

Your personal data is important to SMSolutions. We believe that the responsible use of data supports business growth and builds strong relationships between partners, customers and staff. As a business we are committed to respecting and protecting the privacy of all individuals who we interact with. It is important to us to be transparent about the data we collect about you, why we share your data and how your data is stored and used. We advise you to read the following Privacy Policy to be informed about the processing of your personal data.

Introduction

- 1.1** This Privacy Policy forms part of our standard Terms & Conditions and applies to all registered or non-registered Subscribers of our Services (as defined in our standard Terms & Conditions) including visitors to our website (**User**, Subscriber, **you** or **your**). All references herein to **SMSolutions**, **us**, **our** or **we** are to IRD Communications (Pty) Ltd trading as SMSolutions.
- 1.2.** Your privacy is very important to us. The purpose of this Privacy Policy is to help you understand how we collect, use, store and share personal data about you. **Personal data** means any information about you by which you can be identified, directly or indirectly.
- 1.3.** The term “Services” or “Platform” means the SMSolutions cloud-based, bulk SMS communication products and services.
- 1.4.** If you do not agree with this Policy or with our Terms and Conditions, then you are required to cease using our platform immediately.
- 1.5.** **PLEASE NOTE** that where you use our Platform to communicate messages to third parties such as your customers or employees (**message recipients**), we are the data processor and you are the data controller. This means that you determine the purpose and means of the processing of messages about message recipients. It is your responsibility to ensure that message recipients’ data that is uploaded to our platform, along with the content of the messages, is compliant with all applicable local and international data protection laws and regulations, including but not limited to the General Data Protection Regulation Directive (GDPR) and South Africa’s Protection of Personal Information Act (POPIA).
- 1.6.** SMSolutions is a bulk SMS communication Platform. Our Subscribers are mainly companies, organisations or individuals that integrate our Services into their business operations through their own Software applications (via API), through our online Website interface or giving our support team a written or telephonic instruction to send messages on their behalf. By using our communications platform

and our services, our subscribers are able to send or exchange their communications with their end users using SMS communications. We are not in direct relationship with our subscribers' end users, and distribute these communications through telecom operators and other communication providers

2. The personal data we collect about you

- 2.1. The personal data we obtained is provided directly by you (when you created an account online or you visited our website and registered for more information) for the purpose of managing your account with us or receiving more information regarding our services.
- 2.2. We collect information about you that is relevant and relates to your relationship with us. We collect data when you register an account, create or modify your profile details on our platform, make a purchase, contact our support team, contact us over the phone, by email or via live chat, take part in any surveys or give us feedback. We collect your data to create an account and enable you to access and use our Platform, to keep your account secure, to provide you with customer care and technical support to share relevant information about our services and to exercise our rights and fulfil our obligations arising from the business relationship that we may have with you or with our organisation.
- 2.3 Some examples of information that we collect about you that assist us in providing you with our services:
 - 2.3.1. **Contact details:** Your name, title, billing address, delivery address, email address; telephone numbers, type of business, special dates (birthdate);
 - 2.3.2. **Payment information:** your bank account details for Debit Order transactions (please note that SMSolutions uses a Third Party Platform for credit card payments and do not store or see your credit card information)
 - 2.3.3. **Billing information:** Billing address, payment methods, invoice dates, VAT number
 - 2.3.4. **Communication history:** Dates and details of all communication that is stored on our support ticketing system.
 - 2.3.5. **Browser information:** this includes information from your browser which provides us with technical information when you access or use our Platform or Services, including device and network information, cookies and analytics information;
 - 2.3.6. **Support history:** this includes discussions with us over the phone, via email, via the website or other chat platforms. Calls may be recorded.
 - 2.3.7. **Login details:** Username, Password, account number, API key
 - 2.3.8. **Other system users:** We collect information about other individuals authorised by the Subscriber that utilise our Platform and is connected to the Subscriber.

2.4. We also collect Traffic Data. Traffic data is data that is processed for the conveyance of a communication exchanged by using our Platform or for billing related to that communication, and it includes data on the routing, type, duration and time of the communication. So, this data encompasses data used to trace and identify the source and destination of a communication (including customer end user's telephone number). We also keep record of your commands to our Platform (such as your IP addresses, information on your usage, routing information), as well as logs on your activities created during your use of our tools and Services and we connect this information with your account details. We also have reports of all your messages sent, replies received and other activities on our Platform.

3. Processing your personal data

3.1. We will only use your personal data in a manner that is relevant and for the purpose for which it is intended.

3.2. We will use your personal data for the following purposes:

3.2.1. To give you access to your account and enable you to use our services

3.2.2. To process your transactions, validate you when you log in, provide support, to operate and maintain the Platform, to manage your account;

3.2.3. To enable subscribers to exchange their communications by the use of our services and to ensure the security of our network and Services..

3.2.4. Complying with a legal or regulatory obligation;

3.2.5. To improve our products and services

3.2.6. When we send you marketing communications;

3.2.7. For requesting feedback about our services.

3.5. We will ensure that your information will be processed in accordance with applicable law and that we will only process the information in a manner consistent with allowing use of this website or our Services and will process it to the minimum extent necessary.

4. Cookies

4.1. We may utilise temporary or session cookies or other technologies such as pixel tags and web beacons to collect information. A cookie is a small data file that is stored on your device (computer, mobile phone, tablet or other) by a website's server. Cookies and other technologies allow us to count how many Users visited certain web pages within our web site, their personal preferences and to measure the effectiveness of our website and electronic advertisements for different computing devices and regions.

- 4.2. Cookies by themselves will not be used to personally identify users but we may use them to compile de-identified statistics relating to use of or feedback on the performance of this Platform.
- 4.3. The following information may be collected in respect of Users who have enabled cookies: The browser software used; IP address; Date and time of activities while visiting the website; URLs of internal pages visited; and referring websites, search engines and the like.
- 4.4. If you do not wish cookies to be employed to customize your interaction with this website, it is possible to alter the manner in which your browser handles cookies. Please note that, if this is done, certain services on this website may not be available. Users can also opt out of the Google Display Network using the Ads Preferences Manager. Because some of our website's features utilise cookies, we recommend that users do not block them.

5. Protecting our subscriber's personal data:

- 5.1. In order for us to protect your personal data, SMSolutions have invested in development, implementation, and constant improvement of a wide range of technical and organisational measures to prevent the loss of, damage to or unauthorised access of personal data or the unlawful access to or processing of personal data. Please contact us for a list of our current facilities in that is in place.
- 5.2. All employees, agents and service providers have unique access codes allocated before being able to see your information.
- 5.3. We limit access to your personal data to those employees, agents, service providers and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.
- 5.4. We will implement reasonable processes to:
 - 5.4.1. recognize all probable internal and external risks to personal data in our possession or under our control;
 - 5.4.2. Implement and maintain appropriate precautions against the risks identified;
 - 5.4.3. Regularly validate that precautions are effectively implemented; and
 - 5.4.4. Ensure that the precautions are regularly updated in response to new risks identified or deficiencies in previously implemented precautions taken.

- 5.5.** While we implement precautions designed to protect your information, no security system is impenetrable and due to the inherent nature of the Internet, we cannot guarantee that data, during transmission through the Internet or while stored on our systems is unconditionally safe from intrusion by others. Transmitting personal data is done at your own risk. We strongly recommend that you take the necessary steps and implement your own precautions to prevent interference of data transmitted over networks and to restrict access to databases and other storage points used.
- 5.6.** We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

6. Your personal data:

- 6.1.** Our Subscribers' contact lists, message content and MSISDNs indicating to whom messages were sent to or received from belong exclusively to that Subscriber and will not be disclosed to any third party. We do not and will not sell, rent or share in any other shape or form any information, contacts, message details to a third party for advertising or similar marketing purposes. We will not disclose any personal data relating to you to any third party unless your prior written consent is obtained, or we are required to do so by law.
- 6.2.** We do, however, share and/or store your information with our third party hosting, backup, storage and/or virtual infrastructure service provider(s) who help us run our business. In this regard, we only engage third party service providers who have security and privacy policies and procedures providing at least the same level of protection as we do ourselves.
- 6.3.** We do not allow our third party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.
- 6.4.** In exceptional circumstances we may share information about you with a third party if we believe that sharing is reasonably necessary to:
- 6.4.1.** comply with any applicable law, regulation, legal process or government request;
 - 6.4.2.** enforce our agreements, policies and terms of service;
 - 6.4.3.** protect the security and/or integrity of our Services;
 - 6.4.4.** protect ourselves, our customers and/or the public from harm or illegal activities; or
 - 6.4.5.** respond to an emergency which we believe in good faith requires us to disclose information to assist in preventing the death or serious bodily injury of any person.

- 6.4.6. With telecom operators and other communications service providers when necessary for the set-up of proper routing and connectivity.
- 6.4.7. With third-party service and technology providers, to the extent strictly necessary for them to perform specific actions on our behalf. We may share personal information with our trusted and verified third-party service providers, for example in order to enable them to process payments for us or to prevent fraud.
- 6.5. We also share information about you with third parties when you give us consent to do so, for example, when we display personal testimonials of satisfied customers on our public website.
- 6.6. We may share or transfer information we collect under this Privacy Policy in connection with any merger, sale of company assets, financing or acquisition of all or a portion of our business to another company, in which event you will be notified via email of the transaction as well as any choices you may have regarding your information.
- 6.7. Please note that our website may include links to third-party websites, plug-ins and applications for example, our payment service provider's gateway. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.
- 6.8. Certain communications to be intercepted and monitored while travelling over telecommunication networks (for system health and forensic reasons). Subject to the provisions of the Regulation of Interception of Communications Act 70 of 2002 (**RIC Act**), you consent to the interception and monitoring of all communications sent by you to us. You acknowledge and agree that such consent meets the "writing" requirement as detailed in the Electronic Communications and Transaction Act 25 of 2002 and the RIC Act.
- 6.9. We may use third party Application Program interfaces (API's) and software development kits (SDKs) as part of the functionality of our Services.
- 6.10 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.

7. How long do we keep your personal data?

- 7.1. Generally, we will only retain your personal data for as long as necessary to fulfil the purpose for which we collected it. We will destroy or delete any personal data that is

no longer needed by it for the purpose it was initially collected, or subsequently processed.

7.2. We retain your account information for as long as your account is active and a reasonable period thereafter in case you decide to re-activate the Services. If your account is deactivated or disabled we will retain some of your information and also the history of your transactions.

7.3. We also retain some of your information as necessary to comply with our legal and regulatory obligations, to resolve disputes, to enforce our agreements, to support business and for the purposes of satisfying any accounting or reporting requirements.

7.4. In some circumstances, and as permitted by POPIA, we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you. No information contained in the profiles or statistics will be able to be linked to any specific User.

8.1. You have the right to:

8.1.1. Request access to your personal data, which means you can request a copy of the personal data that we hold about you.

8.1.2. Request that we rectify your personal data. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

8.1.3. Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

8.1.4. Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

8.2. Access and update your information. Our Services and related documentation give you the ability to access and update certain information about you from within our Platform for example your profile information.

- 8.3. Deactivate your account.** If you no longer wish to use our Services, you or your administrator may be able to deactivate your Services account via the account settings. Note that deactivating your account does not however delete your information.
- 8.4. Opt out of promotional communications.** When we process your personal data for direct marketing purposes, you have the right to object at any time to such processing of your personal data, and in this case, your personal data will no longer be processed for marketing purposes. You can exercise this right by using the unsubscribe link in the promotional email or replying “stop” to the SMS message or you can contact us.

9. Transfer of Personal Data

- 9.1.** Our website is operated from the Republic of South Africa (“RSA”). If you are not located here, and choose to use the website, or provide information to us, you acknowledge and understand that your information will be transferred, processed and stored in the RSA, as it is necessary, and the RSA’s privacy laws may not be as protective as those in your jurisdiction.
- 9.2.** We will not transfer your personal data or any portion of it to any third party for any reason without your prior written consent, except to the extent that we use third party service providers to host our database, as detailed in clause 5.
- 9.3.** We may use hosting or cloud services to operate this website and store its data which are not located in South Africa. If we do so, we will ensure that the level of protection given to your personal data is at least as good as that provided for under South African law, either by means of a binding contract with the service provider, or by using a service provider located in a country with privacy laws of similar or stronger effect.

10. Children

- 10.1.** Our website is not intended for use by children under the age of 18 and we don’t knowingly permit children under the age of 18 years to use our services. If we learn or are notified that we have collected and/or processed personal data from a child under 18, we will immediately take reasonable steps to delete that information from our records as quickly as possible.

11. Consent

- 11.1.** You hereby consent to the processing of your personal data in terms of the provisions of this Privacy Policy.

11.2. You acknowledge and agree that such consent has been given voluntarily after you have read and understood the provisions of this Privacy Policy, in particular, regarding the following:

11.2.1 The type of personal data to be processed, including specifically special personal data;

11.2.2. The specific processing activities to be undertaken;

11.2.3. The specific purpose/s for such processing; and

11.2.4. The possible consequences for you that may arise from such processing.

11.3. Should you wish to withdraw any consent previously given, you must notify SMSolutions in writing.

12. Changes to this Privacy Policy

12.1. We may change this Privacy Policy from time to time to reflect how we are processing your personal data. We will post any Privacy Policy changes on this page and, if the changes are significant, we will provide a more prominent notice by adding a notice on the Services homepages, login screens, or by sending you an email or SMS notification.

12.2. Continued use of the website or our Services subsequent to any amendments having been made constitutes your acceptance of the Privacy Policy as amended.

13. Questions and/or Comments:

Please contact us if you have any questions regarding our Privacy Policy:

Number: 087 231 011

Email: support@smsolutions.co.za