

Effective Date: May 25, 2018

This privacy policy update applies to the ChatBeacon Live Chat Software (Version 3 or later), ("the Software") and the ChatBeacon.io website. As you may know, data privacy laws have changed to protect personal data such as your email address better, and we want to make sure that we're doing our part. If you are registered to receive our emails, you'll continue to receive these. If you'd prefer not to hear from us any longer, then you can unsubscribe by emailing us at legal@chatbeacon.io.

SmartMax Software, Inc. (SSI) respects your privacy, and we strive to protect the security of your personal data by use of appropriate measures and processes. To comply with the new GDPR legislation, we have updated our procedures and policies and made the proper alterations to the Software for compliance and continued transparency. By using the Software, by the trial of, or purchase of any product offered by SmartMax Software, Inc., means the acceptance of this SSI Privacy Policy, SSI Terms, and Conditions and SSI Data Processing Agreement. We will not share or use your information with anyone except as outlined in this Privacy Policy but does not apply to information collected by other means (including live or offline) or from other sources. Please be assured that we'll only use your personal information in accordance with data privacy laws and our Privacy Policy which can be accessed by clicking [here](#).

MODIFICATIONS TO THIS AGREEMENT

SmartMax reserves the right to modify this Agreement (including policies) at any time and will use reasonable efforts to notify Licensee of the changes via our website, direct email or other means. Changes to this Agreement may, for example, include security and product updates, company updates or legal compliance, and becomes effective at the time of the modification.

SMARTMAX IS WILLING TO PROVIDE SOFTWARE AND SUBSCRIPTION SERVICES TO YOU ONLY UPON THE CONDITION THAT YOU ACCEPT ALL OF THE TERMS, CONDITIONS, AND NOTICES CONTAINED IN THIS AGREEMENT. PLEASE READ THIS AGREEMENT CAREFULLY AS IT IS LEGALLY BINDING. IF YOU DO NOT AGREE TO THE TERMS AND CONDITIONS HEREIN, SMARTMAX IS UNWILLING TO PROVIDE SOFTWARE LICENSING OR SUBSCRIPTION SERVICES TO YOU.

THIS PRIVACY POLICY APPLIES TO THE COLLECTION AND PROCESSING OF PERSONAL DATA

What information may be collected and Processed:

Information collected may include: Name, email address, company name, physical address, website address (domain), credit card or payment information and geo-location data on both computers and mobile devices, SMS Chat, Facebook, Twitter, LinkedIn, ChatBeacon.io Blog, comments or reviews, personal information or any other information you give us, provided to us via the ChatBeacon Agent Application, ChatBeacon Chat Window or to a representative of SSI.

Information may be collected in multiple ways such as: Providing us with personal information when signing up to receive correspondence from SSI (i.e., SSI blog posts, direct emails, Facebook, Twitter). By signing up for a ChatBeacon Cloud Trial or On-Premise Trial. If you purchase ChatBeacon on behalf of another individual or company, we may collect their information including: Name, email address, company name, physical address, website address (domain), credit card or payment information and geo-location data on both computers and mobile devices, SMS Chat, Facebook, Twitter, LinkedIn, ChatBeacon.io Blog, comments, questions or reviews, personal information or any other information you give us, provided to us via the ChatBeacon Agent Application, ChatBeacon Chat Window or to a representative of SSI.

Reasons Information may be collected:

- to provide the services, you request including product support
- to send license information and or login information to access your account
- to send you offerings by email or US mail
- to keep you informed about the status of your orders
- to identify your product and service preferences, so we can notify you of new or additional products, services, and promotions that might be of interest to you
- to notify you of product upgrades or provide other information concerning products you have purchased
- to notify you of company news

DEFINITIONS

"Agent" means an individual who takes live chats and monitors customers across all channels, (i.e., Website, SMS, Social Media), where the ChatBeacon Software is in operation.

"ChatBeacon Agent Application" means the console that your Chat Agents log into to take live chats on your website, also known as the "Operator Console."

"ChatBeacon Code" means proprietary JavaScript code, other code, or software development kits (SDK's), provided to you by SmartMax for deployment on Customer websites.

"Customer Data" means data that is provided directly by a Customer to an Agent or indirectly, on behalf of a Customer to an Agent and is far more generalized than Personal Data. It can include, but not limited to basic information provided by a Customer when completing a pre-chat or post chat form, the chat information itself and the corresponding logs, type of communication device (i.e., type of mobile device or OS or browser used).

"ChatBeacon Chat Window" means user interface for online visitors allowing communication (customer support, sales, and inquiries) with chat agents or AI ChatBots.

“End User” means an individual who uses the ChatBeacon Software to communicate with a customer.

“Licensee” means Customer or you.

“SMS Chat” means the chat feature which allows your customers and prospects to communicate with your live chat agents via SMS text message.

“Subscription Services” means the Chatbeacon Live Chat Software is provided as a software-as-a-service solution (SaaS) and designed to enable Licensees to communicate to their "customer" on their website via the ChatBeacon Agent Application.

“Software” means the Chatbeacon Live Chat Software (Version 3 or later), including any updates provided by SmartMax, and “SmartMax” proprietary technology and source code.

“SmartMax Content” means any and all material developed by SmartMax and made available for use by Licensee including any designing of Licensee website, and templates prepared by SmartMax for use by Licensee.

“Personal Data” means data, in context of GDPR, covers a much broader range of information such as: Name, email address, company name, physical address, IP Addresses, website address (domain), transaction history, credit card or payment information, geo-location data on both computers or mobile devices, comments, questions or reviews, and any other information provided. It is any information that can be directly or indirectly linked to a particular individual by reference to specific, identifiable factors.

“Visitor” means an individual who is browsing a website where ChatBeacon is in use.

“Website” means Licensee Internet presence, identified by the domain name provided by Licensee.

Logging of Data – When you use the Software, the application server hosting the ChatBeacon chat server will create and store web server access logs, error logs, security audit logs and application logs. The log files will record a time-stamped documentation of events, including information that your browser automatically sends when you visit a website. The log files may include IP addresses, usernames, and other personal information, but this information is collected for the limited and legitimate purpose of detecting and preventing fraud and unauthorized system access, and ensuring the security of our systems, as described in Recital 49 of the GDPR law: <https://gdpr-info.eu/recitals/no-49/> and Article 6, Paragraph 1, Point F.

Cookie Data - The Software does NOT use cookies. ChatBeacon uses browser storage, specifically the local and session storage to store information about the visitor's website session. ChatBeacon does not store any personal information in the local browser storage.

Device Information – In addition to logging of data SSI may collect information regarding the type of computer or device you are using, including the Operating System, browser type, screen resolution and user agent.

Please note that many promotions and mailings are completed well in advance, so you may continue to receive some offers after you ask us to stop sharing your information. We appreciate your patience in giving us time to carry out your request.

ACCESS AND RETENTION OF DATA

- 1) ChatBeacon On-Premise Customers (Version 3 or later), purchase a perpetual software license and install and manage their own software installations, networks, data and security, and therefore are entirely responsible for the handling of any personal data collected through the ChatBeacon (Version 3 or later) software, ChatBeacon Chat Window or ChatBeacon AI ChatBots.
- 2) ChatBeacon Cloud Customers (Version 3 or later), who are current customers or former customers who wish to access, correct, modify or delete data will be directed to submit their request via email to privacy@chatbeacon.io. Once the request is received, SSI will acknowledge receipt of the inquiry within seventy-two business hours, (excluding weekends and Holidays) and will proceed with due diligence, confirming the identity of the requestor. Once confirmed, SSI will promptly assist with access to the personal data.
- 2a) Personal data for ChatBeacon Customers (Version 3 or later), is retained for the duration of time the account is in “good standing” with SSI. At the time of cancellation by the customer, data will be available to access by the request terms aforementioned for a length of 30 days.
- 3) SmartMax maintains the right to cancel any service with or without notice due to abuse, including inappropriate and unprofessional behavior, non-payment for services rendered, fraud, obscenity, causing harm to SSI or others or considered a security risk. If termination of service is deemed necessary, there will not be a refund. At the time of termination of the customer, data will be available to access by the request terms aforementioned for a length of 30 days.

INFORMATION USE AND DISCLOSURE

- 1) Personally Identifiable Information: SmartMax will not sell, rent, trade, license or otherwise disclose your specific to anyone. If you are a ChatBeacon Cloud Customer (Version 3 or later) of SSI, we may store personal information in locations outside of the direct control of SSI, such as third-party hosting companies, i.e., AWS, Google Cloud Platform and Microsoft Azure.

- 2) Non-Personally Identifiable Information: SSI may share non-personally identifiable information such as, Behavior, patterns or trends, firmographic data collected from website usage and movement, anonymous usage data, referral pages and URL's, chat data to include most common questions and inquiries, most popular website pages, products or services, number of clicks and average chatting time and wait times.
- 3) If you choose to purchase goods and services from SSI, your payment information will be processed through one of our third-payment processors (Stripe, Recurly, Authorize.net, PayPal, or Banking Institution).
- 4) We may share non-personal information (such as the number of daily visitors to a particular web page, or the size of an order placed on a specific date) with third parties such as advertising partners. This information does not directly personally identify you or any customer.
- 5) Personal information provided to us while opting in on an SSI promotion, including reviews, comments, may be publicly disclosed. Information may consist of the name, city, and state of winners of any "freebie" or giveaway promotions.

ORGANIZATIONAL CHANGE

In the event, SmartMax may acquire, sell, transfer or merge with or be acquired by or merged with another company, your personal information may be among the assets sold or otherwise transferred in these types of transactions; including bankruptcies, dissolutions, reorganization, liquidation or proceedings involving all or part of the corporation. Disclosure of personal information will be subject to the Privacy Policy in effect.

PRIVACY AND DATA SECURITY

The ChatBeacon.io website is designed to give you options concerning the privacy of your credit card information, name, address, e-mail and any other information you provide us. We use SSL encryption to protect your personal information online, and we also take several steps to protect your personal information in our facilities. Access to your personal information is restricted. Only employees who need access to your personal information to perform a specific job, are granted access to your personal information. While we use industry-standard precautions to safeguard your personal information, we cannot guarantee complete security. 100% complete security does not presently exist anywhere online or offline. If at any time you would like to make a purchase, but do not want to provide your credit card information online, you may contact a sales representative over the telephone.

SHARING OF YOUR PERSONAL INFORMATION

We will not, under any circumstances share your personal information with other individuals, organizations (private or public) or corporations without your permission, except when applicable by law. We do not sell, communicate or divulge your information to any mailing lists, and at any time, you may opt-out or stop receiving correspondence from SSI. We may be required to disclose personal information in response to requests from law-enforcement officials conducting investigations; subpoenas; a court order; or if we are otherwise required to disclose such information by law and where disclosure is necessary to protect our legal rights, property, enforce our Terms of Use or other Agreements, or to defend ourselves or others, the security or integrity of our Software or Service.

LINKS TO OTHER SITES

While visiting ChatBeacon.io, you may link to websites operated by our business partners or other third parties; this does not mean that we endorse these websites. We do not make any representations or warranties about any website you may access through our website. They are independent of us, and we have no control over, or responsibility for, their information or activities. You need to make your own independent decisions regarding your interactions or communications with any other Website. If you provide personal information at one of those sites, you are subject to the privacy policy of the operator of that site, not the SSI privacy policy. We encourage you to read that policy before submitting any personal information.

CHILDREN'S PRIVACY

The United States Congress enacted the Children's Online Privacy Protection Act (COPPA) in 1998. It imposes specific requirements on websites or online services directed at children under 13 years of age, which knowingly collect information on those children. SmartMax does not knowingly collect or solicit any personal information from anyone under the age of 13. SSI promotions are restricted to entrants who are at least 18 years old. No one under the age of 15 should submit any personal information to this or any other website without the consent of a parent or guardian.

PRODUCT REVIEWS

You may choose to submit a product review. If you post a review, we will ask for your email address and geographic location. If you provide a review, your geographic location may be visible to other users (your email address will be kept private). Also, any personally identifiable information that you submit as part of the review can be read or used by other visitors to the Site. We are not responsible for any personally identifiable information that you choose to submit as part of your review. We believe you can post a helpful review without disclosing any personal information. You may opt-out of SmartMax Software Inc. (SSI) or ChatBeacon marketing lists at any time. Periodically, we may send you information about our various

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products and services, or other products and services we feel may be of interest to you. Each time you receive an email from SSI, you will be given the opportunity to "opt-out" or stop receiving them. If you choose to "opt-out," we will stop sending you e-mails. Please note, however, that some e-mail promotions are prepared well in advance, so you may continue to receive offers after you have chosen to "opt-out." We appreciate your patience in giving us time to carry out your request.

CONTACT INFORMATION

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UPDATES TO THIS POLICY

If we change or update this Privacy Policy, we will post changes and updates on this Site so that you will always be aware of what information we collect, use and disclose. We encourage you to review this Privacy Policy from time to time, so you will know if the Privacy Policy has been changed or updated. If you have any questions about the Privacy Policy, please contact us at legal@chatbeacon.io.

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