

## Data Protection & Privacy Review For ToplineChat

23 Nov 2022

Information privacy, also known as data privacy or data protection, is the relationship between the collection and dissemination of data, technology, the public expectation of privacy, legal and political issues surrounding them. Privacy concerns exist wherever personally identifiable information or other sensitive information is collected, stored, used, and finally destroyed or deleted – in digital form or otherwise. Improper or non-existent disclosure control can be the root cause for privacy issues. Data privacy issues may arise in response to information from a wide range of sources.

### Privacy Policy

We recognize that your privacy is very important and take it seriously. This Privacy Policy describes “**ToplineChat**” policies and procedures on the collection, use and disclosure of your information when you use our software, mobile apps, products, services, interact with our websites, or interact with us directly (collectively the “**Services**”) and tells you about your privacy rights and how the law protects you.

By using our Services, you consent to our use of your information in accordance with this Privacy Policy. We will not use or share your personal information with anyone except as described in this [Privacy Policy](#). Capitalized terms that are not defined in this Privacy Policy have the meaning given them in our [Terms of Service](#).

With that in mind, this Privacy Policy is designed to describe:

- Who we are and how to contact us?
- Our Relationship to You.
- Your rights relating to your Personal Data.
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This Privacy Policy is intended to meet our duties of transparency under the "General Data Protection Regulation" ("GDPR") and "Health Insurance Portability and Accountability Act" ("HIPAA").

We will post any modifications or changes to this Privacy Policy on this page.

### **Who We Are and How to Contact Us?**

**Who we are?** **VANLIX Marketing**. A proprietary company organized and existing under the laws of Dubai, United Arab Emirates (referred to as either "**VANLIX**", "**ToplineChat**", "we", "us" or "our" in this Privacy Policy). Our address is Prime Tower 2901, Marasi drive Street, Business Bay - Dubai.

**How to contact us.** If you have any questions about our practices or this Privacy Policy, please contact us at: [ticket@toplinechat.com](mailto:ticket@toplinechat.com)

## Our Relationship to You

It is important that you identify which relationship(s) you have with ToplineChat to understand ToplineChat's data protection obligations and your rights to your Personal Information under this Privacy Policy.

ToplineChat has the following relationships:

- A "User" is an individual providing Personal Information to us via our website or other services, software or application, such as by signing up for our newsletter or making an account and posting on the forums. Here, ToplineChat is a data controller.
- A "Customer" is a specific type of User that has engaged us to act as an agent (a "data processor") by obtaining our Services. The Customer is the data controller, and ToplineChat is their data processor.
- A "Customer End User" is an individual that provides their Personal Information to our Customers. We do not control the purposes or the means by which their Personal Information is collected, and we are not in a direct relationship with Customer End Users.

If Customer End User who seeks access, or who seeks to correct, amend, or delete inaccurate data should direct their query to the ToplineChat Customer (the data controller). If requested to remove data we will respond within a reasonable timeframe. In certain circumstances we may be required by law to retain your personal information, or may need to retain your personal information in order to continue providing a service.

Hereinafter we may refer to Customers and Users collectively as "You."

## Your Rights Relating to Your Personal Data

You have the right under this Privacy Policy to:

- **Request access to your Personal Data.** If you are in certain jurisdictions, this enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.
- **Request correction of the Personal Data that we hold about you.** This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **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 exercised your right to object to processing (see below).
- **Object to processing of your Personal Data.** This right exists where we are relying on a legitimate interest as the legal basis for our processing and there is something about your particular situation, which makes you want to object to processing of your Personal Data on this ground. You also have the right to object where we are processing your Personal Data for direct marketing purposes.
- **Request the restriction of processing of your Personal Data.** This enables you to ask us to suspend the processing of Personal Data about you in certain scenarios (for example if you want us to establish its accuracy or the reason for processing it).
- **Request the transfer of your Personal Data.** If you are in certain jurisdictions, we will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent.** This right only exists where we are relying on consent to process your Personal Data ("Consent Withdrawal"). If you withdraw your consent, we may not be able to provide you with access to certain specific functionalities of our Site. We will advise you if this is the case at the time you withdraw your consent.

**How to exercise your rights.** If you want to exercise any of the rights described above, please contact us using the contact details in Who We Are and How to Contact Us.

Typically, you will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, except in relation to Consent Withdrawal, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive, or, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **Complaints**

If you would like to submit a complaint regarding this Privacy Policy or our practices in relation to your Personal Data, please contact us at: [ticket@ToplineChat.com](mailto:ticket@ToplineChat.com) with the subject: 'Data privacy'. We will reply to your complaint as soon as we can.

If you feel that your complaint has not been adequately resolved, please note that if you are in the EU the GDPR gives you the right to contact your local data protection supervisory authority.

## **Whose personal data do we collect?**

We may process your personal data, if:

- You are our potential or current client;
- You are an entity (or you are providing services to an entity), that we want to sell our services to;
- You are providing services / work for our client or to an entity, that uses our services developed by us (you act on behalf of them e.g. as their employee, associate, representative);
- You are interested in actions that we undertake (e.g. as part of contact with media).

## **When may we process your personal data?**

We may process your personal data received directly from You or from other sources. Therefore, your personal data may be processed:

- If you have provided us with your personal data via various means of communication (e.g. by sending us an inquiry, via email, via our websites);
- In the case of conclusion or performance of a contract, including in case when your personal data has been provided to us as contact data for the purpose of proper performance of the above contract;
- If we have received your personal data from another source (e.g. from an entity that is our contractor / client, during events or from publicly available sources / websites).

## What Personal Data we collect

ToplineChat uses Personal Data we collect to provide the Services, maintain security, monitor aggregate metrics such as total number of visitors, traffic, and demographic patterns, and track user content and users as necessary to comply with the applicable laws.

We collect information in **three ways**: if and when you provide information to us, automatically through operating our services, and from outside sources.

**Information You Provide to Us.** The amount and type of information depends on the context and how we use the information. Here are some examples:

- **Registration Information:** We ask for basic information from you in order to set up your account - for example, your name, photo and email address.
- **Transaction and Billing Information:** If you buy something from us or you request the Ecommerce Feature, you will provide additional personal and payment information that is required to process the transaction and your payment, such as your name, credit card information, and contact information. We process this data, but it is stored with a compliant 3rd party (like: Stripe and PayPal).
- **Content Information:** In connection with using the Services, you may generate content that provides us with additional information about you.
- **Communications with Us:** You may also provide us information when you respond to surveys or communicate with us about a support question.

**Information We Collect Automatically.** We also collect some information automatically:

- **Log Information:** we collect information that web browsers, mobile devices, and servers typically make available, such as the browser type, IP address, unique device identifiers, referring site, the date and time of access, operating system, and mobile network information. We collect log information when you use our Services.
- **Usage Information:** We collect information about your usage of our Services. For example, we collect information about the actions that site administrators and users perform on a site—in other words, who did what, when and to what thing on a site (e.g., [username] deleted “[content]” at [time/date]). We also collect information about what happens when you use our Services along with information about your device (e.g., mobile screen size, name of cellular network, and mobile device manufacturer). We use this information to, for example, provide our Services to you, as well as get insights on how people use our Services, so we can make our Services better.
- **Information from Cookies & Other Technologies:** Please check our [Cookies Policy](#).

**Information We Collect from Other Sources.** We may also get information about you from other sources. For example, if you connect your account to a third-party service provider (for example: Facebook, Google, Slack..etc), we may receive information from that service. The information we receive depends on which services you authorize and any options that are available.

Examples for the information that we may collect: id, name, picture, gender, location, Certain connections of the User such as the Friends, are also available. If the User has made more of their Data public.

**Aggregated Data.** We may also collect, use and share "Aggregated Data" for any purpose. Aggregated Data may be derived from your Personal Data, but once in aggregated form it will not constitute Personal Data as this data does not directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your Personal Data so that it can directly or indirectly identify you, we treat the combined data as Personal Data which will be used in accordance with this Privacy Policy.

**No Special Categories of Personal Data.** We do not collect any "Special Categories of Personal Data" about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sexual orientation, political opinions, trade union membership). Nor do we collect any information about criminal convictions and offences.

**Children's Data.** We do not knowingly solicit personal information of children under the age of 16. We do not knowingly collect personal information of and from children under the age of 16. If we learn that a child under the age of 16 has provided us with personal information without parental consent, we will take steps to delete it.

**Public Data.** Information that you choose to make public can be disclosed publicly. That means, of course, that information like any content that you make public on your website is all available to others. Public information may also be indexed by search engines or used by third parties. Please keep all of this in mind when deciding what you would like to share.

## Your Health Information

We may collect information from you that contains health information, the HIPAA requires us to ensure the confidentiality of this information.

We are required by law to maintain the privacy of protected health information, to provide individuals with notice of our legal duties and privacy practices with respect to protected health information, and to notify affected individuals following a breach of unsecured protected health information. This section describes how we may use and disclose your health information. If you have any questions about this section, please contact us using the contact details in 'Who We Are and How to Contact Us' above.

How we May Use or Disclose Your Health Information:

- **Providing Our Service.** We use health information about you to provide our services to you. We disclose health information to our employees and others who are involved in providing the services you requested. We may use and disclose health information about you to operate our business. We may also use and disclose this information as necessary for legal services and audits, including fraud and abuse detection and compliance programs and business planning and management.
- **Sale of Health Information.** We will not sell your health information.
- **Judicial and Administrative Proceedings.** We may, and are sometimes required by law, to disclose your health information in the course of any administrative or judicial proceeding to the extent expressly authorized by a court or administrative order. We may also disclose information about you in response to a subpoena, discovery request or other lawful process if reasonable efforts have been made to notify you of the request and you have not objected, or if your objections have been resolved by a court or administrative order.
- **Breach Notification.** In the case of a breach of unsecured protected health information, we will notify you as required by law. If you have provided us with a current e-mail address, we may use e-mail to communicate information related to the breach. We may also provide notification by other methods as appropriate.

## Marketing Communications Preferences

You can ask us to stop sending you marketing messages or modify your email preferences at any time through any of the following methods:

- by following the opt-out links on any marketing message sent to you; or
- by contacting us at any time using the contact details in Who We Are and How to Contact Us.

Where you opt out of receiving these marketing messages, this will not apply to Personal Data provided to us as a result of emails relating to existing or pending hires, using the Services or consent to direct marketing communications.

## How We Use Your Personal Data and Why

We generally use Personal Data for the following: to deliver and improve our Services; to manage our software and provide you with customer and technical support; to perform research and analysis about our software; to verify your identity and prevent fraud or other unauthorized or illegal activity; to enforce or exercise any rights in our Terms of Service;

In respect of each of the purposes for which we use your Personal Data, the GDPR requires us to ensure that we have a legal basis for that use if you are within the EU. The legal bases depend on the Services you use and how you use them. This means we collect and use your Personal Data only where:

- We need it to provide you the Services, including to operate the Services, provide customer support and personalized features and to protect the safety and security of the Services;
- It satisfies a legitimate interest (which is not overridden by your data protection interests), such as for research and development, to market and promote the Services and to protect our legal rights and interests; or
- We need to process your data to comply with a legal or regulatory obligation.

We may also rely on your consent as a legal basis for using your Personal Data where we have expressly sought it for a specific purpose. If we do rely on your consent to a use of your Personal Data, you have the right to change your mind at any time (but this will not affect any processing that has already taken place). We have set out below, in a table format, more detailed examples of relevant purposes for which we may use your Personal Data.

| Purpose  | Why do we do this  |
|--|--|
| Providing, updating, and maintaining our Services, and business  | To deliver the Services you have requested.  |
| Research and development   | To enable us to improve the Services and better understand our users and the markets in which we operate. For example, we may conduct or facilitate research and use learnings about how people use our Services and feedback provided directly to us to troubleshoot and to identify trends, usage, activity patterns, areas for additional features and improvement of the Services and other insights. We also test and analyze certain new features with some users before introducing the feature to all users. |
| Communicating with users about the Services  | To send communications via email, including, for example, responding to your comments, questions and requests, providing customer support, and sending you technical notices, service updates, security alerts. We may also provide tailored communications based on your activity and interactions with us.   |
| Providing customer and technical support   | To respond to your requests for assistance, comments and questions, to analyze crash information, to repair and improve the Services and provide other customer support.   |
| Enhancing security   | To keep our Services and associated systems operational and secure, including, for example, verifying accounts and activity, monitoring and investigating suspicious or fraudulent activity and to identify violations of our terms and policies.  |
| To comply with applicable law, legal process and regulations and protect legitimate business interests | As we believe is reasonably necessary to comply with a law, regulation, order, subpoena, rule of a self-regulatory organization or audit or to protect the safety of any person, to address fraud, security issues, or to protect our legal rights, interests and the interests of others.   |

**What happens when you do not provide necessary Personal Data?** Where we need to process your Personal Data either to comply with law, or to perform the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for

example, to provide you with the functionalities of the Services). In this case, we may have to stop you from using our Services.

## Who We Share Your Personal Data With?

We may share your Personal with third parties in the ways that are described in the table below. We consider this information to be a vital part of our relationship with you.

| Recipients  | Why we share it   |
|---|---|
| Our Third Parties Subprocessors   | Our subprocessors may access your Personal Data to help us develop, maintain and provide our Services.  |
| Service Providers   | Our service providers provide us support for our Services, including, for example, development tools, search engine, hosting, maintenance, backup, storage, virtual infrastructure, analysis, identity verification, background and compliance reviews, banking services, and other services for us, which may require them to access or use Personal Data about you.   |
| Professional Advisers   | Our lawyers, accountants and consultants may need to review your personal data to provide consultancy, compliance, banking, legal, insurance, accounting and similar services.  |
| Legal and Taxing Authorities, Regulators and Participants in Judicial Proceedings | We may disclose your Personal Data if we believe it is reasonably necessary to comply with a law, regulation, order, subpoena, rule of a self-regulatory organization or audit or to protect the safety of any person, to address fraud, security or technical issues, or to protect our legal rights, interests and the interests of others, such as, for example, in connection with the acquisition, merger or sale of securities or a business (e.g., due diligence). |

**Business Transfers.** In connection with any merger, sale of company assets, or acquisition of all or a portion of our business by another company, or in the unlikely event that ToplineChat goes out of business or enters bankruptcy, customer information would likely be one of the assets that is transferred or acquired by a third party. If any of these events were to happen, this Privacy Policy would continue to apply to your information and the party receiving your information may continue to use your information, but only consistent with this Privacy Policy.

**With Your Consent.** We may share and disclose information with your consent or at your direction. For example, we may share your information with third parties with which you authorize us to do so.

**Published Support Requests.** And if you send us a request (for example, via a support email or one of our feedback mechanisms), we reserve the right to publish that request in order to help us clarify or respond to your request or to help us support other users.

## Third Parties Subprocessors

We currently use third party subprocessors to provide our services. Prior to engaging any third party subprocessor, ToplineChat performs diligence to evaluate their privacy, security and confidentiality practices, and executes an agreement implementing its applicable obligations.

ToplineChat may use the following subprocessors for the purpose described below:

| Entity Name          | Purpose                             | Entity Country |
|----------------------|-------------------------------------|----------------|
| Amazon               | Hosting and Infrastructure Services | USA            |
| The Constant Company | Hosting and Infrastructure Services | USA            |
| MongoDB              | Infrastructure Services             | USA            |

|  |                                       |             |
|--|---------------------------------------|-------------|
| Twilio                                     | Communication and Marketing Services  | USA         |
| Slack                                      | Communication Services                | USA         |
| Google                                     | Email, Storage and Analytics Services | USA         |
| Signalwire                                 | Communication API Services            | USA         |
| MessageMedia                               | SMS Services                          | USA         |
| Intercom                                   | Communication Services                | USA         |
| Meta                                       | Communication Services                | USA         |
| Stripe                                     | Payment Processing Services           | Ireland     |
| PayPal                                     | Payment Processing Services           | USA         |
| 360dialog                                  | Communication API Services            | Germany     |
| The Rocket Science Group                   | Communication and Marketing Services  | USA         |
| Zapier                                     | Automation Services                   | USA         |
| Shopify                                    | Ecommerce Services                    | Canada      |
| Calendly                                   | Scheduling Services                   | USA         |
| Smel Nov Svyat EOOD                        | Email & Marketing Services            | Bulgaria    |
| WebActix                                   | Automation & Marketing Services       | New Zealand |
| VK holding (VK)                            | Communication Services                | Russia      |
| LINE                                       | Communication Services                | Japan       |
| Rakuten Viber                              | Communication Services                | England     |
| Lucas Loureiro Carvalho Suporte Tecnico ME | Communication Services                | Brazil      |
| Chatwoot                                   | Communication Services                | USA         |

As our business grows and evolves, the Subprocessors we engage may also change. We will endeavor to provide the owner of Customer's account with notice of any new Subprocessors to the extent required under the Agreement, along with posting such updates here. Please check back frequently for updates.

## How long we store your Personal Data

We will retain your information for as long as it is reasonably needed for the purposes set out in How We Use Your Personal Data and Why unless you request that we remove your Personal Data as described in Your Rights Relating to Your Personal Data. We will only retain your Personal Data for so long as we reasonably need to use it for these purposes unless a longer retention period is required by law (for example for regulatory purposes). This may include keeping your Personal Data after the termination of your contract for the period of time needed for us to pursue legitimate business interests, conduct audits, comply with (and demonstrate compliance with) legal obligations, resolve disputes and enforce our agreements.

## Where We Store Your Personal Data

The Services are maintained in Australia. Personal Data that you provide us may be stored, processed and accessed by us, our staff, sub-contractors and third parties with whom we share Personal Data in Australia or elsewhere for the purposes described in this policy. We may also store Personal Data in locations outside the direct control of ToplineChat (for instance, on servers or databases co-located with hosting providers). By accessing the Services and providing us with your Personal Data, you consent to and authorize the export of Personal Data and its storage and use as specified in this Privacy Policy.

## How We Protect Your Personal Data

ToplineChat uses industry-standard physical, managerial, and technical safeguards to preserve the integrity and security of your personal information. We limit access to your Personal Data to those employees and other staff who have a

business need to have such access. All such people are subject to a contractual duty of confidentiality. We periodically review our policies and procedures to evaluate their effectiveness and ensure that they remain up to date.

We have put in place procedures to deal with any actual or suspected Personal Data breach. In the event that personal information is compromised as a result of such a breach of security, ToplineChat will promptly notify those persons whose personal information has been compromised, in accordance with the notification procedures set forth in this Privacy Policy, or as otherwise required by applicable law. ToplineChat cannot ensure that your Personal Data will be protected, controlled or otherwise managed pursuant to this Privacy Policy if you share your login and password information with any third party, including any third party operating a website or providing other services.

## **Links to Other Websites & Third Party Applications**

Our services may contain links to other websites not operated or controlled by ToplineChat. We are not responsible for the content, accuracy or opinions expressed in such websites, and such websites are not investigated, monitored or checked for accuracy or completeness by us.

Please remember that when you use a link to go from the Services to another website, our Privacy Policy is no longer in effect. Your browsing and interaction on any other website, including those that have a link on our Site, is subject to that website's own rules and policies. Such third parties may use their own cookies or other methods to collect information about you.

If you'd like to use third party software/services with our Services, please keep in mind that when you interact with them you may provide information about yourself to those third parties. We don't own or control these third parties and they have their own rules about collection, use and sharing of information. You should review their rules and policies when installing and using any third party software/services.

## **Customer's Obligations to Respect Individual End User's Rights**

In connection with using our Services, you may receive and determine what to do with certain personal information from your End Users, such as when communicating with them and entering into transactions with them. This means you process personal information (for example, name, email address, and shipping address) and, to the extent you do so, under EU law, you are an independent controller of data relating to other users that you may have obtained through the Services.

You are responsible for protecting user personal information you receive or process and complying with all relevant legal requirements when you use the Services. This includes applicable data protection and privacy laws that govern the ways in which you can use a user's information. Such laws may require that you post, and comply with, your own privacy policy, which must be accessible to your users and compatible with this policy and ToplineChat's Terms of Use. For more information on the General Data Protection Regulation, see more resources at <https://gdpr-info.eu> and <http://gdprandyou.ie>.

As a data controller, to the extent that you process users' personal information outside of the Services, you may be required under applicable data protection and privacy laws to honor requests for data access, portability, correction, deletion, and objections to processing. Also, if you disclose personal information without the user's proper consent, you are responsible for that unauthorized disclosure. This includes, for example, disclosures you intentionally make or unintentional data breaches. For example, you may receive an End-User's email address or other information as a result of entering into a transaction with that End User. This information may only be used for the authorized purpose. You may not use this information for unsolicited commercial messages or unauthorized transactions. Without the End-User's consent, and subject to other applicable ToplineChat policies and laws, you may not add any End User to your email or physical mailing list, use that End-User's identity for marketing, or obtain or retain any payment information. Please bear in mind that you're responsible for knowing the standard of consent required in any given instance. If ToplineChat and you are found to be joint data controllers of personal information, and if ToplineChat is sued, fined, or otherwise incurs expenses because of something that you did as a joint data controller of End-Users' personal information, you agree to indemnify ToplineChat for the expenses it occurs in connection with your processing of End-Users' personal information.

## Changes to Our Privacy Policy

We reserve the right, in our sole discretion, to change, modify, add, or remove portions of this Privacy Policy at any time. Any changes or updates will be effective immediately upon posting to this page. You should review this Privacy Policy regularly for changes. You can determine if changes have been made by checking the Effective Date below. Your continued use of our services following the posting of any changes to this Privacy Policy means you consent to such changes.

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