardware satisfies the regulation under the Wassenaar Arrangement for Dual-Use Goods and Technologies under Category 5 Part II Cryptography Note 3 or the Encryption using key length ≤ 56 symmetric /512 asymmetric /112 elliptic curve.
- Dell is not responsible for determining whether any Third-Party Product to be used in the Solution satisfies the local regulatory requirements of the country to which such Solution is to be delivered or performed, and Dell shall not be obligated to provide any Solution where the resulting Solution is prohibited by law or does not satisfy the local regulatory requirements.
- **Excluded Data.** Customer acknowledges that no part of the Solution is designed with security and access management for the processing and/or storage of the following categories of data: (1) data that is classified and/or used on the U.S. Munitions list or the Wassenaar Arrangement Munitions List including software and technical data; (2) articles, services and related technical data designated as defense articles and defense services; (3) ITAR (International Traffic in Arms Regulations) related data; and (4) personally identifiable information that is subject to heightened security requirements as a result of Customer's internal policies or practices, industry-specific standards or by law (collectively referred to as "Excluded Data"). Customer hereby agrees that Customer is solely responsible for reviewing data that it will provide to Dell (or to which Dell will have access) to ensure that it does not contain Excluded Data. Customer certifies that the image to be exported does not contain prohibited encryption products (Prohibited encryption - licensable commodities included but not limited to the Malaysia Strategic Act (STA) 2010 - 5 (Telecommunications and "Information Security") and US Export Regulations 15 CFR)."

The representative of Customer identified below has the knowledge and authority to make the statements made herein on behalf of Customer. Please provide the following information to certify the representations set forth above:

Signed By: _____ **Date:** _____

| | |
|----------------------------------------------|--|
| Name of Person completing this form: | |
| Title | |
| On behalf of (Customer/Company Name): | |
| Address: | |
| | |
| | |
| Telephone Number: | |
| Email address: | |

Thank you for your cooperation. Please e-mail this entire document (completed and uncompleted sections) to your CS representative.

Please refer to the following resources for more information on export regulations.

U.S. BIS website: <https://www.bis.doc.gov/>

Wassenaar website: <http://www.wassenaar.org/controllists/>