

# PRIVACY POLICY

As an omnichannel communications service CrossMedia and/or CrossMail provide a wide range of solutions to improve the communications experience for clients and their consumer data bases. We process contact data in order to deliver these services, operate websites, generate communications and generate traffic and sales to e-commerce websites, stores or business-to-business activities.

This privacy statement applies to all products and services as provided by CrossMedia and/or CrossMail and contains information about what personal data we collect, why we collect it, and how we process it, so that you can make an informed decision before making use of our platform, website, and communications services.

Data privacy and protection of your personal data (including personal data relating to your consumers or employees) is one of CrossMedia's core principles. Our privacy statement is intended to give you an understanding of our data processing practices. It is important to us that we are transparent, and you feel informed and empowered when it comes to the privacy of your and your consumers' personal data, and the steps we take to protect that personal data.

This Privacy Policy abides to Law 19.628 and Law 21.096. These two laws configure Chilean privacy rights and regulations as well as personal data protection regulations.

## 1. About our personal data processing practices

We will only process personal data to the extent necessary to fulfill the specific purpose(s) for which you have submitted personal data. When you sign up to our services through our website, we request you to provide contact information details such as your name and email address. Some basic examples of actions that result in us processing your personal data are when you sign up for any of our data processing, e-commerce or digital data communications services via our website or any of our systems platforms. To the extent permitted or required by applicable law, you will be given the opportunity to explicitly agree to the collection, use, disclosure, and sharing of the personal data you've provided. We do not use your personal data for any other purposes than those agreed to by you or as permitted by the Terms and this privacy statement.

When you share personal data with us, we commit to handle that information in accordance with the applicable data protection and e-privacy regulations, including the

**1.1 Roles and responsibilities.** When it comes to processing personal data, there are several different roles and responsibilities that come into play. This privacy statement provides an explanation of the relevant roles, the corresponding responsibilities of each role, and the systems of governance that play an integral part in protecting your personal data. The *data controller* determines the purpose (*why*) and means (*how*) of personal data processing and remains ultimately responsible for the correct handling of the data subject's personal data. In practice, the data controller is often the company that an individual (or data subject) provides their personal data to directly.

The *data processor* is a company that provides services to the data controller, and receives personal data from or on behalf of the data controller in order to perform those services. To give an example, when one of our customers sends a marketing campaign through our communications platform, we receive personal data from the customer, such as a phone number or email address of the intended recipient, in order to provide the service. In this example MessageBird acts as the data processor of the customer, who in turn is acting as the data controller of the phone number or email address entrusted to it by the individual to which this personal data belongs. The data processor only processes personal data according to the instructions of the data controller. These instructions are typically laid down in a data processing agreement between the controller and the processor.

Depending on your relationship with us, we can be either data controller or data processor, or in certain circumstances we can be both. If you have any questions about these practices or more general inquiries about how we handle personal data, you can contact us.

Personal data is collected for specific purposes, including the prevention of spam and fraud, the fulfillment of legal requirements, communication, marketing, sales activities, and ancillary services. Personal information will never be collected, used, or retained without purpose. We do not sell your or your end-users' personal data.

## 2. Why we collect personal data

We have a few key priorities when it comes to protecting your personal data. Not only do we prioritize keeping your personal data safe and secure, we are also highly focused on protecting your privacy rights and freedoms as an individual.

**2.1 Legal bases.** All personal data we process is lawfully obtained and will only be processed to the extent we have a legal basis to do so. The legal bases we rely upon for processing of personal data are: (a) consent, (b) performance of a contract, (c) compliance with a legal obligation, and (d) legitimate interest.

As indicated above, we process personal data on a limited set of legal bases:

- Explicit consent from the data subject. For example, by ticking a box on our website when you want to download product information.
- Performance of a contract. This includes not only the provision of the services but also negotiating and signing a contract in order to receive a service.
- Compliance with legal obligations applicable to us. For instance, preventing misuse of our services, cooperating with formal request procedures, and retaining customer account data.
- Our legitimate interest. This applies for example to direct marketing targeted to existing customers on an opt-out basis or to keep you updated on information regarding our services. Where we rely upon legitimate interest, we have assessed the processing is not high risk, does not involve the processing of special categories of personal data, and will not violate fundamental human privacy rights.

**2.2 Purposes.** The purposes for which we process your personal information depend on your relationship with us. For starters, you will be required to submit personal data related to you and the business you work for when creating an account. In addition, we may also require personal data in order to enable you and consumers to make use of our services and/or for them to receive your communications processed and delivered by us through the different platforms we may use. In other circumstances, we may process your personal data to conduct and expand our day-to-day business, such as for analytical improvements to the service, support, sales, marketing, and legitimate business purposes. Personal data can also help us improve the quality of our services and to develop new functionalities to fit the needs of our customers, such as product and experience personalization.

We only request personal data that is necessary to fulfill the specified purposes listed below as applicable to you; provided, however, if the nature of our relationship with you changes, we may need you to provide additional information. For example, if you fill out a form to request more information about one of our products, we will use your contact information to send the requested product information to you. If you then decide to become a customer, you will need additional information including your billing address for the purpose of account creation and providing you with the services.

The following is a list of purposes for which we may use your personal data. The specific purpose applicable to our processing of your personal data depends on the nature and extent of your relationship with us.

- To promote the use of our services in accordance with your marketing preferences.
- To share relevant information about our products and services in accordance with your marketing preferences, including important notifications about the services.
- To create an account connected to you and the company you represent.
- To verify your identity.
- To facilitate access and use of the services in line with the Terms.
- Finance and billing, including fulfilling financial obligations such as paying taxes and ensuring invoices are paid.
- To provide customer support and communicate with you about your account.

- To analyze usage of our products and services.
- For the transmission of information over the services; defining communications processing priority, routing configurations, and optimizing infrastructure.
- To enforce compliance with the Terms and applicable law.
- To keep our site and your account safe and secure.
- To detect, prevent, and combat fraudulent or unlawful activity.
- To protect the rights, property, or safety of us, you, our other customers, or any other third party.
- To meet legal requirements, including complying with court orders, valid discovery requests, valid subpoenas, and other appropriate legal mechanisms.
- To conduct questionnaires and surveys in order to provide better services to you, our other customers; provided, however your participation in and completion of any questionnaires is always voluntary.

We only request and retain personal data when strictly necessary. The data that we request will be relevant to our relationship and your purpose. For example, we require an email address to be able to send you or your end consumers marketing emails.

If you no longer want to be contacted by our sales and marketing teams, you can always unsubscribe from an email campaign by contacting your account manager or our Support team via support[at]messagebird.com.

Subject to any exceptions noted in this privacy statement or in the Terms, you will always have a choice when it comes to the types and extent of the personal data you share with us. When we ask you to provide personal data to us, you can decline. However, many of our products and services require personal data so your choice not to provide personal data in certain instances can prevent you from using a certain product, service, or functionality.

Santiago, October 2022.