

WHYQ - PRIVACY AND COOKIE POLICY

LAST UPDATED: JANUARY, 2019.

Welcome to the Privacy and Cookie Policies of the WhyQ Website and SMS Queue Management Software (the "Policies"). These Policies shall be construed as a binding consent and agreement between you, the User, Client or Customer of a Client of WhyQ (referred to indistinctively herein as the "User", "you" or "your") and **WhyQ**, a company incorporated under the laws of the Commonwealth of Australia with ABN 64 847 503 156, (hereinafter referred to herein as the "WhyQ" or "Company" or "us" or "our" or "we"), company which runs and administers the a cloud-based SMS Queue Management and its Website, located and accessible online at <http://www.whyq.me> . This Policy is set out to inform you of what data and information is gathered by WhyQ, what it is gathered for, how it is stored and what rights and you have to access such data; it is very important that you understand and have full information when you consent to the gathering, storing and use of your personal data. In case of any requests, observations, questions or other feedback, or personal data removal, please contact us by sending an email to info@whyq.me .

ALL THE DEFINITIONS AS THE PROVISIONS OF THE SOFTWARE AS A SERVICE AGREEMENT AND THE TERMS OF SERVICES SHALL APPLY TO THESE POLICIES. THIS PRIVACY AND COOKIE POLICIES DOCUMENT IS PART OF THE GOVERNING DOCUMENTS OF WHYQ. YOU ARE NOT IN ANY WAY OBLIGATED TO CONSENT TO THE GATHERING OF YOUR INFORMATION BY WHYQ; HOWEVER, TO BENEFIT AND ACCESS THE SERVICES AND THE WEBSITE YOU MUST AGREE WITH THE TERMS AND CONDITIONS OF THESE POLICIES. YOU MAY ALSO CONSENT PARTIALLY BY RESTRICTING CERTAIN INFORMATION AND CONDIGURING YOUR BROWSER AND DEVICE, BUT SOME PARTS MAY NOT BE AVAILABLE AND THE EXPERIENCE OF THE RESTRICTING USER OF THE SOFTWARE AND SERVICES MAY APPEAR INCOMPLETE OF DEFECTIVE. TO ENJOY THE FULL SOFTWARE EXPERIENCE AS A CLIENT AND AS A CUSTOMER OF A CIENT, FULL CONSENT OF DATA MANAGEMENT MUST BE GIVEN.

1. COLLECTED INFORMATION.

Whenever a User visits the Websites, opens an Account and accesses the Platform, regardless of the device the User is accessing from, WhyQ collects different types of information:

1.1. Generic Information

This is information we gather from Users in an automated fashion and they remain anonymous to us and we can't relate such information to them personally. This may be done either by the collection of a simple visit or contain data about specific preferred browsing activity on the device, browser or other details about how the User connects or their preferred parts of the website or software. At times, this also may be done through a third-party service, such as analytics and other similar tools. Also, this may be done by the use of Server

Logs, web beacons and/or Cookies. **THIS SITE USES COOKIES.** Users hereby state to understand that cookies are used as part of the gathering of generic information from users and browsers and that such information may be stored on the device you use to access the Website or the Software with, unless you disallow, prevent or otherwise block it. To understand more of what a cookie is, does and how to disallow the use of cookies on web browsers please visit <http://www.allaboutcookies.org> ,where you will be able to find relevant information on the subject of both cookies and the collection of data derived from their use.

1.2. Personal Provided Information to WhyQ as a collector

1.2.1. When WhyQ acts as a collector and processor for its own Website Visitors and opening of an account to benefit from the Services of the Software, WhyQ makes the collection of certain information. By accessing and using the Software or the Website You will enter this information yourself. Such personal data may be stored on our servers or on the cloud systems on which the Software and the Website may run on. Such information may include, but is not limited to:

- 1.2.1.1. Email Address.
- 1.2.1.2. Names.
- 1.2.1.3. Login username.

1.2.2. Further engagement and use of the Software, or subscription thereof, will require you enter more information, which may include, but is not limited to:

- 1.2.2.1. Phone Number.
- 1.2.2.2. Mobile Phone Number.
- 1.2.2.3. Birthday and Place of Birth.
- 1.2.2.4. Personal and/or Company Address.
- 1.2.2.5. Country.
- 1.2.2.6. Payment Method.
- 1.2.2.7. Purpose of the Subscription and Company activity.
- 1.2.2.8. Other relevant information about your business.

1.3. Personal Provided Information to the Software as a Customer of a Client of WhyQ

1.3.1. Clients which subscribe to the WhyQ Services access the full version of our SMS Queue Management Software. Persons which queue through the Software are required to share at least the following information:

- 1.3.1.1. Mobile Phone Number.
- 1.3.1.2. Name.

1.3.2. The Software is fully customizable for Clients through the Platform, and customers or users of the Client may be required to answer other questions and enter other data. WHYQ HAS NO CONTROL OR SPECIFIC KNOWLEDGE OF THE DATA COLLECTED BY CLIENTS FROM THEIR CUSTOMERS AND QUEUE USERS. IN THIS CASE WHYQ ACTS AS A DATA PROCESSOR FOR ITS CLIENTS, AND CLIENTS HAVE FULL

CONTROL OVER WHAT DATA THEY REQUEST, WHAT THEY DO WITH SUCH GATHERED DATA, AND HOW THEY STORE IT.

- 1.3.3. As a Data Processor WhyQ simply will display to the requesting Client the data which is gathered in orderly manner and options to download such data on a CSV sheet is also available to them.
- 1.3.4. Clients which subscribe to the WhyQ services enter into a [SaaS Agreement](#) with WhyQ, and warrant that they shall be compliant with any privacy regulations which may apply to them. When required, also a Data Processing Addendum is signed with Clients, particularly when they are required to be compliant with GDPR.
- 1.3.5. USER UNDERSTANDS THAT DATA GATHERED BY CLIENTS TO THE SOFTWARE IS NOT CONTROLLED BY WHYQ. HOWEVER, TO THE EXTENT IT WERE ALLOWED AND REQUIRED BY LAW, AND CLIENT COOPERATES AND REMAINS COMPLIANT WITH PRIVACY REGULATIONS WHICH MAY APPLY TO THEM, WHYQ WILL AID USERS PRIVACY RELATED REQUESTS MADE TO WHYQ'S CLIENTS.
- 1.3.6. Notwithstanding what may be stated in these Policies, all Users shall be subjects of these Policies, regardless of WhyQ's status as a collector or data processor, provided that the data collector cooperates with WhyQ to the requests of any data subjects.

2. USE OF THE GATHERED INFORMATION.

- 2.1. The collected information of Users is mostly used by WhyQ for running functionalities and features of the Website and the Software. The collected information may also be used by WhyQ to better understand the behavior of users thereon and to implement new features to it.
- 2.2. Occasionally WhyQ may use the collected information to contact Users to their reported email address to send notices of changes made to any of the Governing Documents of WhyQ, or to present them with changes or other information and options related to our Services.
- 2.3. Users may also subscribe to newsletters, email promotions, and other similar commercial notices, provided that they choose to subscribe to such services, if such services or options were available to them.
- 2.4. The collected data from Users is not meant to be sold or disclosed with a third party at any time, unless pursuant to a legal order or subpoena which burdens WhyQ with the legal obligation of disclosure of such personal information. If such obligation were ever to weigh on WhyQ, we will inform the affected User or Users within a reasonable timeframe.

3. PROTECTION OF USER'S INFORMATION.

- 3.1. About the security of Users' information and data, WhyQ is compromised to make reasonable efforts to protect its servers and databases, using third party security and encryption software to protect and attempt to keep harmless the confidentiality and privacy of User's information and personal data. Even so, Users hereby agree and acknowledge that the internet is not secure and there is no such thing as a completely secure digital environment, and that there is no website

- or Software which could be construed as 100% safe, despite of any efforts from any company whatsoever, to prevent breaches or attacks.
- 3.2. Therefore, User states to understand that, despite of any efforts of WhyQ, breaches may occur, and information may from time to time be accessed by any means or shared or used in any way, or that such malicious parties may depositing any sort of malware or malicious software on our servers and which WhyQ does not have knowledge of.
 - 3.3. If any of the aforementioned breaches occur, WhyQ will inform its users in a reasonable amount of time of such breach, so that Users are informed and may take additional security steps, make backups or proceed as they deem fit.
 - 3.4. From time to time parts of your information may be processed by a third party; such party shall be obligated to uphold these Policies, to protect the sensitive and personal data of Users of the Software and the Websites, in the same proportion, or better manner than the policies set out by WhyQ.

4. NOTICE AUTHORIZATION.

- 4.1. User accepts, consents to and authorizes WhyQ to send User notices to their provided email address, regarding any changes to any of the Governing Documents, about the Services and Features they are subscribed or requested a quote from, and to send them receipts of purchase of any services they subscribe to.
- 4.2. Additional authorization to send them specific emails may be contained in the [SaaS Agreement](#).
- 4.3. WhyQ also requires to send emails to be able to provide such service, or if WhyQ expects any kind of reaction or action from its Users.

5. CHILDREN'S PRIVACY.

- 5.1. For all applicable legal purposes WhyQ construes anyone under the age of 18 to be a Child. WhyQ does not knowingly collect the information of Children, and does not allow, encourage or otherwise sponsor the registration of minors under the before stated age.
- 5.2. Whenever WhyQ becomes aware that delicate or identifiable information that has been collected and that such information is of a Child or has been submitted by a Child WhyQ shall in a reasonable amount of time:
 - 5.2.1. Not disclose with third parties and the collected information nor use it for any purpose.
 - 5.2.2. Delete that personal information from its files as soon as possible; and
 - 5.2.3. Be available for any further requests of such collected information to the Child's parents or legal guardian.

6. CHANGES TO THESE POLICIES.

- 6.1. WhyQ may amend, change, or update these Policies from time to time, to either improve this section, or compliance with new laws and

regulations which may affect the handling, collecting and management of personal data, pursuant to any changes or innovations to applicable law.

6.2. The changes to the Terms of Sale or these Policies shall be informed to the User's provided email address.

7. GENERAL DATA PROTECTION REGULATION.

7.1. This section is meant to apply to Citizens of the EU or the EEA, and grant Users additional rights regarding the collected data. Notwithstanding the aforementioned, Users which do not fall under the description of the previous sentence shall also benefit from these provisions.

7.2. Principles pursued:

7.2.1. As suggested by the GDPR, the amount of collected data has been kept to the minimum, and just suffices the purposes of what WhyQ needs to satisfy and be able to provide the Services;

7.2.2. WhyQ shall inform you to your provided e-mail address of any changes made to this section or to these policies;

7.2.3. The system shall require you to affirmatively consent with these policies and the terms of service of WhyQ;

7.2.4. As soon as WhyQ becomes certain of a data breach, we will send out an email informing about such breach;

7.2.5. All notification, subscriptions, or other activities related to the service of WhyQ are set to the minimum by default.

7.3. Rights conferred. You may send an email to privacy@whyq.me to reasonably exercise any of the following rights:

7.3.1. You may at any time require access to the data collected from you by WhyQ;

7.3.2. You may request that the collected data be deleted pursuant to your right to be forgotten;

7.3.3. You may require that your collected data is transferred to you in a digital and readable format, and, if technically possible and feasible, the collected data be transferred to a different data collector, if such bridge where also technologically available;

7.3.4. You may require rectification regarding any information collected from you which contains mistakes or has been misconstrued.

7.4. Kindly allow our staff to respond to you in a reasonable amount of time for any email sent to the aforementioned address, for any of the rights considered in this Section 7.