

# **Privacy Policy**

**Last Updated: June 25, 2018**

Please read this Privacy Policy (or “Policy”) carefully before using any Somos Product or Site. By using any of the Somos Products or accessing a Somos Site you signify your agreement to be bound by this Privacy Policy.

IF YOU DO NOT AGREE TO BE BOUND BY THIS PRIVACY POLICY, DO NOT USE THE SOMOS PRODUCTS OR SITES.

THE SOMOS PRODUCTS AND SITES ARE INTENDED SOLELY FOR PERSONS LOCATED IN NORTH AMERICA. USE OF ANY NON-ENGLISH LANGUAGES IN THE SOMOS PRODUCTS AND SITES IS INTENDED SOLELY FOR THE CONVENIENCE OF NON-ENGLISH SPEAKERS WITHIN NORTH AMERICA AND DOES NOT IMPLY ANY INTENTION TO OFFER PRODUCTS OR SERVICES OUTSIDE OF NORTH AMERICA. DO NOT USE THIS SITE OR ANY SOMOS PRODUCT IF YOU ARE NOT A RESIDENT OF NORTH AMERICA.

THE SOMOS PRODUCTS AND SITES ARE ALSO INTENDED SOLELY FOR BUSINESSES AND NOT FOR INDIVIDUALS. INDIVIDUALS SHOULD NOT ACCESS ANY SOMOS SITE OR USE ANY SOMOS PRODUCT EXCEPT IN THEIR CAPACITY AS EMPLOYEES OR OTHER REPRESENTATIVES OF BUSINESS ENTERPRISES.

The Somos Companies are committed to protecting User privacy. This Privacy Policy is designed to inform Users of the Somos Products about how the Somos Companies gather and use information provided to, or collected by or on behalf of, the Somos Companies and under what circumstances the Somos Companies will transfer, share or disclose such information. The Somos Companies take reasonable steps to protect User privacy consistent with the guidelines set forth in this Privacy Policy and with applicable laws and regulations. By using a Somos Product you agree to the data collection and use described in this Privacy Policy. Therefore, we ask that you read this Privacy Policy carefully. Any dispute that may arise over privacy or data collection, storage, transfer or use by or on behalf of a Somos Company or in connection with a Somos Product will be subject to this Privacy Policy.

## **Key Definitions**

In this Privacy Policy, we use the following key definitions (other terms are defined in the body of the Policy):

“Content” means information, documentation or media presentation that are linked to or displayed on a Site or a Somos Product.

“Personal Information” means information relating to an identified or identifiable natural person that is provided to a Somos Company or any third party acting on behalf of a Somos Company. For this purpose an identifiable person is one who can be identified from the information or from the information in combination with other readily accessible information.

“Non-Personal Information” means data that is provided to a Somos Company or any third party acting on behalf of a Somos Company and that is not Personal Information. Anonymized data and aggregated data from which data about an identifiable person cannot be obtained is considered Non-Personal Information for purposes of this Privacy Policy.

“Site” means the websites: [somos.com](http://somos.com), [sms800.com](http://sms800.com), [texting.somos.com](http://texting.somos.com), [texting.sms800.com](http://texting.sms800.com) and any other website, URL, or electronic or mobile device application owned or operated by or on behalf of a Somos Company or in connection with a Somos Product, either now or in the future.

“Somos” means Somos, Inc., formerly known as SMS/800, Inc.

“Somos Companies,” “we,” “us” and “our” mean Somos, Toll-free Data Services, Inc., and any other current or future affiliate of Somos.

“Somos Product” means a product or service offered by any of the Somos Companies, including without limitation the products and services known as SMS/800, RouteLink and TSS Registry and any other product or service described in or accessible through a Site.

“Tariff” means the 800 Service Management System (SMS/800) Functions Tariff F.C.C. No. 1 and any amendments thereto.

“Tracking Technology” means cookies, clear GIFs, pixel tags, geolocational trackers or other technology solutions performing similar functions that are used by or on behalf of a Somos Company.

“User” or “you” means any person viewing or otherwise accessing the Sites or the Somos Products as an individual and/or on behalf of an entity, including without limitation, a Responsible Organization, Service Control Point Owner/ Operator, Service Registrar or Routing Database Provider, as those terms are defined in the relevant Site and Somos Product.

“User Data” means both Personal Information and Non-Personal information.

### **Third Party Websites and Applications**

The Somos Products and/or Sites may contain links to other websites or applications. The Somos Companies are not responsible for the privacy practices or the content of any third party websites or applications. Users should be aware of this when leaving the Somos Products or Sites and

review the privacy statements on the third party sites or applications. This Privacy Policy applies solely to information collected by or on behalf of the Somos Companies.

## **What Information Do We Collect?**

The Somos Companies, or third parties acting on behalf of the Somos Companies, collect both Personal Information and Non-Personal Information, both directly, in your interaction with the Sites or Somos Products, and indirectly through the use of Tracking Technology.

The Personal Information we collect may include, but is not limited to: your name and corporate title, your IP address, the name of your company, your telephone number, company address, email address, as well as any additional supplemental information that we may request from time to time.

The Non-Personal Information we collect may include, but is not limited to: your industry group, zip code, area code, unique device identifier, referrer and exit websites and applications, browser type, browser language, operating system, geographic location, date and time of your queries and search queries. We may also collect information with respect to the interaction between you and our Sites or Somos Products, including but not limited to date and time of your visit, length of your visit and pages viewed.

**RouteLink Users:** Somos may require additional information, including without limitation, Operating Company Number (OCN) registration numbers, evidence of state operator authorization and insurance certificates, for the purpose of verifying that you satisfy Somos' requirements to receive access to the RouteLink routing database. An authorized distributor of RouteLink may also be required to submit information related to its customers, such as the customers' organization names, OCN registration numbers, evidence of state operator authorization, insurance certificates, addresses, contact persons, e-mail addresses and telephone numbers, for the limited purpose of satisfying Somos' requirements for the provision of RouteLink services to such customers. Such RouteLink User Data shall be considered User Data for the purposes of this Privacy Policy.

**TSS Registry Users:** Somos may require additional information about Service Registrars' customers to validate with a Responsible Organization (as that term is defined in the Tariff) the requesting User information. It is the responsibility of the Service Registrars to obtain appropriate permission from their customers to provide such information.

## **Use and Disclosure of Information We Collect**

**User Data:** Our primary goal in collecting information is to provide Users with the best and most useful Content and services, to manage the use of the Somos Products and the Site by its Users, and to communicate with you, our service providers and agents, and other Users. We use the information to create, develop, operate, deliver, and improve the Somos Products and services, Content, advertising and marketing materials. Except as set forth in this Privacy Policy,

the Somos Companies use User Data only for Somos Companies' purposes and will not disclose User Data to any third parties, unless we are required to do so by law, regulation or court order, or with your consent.

**Personal Information:** From time to time, we may use your Personal Information to send you important notices, such as communications related to the Sites, the Somos Products and services, the Somos Companies, and changes to our terms, conditions and policies. All such communications are intended solely in your capacity as a representative of a business entity with which a Somos Company has formed a business relationship, either through the use of this Site and/or through the use of a Somos Product or service. Your Personal Information may be aggregated and used to help us improve the Somos Products and services and to better understand which Somos Products or services are of most interest to our Users.

**TSS Registry Users:** The TSS Registry allows Responsible Organizations (as that term is defined in the Tariff) to view User Data for the limited purpose of facilitating Responsible Organization approvals to text-enable toll-free numbers.

**User-Generated Content:** The Somos Products or Sites may feature User-generated content, such as in review sections, blogs or forum communities. Unless otherwise indicated, information provided by Users on such forums is not private and may be visible to other visitors to the Sites and any User.

**Disclosure to Service Providers:** Except as otherwise provided in this Privacy Policy or in agreements with Users, we may share, sell, license or transfer User Data to Somos Company service providers, agents, or other third parties engaged by Somos for the purpose of providing, supporting and improving the Somos Products and Sites.

**Storage and Deletion:** The Somos Companies store and process User Data in the United States, and your User Data may therefore be accessible to law enforcement and regulatory authorities in the United States. We reserve the right to store User Data as long as may be permitted by applicable laws and regulations. We will delete your Personal Information if you ask us to do so by contacting the Somos Help Desk at 844-HEY-SOMOS (844-439-7666), unless we are required to retain it under any applicable laws or regulations.

**Improper Conduct:** We may use and share User Data to investigate and help prevent unlawful activity or activity that threatens our network or otherwise jeopardizes the provision or operation of any of the Somos Products. We may disclose User Data to third parties (such as law enforcement) to the extent required by applicable laws or regulations or if we believe, in our sole discretion, that such disclosure is needed to help prevent unlawful activity or any activity that threatens any Sites, Somos Companies or Somos Products.

**Tracking Technology:** The Somos Products, email communications, advertisements, marketing materials and other interactive applications or services may use Tracking Technology. Tracking Technology helps us to better understand which parts of our Sites and Somos Products Users use

and visit and to facilitate and measure the effectiveness of any Somos Company advertisements, surveys, functions, promotions or other Content. Except as otherwise stated in this Privacy Policy or pursuant to applicable laws and regulations, information collected by Tracking Technology is considered Non-Personal Information.

The Somos Companies may use cookies and other technologies to remember Personal Information when you use the Somos Products or Sites. You should only access the Sites using web browsers that enable you to control how and whether cookies will be accepted by your web browser. If you reject our cookies, some functions and conveniences of the Somos Products or Sites may not work properly.

The Somos Companies may send email messages, text messages, “push” notifications or other similar advertising and marketing materials from time to time which may include a “click-through URL” linked to a Site or Somos Product. We, or third parties on our behalf, may track this click-through data to help us determine interest in particular topics and measure the effectiveness of our communications to you. We may also include “pixel tags” or other similar technologies in the email messages, text messages or notifications that tell us whether our message has been opened or notification received. We may use this information to reduce or eliminate messages sent to you and other Users. If you prefer not to be tracked in this way, you should not click the text or graphic links in the messages or notifications.

The Somos Products, Somos Companies and its service providers, and third parties such as ad networks, may use cross-device/cross-context tracking. For example, if you use multiple browsers on a single device, or use various devices (such as desktops, smartphones, and tablets) to access the Somos Products or communicate with the Somos Companies, it may result in your having multiple accounts or profiles across these various contexts and devices. Cross-device/cross-context technology may be used to connect these various accounts or profiles and the corresponding data from the different contexts and devices.

**Do Not Track:** The Somos Companies and its service providers, including ad networks, may use your browsing history across participating websites or use of mobile devices to show you interest-based advertisements. Currently, our Site, the Somos Products and our other services do not recognize if your browser sends a “do not track” signal or similar mechanism to indicate you do not wish to be tracked or receive interest-based ads.

### **How Can You Opt Out of Use and Disclosure of Your Information?**

We will only use your information for the purposes described in this Privacy Policy. If you wish to opt out of receiving information about the Somos Products or other Somos Company information you may opt-out of receiving emails from the Somos Companies at any time by contacting the Somos Help Desk at 844-HEY-SOMOS (844-439-7666) or as indicated in your User account settings. We will, at your request, delete your information from our database at any time by contacting the Somos Help Desk at 844-HEY-SOMOS (844-439-7666) unless we are required to retain it under any applicable laws or regulations.

## **California Privacy Rights**

Under California's "Shine the Light" law, California residents who provide personal information in obtaining products or services for personal, family or household use are entitled to request and obtain from the Somos Companies' for-profit entities, once per calendar year, information about customer information that Somos has shared, if any, with other businesses for such other businesses' own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which the Somos Companies shared customer information for the immediately prior calendar year (e.g. requests made in 2017 will receive information regarding 2016 sharing activities). To obtain this information, please contact the Somos Help Desk at 844-HEY-SOMOS (844-439-7666) identifying a "Request for California Privacy Information" in your message.

## **International Users**

The Somos Products and/or Sites are hosted by servers located in the United States. If you are located outside of the United States, your Personal Information may be transferred to the United States and if so, will be subject to the legal requirements of the United States, including requirements to disclose information to courts, law enforcement and national security authorities. By submitting your Personal Information, you consent to transfer of your Personal Information to the United States and to its storage, processing, and use there in accordance with this Privacy Policy and United States law."

## **Security**

We have implemented reasonable security measures to protect information from loss, misuse and unauthorized access, disclosure, alteration or destruction. Nevertheless, our services depend in substantial part on public networks and third-party products and services. We cannot guarantee against security breaches, including without limitation any that are associated with such public networks, or third-party products and services.

## **Consent to Communications**

To the extent permitted by applicable law, you hereby consent to our use of your contact information for purposes of communications with you by or on behalf of the Somos Companies regarding the Somos Products and Sites. If you choose to provide an e-mail or other electronic address on your account, you acknowledge and consent to receive business and informational messages relating to the services at such address, including collections messages, and you represent and warrant that such address is your private address and is not accessible or viewable by any other person or that it is an address approved by the entity which you represent and is not accessible or viewable by any unauthorized person. You can revoke your consent at any time by exercising your opt-out option as provided above or in a communication we send you.

## **Access and Updating of Information**

The instructions to review, amend or delete your information by updating your User account settings may be provided in the applicable Somos Product or related documentation or materials provided by or on behalf of the Somos Companies. Users may change information at any time and as often as necessary. Users who are experiencing problems with our services or who have questions about how our services work can contact the Somos Help Desk at 844-HEY-SOMOS (844-439-7666).

## **General**

**Tariff:** Somos is subject to the Tariff and other regulatory directives. In the event of an inconsistency between this Privacy Policy and the Tariff, or to the extent that the Tariff or any other regulatory directive binding on Somos prohibits a Somos Company from complying with anything contained herein, the provisions set forth in the Tariff or such other regulatory directive, as applicable, shall apply.

**Registration Password:** Your account(s) with any Somos Company or Somos Product may be password-protected to control access to your account by third parties. Do not divulge your password to anyone. We never ask for passwords in unsolicited phone calls or unsolicited emails. You may not transfer or share your registration password or other credentials without our prior written consent.

**Business Transfers:** We are always seeking to improve the Somos Products, our Sites and our business. If all or part of a Somos Company is sold, merged or otherwise transferred to another entity, the User Data may be transferred as part of that transaction.

**Amendments:** We may modify or amend this Privacy Policy from time to time. Therefore, we ask you to check this Privacy Policy occasionally to ensure that you are aware of the most recent version which will apply from the time you access the Site. If we make any material changes in the way in which User Data is collected, used or transferred, we will notify you of these changes on the Site for the applicable Somos Product. If you object to any of the changes, you can have us delete your information from our database by contacting the Somos Help Desk at 844-HEY-SOMOS (844-439-7666).

**Minors under 13:** Children under 13 are not permitted to use the Somos Products or our Sites, and may not submit any personally identifiable information to the Somos Companies. The Somos Companies do not knowingly collect any personally identifiable information from children under 13 years old or knowingly distribute such information. If a child under 13 has provided the Somos Companies or submitted to the Somos Products with personally identifiable information, the parent or guardian of that child should contact the Somos Companies immediately at the Somos Help Desk at 844-HEY-SOMOS (844-439-7666) to delete this information.

**CLASS ACTION WAIVER: YOU AND THE SOMOS COMPANIES AGREE THAT EACH MAY BRING CLAIMS AGAINST THE OTHER ONLY IN YOUR OR ITS INDIVIDUAL CAPACITY (OR IN THE CASE OF THE SOMOS COMPANIES, IN**

**THEIR CORPORATE CAPACITIES) AND NOT AS A PLAINTIFF OR CLASS MEMBER IN ANY PURPORTED CLASS OR REPRESENTATIVE PROCEEDING.**

**Dispute Resolution:** [Any dispute, controversy, or claim arising out of or relating to this Privacy Policy or the collection, use, storage or transfer of any of your information or data, including, but not limited to, the arbitrability of the matter or the formation, interpretation, scope, applicability, termination, or breach of this Privacy Policy, shall be referred to and finally determined by arbitration in accordance with the JAMS Streamlined Arbitration Rules and Procedures, or JAMS International Arbitration Rules, if the matter is deemed "international" within the meaning of that term as defined in the JAMS International Arbitration Rules. The arbitration shall be administered by JAMS, shall take place before a sole arbitrator, and shall be conducted in Herndon, Virginia. If the JAMS International Arbitration Rules apply, the language to be used in the arbitral proceedings will be English. This section shall apply to and require arbitration of all disputes, controversies, and claims, regardless of whether such disputes, controversies, or claims concern a single individual, entity, or other person, multiple individuals, entities, or other people, or classes of individuals, entities, or other people.

Without derogating the obligation to arbitrate provided in the foregoing sentence, the exclusive jurisdiction of any actions arising out of, relating to, or in any way connected with, this Privacy Policy, including without limitation any action to enforce an arbitral award, shall be in the state or federal courts, as applicable, located in Fairfax County in Herndon, Virginia. You hereby consent to receive service of process by electronic means or social media to the extent allowed by such federal or state court. This constitutes express agreement of the parties regarding your consent pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) and any applicable state law equivalent.

**Telephone Consumer Protection Act:** The Somos Companies may use your information to make business, informational and collections calls relating to the Services to all telephone numbers, including cellular numbers or mobile devices, you choose to provide on your account or in registering for any of the Somos Products or services, including any of the Sites. You agree such calls may be pre-recorded messages or placed with an automatic telephone dialing system. In addition, you agree that the Somos Companies may send non-marketing service or account related text messages to cellular phone numbers you provide to the Somos Companies, and you agree to accept and pay all carrier message and data rates that apply to such text messages. You can revoke your consent at any time by exercising your opt-out option as provided above or in a communication we send you. You may also inform the representative calling either from or on behalf of the Somos Companies that you no longer wish to receive future calls related to the Somos Companies, the Sites or Somos Products or services.

## **Enforcement**

If you believe that we have not complied with this Privacy Policy, or if you have any other complaint with regard to collection, use or disclosure of User Data by a Somos Company, you may send a written notice of complaint to the applicable Somos Company at the address indicated on the applicable Site or to the address below:



Somos Companies  
c/o Somos, Inc.  
2411 Dulles Corner Park, Suite 250  
Herndon, VA 20171  
U.S.A.

Attention: WEBSITE USER COMMUNICATIONS

OR

Somos Companies  
c/o Toll-free Data Services, Inc.  
2411 Dulles Corner Park, Suite 250  
Herndon, VA 20171  
U.S.A.

Attention: WEBSITE USER COMMUNICATIONS

**The Somos Companies reserve the right to modify and update this Privacy Policy from time to time in their sole discretion.**

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