

Approved:
Date:10/11/2019

PRIVACY POLICY

Effective date: 10/11/2019

HOW TO CONTACT US

Please contact us if you have any questions about our privacy policy or information we hold about you:

By email: privacy@jivochat.com.

Or write to Data Privacy Officer: info@quick-gdpr.co.uk.

WHO WE ARE?

Jivosite, Inc. 1811 Silverside Road, Wilmington, Delaware, 19810 and its affiliates and subsidiaries (collectively, the “Company” or “we” or “us”) is committed to protecting privacy of your personal data.

PURPOSES OF THIS POLICY

For purposes of this Policy, personal data shall mean any information relating to an identified or identifiable natural person. This might be by reference to an identifier such as a name, ID number, location data or online identifier, or by factors specific to them, such as their physical, genetic, economic or social identity.

SCOPE OF THIS POLICY

This Privacy Policy describes how the Company collects, uses, shares and secures the personal data of the subscribers to the Jivochat Service (the “Subscriber(s)” or “you” or “yours”, personal data subject, as applicable). It also describes the Subscriber’s choices regarding use, access and correction of the Subscriber’s personal data. The capitalized terms used in this Policy but not defined herein shall have the same meaning assigned to them in Company’s Terms and Conditions (jivochat.com/terms) (the “Terms”).

This Privacy Policy (the “Policy”) applies to those who visit the websites owned and operated by the Company, download any downloadable software, install any mobile applications, and/or use the Company’s products and Jivochat Service offered at jivochat.com, jivochat.com.br, jivochat.es, jivochat.de, jivochat.ng, jivochat.co.ke, jivochat.co.za, jivochat.mx, jivochat.co.id, jivochat.com.co, jivochat.com.ar, jivochat.com.pe, jivochat.cl, jivochat.com.bo, jivochat.com.ve, jivochat.co.in, jivochat.pt (collectively, the “Jivochat Service”).

The processes to which the Policy applies are listed on [Privacy Notice](#).

NOTICE TO SUBSCRIBER’S OBJECTS

If a Subscriber uses the Jivochat Service to interact with other individuals, such as the Subscriber's customers or potential customers (the "Subscriber's Objects"), the Subscriber is solely responsible for ensuring compliance with all applicable laws in connection with the collection and/or processing of personal data of the Subscriber's Objects. If you are a Subscriber's Object please note that the Company has no relationship with you whatsoever and its only relation is with the Subscriber with whom you may interact. For any questions regarding the collection of your personal data or to amend your personal data, and for all other reasons, you must contact the Subscriber.

NOTICE TO SUBSCRIBERS

The Company does not collect or determine the use of any personal data of Subscriber Objects, nor the purpose for which such data is collected by the Subscriber, how such data is collected and how it is used, the Company does not act as a data controller as defined under GDPR and bears no responsibility under the GDPR associated with a data controller. To the extent that the Company processes any Subscriber Object's data, it should be considered only as a processor on behalf of the Subscriber as to any personal data that is subject to the requirements of GDPR. Please note that under GDPR you are regarded as a data controller *vis a vis* the Subscriber Objects and as such must comply with the requirements of GDPR. While you may employ your own privacy policy, you agree and acknowledge that for as long as you use the Jivochat Service and are subject to the GDPR, you must comply with the GDPR requirements.

Your obligations (which extend to your employees, agents, subcontractors, etc., collectively your "Personnel") include, but are not limited to (i) promptly (and under no circumstances after seventy two hours) notifying the Company of becoming aware of any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of or access to, personal data transmitted, stored or otherwise processed or any investigation by a governmental authority concerning your handling of personal data; (ii) promptly and in good faith responding to any inquiries or requests by the Company regarding the collection and/or processing of personal data by you; (iii) maintaining relevant records of collecting and/or processing of personal data subject to GDPR; (iv) transferring or processing the personal data outside the EU or European Economic Area in compliance with GDPR and with prior written notification of the Company; and (v) ensuring that your Personnel is aware of and complies with the foregoing obligations. The Company is under no circumstances obligated to, but reserves the right to monitor (and audit) the Subscriber's compliance with the foregoing. In the event that the Subscriber ceases to use the Jivochat Service, the Subscriber must permanently delete the personal data of the Subscriber Objects that was collected through the Jivochat Service. To the extent that the Company suffers any losses as a result of the breach by the Subscriber of the foregoing obligations or failure to abide by the foregoing obligations, the Subscriber shall hold harmless and shall fully indemnify the Company from such losses. The Company is not responsible for the content of any personal data of Subscriber Objects or any other information that is stored on the Company's or its third party suppliers' servers at the discretion of the Subscriber. The Company owes no responsibility and bears no liability *vis a vis* the Subscriber's Objects. If you need a signed Data Processing Agreement in addition to this Policy and the Terms, please contact us at privacy@jivochat.com.

OTHER WEBSITES

Our website contains links to other websites. This privacy policy only applies to this website so when you link to other websites you should read their own privacy policies.

CHILDREN'S PERSONAL INFORMATION

We do not knowingly collect any personal information from children under the age of 13. If you are under the age of 13, please do not submit any personal information through the Jivochat Service. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce this Policy by instructing their children never to provide personal information through the Jivochat Service without their permission. If you have reason to believe that a child under the age of 13 has provided personal information to us through the Websites or Services, please contact us at privacy@jivochat.com, and we will use commercially reasonable efforts to delete that information.

The Company only collects "sensitive" personal information when you voluntarily provide us with this information or where such information is required or permitted to be collected by law or professional standards. Sensitive information includes personal information regarding a person's race, ethnicity, political, philosophical religious or similar beliefs, trade union membership, physical or mental health, sexual life, sexual orientation, or criminal record. Please use your discretion when providing sensitive information to the Company, and under any circumstances, do not provide sensitive information to the Company, unless you thereby consent to the Company's use of that information for its legitimate business purposes and consent to the transfer and storage of such information to and in the Company's databases. If you have any questions about whether the provision of sensitive information to the Company is, or may be, necessary or appropriate for particular purposes, please contact us at privacy@jivochat.com.

PRINCIPLES

Processing your personal data, we adhere to the following principles:

- legality, fairness and transparency;
- target limitation;
- data minimization;
- accuracy;
- storing restrictions;
- integrity and confidentiality.

PRIVACY RIGHTS

What rights do you have:

- right of access;
- right to rectification of personal data;
- right to erasure (right to be forgotten);
- right to rectification of processing;
- right to data portability;
- right to object;
- right not to be subject of automated individual decision-making, including profiling;
- right to withdrawal of consent;
- right to compliant.

Description of rights under GDPR provided in *Privacy Notice*.

FULFILLMENT OF YOUR RIGHTS REQUEST ADDITIONAL INFORMATION FOR THE IDENTIFICATION OF DATA SUBJECT

During the exercise of your rights we may request additional information that will identify you. We try to request minimum amount of additional information to identify you.

If you do not provide us with such additional information upon our request, we will not be able to realise your rights.

If you believe that we are violating your rights when processing your confidential personal data, you can make a complaint to the relevant privacy supervision authority.

TERM EXTENTION

We respond to your request within 30 days. If the request requires more time to respond, the period may be extended by no more than 60 days. We will certainly notify you of such an extension.

CONDITIONS ON WHICH WE PROVIDE YOU INFORMATION RELATED TO YOUR RIGHTS

The information related to your rights shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may charge a reasonable fee considering the administrative costs of providing the information or communication or taking the action requested.

RIGHTS FULFILLMENT RESTRICTIONS

Please note, that we may limit the scope of enforceable obligations and your rights, when we process your personal data for some purposes. In these cases, we will send you detailed and motivated answer with information about the reasons for which we cannot do it.

ADDITIONAL RIGHTS FOR EEA AND CERTAIN OTHER TERRITORIES

If you are from certain territories (such as the EEA), you may have the right to exercise additional rights available to you under applicable laws, as follows:

What is a Subject Access Request?

This is your right to request a copy of the information that we hold about you. If you would like a copy of some or all your personal information, please contact us at privacy@jivochat.com. We will respond to your request within thirty days of receipt of the request.

We want to make sure your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate by privacy@jivochat.com. We will consider your request in accordance with applicable laws. To protect your privacy and security, we may take steps to verify your identity before complying with the request

CALIFORNIA PRIVACY RIGHTS

We will not share any Personal Data with third-parties for their direct marketing purposes to the extent prohibited by California law. If our practices change, we will do so in accordance with applicable laws and will notify you in advance.

PRIVACY SHIELD COMPLIANCE

The Company complies with the EU-U.S. Privacy Shield Framework set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from persons in the EU and Switzerland. The Company has certified that it adheres to the Privacy Shield Principles of notice, choice, accountability for onward transfer, security, data integrity, limitation of purpose, access, and recourse, enforcement and liability. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy

Shield program, and to view our certification, please visit <https://www.privacyshield.gov>. The US Federal Trade Commission has jurisdiction over the Company's compliance with the Privacy Shield. In compliance with the Privacy Shield Principles, Jivochat commits to resolve complaints about our collection or use of your personal information. EU and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact Jivochat at privacy@jivochat.com or to Data Protection Officer to info@quick-gdpr.co.uk. Jivochat has further committed to refer unresolved Privacy Shield complaints to the JAMS, an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint from us, or if we have not addressed your complaint to your satisfaction, please contact or visit <https://www.jamsadr.com/eu-us-privacy-shield/> for more information or to file a complaint. The services of JAMS are provided at no cost to you.

Under certain conditions, more fully described on the Privacy Shield website at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>, an individual may invoke binding arbitration when other dispute resolution procedures have been exhausted and the Company may be found liable for wrongful onward transfers to third parties of personal information received pursuant to Privacy Shield.

HOW WE SHARE THE INFORMATION THAT WE COLLECT

We share information, including personal information, with our third-party service providers that we use to provide hosting for and maintenance of the Jivochat Service. These third-party service providers may have access to or process your personal information for the purpose of providing these services for us. We do not permit our third-party service providers to use the personal information that we share with them for their marketing purposes or for any other purpose than in connection with the services they provide to us.

We may share your personal data with courts, law enforcement authorities, regulators or attorneys or other parties where it is reasonably necessary for the establishment, exercise or defense of a legal or equitable claim, or for the purposes of a confidential alternative dispute resolution process. We may also share such information if we believe it is necessary in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our terms and conditions, or as otherwise required by law

We may share your personal data with any third party to whom we assign or novate any of our rights or obligations, or that acquires all or substantially all of our business, stock or assets, or with whom we merge

We may also instruct service providers, to process personal data for the Permitted Purposes on our behalf and in accordance with our instructions only. We will retain control over and will remain fully responsible for your personal data and will use appropriate safeguards as required by applicable law to ensure the integrity and security of your personal data when engaging such service providers.

We may also use aggregated personal data and statistics for the purpose of monitoring website usage in order to help us develop our website and our services.

We will otherwise only disclose your personal data when you direct us or give us permission to do so, when we are required by applicable law or regulations or judicial or official request to do so, or as required to investigate actual or suspected fraudulent or criminal activities.

Where we rely on your consent to process the personal information, you have the right to withdraw or decline your consent at any time. Please note that this does not affect the lawfulness of the processing based on consent before its withdrawal.

If we ask you to provide personal information to comply with a legal requirement or to perform a contract with you, we will make this clear at the relevant time and advise you whether the provision of your personal information is mandatory or not (as well as of the possible consequences if you do not provide your personal information). Similarly, if we collect and use your personal information in reliance on our (or a third party's) legitimate interests which are not already described in this Notice, we will make clear to you at the relevant time what those legitimate interests are.

If you have any questions about or need further information concerning the legal basis on which we collect and use your personal information, please contact us at privacy@jivochat.com.

DATA TRANSFER

The Company is a global company, based in the United States. As such, we may transfer and access such personal information from around the world, including from other countries. In transferring your personal information, we will rely on lawful measures to transfer your personal information outside the EEA and Switzerland. If you are visiting the Jivochat Service from the EEA or other regions with laws governing data collection and use, please note that by providing this personal information, you acknowledge that your personal information may be transferred to the United States and other jurisdictions in which we operate.

COOKIES AND SIMILAR TECHNOLOGY

THIRD PARTY SERVICES

We may provide an option to access or register for the Jivochat Service through the use of your user name and passwords for certain services provided by third parties (each, a "Third Party Service"), such as through the use of your Facebook, LinkedIn, or Google account. By authorizing us to connect with a Third Party Service, you authorize the Company to access and store the information that the Third Party Service makes available to us, and to use and disclose it in accordance with this Policy. It is your responsibility to check your privacy settings for such Third Party Services (please review the terms of use and privacy policy of such Third Party Services) to control what information is available to us.

AUTOMATIC COLLECTION OF PERSONAL INFORMATION

In some instances, the Company and its service providers use cookies, web beacons and other technologies to automatically collect certain types of information when you use the Jivochat Service, as well as through emails that we may exchange. The collection of this information allows us to customize your online experience; improve the performance, usability and effectiveness of the Jivochat Service; advertise and market our services; measure the effectiveness of our marketing activities; and generate and analyze statistics about your use of the Jivochat Service.

IP addresses

An IP address is a number assigned to your computer or internet-enabled device whenever you access the internet. It allows computers and servers to recognize and communicate with one another. IP addresses from which visitors appear to originate may be recorded for IT security and system diagnostic purposes. This information may also be used in aggregate form to maintain and improve the Jivochat Service and to generate and analyze statistics about the Jivochat Service and your use of the Jivochat Service.

Cookies

Cookies are text files put on your computer to collect standard internet log information and visitor behavior information. This information is then used to track visitor use of the website and to create

statistical reports on website activity. The detailed description of cookies used on our site can be found here: <http://jivochat.com/cookies>.

You can set your browser not to accept cookies and the above websites tell you how to remove cookies from your browser. Please note in a few cases some the Jivochat Service features may not function because of this.

BY ACCESSING OR USING THE JIVOCHAT SERVICE OR ENTERING YOUR LOGIN DETAILS TO ACCESS AREAS RESERVED FOR REGISTERED USERS, YOU AGREE THAT WE, OR A THIRD PARTY ACTING ON OUR BEHALF, CAN PLACE THESE COOKIES ON YOUR COMPUTER OR INTERNET ENABLED DEVICE.

Usage Analytics

We use several third party usage analytics tools including Google Analytics. More information about how Google Analytics is used by the Company can be found here:

<http://www.google.com/analytics/learn/privacy.html>. To provide website visitors with more choice on how their data is collected by Google Analytics, Google has developed the [Google Analytics Opt-out Browser Add-on](#). The add-on communicates with the Google Analytics JavaScript (ga.js) to indicate that information about the website visit should not be sent to Google Analytics. The Google Analytics Optout Browser Add-on does not prevent information from being sent to the Online Services or to other web analytics services.

Web beacons

A web beacon is a small image file on a web page that can be used to collect certain information from your computer, such as an IP address, the time the content was viewed, a browser type, and the existence of cookies previously set by the same server. We only uses web beacons in accordance with applicable laws. The Company or its service providers may use web beacons to track the effectiveness of third party web sites that provide us with

SECURITY PRECAUTIONS

The security of your personal information is important to us. We follow generally accepted standards to protect the personal information submitted to us, both during transmission and once it is received. If we learn of a security systems breach, we will inform you and the authorities of the occurrence of the breach in accordance with applicable law.

HOW TO CONTACT US

Please contact us if you have any questions about our privacy policy or information we hold about you:
By email: privacy@jivochat.com.

Or write to Data Privacy Officer info@quick-gdpr.co.uk .

CHANGES TO THE POLICY

If the Company makes any material changes or amendments to the Policy, the Company will post a notice on this website. Your continued use the Jivochat Service constitutes your acceptance of all such changes and amendments. Your sole remedy is to cease using the Jivochat Service.

Any questions regarding the Policy or personal data collection and other practices should be directed to privacy@jivochat.com.