Privacy Policy and Cookie Policy

Privacy Policy

Effective Date: May 25, 2018; Last updated: May 25, 2018.

While we have not made any material changes to the way we process information about our users, we have updated this policy to make it easier to read, and to comply with the EU General Data Protection Regulation coming into force on May 25, 2018.

We at MightyText ("**MightyText**", "**we**", "**us**") respect your privacy and want you to understand how we collect, use, and disclose information about you. This Privacy Policy covers our data collection practices and describes your rights to access, correct, or restrict our use of your personal information.

Unless we link to a different policy or state otherwise, this Privacy Policy applies when you visit or use the MightyText website, mobile or desktop applications, browser extensions, or related services (the **"Services"**).

By using the Services and interacting with us, you agree to the terms of this Privacy Policy. You shouldn't use the Services if you don't agree with this Privacy Policy.

1. Information We Collect

We collect certain information from and about you directly, like information you enter yourself, data about your preferences (settings). We also collect some information automatically, like information about your device, your mobile phone number and what parts of our Services you interact with or spend time using.

1.1 Information You Provide to Us

We may collect different information from or about you depending on how you use the Services. Below are some examples to help you better understand the information we collect.

When you create an account and use the Services, we collect any information you provide directly, including:

Account Information

In order to use certain features (like sending an SMS from our web application), you need to log in using your Google Account credentials. When you create a MightyText account, we collect and store the information you provide, like your verified email address, phone number, and assign you a unique identifying number (**"Account Data"**). We never have access to your Google Account password.

Payment Data

If you make purchases (for example, when upgrading to our premium version), we collect certain information about your purchase (such as your zip code) as necessary to process your order. You must provide certain payment and billing information directly to our payment processing partners, including your name, credit card information, and zip code. For security, MightyText does not collect or store sensitive cardholder data, such as credit card numbers or card authentication data.

Content

When you send or receive SMS or MMS messages, we synchronize and store this information to deliver the features and functionality in the Services. Other examples of content include synced photos and videos, synced contacts, phone battery level, and synced app notifications (if you choose to enable this optional feature).

Shared Content

Parts of the Services let you share your photos and videos content publicly (optional feature). This requires your explicit action to share publicly. Such shared content may be publicly viewable by others if you choose it to be. You can remove the sharing at any time.

Settings

You can choose to set preferences in our applications. For example, if you would like to enable or disable notifications in our desktop application.

Customer Support Communications

If you contact us for support or to report a problem or concern (regardless of whether you have created an account), or if you reply to a message we send, we collect and store your contact information, support request, and other data about you like your name, email address, location, operating system, IP address, and any other data you provide or that we collect through automated means (which we cover below). We use this data to respond to you and research your question or concern, in accordance with this Privacy Policy.

Surveys and Promotions

We may invite you to complete a survey or participate in a promotion (like a contest, sweepstakes, or challenge), either through the Services or a third-party platform. If you participate, we will collect and store the data you provide as part of participating, such as your name, email address. That data is subject to this Privacy Policy unless otherwise stated in the official rules of the promotion or in another privacy policy on the third-party platform. The data collected will be used to administer the promotion or survey, including for notifying winners and distributing rewards. To receive a reward, you may be required to allow us to post some of your information publicly (like on a winner's page). Where we use a third-party

platform to administer a survey or promotion, the third party's privacy policy will apply.

The information listed above is stored by us and associated with your account.

1.2 Information We Collect through Automated Means

When you access the Services, we collect certain information by automated means, including:

System Data Technical information about your computer or device, like your IP address, device type, operating system type and version, unique device identifiers, browser, browser language, and other systems data, and platform types (**"System Data"**).

Usage Data Usage statistics about your interactions with the Services, including time spent on pages or the Service, pages visited, features used in our Services, your search queries within our Services, date and time, and other data regarding your use of the Services (**"Usage Data"**).

The information listed above is collected through the use of server log files and tracking technologies, as detailed in the "Cookies and Data Collection Tools" section below. It is stored by us and associated with your account.

We keep all of this information for a reasonable period of time in connection with your on-going business with us. You have the right to withdraw your consent to use of your Personally Identifiable Information at any time by contacting us via https://help.mightytext.net

2. How We Get Information About You

We use tools like cookies, web beacons, analytics services, and advertising providers to gather the data listed above. Some of these tools offer you the ability to opt out of data collection.

2.1 Cookies and Data Collection Tools

As detailed in our Cookie Policy below, MightyText and service providers acting on our behalf (like Google Analytics and third party advertisers) use server log files and automated data collection tools like cookies, tags, scripts, customized links, device or browser fingerprints, and web beacons (together, **"Data Collection Tools"**) when you access and use the Services. These Data Collection Tools automatically track and collect certain System Data and Usage Data (as detailed in Section 1) when you use the Services. In some cases, we tie data gathered through those Data Collection Tools to other data that we collect as described in this Privacy Policy.

We use cookies (small files that websites send to your device to uniquely identify your browser or device or to store data in your browser) for things like analyzing your use of the Services, personalizing your experience, making it easier to log into the Services, and recognizing you when you return. We use web beacons (small objects that allow us to measure the actions of visitors and users using the Services) for things like identifying whether a page was visited, identifying whether an email was opened, and advertising more efficiently by excluding current users from certain promotional messages or identifying the source of a new mobile app download.

MightyText uses the following types of cookies:

- Preferences: cookies that remember data about your browser and preferred settings that affect the appearance and behavior of the Services (like your preferred language).
- Security: cookies used to enable you to log in and access the Services; protect against fraudulent logins; and help detect and prevent abuse or unauthorized use of your account.
- Functional: cookies that store functional settings.
- Session State: cookies that track your interactions with the Services to help us improve the Services and your browsing experience, remember your login details, and enable processing of your purchases. These are strictly necessary for the Services to work properly, so if you disable them then certain functionalities will break or be unavailable.

You can set your web browser to alert you about attempts to place cookies on your computer, limit the types of cookies you allow, or refuse cookies altogether. If you do, you may not be able to use some or all features of the Services, and your experience may be different or less functional.

2.2 Analytics

We use analytics services like Google Analytics, KissMetrics, and Intercom on the Services as further described in our Cookie Policy. These services use Data Collection Tools to help us analyze your use of the Services, including information like the third-party website you arrive from, how often you visit, events within the Services, usage and performance data, and where the application was downloaded from. We use this data to improve the Services, better understand how the Services perform on different devices, and detect fraud.

2.3 Third Parties

We may allow third-parties, including our authorized service providers, advertising companies, and ad networks, to display advertisements on our site. These companies may use tracking technologies, such as cookies, to collect information about users who view or interact with their advertisements. Unless expressly stated otherwise, our website does not provide any personal information to these third parties. This information allows them to deliver targeted advertisements and gauge their effectiveness. For example, we use Google to serve ads in our MightyText web application (for non-premium users). Google's use of advertising cookies enables it and its partners to serve ads. You may opt out of personalized advertising by visiting Ads Settings. You may also opt out of a third-party vendor's use of cookies for personalized advertising by visiting www.aboutads.info.

3. What We Use Your Information For

We use and process your information to do things like provide our Services, communicate with you, troubleshoot issues, secure against fraud and abuse, improve and update our Services, analyze how people use our Services, and as required by law or necessary for safety and integrity.

We use and process the information we collect through your use of the Services to:

- Provide and administer the Services, including the core functionality and features of the MightyText product.
- Send you administrative messages and information, including messages from our technical and support teams, notifications about changes to our Service, and updates to our agreements;
- Send you information and in-app messages about new services, features, promotions, newsletters, and other available MightyText products;

- Manage your account preferences;
- Facilitate the Services' technical functioning, including troubleshooting and resolving issues, securing the Services, and preventing fraud and abuse;
- Solicit feedback from users;
- Market and administer surveys and promotions administered or sponsored by MightyText;
- Learn more about you by linking your data with additional data through third-party data providers or analyzing the data with the help of analytics service providers;
- Identify unique users across devices;
- Improve our Services and develop new products, services, and features;
- Analyze trends and traffic, track premium upgrades, and track usage data;
- Process payments and subscriptions (if you've upgraded to our premium version);
- Provide customer support;
- Enforce our Terms of Service;
- Advertise the Services on third-party websites and applications;
- As required or permitted by law;
- As we, in our sole discretion, otherwise determine to be necessary to protect and to ensure the safety or integrity of our users, employees, third parties, the public, or our Services;

Our basis for processing your information is primarily to provide the products and features in the Services, as described in our Terms of Service.   We may also process information based on consent or for our legitimate interest.

4. Who We Share Your Information With

We may share certain information about you (but not your Content, for example, your SMS & MMS Text Messages) with companies performing services for us, our business partners, analytics providers, companies helping us run promotions and surveys. We may also share your data as needed for security, legal compliance, or as part of a corporate restructuring. Lastly, we can share data in other ways if it is aggregated or de-identified or if we get your consent or as otherwise permitted by law.

We may share your information with third parties under the following circumstances or as otherwise described in this Privacy Policy:

- With Service Providers, Contractors, and Agents: We share some of your information (but not your Content, for example, your SMS & MMS Text Messages) with third-party companies who perform services on our behalf, like payment processing, data

analysis, marketing and advertising services (including retargeted advertising), email and hosting services, cloud storage providers and customer services and support. These service providers are required to use this information solely as we direct, to provide our requested service.

- With Analytics Providers: As part of our use of third-party analytics tools like Google Analytics and KissMetrics, we share certain contact information, Account Information, System Data, Usage Data (as detailed in Section 1), or de-identified data as needed (but not your Content, for example, your SMS & MMS Text Messages). De-identified data means data where we've removed things like your name and email address and replaced it with a token ID. This allows these providers to provide analytics services or match your data with publicly-available database information (including contact and social information from other sources). We do this to communicate with you in a more effective and customized manner.

- To Administer Promotions and Surveys: we may share your data as necessary to administer, market, or sponsor promotions and surveys you choose to participate in, as required by applicable law (like to provide a winners list or make required regulatory filings), or in accordance with the rules of the promotion or survey.

- For Security and Legal Compliance: We may disclose your information to third parties if we (in our sole discretion) have a good faith belief that the disclosure is:

- Permitted or required by law;
- Requested as part of a judicial, governmental, or legal inquiry, order, or proceeding;
- Reasonably necessary as part of a valid subpoena, warrant, or other legally-valid request;
- Reasonably necessary to enforce our Terms of Use, Privacy Policy, and other legal agreements;
- Required to detect, prevent, or address fraud, abuse, misuse, potential violations of law (or rule or regulation), or security or technical issues; or
- Reasonably necessary in our discretion to protect against imminent harm to the rights, property, or safety of MightyText, our users, employees, members of the public, or our Services.
- We may also disclose data about you to our auditors and legal advisors in order to assess our disclosure obligations and rights under this Privacy Policy.

- During a Change in Control: If MightyText undergoes a business transaction like a merger, acquisition, corporate divestiture, or dissolution (including bankruptcy), or a sale of all or some of its assets, we may share, disclose, or transfer all of your data to the successor organization during such transition or in contemplation of a transition

(including during due diligence).

- After Aggregation/De-identification: we can disclose or use aggregate or de-identified data for any purpose.
- With Your Permission: with your consent, we may share data to third parties outside the scope of this Privacy Policy.

5. Security

MightyText takes appropriate security measures to protect against unauthorized access, alteration, disclosure, or destruction of your personal information that we collect and store. These measures vary based on the type and sensitivity of the data. Unfortunately, however, no system can be 100% secured, so we cannot guarantee that communications between you and MightyText, the Services, or any information provided to us in connection with the data we collect through the Services will be free from unauthorized access by third parties.

6. Your Rights

You have certain rights around the use of your data, including the ability to opt out of promotional emails, cookies, and collection of your data by certain analytics providers. You can update or terminate your account, and can also contact us for individual rights requests about your personal information. Parents who believe we've unintentionally collected personal information about their underage child should contact us for help deleting that information.

6.1 Your Choices About the Use of Your Information

You can choose not to provide certain data to us, but you may not be able to use certain features of the Services.

- To stop receiving promotional communications from us, you can opt out by using the unsubscribe mechanism in the promotional communication you receive. Note that regardless of your preferences for promotional communications, we will send you transactional and relationship messages regarding the Services, including administrative confirmations, order confirmations, important updates about the Services, and notices about our policies, unless you request to be forgotten.
- The browser or device you use may allow you to control cookies and other types of local data storage. Your wireless device may also allow you to control whether location or other data is collected and shared. You can manage Adobe's LSOs through their Website Storage Settings panel.

- To get information and control cookies used for tailored advertising from participating companies, see the consumer opt-out pages for the [Network Advertising Initiative](#) and [Digital Advertising Alliance](#), or if you're located in the European Union, visit the [Your Online Choices](#) site. To opt out of Google's display advertising or customize Google Display Network ads, visit the [Google Ads Settings page](#).
- To opt out of allowing Google Analytics or KissMetrics to use your usage data for analytics, see the [Google Analytics Opt-out Browser Add-on](#) or [KissMetrics Opt-Out](#).

If you have any questions about your data, our use of it, or your rights, contact us via https://help.mightytext.net

6.2 Accessing, Updating, and Deleting Your Personal Information

You can access and update your personal information that MightyText collects and maintains as follows:

- To update information you provide directly, log into your account and update your account at any time.
- To terminate your account, or have your Content deleted, please contact us via https://help.mightytext.net. We typically respond within 24-48 business hours.
- Please note: even after your account is terminated, some or all of your data may still be visible to others due to actions outside of our control, including without limitation any data that has been copied, stored, shared, or disseminated by you (including in your Shared Content).
- To request to access, correct, or delete your personal information, contact us via https://help.mightytext.net. Although we typically respond within 24-48 business hours, please allow up to 7 days for the request to be completed. For your protection, we may require that the request be sent through the email address associated with your account, and we may need to verify your identity before implementing your request.

6.3 Our Policy Concerning Children

We recognize the privacy interests of children and encourage parents and guardians to take an active role in their children's online activities and interests. Children under 13 (or under 16 in the European Economic Area) should not use the Services. If we learn that we've collected personal information from a child under those ages, we will take reasonable steps to delete it.

Parents who believe that MightyText may have collected personal information from a child under those ages can submit a request that it be removed via https://help.mightytext.net

7. Jurisdiction-Specific Rules

If you live in California, you have certain rights to request information. Users outside of the United States should note that we transfer data to the US and other areas outside of the European Economic Area.

7.1 Users in California

If you are a California resident, you have the right to request certain details about what personal information we share with third parties for those third parties' direct marketing purposes. To submit your request, contact us via https://help.mightytext.net with the phrase "California Shine the Light" and include your mailing address, state of residence, and email address.

Since the internet industry is still working on Do Not Track standards, solutions, and implementations, we do not currently recognize or respond to browser-initiated Do Not Track signals.

7.2 Users Outside of the U.S.

MightyText is headquartered in California, and in order to provide the Services to you we must transfer your data to the United States and process it there. By visiting or using our Services, you consent to storage of your data on servers located in the United States. If you are using the Services from outside the United States, you consent to the transfer, storage, and processing of your data in and to the United States or other countries. Specifically, personal information collected in Switzerland and the European Economic Area ("EEA") is transferred and stored outside those areas.

That data is also processed outside of Switzerland and the EEA by our MightyText group companies, or our service providers, including to process transactions, facilitate payments, and provide support services as described in Section 4. We have entered into data processing agreements with our service providers that restrict and regulate their processing of your data on our behalf. By submitting your data or using our Services, you consent to this transfer, storage, and processing by MightyText and its processors.

8. Updates & Contact Information

When we make a material change to this policy, we'll notify users via email, in-product notice, or another mechanism required by law. Changes become effective the day they're posted. Please contact us via https://help.mightytext.net with any questions, concerns, or disputes.

8.1 Modifications to This Privacy Policy

From time to time, we may update this Privacy Policy. If we make any material change to it, we will notify you via email, through a notification posted on the Services, or as required by applicable law. We will also include a summary of the key changes. Unless stated otherwise, modifications will become effective on the day they are posted.

As permitted by applicable law, if you continue to use the Services after the effective date of any change, then your access and/or use will be deemed an acceptance of (and agreement to follow and be bound by) the revised Privacy Policy. The revised Privacy Policy supersedes all previous Privacy Policies.

8.2 Interpretation

Any capitalized terms not defined in this policy are defined as specified in MightyText's Terms of Service. Any version of this Privacy Policy in a language other than English is provided for convenience. If there is any conflict with a non-English version, you agree that the English language version will control.

8.3 Questions

If you have any questions, concerns, or disputes regarding our Privacy Policy, please feel free to contact our privacy team (including our designated personal information protection manager) via https://help.mightytext.net. You can also write us at: 3964 Rivermark Plaza Suite #254, Santa Clara, CA 95054, United States of America

Cookie Policy

Effective Date: May 25, 2018; This Cookie Policy was last updated on May 24, 2018

We Use Common Tracking Technologies

We collect personal information about users over time and across our Services when you use our Services. We also have third parties collect personal information this way. To do

this, we may use several common tracking tools which may include browser cookies. We may also use web beacons, tracking pixels and other similar technologies.

What are cookies?

Cookies are small text files stored by your browser as you browse the internet. They can be used to collect, store, and share data about your activities across websites, including on MightyText. Cookies also allow us to remember things about your visits to MightyText, like your preferred language, and to make the site easier to use.

We use both session cookies, which expire after a short time or when you close your browser, and persistent cookies, which remain stored in your browser for a set period of time. We use session cookies to identify you during a single browsing session, like when you log into MightyText. We use persistent cookies where we need to identify you over a longer period, like allowing you to stay signed in without having to log in every time you use the Services.

Why does MightyText use cookies and similar technologies?

We use cookies and similar technologies like web beacons, pixel tags, or local shared objects ("flash cookies"), to deliver, measure, and improve our services in various ways. We use these cookies both when you visit our site and services through a browser and through our mobile app. As we adopt additional technologies, we may also gather additional data through other methods.

We use cookies for the following purposes:

Authentication and security: To log you into MightyText, protect your security, and help detect and fight spam, abuse, and other activities that violate MightyText's agreements. For example, cookies help authenticate your access to MightyText and prevent unauthorized parties from accessing your accounts.

Preferences: To remember data about your browser and your preferences, as well as to remember your settings and other choices you have made. For example, cookies help us remember your preferred language or the country you're in, so we can provide content in your preferred language without asking each time you visit.

Analytics and research: This helps us understand and improve how people use MightyText. For example, cookies help us test different versions of MightyText to see which features or content users prefer, web beacons help us determine which email messages are opened, and cookies help us see how you interact with MightyText, like the links you

click on.

We also work with a number of analytics partners, including Google Analytics and KissMetrics, who use cookies and similar technologies to help us analyze how users use the Services, including by noting the sites from which you arrive. Those service providers may either collect that data themselves or we may disclose it to them. (but not your Content, for example, your SMS & MMS Text Messages)

You can opt out of some of these services through tools like the Google Analytics Opt-out Browser Add-on and KissMetrics Opt-Out, or by not allowing cookies from these provider's domains in your browser settings.

Advertising. To provide you with more relevant advertising.

Your browser may give you the ability to control cookies. How you can do so depends on the type of cookie. Certain browsers can be set to reject browser cookies. To learn more about targeting and advertising cookies and how you can opt out, visit www.allaboutcookies.org/manage-cookies, or if you're located in the European Union, visit the Your Online Choices site.

Please note that where advertising technology is integrated into the Services, you may still receive advertising on other websites and applications, but it will not be tailored to your interests.

What are my privacy options?

You have a number of options to control or limit how we and our partners use cookies:

- Most browsers automatically accept cookies, but you can change your browser settings to decline cookies by consulting your browser's support articles. If you decide to decline cookies, please note that you may not be able to sign in, customize, or use some interactive features in the Services.
- Flash cookies operate differently than browser cookies, so your browser's cookie-management tools may not remove them. To learn more about how to manage Flash cookies, see Adobe's article on managing flash cookies and Website Storage Settings panel.
- To get information and control cookies used for tailored advertising from participating companies, see the consumer opt-out pages for the Network Advertising Initiative and Digital Advertising Alliance, or if you're located in the European Union, visit the Your Online Choices site. To opt out of Google display

advertising or customize Google Display Network ads, visit the **Google Ads Settings page**.

Updates & Contact Info

From time to time, we may update this Cookie Policy. If we do, we'll notify you by posting the policy on our site with a new effective date. If we make any material changes, we will take reasonable steps to notify you in advance of the planned change.

If you have any questions about our use of cookies, please contact us via help.mightytext.net

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PRIVACY POLICY

TERMS OF SERVICE

FEATURES

SEND SMS

SEND MMS

SEND GROUP MESSAGE

SEE PHONE NOTIFICATIONS

SCHEDULE MESSAGE

CALL FROM PHONE