

# MEMBERSHIP AGREEMENT

## Traffic Monitoring Policy

Author: **Name**

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Status:

# TRAFFIC MONITORING POLICY

Words or phrases that start with capital letters are defined in the glossary at the end of the LINX Membership Terms.

## 1. Status of this Policy

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- 1.1 This policy sets out the conditions under which LINX may or may not monitor traffic or connections on IXPs.
- 1.2 This policy forms part of your Membership Agreement.
- 1.3 Changes to this policy may only be made by an Ordinary Resolution in a General Meeting of LINX.

## 2. Monitoring Network Data

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- 2.1 **LINX Will Not Monitor by Default.** LINX will not monitor your ports or connections, or view or collect the contents of your traffic, unless it is required to do so by a Legal Requirement or the monitoring is permitted by clause 2.2 (*Permitted Monitoring*) below.
- 2.2 **Permitted Monitoring.** Subject to clause 2.3 (*Monitoring Never Allowed*) below, LINX may:
  - 2.2.1 monitor traffic and flow data by standard sampling methods or TCP/IP header and protocol information where necessary for the proper operation of the LINX network;
  - 2.2.2 collect statistical information derived from your traffic data where necessary for the proper operation of the LINX network;
  - 2.2.3 carry out monitoring that you have explicitly requested or have consented to following a request from LINX; or
  - 2.2.4 monitor your traffic where the LINX Board reasonably believes that it gives rise to a material breach of your Membership Agreement or a Service Order.
- 2.3 **Monitoring Never Allowed.** LINX may not:
  - 2.3.1 monitor or access the personal information of your Personnel, customers or suppliers; or
  - 2.3.2 monitor or access the contents of communications contained in traffic you transmit across LINX Services; or
  - 2.3.3 share any information derived from your traffic data with third parties without your explicit consent,unless it is required to do so by a Legal Requirement.
- 2.4 **Requirements for Monitoring.** Where LINX monitors a port or connection, it will use reasonable endeavours to:
  - 2.4.1 ensure the monitoring does not adversely affect any LINX services provided to the member;
  - 2.4.2 ensure the monitoring does not compromise the member's Confidential Information; and
  - 2.4.3 where LINX monitors your port or connection pursuant to a Legal Requirement, notify you that it has done so unless prohibited from doing so by a Legal Requirement.
- 2.5 **Use of Aggregate Statistics.** Nothing in this section prevents LINX from collecting and publishing aggregate statistics, as long as they do not identify any LINX members or individuals.