**SMS ASSIST PRIVACY STATEMENT FOR FIXT MAINTENANCE BY SMS ASSIST™ APPLICATION**

This Privacy Statement (“Privacy Statement”) for the Fixt Maintenance by SMS Assist™ Application (“Application”) is effective as of September 4, 2020.

You are being granted access to the Application maintained by SMS Assist, L.L.C. (“SMS Assist” or “We”) as a result of an agreement between SMS Assist and a third party who is a customer of SMS Assist, such as your employer, client, or property manager (“Customer Agreement”).

This Privacy Statement applies solely to the information and data you may provide to us or that we collect from you when you access or use the Application or communicate with us in connection with the Application or services we provide (“Services”), and it describes how and when we collect, use, and share such information and data. This Privacy Statement does not apply to information or data collected by SMS Assist through any means other than in connection with your use of the Application, such as offline, through the [www.fixt.com](http://www.smsassist.com) website, or by any third-party services, applications, websites, or advertisements associated with, linked to, or otherwise accessible from the Application (“Third-Party Sites”). **The information collected or received by such Third-Party Sites is subject to the privacy policies and practices of the Third-Party Sites and under no circumstances is SMS Assist responsible or liable for any third-party information collection**. In the event of a conflict between the Customer Agreement and this Privacy Statement, the Customer Agreement shall control.

By using the Application or voluntarily providing your information to us, you consent to our collection, transfer, manipulation, storage, disclosure and other uses of your information as set forth in this Privacy Statement. **If you do not agree to the terms of this Privacy Statement, then you may not use the Application or give us any information** and you should discuss this choice with your employer, client, or property manager, as applicable, who has a Customer Agreement with SMS Assist. Irrespective of which country you reside in or supply information from, you authorize SMS Assist to use your information in the United States and any other country where SMS Assist operates. We may process your Personal Information (defined below) and other information we receive in relation to the Application on a server located outside the country where you live.

This Privacy Statement is incorporated into and subject to the Terms of Use.

**Types of Information We Collect**

We collect information and data through the Application, which may include, but is not limited to:

* *Personal Information*. We may ask you to disclose certain information, such as your name, address, e-mail address, telephone number, or other personally identifying information (“Personal Information”).
* *Non-personally identifying information*. We may also ask you to submit other information which is non-personally identifying, such as transaction information, pictures, video, or other information that does not identify you personally.
* *Information about your device, internet connection, and usage*. We may also collect information automatically when you use the Application, such as information about your device (which term includes personal computers, laptops, tablets, phones, and other hardware), your browser, your internet connection, your IP address, and how you use the Application.
* *Geolocation information*. The act of downloading and using the Application on a mobile device signifies your acknowledgement that the Application contains global positioning system (GPS) technology, which will allow SMS Assist to know the physical location of your mobile device at all times (subject to carriers' cellular phone and data service coverage).

1. **Information You Provide to Us**

As you use the Application, we may collect any information that you provide to us, which may include, but is not limited to:

* Information that you provide by filling in forms. This includes information that may be provided at the time of registering to use the Application or when you otherwise enter information into the Application and may include Personal Information. We may also ask you for information when you report a problem with the Application;
* Records and copies of your correspondence (including your name and email address or other contact information), if you contact us through the Application or regarding the Application or Services;
* Your responses to surveys that we might ask you to complete in connection with the Application;
* Pictures or videos that you submit through the Application, such as those related to service requests, to verify certain transactions, or those that may be required by contract;
* Details of transactions you carry out through the Application, such as Services or work requested;
* Your search queries on the Application.

1. **Information We Collect through Automatic Data Collection Technology**

As you use the Application, we may use automatic data collection technologies to collect certain information about your device, use and access of the Application, or patterns of use, which may include:

* ***Device Information.*** We may collect device-specific information, such as your hardware model, operating system version, and unique device identifiers.
* ***Log Information.*** When you use FIXT, we may automatically collect and store certain information, such as:
  + - the specific Services used through the Application and details of how you used such Services;
    - Internet protocol address (a number assigned to your computer when you use the Internet);
    - device event information, such as crashes, system activity, device settings; or
    - cookies that may uniquely identify your browser or your device.
* ***Local Storage.*** The Application also may access metadata and other information associated with certain files stored on your device which relate to the Application. This may include, for example, time, date, or location tags included in photographs, audio and video clips. We do not, however, access any data from contact files, calendar, call logs, or text messages.
* ***Cookies*.** When you use the Application, SMS Assist will use automated information gathering tools, including cookies (small strings of text sent by our servers and stored by your browser on your device hard drive), which will allow us to record how you use the Application, assess overall activity, track interest in particular features of the Application, diagnose problems with our servers, and troubleshoot technical concerns. You may refuse to accept browser cookies by activating the appropriate setting on your device. **However, if you select this setting you may be unable to access certain parts of the Application, and if you decide to do so you should discuss this with your employer, client, or property manager, as applicable, who has a Customer Agreement with SMS Assist.** Unless you have adjusted your device setting so that it will refuse cookies, our system will issue cookies when you direct your browser to the Application.
* ***Mobile and Location Information*.** When you use the Application on a mobile device, we may receive information about your location and your mobile device, including a unique identifier for your device. In such event, we may collect and process information about your actual location using GPS signals sent by your mobile device. We may also use various technologies to determine location, such as sensor data from your device that may, for example, provide information on nearby Wi-Fi access points and cell towers.

1. **Information We Receive from Third Parties**

We may receive information from third parties, as applicable to the Services, such as your employer, client, or property manager, which may include Personal Information. We receive this information as a result of our Customer Agreement with your employer, client, or property manager, as applicable, so that we can provide you with high-quality maintenance services.

**Third-Party Information Collection**

When you use the Application, certain third parties may use automatic information collection technologies to collect information about you or your device. These third parties may include:

* Analytics companies;
* Your device manufacturer;
* Your internet provider.

These third parties may use tracking technologies to collect information about you when you use the Application. The information they collect may be associated with your Personal Information or they may collect information, including Personal Information, about your online activities over time and across different websites, apps, and other online services websites. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content outside of the Application. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. To learn more about this behavioral advertising practice, you can visit www.networkadvertising.org, and you may opt out of receiving cookies or targeted advertising from third party advertising networks by going to the Network Advertising Initiatives cookie opt out page, which can be found at http://www.networkadvertising.org/managing/opt\_out.asp.

We do not control third parties' tracking technologies or how they may be used, nor their collection or use of your information to serve interest-based advertising. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly.

**Information Use**

We use the information we collect from the Application to provide, maintain, Protect, and improve the Application, to develop new services or products, and to protect both SMS Assist and our users. Specifically, we use your information to:

* Present the Application to you;
* Communicate with you – either through email, telephone, or otherwise;
* Ensure that work and any service performed is done in a quality manner. Specifically, we may use your information to carry out our contractual obligations with our customers and to enforce our rights arising from any contracts which are binding upon SMS Assist with respect to the work and Services we perform. **Specifically, we may use photographs, videos, and/or location data to verify that Services are completed in accordance with all contractual requirements which are binding upon SMS Assist**;
* Improve your user experience and the overall quality of the Application, including to develop new technologies and services;
* Run reports regarding the efficiency of Services performed for our customers;
* Use for internal business purposes;
* Include and use in our data analytics;
* Troubleshoot technical problems or other difficulties;
* Meet any applicable law, regulation, legal process, or enforceable governmental request;
* Enforce the Customer Agreement or the applicable Terms of Service and/or Acceptable Use Policy governing your use of the Application, including investigation of potential violations;
* Detect, prevent, or otherwise address fraud, security, or technical issues;
* Protect against harm to the rights, property, or safety of SMS Assist, our users, or the public, as required or permitted by law;
* Use in any other way we may describe when you provide the information; and to
* Fulfill any other purpose for which you are providing information.

We will ask for your consent before using information for a purpose other than those that are set out in this Privacy Statement.

**Information Sharing**

We may disclose information we collect or that you provide, including Personal Information, as described below:

* To our subsidiaries and affiliates;
* To the party to the applicable Customer Agreement (whether you, your employer, client, or property manager);
* To our customers, third party contractors, service providers, and other third parties we use to support our business, who are bound by contractual obligations to keep Personal Information confidential and use it only for the purposes for which we disclose it to them;
* To verify transactions are completed and for quality assurance purposes. We provide transaction data (such as photographs and location information) to our customers in order to verify that certain Services are performed in the highest-quality manner and in conformance with all contractual obligations that are binding upon SMS Assist. We may also share certain limited data (not including any Personal Information) with prospective customers in order to demonstrate the quality of SMS Assist’s Application and technology;
* To enforce any rights that we may have under any contract or to ensure compliance with the terms of any agreement to which SMS Assist may be subject;
* To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of SMS Assist's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personal Information held by SMS Assist is among the assets transferred;
* To fulfill the purpose for which you provide it;
* For any other purpose disclosed by us when you provide the information;
* As described elsewhere in this Privacy Statement;
* With your consent; and
* If we have a good-faith belief that access, use, preservation, or disclosure of the information is reasonably necessary to:
  + meet any applicable law, regulation, legal process, or enforceable governmental request;
  + enforce the Customer Agreement, other agreement, or applicable Terms of Use and/or Acceptable Use Policy governing your use of the Application, including investigation of potential violations;
  + detect, prevent, or otherwise address fraud, security, or technical issues; or
  + protect against harm to the rights, property or safety of SMS Assist, our users, or the public as required or permitted by law.

We may disclose aggregated information, without restriction, about our users (including you) and use of the Application, provided that such information does not identify any individual.

**Tracking**

We do not engage in the collection of personally identifiable information about your activities over time and across third-party websites or online services. Accordingly, we do not currently process or comply with any web browser’s “do not track” signal or other mechanisms that provide consumers with the ability to exercise choice regarding the collection of personally identifiable information about your online activities over time and across third-party websites. However, we may from time to time allow third-party companies to collect certain non-personally identifiable information (see the description under “Third-Party Information Collection” above).

**Information Security**

SMS Assist works hard to protect our users from unauthorized access

to the Application or unauthorized alteration, disclosure, or destruction of

information we hold. In particular:

* We regularly review our information collection, storage, and processing practices, including physical security measures, to guard against unauthorized access to systems; and
* Except as otherwise set forth in the “Information Sharing” section above, we restrict access to Personal Information to SMS Assist employees, contractors, and agents who need to know such information, and who are subject to contractual confidentiality obligations.

The safety and security of your information also depends on you. Where we have implemented security measures to restrict access to certain areas of the Application, you are responsible for abiding by all such security measures, including keeping any passwords and access methods strictly confidential.

Unfortunately, the transmission of information via the internet (especially wireless internet) is not completely secure. Although we do our best to protect your information, especially all Personal Information, we cannot guarantee the security of your Personal Information transmitted through the Application. Any transmission of Personal Information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures we provide.

**Your Choices**

We strive to provide you with choices regarding the Personal Information you provide to us. This section describes mechanisms we provide for you to control certain uses and disclosures of your information.

* *Tracking Technologies*. You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, or block the use of other tracking technologies, some parts of the Application may then be inaccessible or not function properly.
* *Location Information*. You can choose whether or not to allow the Application to collect and use real-time information about your mobile device's location through the device's privacy and location settings. If you block the use of location information, some parts of the Application may then be inaccessible or may not function properly, or you may be prompted to provide other information regarding your location so that we can properly provide Services.

**Accessing and Updating your Personal Information**

We strive to maintain the accuracy of any personally identifiable information that may be collected from you, and will use our commercially reasonable efforts to promptly update our database when you tell us the information in our database is not accurate. It is your responsibility to ensure that such information is accurate, complete, and up to date. You may obtain from us, by mail or email, the information in our records concerning yourself and the information you have provided to us about you. When updating or requesting your Personal Information, we may ask you to verify your identity before we can act on your request. If you wish to make any changes to any personally identifiable information you have provided to us, you may do so at any time by contacting us at [privacy@smsassist.com](mailto:privacy@smsassist.com).

We may reject requests that are unreasonably repetitive, require disproportionate technical effort (for example, developing a new system or fundamentally changing an existing practice), risk the privacy of others, or would be extremely impractical (for instance, requests concerning information residing on backup tapes).

**California Residents**

This Section applies only to consumers who reside in the State of California. SMS Assist will comply with the California Consumer Privacy Act of 2018 (“CCPA”), to the extent applicable and as it relates to SMS Assist as a service provider under the CCPA. In the preceding 12 months, we have not sold any personal information. For more information on what information we collect, see “Types of Information We Collect” above. For more information about how your information is used, see “Information Use” above.

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Site that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to [privacy@smsassist.com](mailto:privacy@smsassist.com) or write to us at 875 North Michigan Avenue, Suite 2800, Chicago, Illinois 60611, Attention: General Counsel.

**Our Statement Toward Children**

The Application is not directed to persons under 13, and in compliance with the Children’s Online Privacy Protection Act, 15 U.S.C. §§ 6501-06 and 16 C.F.R. §§ 312.1-312.12, we do not knowingly collect information from children under 13. By using the Application, you represent that you are not under 13 years of age. No one under 13 years of age may use or provide any information to the Application.

**Business Transfer**

SMS Assist may, in the future, sell or otherwise transfer some or all of its assets to a third party. The personally identifiable information and/or technical information we obtain from you via the Application may be disclosed to any potential or actual purchasers of such assets and/or may be among those assets transferred.

**Changes to this Privacy Statement**

This Privacy Statement is effective as of September 4, 2020. We reserve the right, at any time, to modify, alter, or update this policy. If we make a change to this policy that, in our sole discretion, is material, we will notify you via update or email to the email address associated with your account. By continuing to access or use the Application after those changes become effective, you agree to be bound by the revised Privacy Statement.

**Questions Regarding this Privacy Statement**

Questions regarding this Privacy Statement should be directed to [privacy@smsassist.com](mailto:privacy@smsassist.com). SMS Assist may also be contacted directly at the following address and phone number:

SMS Assist, L.L.C.

875 North Michigan Avenue, Suite 2800

Chicago, IL 60611

Phone: 312.698.7000