



## PHONOVIATION PRIVACY AND COOKIES POLICY (last modified on 24 May 2018)

Your privacy is of paramount importance to Phonovation Limited (hereinafter referred to “**we**”, “**our**”, “**us**” or “**Phonovation**”), company number 127108, and having its registered office at 8 Clarinda Park North, Dun Laoghaire, Co Dublin A96 XH21. This privacy and cookies policy (“**Privacy Policy**”) refers to all products and services offered by Phonovation Limited (the “**Service**”), including its website [www.interactsms.com](http://www.interactsms.com).

In this Privacy Policy, the term “**Personal Data**” means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, our possession, and includes personal data as described in Data Protection Legislation (as defined below).

Please read the following carefully. Registering for an account on or entering our website (the “**Website**”) and/or providing your consent to our use of your personal data in accordance with the terms of this Policy indicates that the user (either “**user**” or “**you**”) has reviewed this Privacy Policy and has agreed to be bound by it. You will be required to expressly accept and consent to this Privacy Policy before we process your personal data. If you do not agree to these terms you must leave the Website immediately. If you choose to accept this Privacy Policy, we will keep a record of your acceptance in this regard.

We will handle your Personal Data in accordance with Data Protection Legislation. “**Data Protection Legislation**” means the Data Protection Acts 1988 and 2003 and Directive 95/46/EC, any other applicable law or regulation relating to the Processing of Personal Data and to privacy (including the E-Privacy Directive and the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (“**E-Privacy Regulations**”), as such legislation shall be amended, revised or replaced from time to time, including by operation of the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) (and laws implementing or supplementing the GDPR, and laws amending or supplementing the E-Privacy Regulations).

This Privacy Policy sets out the basis on which any Personal Data which we collect from you, or that you provide to us, will be processed by us. We may use your Personal Data on the following legal bases: contract, where you are already a registered user; and legitimate interest where you are a first-time visitor to the Website.

There are certain circumstances when Phonovation acts as a data processor rather than a data controller, and we have been instructed to process your Personal Data by the data controller of your Personal Data. In such circumstances, we may only process your Personal Data in line with such data controller’s instructions. To the extent that you wish to exercise any of the rights in respect of Personal Data referred to in this Privacy Policy in respect of circumstances when we are the data processor rather than the data controller, you should contact the relevant data controller in respect of same. We are not responsible for the privacy policies and practices of third party data controllers, and we disclaim all liability in relation to same.

## **1. INFORMATION WE GATHER FROM YOU**

We fully respect your right to privacy in relation to your interactions with the Website and endeavour to guarantee to be transparent in our dealings with you as to what information we will collect and how we will use your information. Also, we only collect and use individual user details where we are legally entitled to do so. Information in relation to personal data collected by Irish entities is available on [www.dataprotection.ie](http://www.dataprotection.ie), the website of the Irish Data Protection Commissioner (“DPC”).

We may collect Personal Data from you in the course of our business, including through your use of our Website, when you contact or request information from us, when you engage our services or as a result of your relationship with one or more of our staff. The information that we process includes: (i) basic information, such as your name (including name prefix or title), the company you work for, your title or position and your relationship to a person; (ii) contact information, such as your postal address, email address and phone number(s); (iii) financial information, such as payment-related information; (iv) technical information, such as information from your visits to our Website or applications or in relation to materials and communications we send to you electronically; (v) identification and background information provided by you; or (vi) any other information relating to you which you may provide to us. Any Personal Data that we collect from you for these purposes is hereinafter referred to together as “**Your Data**”). Phonovation is a Data Controller (as defined in Data Protection Legislation) in respect of the Your Data.

We endeavour to keep Your Data accurate and up-to-date. As such, you must tell us about any changes to such information that you are aware of as soon as possible. You can update your personal information held on our website page at any time.

## **2. WHY WE COLLECT/HAVE ACCESS TO YOUR INFORMATION**

We collect information from you as necessary in the course of providing our Service. We may collect your personal information while monitoring our technology tools and services, including our website and email communications sent to and from us. We gather information about you when you provide it to us, or interact with us directly. We may collect or receive information about you from other sources, such as keeping the contact details we already hold for you accurate and up to date using publically available sources.

We use that information: (i) to provide and improve our website, including auditing and monitoring its use; (ii) to provide and improve our Service to you; (iii) to provide information requested by you; (iv) to send you updates, publications and details of events; (v) to manage and administer our relationship with you; or (vi) to fulfil our legal, regulatory and risk management obligations.

Where we wish to use Your Data in any other way, we will ensure that we notify you and get your consent first. You will be given the opportunity to withhold or withdraw your consent for the use of Your Data for purposes other than those listed in this Privacy Policy.

### **3. COOKIES AND IP ADDRESSES**

We collect IP addresses from visitors to our Website (an IP address is a number that can uniquely identify a specific computer or other network device on the internet). This allows us to identify the location of users, to block disruptive use and to establish the number of visits from different countries. We analyse this data for trend and statistics reasons, such as which parts of our Website users are visiting and how long they spend there.

A cookie is a small text file that is placed on your device by a web server which enables a website and/or mobile app to recognise repeat users, facilitate the user's ongoing access to and use of a website and/or mobile app and allows the website and/or mobile app to track usage behaviour and compile aggregate data that will allow content improvements and targeted advertising. We collate information on in relation to the Service which is represented in aggregate format through cookies. They help us to improve our Service and to deliver many of the functions that make your browser experience more user-friendly.

By using the Service and accepting the terms of this Privacy Policy you are consenting to the use of cookies as described in this Privacy Policy (i.e. you are agreeing to the placement of cookies on your device unless you specifically choose not to receive cookies). You will be given the opportunity to object to the use of cookies on the website by way of a 'pop-up'.

The 'Help Menu' on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie and how to disable cookies altogether. You can also disable or delete similar data used by browser add-ons, such as flash cookies, by changing the add-on's settings or visiting the website of its manufacturer.

For more information about cookies and managing them including how to turn them off, please visit [www.cookiecentral.com](http://www.cookiecentral.com). However, because cookies allow you to take advantage of some of our website's essential features, we recommend you leave them turned on as otherwise you may not be able to fully experience the interactive features of our website or other related websites which you visit.

We may use third parties such as Google Analytics to collect user information, including through the use of cookies (flash and non-flash) and web beacons. They help us to improve our website and to deliver many of the functions that make your browser experience more user-friendly.

You can find a list of cookies we use and the purposes for which we use them in the tables below.

**First party cookies**

Cookie	Site	Purpose	Expires
__zcmid	<a href="http://www.phonovation.com">www.phonovation.com</a>	<u>Collect page navigation patterns to optimise and improve user experience flow and identify wrong navigation behaviours.</u>	<u>1 year after entering browser cache</u>
__unam	<a href="http://www.phonovation.com">www.phonovation.com</a>	<u>Collect page navigation patterns to optimise and improve user experience flow and identify wrong navigation behaviours.</u>	<u>1 year after entering browser cache</u>
__utmz	<a href="http://www.interactsms.com">www.interactsms.com</a>	<u>Collect page navigation patterns to optimise and improve user experience flow and identify wrong navigation behaviours.</u>	<u>6 months after entering browser cache</u>

**Third party cookies**

Cookie	Site	Purpose	Expires
__ga	<a href="http://www.phonovation.com">www.phonovation.com</a>	<u>Google Analytics tracking navigation experience to allow further improvements to the platform</u>	<u>2 years after entering browser cache</u>
__gid	<a href="http://www.phonovation.com">www.phonovation.com</a>	<u>Google Analytics tracking navigation experience to allow further improvements to the platform</u>	<u>Expires immediately when the session terminates</u>
wisepops	<a href="http://www.phonovation.com">www.phonovation.com</a>	<u>Track popups used across website navigation for feature usage performance</u>	<u>2038-01-18</u>
wisepops	<a href="http://www.interactsms.com">www.interactsms.com</a>	<u>Track popups used across website navigation for feature usage performance</u>	<u>2038-01-18</u>
__utma	<a href="http://www.interactsms.com">www.interactsms.com</a>	<u>Tracks performance across website usage for Google Analytics</u>	<u>2 years after entering browser cache</u>

You should also be aware that there are cookies which are found in other companies' internet tools which we may use to enhance the website. You may see 'social buttons' during your use of the website, including but not limited to Twitter and Facebook, which enable you to share or bookmark certain web pages. These websites have their own cookies, which are controlled by them.

**4. ARE THERE CASES WHERE WE MAY USE YOUR INFORMATION TO CONTACT YOU?**

We may contact you:

- for administration reasons related to the Service (e.g. to provide you with password reminders or to notify you that a particular service, activity or online content has been suspended for maintenance, or in response to a question that you ask us);
- to provide you with information about our Service, activities or online content, including sending e-newsletters or similar correspondence and updates or responding to any contact you have made with us, e.g. on our website, by email or via the 'How To Contact Us' facility referred to below;
- to invite you to participate in surveys about our services (participation is always voluntary).

## 5. WHAT RIGHTS DO YOU HAVE?

As a data subject, you have the following rights under the Data Protection Legislation and we, as Data Controller in respect of Your Data, will comply with such rights in respect of Your Data:

- the right of access to Personal Data relating to you;
- the right to correct any mistakes in your Personal Data;
- the right to ask us to stop contacting you with direct marketing;
- rights in relation to automated decision taking;
- the right to restrict or prevent your Personal Data being processed;
- the right to have your Personal Data ported to another data controller;
- the right to erasure; and
- the right to complain to the DPC if you believe we have not handled your Personal Data in accordance with the Data Protection Legislation.

These rights are explained in more detail below, but if you have any comments, concerns or complaints about our use of your personal data, please contact us (see 'How to contact us' below). We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex or cumbersome, in which case we will respond within three months (we will inform you within the first month if it will take longer than one month for us to respond). Where a response is required from us within a particular time period pursuant to Data Protection Legislation, we will respond within that time period.

### **Right to access to personal data relating to you**

You may ask to see what personal data we hold about you and be provided with:

- a summary of such Personal Data and the categories of Personal Data held (see Sections 1 and 2 above);
- details of the purpose for which it is being or is to be processed (see Section 2 above);
- details of the recipients or classes of recipients to whom it is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers (see Section 7 below);
- details of the period for which it is held or the criteria we use to determine how long it is held (see Section 12 below);
- details of your rights, including the rights to rectification, erasure, restriction or objection to the processing (set out in this Section 5);
- any information available about the source of that data (see Section 1 above);
- whether we carry out automated decision-making, or profiling, and where we do, information about the logic involved and the envisaged outcome or consequences of that decision making or profiling (please note that we do not currently carry out any profiling – we will notify you if this changes); and
- where your Personal Data are transferred out of the EEA, what safeguards are in place (see Section 7 below).

Details in respect of the above points are all set out in this Privacy Policy; however, if you need further clarification, please contact us (see 'How To Contact Us' below).

Requests for your Personal Data must be made to us (see 'How To Contact Us' below) specifying what Personal Data you need access to, and a copy of such request may be kept by us for our legitimate purposes in managing the Service and our website. To help us find the information easily, please give us as much information as possible about the type of information you would like to see. If, to comply with your request, we would have to disclose information relating to or identifying another person, we may need to obtain the consent of that person, if possible. If we cannot obtain consent, we may need to withhold that information or edit the data to remove the identity of that person, if possible.

There are certain types of data which we are not obliged to disclose to you, which include Personal Data which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations. We are also entitled to refuse a data access request from you where (i) such request is manifestly unfounded or excessive, in particular because of its repetitive character (in this case, if we decide to provide you with the Personal Data requested, we may charge you a reasonable fee to account for administrative costs of doing so), or (ii) we are entitled to do so pursuant to Data Protection Legislation.

#### **Right to update your personal data or correct any mistakes in your personal data**

You can require us to correct any mistakes in your personal data which we hold free of charge. If you would like to do this, please:

- email, call or write to us (see 'How can you contact us' below);
- let us have enough information to identify you (e.g. name, account username); and
- let us know the information that is incorrect and what it should be replaced with.

If we are required to update your personal data, we will inform recipients to whom that personal data have been disclosed (if any), unless this proves impossible or requires a disproportionate effort.

It is your responsibility that all of the personal data provided to us is accurate and complete. If any information you have given us changes, please let us know as soon as possible (see 'How to contact us' below).

#### **Right to ask us to stop contacting you with direct marketing**

We have a legitimate interest under the terms of our contract with you to send you electronic communications/direct marketing and related matters (which may include but shall not be limited to newsletters, announcement of new features etc.). We may also ask you different questions for different services, including competitions. We may also ask you to complete surveys that we use for research purposes, although you do not have to respond to them.

You can ask us to stop contacting you for direct marketing purposes. If you would like to do this, please:

- email or write to us (see 'How can you contact us' below). You can also click on the 'unsubscribe' button at the bottom of the electronic communication or text "Optout" to 50123 in response to SMS messaging. It may take up to 15 days for this to take place; and
- let us know what method of contact you are not happy with if you are unhappy with certain ways of contacting you only (for example, you may be happy for us to contact you by email but not by telephone).

We will provide you with information on action taken on a request to stop direct marketing - this may be in the form of a response email confirming that you have 'unsubscribed' (unsubscribing from direct marketing does not unsubscribe you from essential electronic communications in respect of the administration of your account).

### **Right to restrict or prevent processing of personal data**

In accordance with Data Processing Legislation, you may request that we stop processing your Personal Data temporarily if:

- you do not think that your Personal Data is accurate (but we will start processing again once we have checked and confirmed that it is accurate);
- the processing is unlawful but you do not want us to erase your Personal Data;
- we no longer need the Personal Data for our processing; or
- you have objected to processing because you believe that your interests should override the basis upon which we process your Personal Data.

If you exercise your right to restrict us from processing your Personal Data, we will continue to process the Personal Data if:

- you consent to such processing;
- the processing is necessary for the exercise or defence of legal claims;
- the processing is necessary for the protection of the rights of other individuals or legal persons; or
- the processing is necessary for public interest reasons.

### **Right to data portability**

In accordance with Data Protection Legislation, you may ask for an electronic copy of your Personal Data that you have provided to us and which we hold electronically, or for us to provide this directly to another party. This right only applies to Personal Data that you have provided to us – it does not extend to data generated by us. The right to data portability also only applies where:

- the processing is based on your consent or for the performance of a contract; and
- the processing is carried out by automated means.

### **Right to erasure**

In accordance with Data Protection Legislation, you can ask us to erase your Personal Data where:

- you do not believe that we need your Personal Data in order to process it for the purposes set out in this Privacy Policy;
- if you had given us consent to process your Personal Data, you withdraw that consent and we cannot otherwise legally process your Personal Data;
- you object to our processing and we do not have any legal basis for continuing to process your Personal Data;
- your Personal Data has been processed unlawfully or have not been erased when it should have been; or
- the Personal Data have to be erased to comply with law.

We may continue to process your Personal Data in certain circumstances in accordance with Data Protection Legislation (i.e. where we have a legal justification to continue to hold such Personal Data, such as it being within our legitimate business interest to do so (e.g. retaining evidence of billing information etc.). Where you have requested the erasure of your Personal Data, we will inform recipients to whom that Personal Data have been disclosed, unless this proves impossible or involves disproportionate effort. We will also inform you about those recipients if you request it.

#### **Right to complain to the DPC**

If you do not think that we have processed your personal data in accordance with this Policy, please contact us in the first instance. If you are not satisfied, you can complain to the DPC or exercise any of your other rights pursuant to Data Protection Legislation. Information about how to do this is available on the DPC website at <https://www.dataprotection.ie>

#### **6. WITHDRAWAL OF CONSENT**

If you no longer consent to our processing of Your Data (in respect of any matter referred to in this Privacy Policy as requiring your consent), you may request that we cease such processing by contacting us via the 'How To Contact Us' facility referred to below. Please note that if you withdraw your consent to such processing, for example in respect of the use of cookies, it may not be possible for us to provide all of the Service to you (where your withdrawal of consent affects the Service as provided under the terms of our contract with you, we will alert you to this).

#### **7. WHO WE SHARE YOUR INFORMATION WITH**

Phonovation will not share Your Data without your consent or unless required by law (except as set out in this Privacy Policy). If Phonovation becomes involved in a merger, acquisition, or any form of sale of some of all of its assets, Your Data will not be transferred to any third party unless there are adequate safeguards in place with the recipient in respect of the security of Your Data.

We restrict access to personal information to employees, contractors, and agents who need to know that information in order to operate, develop, or improve our Service/website. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination, civil litigation and/or criminal prosecution, if they fail to meet these obligations.

Your Data may be 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. By submitting your personal data, you consent to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Policy. The safeguards in place with regard to the transfer of your personal data outside of the EEA are the entry by us into appropriate contracts with all transferees of such personal data.

All information you provide to us is stored on our (or contracted third party) secure servers. Where we have given you (or where you have chosen) a password which enables you to access any part of our website, you are responsible for keeping this password confidential. We ask you not to share a password with any person not authorised to use the Service



## **8. THIRD PARTY WEBSITES**

This Privacy Policy applies to websites and services that are owned and operated by Phonovation. We do not exercise control over the sites/applications that may be linked from our website. These other sites/applications may place their own cookies or other files on your computer, collect data or solicit personal information from you. You acknowledge that the Service that we provide and our website may enable or assist you to access the website content of, correspond with, and purchase products and services from, third parties via third-party websites and that you do so solely at your own risk. We make no representation or commitment and shall have no liability or obligation whatsoever in relation to the content or use of, or correspondence with, any such third-party website, or any transactions completed, and any contract entered into by you, with any such third party and the use by any such third-party of your Personal Data. We do not endorse or approve any third-party website nor the content of any of the third-party website made available via the Service or our website. We encourage you to carefully familiarize yourself with the terms of use and privacy policies applicable to any websites and/or services operated by third parties. Please be aware that we are not responsible for the privacy practices of any third parties.

## **9. OFFENSIVE CONTENT**

If you post or send content which may reasonably be deemed to be offensive, inappropriate or objectionable anywhere on the Website or otherwise engage in any disruptive behaviour in relation to the Service, we may remove such content and/or suspend your account.

Where we reasonably believe that you are or may be in breach of any applicable laws, for example on hate speech, we may disclose your personal information to relevant third parties, including to law enforcement agencies or your internet provider. We would only do so in circumstances where such disclosure is permitted under applicable laws, including Data Protection Legislation.

## **10. HOW DO WE PROTECT YOUR PERSONAL INFORMATION?**

We do our utmost to protect user privacy through the appropriate use of security technology. We restrict access to Your Data to employees, contractors and agents who need to know Your Data in order to operate, develop or improve the services that we provide. We ensure that we have appropriate physical and technological security measures to protect your information; and we ensure that when we outsource any processes that the service provider has appropriate security measures in place. However, our website may contain hyperlinks to websites owned and operated by third parties. These third party websites have their own privacy policies, including cookies. We do not accept any responsibility or liability for the privacy practices of such third party websites and your use of such websites is at your own risk.

We will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks that are presented by the processing of Your Data. In particular, we will consider the risks presented by accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Your Data transmitted, stored or otherwise processed.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect Your Data, we cannot guarantee the security of any data transmitted us and any such transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. To the extent permitted by law, we are not responsible for any delays, delivery failures, or any other loss or

damage resulting from (i) the transfer of data over communications networks and facilities, including the internet, or (ii) any delay or delivery failure on the part of any other service provider not contracted by us, and you acknowledge that our website may be subject to limitations, delays and other problems inherent in the use of such communications facilities. You will appreciate that we cannot guarantee the absolute prevention of cyber-attacks such as hacking, spyware and viruses. Accordingly, you will not hold us liable for any unauthorized disclosure, loss or destruction of Your Data arising from such risks.

#### **11. BREACH REPORTING**

We will notify serious data breaches in respect of Your Data to the DPC without undue delay, and where feasible, not later than 72 hours after having become aware of same. If notification is not made after 72 hours, we will record a reasoned justification for the delay; however, it is not necessary to notify the DPC where the Personal Data breach is unlikely to result in a risk to the rights and freedoms of natural persons. A Personal Data breach in this context means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed.

We will keep a record of any data breaches, including their effects and the remedial action taken, and will notify you of any data breach affecting your Personal Data (which poses a high risk to you) when we are required to do so under Data Protection Legislation. We will not be required to notify you of a data breach where:

- we have implemented appropriate technical and organisational measures that render the Personal Data unintelligible to anyone not authorised to access it, such as encryption; or
- we have taken subsequent measures which ensure that the high risk to data subjects is not likely to materialise; or
- it would involve disproportionate effort, in which case we may make a public communication instead.

#### **12. RETENTION OF PERSONAL DATA**

Your Data will be kept and stored for such period of time as we deem necessary taking into account the purpose for which it was collected in the first instance. This may include retaining Your Data as necessary to administer Your Account, comply with our legal obligations, to resolve disputes, to enforce our agreements, to support business operations, and to continue to develop and improve our Service.

Where we retain information for Service/website improvement and development, we take steps to eliminate information that directly identifies you, and we only use the information to uncover collective insights about the use of our Service/website, not to specifically analyse personal characteristics about you.

In general, your personal data will be retained by us in line with your contractual agreement (as per its terms and conditions). However, if your account on the Website is inactive for a period greater than 12 months, we may disable your account for security reasons. If you would like to reactivate your account, you can request this on the Website or email, call or write to us.

### **13. AMENDMENTS TO THE PRIVACY POLICY**

Phonovation may change its Privacy Policy from time to time and at its sole discretion. The date of the most recent revisions will appear on this page. If you do not agree to these changes, please do not continue to use the website to submit Your Data. If material changes are made to the Privacy Policy, we will notify you by placing a prominent notice on our website or by sending you a notification in relation to this. We will not process Your Data in a manner not contemplated by this Privacy Policy without your consent.

### **14. LEGAL INFORMATION AND HOW TO CONTACT US**

If you need to contact us with regard to any of your rights as set out in this Policy, all such requests should be made by email to [dpo@phonovation.com](mailto:dpo@phonovation.com)