

Privacy Policy

1. Introduction

SMSClub recognizes the importance of protecting privacy. Our Privacy Policy describes what personal information we may collect and how we may use and protect any personal information that is made available to us. Save where the context indicates otherwise our Privacy Policy applies to all registered or non-registered Users of our messaging or other Services as defined in our standard Terms and Conditions, including visitors to any of our websites.

Where used in this policy, the term "personal information" or "personal data" means any information used to identify or describe an identifiable individual, including, but not limited to information relating to their name, age, gender, reproductive status, marital status, national, ethnic or social origin, sexual orientation, physical or mental health, disability, conscience, belief, culture, language and birth of the individual; educational, criminal or employment history of the individual, financial status or information relating to financial transactions in which they have been involved and any identifying number, address or contact information of the individual.

If you're under the age of 16, you may not have an account on the Service. We do not knowingly collect information from or direct any of our content specifically to children under 16. If we learn or have reason to suspect that you are a user who is under the age of 16, we will unfortunately have to close your account. Please see our Terms of Service for information about account termination.

2. Commitment to Privacy

2.1 Data Privacy Principles

We are committed to maintaining the confidentiality, integrity and security of personal information and we will take all appropriate technical and organizational security measures to ensure that where any personal information is provided to us it will be protected against loss, destruction and damage, and against unauthorized or accidental access, processing, erasure, transfer, use, modification, disclosure or other misuse.

We shall not disclose to any person any personal data of a data subject that is processed or hosted by us where any such disclosure would not comply in all respects with the provisions of any applicable data protection legislation or regulations relating to the data subject concerned.

We will ensure that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes, with further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes not considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which the personal data is processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by Applicable Law in order to safeguard the rights and freedoms of individuals; and

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2.2 Application of the Principles

Within the context of the Services that we provide, our commitment to the above principles means that we recognise that a User's phonebook, message content and MSISDNs indicating to whom messages were sent to or received from belong exclusively to that User and will not be disclosed by us to any third parties without the user's written permission or unless compelled to do so by a court of law.

We also recognise that any recipient of any message has the right to know the identity of the sender, and this will be disclosed on request to the recipient where known to us.

Where the personal data of any EU member state subject is transferred to SMSClub in a non-EU member state for processing, or where the personal data of a subject of any state or union of states whose laws prohibit the transfer of personal data for processing outside of such state or union of states unless minimum protection measures are in place as determined by the provisions of the relevant laws, is transferred to SMSClub for processing outside of such state or union of states SMSClub shall ensure that adequate technical and organizational security measures are in place so as to comply with such laws and so as to provide a level of protection appropriate to the risks represented by the processing of such data and in order to protect such data against accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access or any other unlawful form of processing.

2.3 Types of Data Collected

Personal Data

While using our Service, we may ask you to provide us with certain personally identifiable information that can be used to contact or identify you ("**Personal Data**"). Personally identifiable information may include, but is not limited to:

- Email address
- First name and last name
- Phone number
- Address, Country, State, Province, ZIP/Postal code, City
- Cookies and Usage Data We may use your Personal Data to contact you with newsletters, marketing or promotional materials and other information that may be of interest to you. You may opt out of receiving any, or all, of these communications from us by following the unsubscribe link.

Usage Data

We may also collect information that your browser sends whenever you visit our website or when you access Service by or through any device ("**Usage Data**").

This Usage Data may include information such as your computer's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When you access Service with a device, this Usage Data may include information such as the type of device you use, your device unique ID, the IP address of your device, your device operating system, the type of Internet browser you use, unique device identifiers and other diagnostic data.

Tracking Cookies Data

We use cookies and similar tracking technologies to track the activity on our Service and we hold certain information.

Cookies are files with a small amount of data which may include an anonymous unique identifier. Cookies are sent to your browser from a website and stored on your device. Other tracking technologies are also used such as beacons, tags and scripts to collect and track information and to improve and analyze our Service.

You can instruct your browser to refuse all cookies or to indicate when a cookie is being sent. However, if you do not accept cookies, you may not be able to use some portions of our Service.

Examples of Cookies we use:

- **Session Cookies:** We use Session Cookies to operate our Service.
- **Preference Cookies:** We use Preference Cookies to remember your preferences and various settings.
- **Security Cookies:** We use Security Cookies for security purposes.
- **Advertising Cookies:** Advertising Cookies are used to serve you with advertisements that may be relevant to you and your interests. Other Data While using our

Other Data While using our Service, we may also collect the following information: sex, age, date of birth, place of birth, passport details, citizenship, registration at place of residence and actual address, telephone number (work, mobile), employment agreements, NDA agreements, information on marital status, family members, office location and other data.

2.4. SMSClub uses the collected data for various purposes:

- to provide and maintain our Service;
- to notify you about changes to our Service;
- to allow you to participate in interactive features of our Service when you choose to do so;
- to provide customer support;
- to gather analysis or valuable information so that we can improve our Service;
- to monitor the usage of our Service;
- to detect, prevent and address technical issues;
- to fulfil any other purpose for which you provide it;
- to carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- to provide you with notices about your account and/or subscription, including expiration and renewal notices, email-instructions, etc.;
- to provide you with news, special offers and general information about other goods, services and events which we offer that are similar to those that you have already purchased or enquired about unless you have opted not to receive such information;
- to administer our Service and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to allow you to participate in interactive features of our Service, when you choose to do so;
- to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;
- to make suggestions and recommendations to you and other users of our Service about services that may interest you or them.

- for any other purpose with your consent.

By using the Service, you agree that we can access, aggregate and use non-personally identifiable data we have collected from you. This data will in no way identify you or any other individual. We may use this aggregated non-personally identifiable data to:

- assist us to better understand how our customers are using the Service. Provide our customers with further information regarding the uses and benefits of the Service;
- provide useful business insights from the aggregated data.

2.5. Retention of Data

We retain Personal Data for as long as we provide the Services to you or your account remains open. However, we may keep some data after your account is closed or you cease using the Service, for the purposes set out below.

After you have closed your account we may retain Personal Data where reasonably necessary to comply with our legal obligations (including law enforcement requests), meet regulatory requirements, maintain security, prevent fraud and abuse, resolve disputes, enforce our Terms of Service, offer new features you may be interested in, or fulfil your request to “unsubscribe” from further messages from us. If none of these obligations apply we will delete Personal Data within 12 months of your account being closed.

We will retain de-personalised information after your account has been closed.

3. API's and Third Party Processing

Where, for the purpose of providing the Services to you, any SMSClub Service acts as an Application Programming Interface ("API") for the purpose of specifying how different software systems should interact with each other, or where for that same purpose any SMSClub Service interacts with other API's, including third party API's, we may pass and retrieve data, including personal information, between the different software systems and third parties that interact via those API's.

Where we make use of third party service providers to help us provide the Services to you, including for the purposes of retrieving or delivering information, records, notifications or other messages to you or any User's or for hosting or providing any component of our Services, we require such third parties to maintain the confidentiality of any personal information we provide to them for these purposes. Some of these third parties may be situated outside of your country and you consent to your personal data and that of any data subjects you provide to us being transferred cross-border so that we can provide the Services to you. In this regard, we engage only with reputed third-party service providers who have security and privacy policies and procedures providing at least the same level of protection as we do ourselves. You warrant that you have all necessary permissions to give us the above consent.

We may share data, including Personal Data, collected from Users of our Services with third-party service providers or consultants who require access to that data to perform their work on our behalf for the purpose of helping us deliver our Services. These third-party service providers or consultants are limited to only accessing or using this data to provide the services to us and must provide reasonable assurances that they will appropriately safeguard the data. We may also share non-personal or non-identifiable information, including website visitor information and account usage data with third party analytics service providers.

4. Applicable Data Protection Law

For the purpose of the General Data Protection Regulation (EU) 2016/679, the data controllers are ACEMOUNT MEDIA LTD and MOBILE MARKETING GROUP LTD.

The Personal Data that we collect from you may be taken from, transferred to, and stored at, a destination outside the European Economic Area ("EEA"). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. Such staff may be engaged in, among other things, the provision of support services. By submitting your Personal Data, you agree to this transfer, storing or processing outside of the EEA. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

We always ensure that your information is only transferred in full accordance with relevant data protection laws and/or the applicable EU data protection law. In particular, this means that your information will only be transferred to a country that provides an adequate level of protection (for example, because the European Commission has determined that a country provides an adequate level of protection) or the recipient is bound by standard contractual clause according to conditions provided by the European Commission ("EU Model Clauses"). You are responsible for checking the privacy policy of any third party websites we link to.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of the Service, you are responsible for keeping this password confidential. We ask you not to share any password with anyone.

The Service may contain links to and from third party websites of our partners, networks, advertisers and affiliate. If you follow a link to any of these websites, please note that these websites have their own privacy policies and we do not accept any responsibility or liability for the privacy practices or content of these websites.

5. Your rights

Access to information: You have the right to access information held about you.

Right to deletion, rectification and data export: We permit you to delete, rectify and export information you have provided to us, subject to the conditions of our Terms of Service and our legal obligations set out below.

Other rights provided by the legislation of Cyprus and Ukraine, as well as Privacy Policy and Terms and Conditions

6. Communications with You

We may communicate with User's, resellers and other persons by email and other messaging applications. You may opt out from promotional communications from us that are not strictly related to the provision of the Services to you.

7. Personal Information of Minors

We do not intentionally collect personal identifiable information from anyone who is a minor. If it is discovered that we have unintentionally collected personally identifiable information from a minor other than for a legitimate purpose associated with the Services, we will delete that information immediately.

8. Revisions and Termination

Our Privacy Policy may be updated from time to time at our discretion and changes will become effective upon posting to the site.

If the SMSClub merges with, or is acquired by, any other business, you acknowledge that your personal information may fall under the control of another person.

9. Questions and Comments

If you have questions, comments, concerns or feedback regarding this Privacy Policy, please send an e-mail to dpo@smsclub.com.