



## 2sms Privacy Policy

### Who We Are

This Privacy Statement applies to [www.2sms.com](http://www.2sms.com) owned and operated by 2sms.com Limited "we", "us" "our". This Privacy Statement describes how 2sms.com Limited collects and uses the personal information you provide. It also describes the choices available to you regarding the use of, your access to, and how to update and correct your personal information. Customers of our subsidiary, 2sms LLC are covered by this policy.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>.

**Effective date: This document is effective May 25th, 2018**

### EU General Data Protection Regulation ("GDPR")

If you are an EU natural person, you are afforded rights in law. These rights are:

1. The right to be informed – all organisations must be completely transparent in how they are using personal data (personal data may include data such as a work email and work mobile if they are specific to an individual).
2. The right of access - individuals will have the right to know exactly what information is held about them and how it is processed.
3. The right of rectification - individuals will be entitled to have personal data rectified if it is inaccurate or incomplete.
4. The right to erasure - also known as 'the right to be forgotten', this refers to an individual's right to having their personal data deleted or removed without the need for a specific reason as to why they wish to discontinue.
5. The right to restrict processing - an individual's right to block or suppress processing of their personal data.



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6. The right to data portability - this allows individuals to retain and reuse their personal data for their own purpose.
7. The right to object - in certain circumstances, individuals are entitled to object to their personal data being used. This includes, if a company uses personal data for the purpose of direct marketing, scientific and historical research, or for the performance of a task in the public interest.
8. Rights of automated decision making and profiling – the GDPR has put in place safeguards to protect individuals against the risk that a potentially damaging decision is made without human intervention. For example, individuals can choose not to be the subject of a decision where the consequence has a legal bearing on them or is based on automated processing.

2sms is committed to providing its services in compliance with these rights.

For the purposes of GDPR, 2sms has appointed a Certified EU Practitioner to the role of Data Protection Officer.

Contact information for this person is:

Tim King  
T: + 44 (0) 1234 757 800  
E: gdpr@2sms.com

### **Data Controller**

As Data Controller, 2sms receives Personal Data about our business contacts. 2sms holds and controls such Personal Data as stated in this Privacy Policy.

In parallel and in accordance with recital 47 of the European Data Protection Directive 95/46/EC (as amended from time to time of replace by other EU regulation), we shall act as an independent Data Controller with respect to the processing of Personal Data which is necessary for the operation of our service which shall include any information processed for the purpose of the conveyance of a communication on an electronic communications network or for the billing thereof.

### **Data Processor**

As Data Processor, 2sms will only process Personal Data in accordance with the explicit instructions of the applicable Customer (for example where we act as a Data Processor in relation to the processing of SMS and/or email messages for Customers, on 2sms' SMS+ platform).

2sms may use the services of third party Data Processors to process Personal Data in accordance with purposes identified for such Personal Data by the applicable Customer (including but not limited to the provision of SMS and email services).

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## Children

Protecting the privacy of children is important to 2sms. For that reason, the 2sms service does not solicit or attract anyone under 16, nor do we collect or maintain Personal Data from those who 2sms actually knows are under 16. 2sms will not allow users under the age of 16 to subscribe to 2sms services, or do business with 2sms.

If 2sms learns or is notified that it has collected information from users under the age of 16, 2sms will immediately delete such Personal Data.

## Providing Consent

2sms has introduced a process for EU natural persons to provide consent for 2sms to use their Personal Data on an opt-in basis. Refer to [www.2sms.com/gdpr.html](http://www.2sms.com/gdpr.html).

## Legal basis

Our legal basis for processing for the personal data (one or more of the following):

- Consent from Data Subject
- Contractual obligation to the Data Subject
- Legal obligation to the Data subject
- Vital interests of the Data Subject
- Public interest
- Legitimate interest of 2sms.

Any legitimate interests pursued by us, or third parties we use, are as follows:

- For the purposes or preventing fraud;
- Transmission of personal data within a group of undertakings for internal administrative purposes, including client and employee data. (note international transfer requirements will still apply.)
- Processing for the purposes of ensuring network and information security.
- Reporting possible criminal acts or threats to public security to a competent authority.

## Special categories of legal data

With respect to special categories of personal data; we do not collect and hold or process any Personal Data that could be classified as displaying one or more of the following attributes:

- Racial
- Ethnic origin
- Political opinions
- Religious beliefs
- Philosophical beliefs
- Trade union membership
- Genetic data

- Biometric data
- Health data
- Data concerning a natural person's sex life
- Sexual orientation
- Criminal convictions

### What Information We Collect and How

We understand that using our services online, including making a purchase, involves a great deal of trust on your part. We recognize this trust and take it very seriously. We make it our highest priority to ensure the security and confidentiality of the personal data("personal data") you provide us (personal data includes information that can be linked to a specific individual, such as name, address, phone number, or e-mail address). The information we collect via the Website or other methods may include:

- **Customer data:**
  - For registered users, contact information including phone number, email address, business address and other related information.
  - For registered users, copies of email and written correspondence.
  - Any personal details you knowingly provide us with through forms and our email, such as name, address, telephone number etc.
  - In order to effectively process credit or debit card transactions it may be necessary for the bank or card processing agency to verify your personal details for authorization. (We do not retain your bank or card information once the transaction has completed.)
  - Your preferences and use of email updates, recorded by emails we send you (if you select to receive email updates on products and offers).
  - Your IP Address, this is a string of numbers unique to your computer that is recorded by our web server when you request any page or component on the Website. This information is used to monitor your usage of the Website.
- **Customer traffic:**
  - Mobile phone number (MSISDN) of SMS message recipient.
  - Any Personal data contained within the SMS message sent.

### Tracking Technologies

As is true of most websites, we gather certain information automatically. This information may include Internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp, and/or clickstream data.

We use cookies or similar technologies to analyse trends, administer the website, track users' movements around the website, and to gather demographic information about our user base as a whole. Users can control the use of cookies at the individual browser level.

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## Purpose of data processing

Any personal data we collect from this website will be used in accordance with the General Data Protection Regulation (GDPR) and other applicable laws of the UK, EU and US.

Our uses of your personal information are for:

- Processing of SMS and email traffic as per instructions of our Customers.
- Processing of SMS traffic may be outbound to recipient mobile phones (MT) or inbound from end user mobile phones to our customer via 2sms. (MO)
- Processing of Personal Data of users in order to service the account, e.g. to place telephone calls and/or emails to support and service the account.
- Transmission of emails to announce service enhancements, interruptions or security breaches.

## The right of access (Data Subject Access Requests)

GDPR provides EU natural persons with a set of rights providing them with access to their personal information they hold, the right to amend the information, and the right to be forgotten.

2sms provides a self service portal to allow Data Subjects who are registered users to access information and make requests relating to the rights GDPR bestows on Data Subjects.

2sms provides a web form for Data Subjects who do not have registered accounts with 2sms to allow them to exercise their data access rights. This page is found at [www.2sms.com/dsar.html](http://www.2sms.com/dsar.html). Alternatively, they can contact the Data Protection Officer.

Where a Data Subject makes an access request, 2sms will only provide a purported Data Subject with access to his or her personal data if it is demonstrated to 2sms's satisfaction that purported Data Subject's identity has been authenticated.

## The right of rectification

2sms provides a self service portal to allow Data Subjects who are registered users to correct their Personal Information that we hold.

2sms provides a web form for Data Subjects who do not have registered accounts with 2sms to allow them to correct their Personal Information. This page is found at [www.2sms.com/dsar.html](http://www.2sms.com/dsar.html). Alternatively, they can contact the Data Protection Officer.

## The right to erasure (Opt-out)

2sms allows you to withdraw consent ("Opt-Out") as easily as it is to provide consent.

We provide you the opportunity to Opt-Out of having your Personal Data used for certain purposes, when we ask for this information. For example, if you register with us but no longer wish to receive our newsletters and/or related communications, you may opt-out of receiving them by following the instructions included in each newsletter or communication or by emailing us at [gdpr@2sms.com](mailto:gdpr@2sms.com) or if you are a registered user of 2sms systems, by logging into your account and selecting the relevant option from the GDPR menu options.

### **The right to object**

2sms will honour a customer's right to object to data processing, subject to the constraints placed on 2sms by the law. 2sms will restrain from processing Personal Information on request. Such a request may however cause 2sms to cease to be able to provide service

### **The right to restrict processing**

2sms will honour a customer's right to object to data processing, subject to the constraints placed on 2sms by the law. 2sms will restrain from processing Personal Information on request. Such a request may however cause 2sms to cease to be able to provide service

### **The right to data portability**

2sms will honour a customer's right to data portability and will provide personal information to the Customer in CSV or JSON format on request.

### **Rights of automated decision making and profiling**

2sms does not make use of personal information in order to make automated decisions relating to the acceptance or denial of service provision to a Customer, or any other commercial, contractual or human resource decision.

2sms does use automated decisions in order to route SMS messages to destination networks based on the mobile phone number (MSISDN) of the message recipient, and a number lookup to determine which mobile network the MSISDN is subscribed to. We may also determine if the MSISDN is roaming. These automated decisions are made purely to determine how to process the SMS message, including which wholesale provider to use for onward message delivery.

2sms may make automated decisions not to process SMS messages if the content of the messages contains inflammatory, discriminatory or otherwise inappropriate content. In such cases, we will inform our customer of such an intervention.

### **Security**

Personal data is encrypted when stored at rest and when in transmission. Personal information is subjected to pseudonymisation and anonymisation to further enhance privacy.

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The security of your personal data is important to us. When you enter sensitive information (such as credit card number and/or social security number) on our registration or order forms, we encrypt that information using secure socket layer technology (SSL). To learn more about SSL, follow this link [www.digicert.com](http://www.digicert.com).

We follow generally accepted industry standards to protect the data submitted to us, both during transmission and once we receive it. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while we strive to use commercially acceptable means to protect your data, we cannot guarantee its absolute security.

If you have any questions about security on our Web site, you can email us at [support@2sms.com](mailto:support@2sms.com).

### **How We Use Your Information**

2sms.com uses your personal data only for the purpose of authenticating your identity, and to allow us to respond to your requests for service from us.

We only send information to you to service your account, for example to respond to your emails or phone calls, or if your account activity indicates that a service communication is required. We offer you the option to opt out of this process if you request it. We send a monthly statement by email, which details your account activity, and offers news items covering new and enhanced aspects of our service.

We also communicate with you if you choose to make a purchase with us, by sending invoices and statements by email or post. On rare occasions of below standard performance, we may email you to inform you. In all our communications, your privacy is important to us, and we will respect it.

### **De-identification**

2sms may de-identify or depersonalise data into anonymised and aggregate data that it derives from its customers, to create "Anonymous Data".

Anonymous Data means data that does not include Personal Data or unique identifiers that could later be used to refer to the Personal Data to which the data was once associated.

2sms uses only Anonymous Data in performing analyses for quality control and internal management information purposes. It may disclose Anonymous Data to its Customers who have requested such analyses and to third parties where we are contractually entitled to do so.

### **Data retention**

We will retain your information for as long as your account is active or as needed to provide you services. We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

On account closure, we will archive your information, but we will retain it for 12 months in order to comply with the UK Counter Terrorism legislation. At the

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expiration of the 12th full calendar month following account closure, we will delete your archived information.

### **International transfers**

2sms will not transfer personal data outside of the EU unless the transfer falls under a legal framework or decision, such as the EU-US Privacy Shield.

Where 2sms uses its US subsidiary, any transfer of data will both fall within the remit of the EU – US Privacy Shield certification in place between 2sms.com Limited and 2sms LLC (US), and will be covered by the model clauses in place between the two entities.

### **Swiss-U.S. Privacy Shield**

2sms.com Limited and its subsidiary company 2sms LLC participate in and have certified their compliance with the Swiss-U.S. Privacy Shield Framework. 2sms.com Limited is committed to subjecting all personal data received from Switzerland, in reliance on the Privacy Shield Framework, to the Framework's applicable Principles. To learn more about the Privacy Shield Framework, visit the U.S. Department of Commerce's Privacy Shield List.

2sms.com Limited is responsible for the processing of personal data it receives, under the Privacy Shield Framework, and subsequently transfers to a third party acting as an agent on its behalf. 2sms.com Limited complies with the Privacy Shield Principles for all onward transfers of personal data from Switzerland, including the onward transfer liability provisions.

With respect to personal data received or transferred pursuant to the Privacy Shield Framework, 2sms.com Limited is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, 2sms.com Limited may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Under certain conditions, more fully described on the Privacy Shield website [<https://www.privacyshield.gov>], you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

### **EU-U.S. Privacy Shield**

2sms.com Limited and its subsidiary company 2sms LLC participate in and have certified their compliance with the EU-U.S. Privacy Shield Framework. 2sms.com Limited is committed to subjecting all personal data received from European Union (EU) member countries, in reliance on the Privacy Shield Framework, to the Framework's applicable Principles. To learn more about the Privacy Shield Framework, visit the U.S. Department of Commerce's Privacy Shield List.

2sms.com Limited is responsible for the processing of personal data it receives, under the Privacy Shield Framework, and subsequently transfers to a third party acting as an agent on its behalf. 2sms.com Limited complies with the Privacy Shield Principles for all onward transfers of personal data from the EU, including the onward transfer liability provisions.

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With respect to personal data received or transferred pursuant to the Privacy Shield Framework, 2sms.com Limited is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, 2sms.com Limited may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Under certain conditions, more fully described on the Privacy Shield website [<https://www.privacyshield.gov>], you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

### **Legal Disclaimer**

We cannot ensure that all of your private communications and other Personal Data will never be disclosed in ways not otherwise described in this Privacy Policy. By way of example (without limiting the foregoing), we may be forced to disclose Personal Data to governments, regulators or third parties. Under certain circumstances third parties may unlawfully intercept or access transmissions or private communications, or users may abuse or misuse your Personal Data that they collect from us.

2sms does not review, comment upon, or monitor its Customers' compliance with their respective privacy policies, nor does 2sms review Customer instructions to determine whether they are in compliance or conflict with the terms of a Customer's published privacy policy.

### **Who We Share Your Information With**

2sms.com only share your personal data with authorised partners in order to complete a transaction that you specifically request. Where it does share information, the absolute minimum information will be conveyed. 2sms.com insists that all partners maintain a privacy policy that complies with the privacy policy of 2sms.com. These companies are authorized to use your personal information only as necessary to provide these services to us.

2sms.com does not sell or rent your personal data to anyone.

### **Protection of Your Information**

To ensure the security of your personal data, 2sms has adopted data security standards that comply with ISO27001:2013. 2sms has appointed a Certified EU GDPR Practitioner (ISO 17024-certificated) to serve as Data Protection Officer for 2sms.

### **Marketing Communications**

2sms only markets to customers once a month as part of a statement insert which is electronically emailed to customers. Customers are given the option to opt-in to this service at account registration. A link to opting-out is provided at the bottom of each monthly statement. Customers can also communicate via email or telephone to request removal from these infrequent communications. Email us at [support@2sms.com](mailto:support@2sms.com) or phone on 1-877-276-7266 or +44 (0) 1234 757 800.

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## Service Status Communications

2sms occasionally communicates using email service alerts to opted-in customers to inform them of disruptions to service. Customer can communicate via email or telephone to request removal from these infrequent communications.

## Bulletin Boards/Chat Rooms

If you use a bulletin board or chat room on this site, you should be aware that any personal data you submit there can be read, collected, or used by other users of these forums, and could be used to send you unsolicited messages. We are not responsible for the personal data you choose to submit in these forums.

## Your Rights

You have the right to request a copy of any information that we currently hold about you. In order to receive such information please send your contact details including address to the following addresses:

### Privacy – UK

2sms.com Limited  
Unit 3  
Cranfield Innovation Centre  
University Way  
Cranfield  
MK43 0BT  
UK

### Privacy - United States

2sms LLC  
735 Plaza Blvd., Suite 200  
Coppell, TX 75019  
USA

## Other Websites

This privacy policy only covers websites using the 2sms.com suffix. Any other websites which may be linked to by our website are subject to their own policy, which may differ from ours.

## Changes to this Privacy Statement

If we decide to change our privacy policy, we will post those changes to this privacy statement, our website, social media channels and other places we deem appropriate so that you are aware of what information we collect, how we use it, and under what circumstances, if any, we disclose it. Registered users will also be informed when they log into the 2sms SMS+ customer portal. We reserve the right to modify this privacy statement at any time, so please review it frequently. If we make material changes to this policy, we will notify you here, by email, or by means of a notice on our homepage.

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## Service Provider Disclosure

2sms.com Limited collects information under the direction of its customers, and has no direct relationship with the individuals whose personal data it processes. It is acting as a Data Processor. If you are a customer of one of our customer and would no longer like to be contacted by one of our customers that use our service, please contact them to inform them that you interact with directly. If you make the request to 2sms, we will pass your request to our customer who is the Data Controller.

We may transfer personal information to companies that help us provide our service. Transfers to subsequent third parties are covered by the service agreements we have with them. We subject our suppliers to vendor assessment and review procedures, and insist on GDPR compliance assertions from them.

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Privacy statement version number: OPS/PS/2018/05/1  
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