



Content Moderation Policy



1 Introduction

This Content Moderation Policy of BMC Software (the "**Policy**") establishes BMC Software's ("**BMC**") approach to compliance with the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (the "**Digital Services Act**" or "**DSA**").

The DSA sets out rules for providers of online intermediary services, in particular for providers of hosting services, providing services to users established in the European Union.

2 Scope and Compliance

The purpose of this Policy, therefore, is to set out a framework to satisfy the standards contained in the DSA when BMC is hosting content of its Software as a Service "SaaS" and/or Platform as a Service "PaaS" customers, of the users of the [BMC Community website](#) or of any user of any future service involving the hosting of content provided by the users of said service (all together "**BMC Services**").

In particular, this Policy describes guidelines that outline what types of content users are prohibited to send or store on BMC Services, and mechanisms allowing individuals or entities to notify BMC of the presence on BMC Services of specific items of information they consider to be illegal content.

This Policy is published on the BMC Software, Inc. website and is accessible on the [Online Content Moderation](#) webpage.

3 Definitions

- A. **BMC Services** means hosting services whereby BMC is hosting content of its SaaS and/or PaaS customers, of the users of the BMC Community website, or any user of any future service provided by BMC involving the hosting of content provided by the users of the said service.
- B. **Digital Services Act or DSA** means the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC.
- C. **Digital Services Coordinator** means the competent authority responsible for the supervision of BMC as a provider of hosting services and responsible for enforcement of the DSA.
- D. **Platform as a Service (PaaS)** is a cloud computing model where a third-party provider delivers hardware and software tools to users over the internet.
- E. **Software as a Service (SaaS)** allows users to connect to and use cloud-based apps over the Internet.

4 Policy Statement

4.1 Single Point of Contact and BMC's Legal Representative in the European Union

BMC's single point of contact to report any allegedly illegal content hosted on BMC Services is available at [BMC Ethics HelpLine](#).

All information on BMC's Legal Representative for all matters related to BMC's compliance with the DSA can be found on the [Online Content Moderation](#) webpage.

4.2 Restricted Content

Users will not send or store on BMC Services any illegal content, infringing, obscene, threatening, libelous, harassing, or otherwise unlawful or tortuous material. This includes, but is not limited to, content that violates third parties' intellectual property rights, privacy rights, or any applicable laws or regulations.

Example of prohibited content:

- any content that infringes on the copyrights, trademarks, or other intellectual property rights of third parties;
- any content that promotes or encourages self-harm, suicide, or any other form of harm to oneself or others;
- any content that promotes or incites hatred or discrimination based on race, ethnicity, religion, gender, sexual orientation, or any other characteristic;
- any content that contains threats or promotes violence or terrorism;
- any content that contains child sexual exploitation or abuse;
- any adult content, including pornography or sexually explicit material;
- any content that promotes or facilitates illegal activities.

4.3 Notice Mechanism

Individuals or entities can report any content hosted on BMC Services that they deem to be illegal content by submitting a report at [BMC Ethics HelpLine](#), under the category "Online Illegal Content".

Individuals or entities must include in their report, in the English language:

- a description of the content they deem illegal and the reasons why they consider the content in question to be illegal,
- a clear indication of the exact electronic location of that information, such as the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content,
- the name and email address of the individual or entity submitting the report, and

- a statement confirming the good faith belief of the individual or entity submitting the report that the information and allegations contained in the report are accurate and complete.

BMC will acknowledge receipt of a report in a timely and consistent manner.

4.4 Review Process and Potential Measures

BMC will review any content reported in accordance with Section 4.3 hereabove in a timely and consistent manner and determine whether this is illegal content or not.

BMC will consider the context in which the content was posted, as well as any relevant applicable laws or regulations, and will involve the relevant BMC employees to deal with the report. In the event BMC has no technical access to the reported content (for instance if the reported content is hosted by a third-party provider of BMC and BMC has no control over the environment), BMC will contact the relevant entity with technical access to the reported content, who will then handle the report according to their processes and policies.

If the content is found to be illegal or in violation of this Policy, BMC will take a proportionate measure, which may consist of removal of the content or any action as required by law or by contract.

BMC will provide to the affected user a clear and specific statement of reasons. The statement of reasons will at least contain the following:

- information on whether the decision entails either the removal of the content, or any other action as required by law or by contract, and, where relevant, the territorial scope of the decision and its duration;
- the facts and circumstances relied on in taking the decision, including, where relevant, information on whether the decision was taken under a report submitted by an individual or an entity and, where strictly necessary, the identity of the reporter;
- where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content;
- where the decision is based on the alleged incompatibility of the information with this Policy or a contractual provision, a reference to this Policy/contractual ground relied on, and explanations as to why the information is considered to be incompatible with that ground; and
- information on the possibilities for redress available to the user who posted this content in respect of BMC's decision.

BMC will also inform the individual or entity who reported the content of the outcome of the review process on a timely basis.

When BMC becomes aware of any information giving rise to a suspicion that a criminal offense involving a threat to the life or safety of a person or persons has taken place, is taking place, or is likely to take place, BMC shall promptly inform the applicable law enforcement or judicial authorities.

4.5 Possibilities for Redress

Users affected by BMC's moderation decision may dispute the decision by contacting content_moderation@bmc.com, and the matter will be referred to the Vice President EMEA General Counsel. BMC's Vice President EMEA General Counsel will review the case in a timely and consistent manner and will advise the complainant of its decision either to confirm the original measure, to substitute a new measure, or to cancel the measure. If the dispute is upheld, BMC's Vice President EMEA General Counsel will arrange for any necessary steps to be taken as a consequence, such as reinstatement of the removed content.

4.6 Orders to Act Against Illegal Content or to Provide Information

Users of BMC Services are informed that under the DSA, upon receipt of an order issued by the relevant national judicial or administrative authorities, BMC may have to act against one or more specific items of illegal content hosted on BMC Services or to provide specific information about one or more specific user(s) to the national judicial or administrative authorities.

Without undue delay, BMC shall inform the authority issuing the order, or any other authority specified in the order, of any effect given to the order specifying if and when effect was given to the order.

At the latest when effect is given to the order or, where applicable, at the time provided by the issuing authority in its order, BMC shall inform the user(s) concerned of the order received and the effect given to it. Such information provided to the user(s) shall include a statement of reasons, the possibilities for redress that exist, and if relevant a description of the territorial scope of the order.

BMC will ensure that when it receives a legally binding order as described in Section 4.6, BMC will:

- put the request on hold and notify BMC's competent Digital Services Coordinator, or any other competent authority as the case may be unless prohibited from doing so by a law enforcement authority or agency;
- if prohibited from doing so, BMC will use its best efforts to inform the requesting authority or agency about its obligations under any applicable law to obtain the right to waive this prohibition; and
- where such prohibition cannot be waived, BMC will lawfully challenge the order based on any legal deficiencies under the applicable laws of the requesting party or any relevant conflict of laws as the case may be.

4.7 Annual Reports

Annual reports on any content moderation engaged by BMC during the previous year will be made publicly available on the [Online Content Moderation](#) webpage.

5 Further Information

Any communication with BMC in connection with this Policy or to the DSA must be drafted in English.

BMC will ensure that this Policy (i) is implemented effectively and applied consistently and fairly, and (ii) is regularly reviewed and updated if required.

6 Document Information

Category:	Corporate
Next Review Date:	October 2024