

Safe Harbor Privacy Policy

THE NASDAQ OMX GROUP, INC. PRIVACY POLICY FOR PERSONAL DATA TRANSFERRED FROM THE EEA TO THE U.S.

General

The NASDAQ OMX Group, Inc. ("NASDAQ OMX") and its subsidiaries based or operating in the United States (collectively with NASDAQ OMX, "we", "our", "us") respect the privacy of our **and our affiliates' employees, officers and directors, as well as of our and our affiliates' customers, clients, consultants, professional experts, vendors, suppliers, complainants, and their respective employees, partners, officers and directors.** Due to the international nature of our business, we may need from time to time to transfer from the European Economic Area ("EEA") to our offices in the U.S., or to maintain at our offices in the U.S., information regarding such individuals and entities. In order to ensure that we comply with applicable European laws in connection with the transfers of information from the EEA to the U.S., we have voluntarily adopted this Privacy Policy for Personal Data Transferred From the EEA to the U.S. ("Privacy Policy"), which we have self-certified as being consistent with the EU-U.S. Department of Commerce Safe Harbor principles ("Safe Harbor Principles"). Further information about the Safe Harbor is available at www.export.gov/safeharbor. We expect to certify our continued commitment to the Safe Harbor Principles annually.

This Privacy Policy for Personal Data Transferred From the EEA to the U.S. (hereinafter known as "Safe Harbor Privacy Policy") applies only to Personal Data (as defined below) of our and our affiliates' employees, officers and directors, as well as of our and our affiliates' customers, clients, consultants, other professional experts, vendors, suppliers, complainants, and their respective employees, partners, officers and directors, and only when such Personal Data have been transferred from the EEA to the U.S. This Safe Harbor Privacy Policy describes how we collect, store and manage the Personal Data we transfer from the EEA to the U.S.

What Personal Data Do We Collect?

We may obtain or have access to certain information from resumes, the job application process, and records of employment or association with us or our affiliates, including in cases of a third-party employer's association with us or our affiliates as described in the preceding paragraph. Such information may include personally identifiable information **about an individual's citizenship and place of residence or other contact information,** marital status, dependents, emergency contacts, education, training, qualifications, previous employment and other details provided to us, as well as information obtained from references or background checks from which you can be individually identified (all the foregoing collectively, "Personal Data"). We will use Personal Data for purposes

relating to employment, career development, training, salary and benefits, and to fulfill our (or to help our affiliates fulfill their) other responsibilities as an employer. (NASDAQ OMX employees should also consult the Global Employee Privacy Policy posted on the **company's Intranet for additional details regarding the collection and use of employee Personal Data**). We will also use Personal Data for the purposes of meeting regulatory or legal obligations, and for the purposes of providing or receiving goods or services, ongoing relationship management, or business development activities.

Sometimes we may need to transfer Personal Data to our agents, service providers, affiliates, professional advisors, such as lawyers and accountants, business partners or to entities we may merge with, buy or be acquired by. In order to comply with our (or to help our affiliates comply with their) legal and regulatory obligations, it may also be necessary to disclose Personal Data to administrative, governmental, or regulatory organizations, such as governmental or taxation authorities and supervisory bodies. If the entities with which we or our affiliates share Personal Data are in a different country, the applicable privacy laws in that country may be different or less stringent. Nonetheless, we and our affiliates will share Personal Data with third parties only in accordance with this Safe Harbor Privacy Policy.

Questions and complaints about our privacy practices can be submitted by sending an e-mail to us at SafeHarborDirector@nasdaqomx.com.

Notice

Through this Safe Harbor Privacy Policy, we or our affiliates are providing notice about the purposes for which the Personal Data is being transferred from the EEA and used. Additional notice will be provided prior to use of Personal Data that is beyond the purpose for which we transferred the data from the EEA. However, such notice may not be furnished where providing Personal Data is necessary to respond to a government inquiry, is required by applicable law, court order, government regulation, or necessary to protect **our or our affiliates' legal interests and providing notice would interfere with the above**.

Choice

We transfer Personal Data to the U.S. for specific purposes outlined in the paragraphs above. If you do not want us to use your Personal Data for purposes other than those for which it was transferred or subsequently authorized by you, or you do not want it to be disclosed to third parties, please let us know by e-mail at SafeHarborDirector@nasdaqomx.com. We will not (i) disclose, or (ii) use for a purpose other than those for which it was originally collected or subsequently authorized by you, any Personal Data that reveals details about your health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or sex life, unless you have given us express permission to do so.

Onward Transfers

We will disclose Personal Data (that was previously transferred from the EEA) to third parties only if they subscribe to the Safe Harbor Principles, they provide legally adequate

protection for Personal Data, or they otherwise subscribe to privacy standards that are compatible with the Safe Harbor Principles or the European Union's laws on data protection.

If we have knowledge that a third party with whom we have shared Personal Data that was previously transferred from the EEA is using that data in a way contrary to this policy, we will take reasonable steps to prevent or stop such processing or use.

Access

You have a right to access Personal Data we hold about you that we transferred from the EEA by e-mailing your local Human Resources Representative or the Safe Harbor Director, and you may contact us to request that we correct, amend, or delete such Personal Data if it is inaccurate. Before making any change to Personal Data we transferred from the EEA, for security purposes and to protect Personal Data from unauthorized access, we may ask for information sufficient to verify the authenticity of an access request. We may limit or deny such requests if it would be unduly burdensome or expensive, or where doing so might adversely affect another person's privacy rights. We will provide an explanation for any such limitation or denial.

Security and Data Integrity

We will take reasonable measures to protect Personal Data we transferred from the EEA from loss, misuse, unauthorized access, disclosure, alteration or destruction. We only process Personal Data transferred from the EEA that is relevant for the purpose for which it is used, and we also take reasonable steps to make sure that Personal Data we transferred from the EEA is reliable for those purposes, and is accurate, complete, and current.

Enforcement

We conduct annual internal compliance reviews of this Safe Harbor Privacy Policy and will remedy any failure to comply with the Safe Harbor Principles. If you believe that we have not managed your Personal Data that we transferred from the EEA in accordance with this Safe Harbor Privacy Policy, you may inform us by sending an e-mail to SafeHarborDirector@nasdaqomx.com. We will investigate and try to resolve your complaint. However if we cannot resolve the complaint, we shall participate in the dispute resolution procedures of the panel established by the European Union Data Protection Authorities to resolve Safe Harbor disputes.

Any questions or concerns regarding the use or disclosure of Personal Data should be sent to the contact people listed below.

Changes to this Safe Harbor Privacy Policy

We may amend this Safe Harbor Privacy Policy from time to time consistent with the requirements of the Safe Harbor Principles. If we do so, we will post an updated version externally on the NASDAQ OMX website at www.nasdaqomx.com/Privacy_Statement/safeharborprivacypolicy, and internally on the NASDAQ OMX Intranet.

Contact Information

Questions, concerns, or complaints concerning the collection and use of personal information by us pursuant to this Global Privacy Policy and Safe Harbor Privacy Policy should be directed by mail or electronic mail to the following people:

For Questions in US and Canada:

Michael Neglia
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New York, NY 10006
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For Questions in Europe:

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Safe Harbor and Global Employee Privacy Policy Director

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