

TeleMessage Mobile Archiver Privacy Policy (China)

This privacy statement discloses the privacy practices for TeleMessage.

TeleMessage (“TeleMessage,” “we” or “us” or “our”) is committed to protecting the privacy and security of your personally identifying information. We have prepared this Privacy Policy to explain how we collect, use, protect, and disclose your Personal Information (as defined below), usage data and message data when you use our marketing website located at TeleMessage.com (the “Site”), as well as when you use the TeleMessage Service which includes the TeleMessage mobile app, TeleMessage web interface, TeleMessage APIs, TeleMessage administrator tools, TeleMessage Mobile Archiver product line and other products and services provided by TeleMessage.com (all of the foregoing, collectively, the “Service”).

TeleMessage only processes Personal Information in the context of providing the Service to its users and customers, which is done in accordance with applicable laws and regulations.

This Policy applies to Personal Information in our possession or under our control, collected from natural persons within the People’s Republic of China (“China”).

“Data Protection Laws” means the Personal Information Protection Law (“PIPL”), the Cybersecurity Law (“CSL”), the Data Security Law (“DSL”) and/or other applicable Chinese laws, regulations, rules, guidance, and codes of conduct in any relevant jurisdiction relating to the processing of personal information and privacy protection including the guidance and codes of practice issued by any relevant supervisory authority from time to time.

By either using or finalizing all the registration steps to use and communication over the Service you confirm that you understand, agree, and consent with the terms of this Privacy Policy, except if you expressly reject to consent to part or all of the processing rules, and in such case you choose not to use or communicate using the service. By disclosing your information to us when visiting the Site and/or using the Service, you accept the policies and practices described in this Policy.

If you are a third party whose Personal Information is being processed by TeleMessage on behalf of a Personal Information Processor, TeleMessage may process your Personal Information under specific rules as agreed by TeleMessage and the entrusting party, which in any way shall be in accordance with the Data Protection Laws.

This Privacy Policy may be amended from time to time without prior notice, unless otherwise provided by applicable laws and regulations.

In any case, and with respect to any Google Account information, we will only use that information to access your Google Account when, and for the limited purposes for which, you have given us permission to do so.

To be clear about the terminology we are using, when we use the phrase “Personal Information” in this Policy, we mean all kinds of information related to identified or identifiable natural persons that are electronically or otherwise recorded, like your name, address, e-mail address, WeChat or WeCom identifiers and screen names, billing information, or phone number, as well as other non-public information that is associated with personally identifiable information, excluding information that has been anonymized. When we use the phrase “Anonymous Information” in this Policy, we mean information that is not personally identifiable, or linked to your Personal

Information such as aggregated information, general demographic information and IP addresses.

Anonymous Information does not necessarily enable identification of individual persons.

Please note we may not be able to provide the Service to you if you do not agree with the processing of your Personal Information as described in this Privacy Policy. In such case, you should disagree to the archiving disclaimer in the WeChat service and stop communicating with other WeCom users that are utilizing our service.

1. Collection, Use, and Retention of Personal Information

When you register for the TeleMessage Site and Service (web interface, mobile app, APIs and administration tools), we collect information that personally identifies you, such as your full name, mobile telephone number, e-mail address and other information that you provide to us or that you include in any TeleMessage profile or account (“Personal Information”). We also collect your contact lists and/or address book data that will be stored on our servers and will only be used to:

- (a) notify you when your contacts become active on TeleMessage,
- (b) indicate which of your contacts is already a TeleMessage user,
- (c) correctly display the name WeChat / WeCom or other messaging app screen name or identification of each contact as it appears in your address book when a message is sent or received,
- (d) To allow you to communicate with other users, we might share your contact information with other users, unless otherwise required by you or provided by relevant laws and regulations.

In addition, we utilize a function that uses the data collected to synchronize your address book across your multiple devices.

When you send or receive messages using our Service, as part of message delivery process, we temporarily process and store your messages, logging information, the recipients, your contact data and other message related information. Note that we may share your Personal Information (e.g., name, e-mail address, telephone number, WeChat/WeCom screen name or identification) with other message recipients, which may be done in accordance with the Data Protection Laws. The purpose of such sharing is for message authentication and identity sharing with message recipients. After message is processed, and transmitted, we strive to delete message data. However, for technical reasons, we cannot guarantee that all message data will be completely deleted. Therefore, any message data that you send is sent at your own risk. If your setting is configured to keep message data, we may keep it for display and management when you access our Service through the different components of the Service.

We may also sync contact and application information with our server, to verify your ability to chat with other users of the application, the security level or other application settings.

The copy of your address book (names and phones) is stored on a live database. Data that is deleted from your mobile device and/or the Service may still be stored in our servers for regulatory compliance or audit purposes. Data may have a “historical backup” which can be deleted at any time upon request by the user (please refer to items 09 and 11 of this Policy for more details on how to request the deletion of data and to exercise your rights of portability, to be informed, to access, to rectify, the rights of the deceased, and any other rights as provided by relevant laws and regulations). Please note that, according to the terms of specific agreements signed, only administrators can request and implement data deletion for company accounts. If you are a user of a company account, please refer to the company’s privacy policies to understand how you can exercise your right of deletion and others. You can report to us if your requests are not addressed by the company within a reasonable period, and we will analyze your request (please refer to item 11 for our contact

information). Your phone number, which will be verified via a text message that will be sent to you, will be used for identification purposes as your TeleMessage username.

TeleMessage may interact with your phone's SMS inbox, or other messaging application inbox placing incoming messages in your inbox or reading the contents of the activation SMS sent to you by TeleMessage. If you choose to sync TeleMessage with your SMS/MMS messages, TeleMessage may also access other SMS/MMS or other messaging app information for encryption or server archiving purposes. We may even delete messages related to service operation from your message store.

We may also collect Personal Information directly provided by users and customers – in which case it will be processed on their behalf –, which will be processed to the extent of what was agreed between TeleMessage and the third party, in accordance with this Privacy Policy and the Data Protection Laws.

Other Usage Data

We collect other usage data regarding how you access and use our Services, such as the type of device you are using, a device identifier, type of web browser, operating system, IP address used for access, ISP used for access, pages you viewed, duration of using our products, crash logs, and other information related to the use of our Services. We use this information to analyze trends, manage and administer the Service, troubleshoot problems, and to plan future enhancements and Service updates.

Company Accounts & Administration Capabilities

For some customers, as well as enterprise organizations, users' message data and other personal information may be archived or stored in a retrievable format, as well as exported from our servers, which may be done in accordance with Data Protection Laws and any applicable regulation.

In case your app is used as part of a company account, the company administrator may have access to messages on your phone. He can also control and configure settings related to the application on your device, as well as change SMS/MMS and other phone settings, and have rights and access to messages, settings and contacts including: the ability to delete messages from your phone after a certain time, ability to wipe messages from your device, PIN enforcement for app usage, archiving of your phone messages on a remote server, access to your phone contacts and the ability to add and view contact on your device, setting other phone and message settings on your device and other Service components such as our web interface and Outlook plug-in.

Your administrator may keep data, messages, and contacts that are deleted from your mobile device and/or the Service for regulatory compliance or audit purposes, as well as for any other purpose and according to what is described in their respective privacy policies.

If you are part of a company, we may sync and share your contact information with other members of the organization.

The collection, use, and processing of your data (including Personal Information) by TeleMessage will not exceed the processing purposes and will be done in accordance with relevant laws, regulations, and agreements conducted between TeleMessage and its customers.

If the customer with a company account decides to share such data, including your Personal Information, the processing activities will be conducted according to the customer's respective privacy policy.

If you are part of a company and would like to know how the company will use the Personal Information and other data collected and shared by TeleMessage, please

refer to the company's internal privacy-related policies.

Archived Mobile Communication

In case you are using the TeleMessage Enterprise Number Archiver, only messages and calls done via our app may be monitored and archived – however, TeleMessage will not monitor nor upload any user information done over the phone's native texting app or the phone native dialer.

In case you are using the TeleMessage Android Archiver, it can monitor all texts and calls done using the phone's native texting app and the phone native dialer. However, TeleMessage will not monitor nor upload any user information done over other chat and messaging apps that are not displayed or using in the phone's native texting and native dialing apps.

In case you are using the TeleMessage WhatsApp Archiver, WeChat Archiver, Telegram Archiver or Signal Archiver it can monitor all texts, chats and/or calls done using the application activated number and user identifier monitored by TeleMessage – TeleMessage will not monitor nor upload any user information done over other chat and messaging apps. However note that the service operators such as Meta/WhatsApp and Tencent/WeChat/WeCom or Telegram and Signal operators might be getting additional data from your mobile device, and any requests regarding these data must be done directly with them.

In case you are using the TeleMessage Network Archiver, it can monitor all texts and calls done over the phone number provisioned and activated with your mobile network provider (i.e. your SIM number) – TeleMessage will not monitor nor upload any user information done over other chat and messaging apps on your phone.”

WeChat Archiver

The additional details about the **WeChat Archiver** are as below

- The WeChat Archiver is using Microsoft Azure services in China.
- The storage of the WeCom and WeChat data collected by the Wechat Archiver in a local server is done for compliance purposes, relating to Tencent conditions and Chinese regulations, which require the messages to be stored in China before being sent overseas using an official Chinese ICP (Internet Content Provider).
- TeleMessage archiving is done by a local TeleMessage.cn Chinese entity that has an official local ICP (Internet Content provider) in China to allow firms outside of China to gain access to their messages.

Make sure you are activating and installing only the mobile archiving product you need and require.

- Client (here referred to customers with independent Company Accounts and to customers using TeleMessage's account sub-divisions) is not permitted to actively archive mobile communication for any individual who is not a Client employee.
- Client agrees to (a) notify TeleMessage immediately when an employee's employment contract with the company is terminated, (b) disable any mobile archiving services from employees who left the company within 24 hours of their termination, (c) provide each employee with clear and conspicuous notice of policies regarding the receipt, transmission, storage and use of the employee's mobile communication, (d) be responsible for ensuring that each employee has agreed to such policies and that each employee has been made aware that such an employee will have its mobile communication recorded and accessed by the Client and third parties, to the extent permitted by the Data Protection Laws and other applicable laws and regulations, (e) keep updated privacy policies and conduct data processing activities in accordance with the Data Protection Laws, relevant regulations, and applicable agreements.

Other Services

In the event we make message boards and forums available to you (collectively, "Forums"), you will be solely responsible for the information and any other content you post on and through these Forums and should be aware that when you voluntarily disclose Personal Information (e.g., name, e-mail address, telephone number) on or through these Forums, such information is generally accessible to, and may be collected and used by, other users. This may result in unsolicited messages from third parties, and such messages are beyond our control. We do not exercise control over any users or Site visitors, and in no way are we responsible, nor do we have any liability whatsoever, for any collection or use of information you may disclose through the Forums. This Policy does not cover such disclosure of information.

You are encouraged to exercise discretion when providing personal information about yourself in and through Forums. Please do not post any Personal Information on this Site that you expect to keep private. If processing any Personal Information disclosed in such Forums, TeleMessage encourages you to comply with the Data Protection Laws and other relevant laws and regulations, if applicable.

Cookies, Clear GIFs and Other Automatically Collected Data

If you have permitted your computer to accept cookies, we may use cookies on the Site and the Service. Cookies are pieces of information that a website transfers to an individual's hard drive for record-keeping purposes. Cookies make web-surfing easier by saving preferences and browsing patterns while you are at the Site. Cookies may be used to analyze the Site usage, improve content, customize the Site's content and layout and for other customer service purposes. A cookie may enable us to relate your use of our Site to other information about you, including your Personal Information. All of these purposes serve to improve and personalize your experience on our Site. Most Web browsers can be set to inform you when a cookie has been sent to you and provide you with the opportunity to refuse that cookie. Additionally, if you have a Flash player installed on your computer, your Flash player can be set to reject or delete Flash cookies. However, refusing a cookie may, in some cases, preclude you from using, or negatively impact the display or function of, the Site or certain areas or features of the Site.

We may use "clear GIFs" (aka "Web beacons" or "pixel tags") or similar technologies, in the Site and/or in our communications with you to enable us to evaluate Site usage information about visitors to the Site, target campaigns, upgrade visitor information, and know whether you have visited a Web page or received a message. A clear GIF is typically a one-pixel, transparent image (although it can be a visible image as well), located on a web page or in an e-mail or other type of message, which is retrieved from a remote site on the Internet enabling the verification of an individual's viewing or receipt of a Web page or message. A clear gif may enable us to relate your viewing or receipt of a Web page or message to other information about you, including your Personal Information.

Our servers may automatically collect data about your Internet address when you visit the Site. This information, known as an Internet Protocol address, or IP Address, is a number that is automatically assigned to your computer by your Internet service provider whenever you are on the Internet. When you request pages from our Site, our servers may log your IP Address and, if applicable, your domain name. Your IP Address is used to help identify you and to gather demographic information about our members and users as a whole, but does not include personally identifiable information. Our server may also record the referring page that linked you to us (e.g., another web site or a search engine); the pages you visit on this Site; the web site you visit after this Site; the ads you see and/or click on; other information about the type of Web browser, computer, platform, related software and settings you are using; any search terms you have entered on this Site or a referral site; and other Web usage activity and data logged by our servers. We use this information for internal system administration, to help diagnose problems with our servers, and to administer our

Service. Such information may also be used to gather demographic information, such as country of origin and Internet Service Provider.

We will not link any Personal Information, including e-mail addresses, with aggregate data of our users.

Any or all of these activities with regard to Site usage information may be performed on our behalf by our service providers, including, for example, our analytics vendor(s) and our e-mail management partner(s).

Third-Party Sites and Privacy Practices

You may arrive at our Site and/or download the TeleMessage App from another website. Users who wish to register for our service may register on-line or contact TeleMessage or one of our partners. All users' information (including users who registered via a partner) is stored with TeleMessage.com and governed by our privacy policy. However, please understand that if you register with a partner they will have their own privacy policy and may use your information differently. Our Policy applies solely to Personal Information that is acquired on the Site or through your use of our Service, and/or your relationship with TeleMessage. We urge you to be careful when you enter any Personal Information online. We accept no responsibility or liability for these other websites.

Analytics Collection

TeleMessage uses Google Analytics and other analytics tools to help us anonymously track and report user/visitor behavior information and users' standard log information to the Site and the TeleMessage App. This information (including but not limited to: IP address, data storage, maintenance services, database management, web analytics and information processing) helps us analyze and evaluate how the TeleMessage App and Site are used as part of our ongoing efforts to improve the Site and TeleMessage App's features and services. No personally identifying data is included in this type of reporting. Google Analytics and other analytics tools may have access to your information only for the purposes of performing these tasks and on behalf of TeleMessage and under obligation similar in those in this Privacy Policy, the Data Protection Laws, and other relevant laws and regulations.

We will never (and will not allow any third party to) use the statistical analytics tool to track or to collect any Personal Information of visitors or users. Google will not associate your IP address with any other data held by Google. Neither we nor Google will link, or seek to link, an IP address with the identity of a device user. We will not associate any data gathered from this site with any Personally Identifiable Information from any source, unless you explicitly submit that information via a fill-in form on our website.

If you do not want your information to be part of this statistical information gathering, you can disable Google Analytics using the application settings; visit the 'More' screen, tap settings, then disable Google Analytics Collect Data option.

Log Management

We may store log information for debugging or regulatory and compliances purposes.

Retention of Personal Information

We may retain your personal information for as long as it is necessary to fulfil the purposes for which they were collected, or as required or permitted by applicable laws.

Under normal circumstances, relevant laws and regulations will not require Client companies to store your personal information for more than 10 years, unless otherwise provided by relevant laws, regulations and company governance policies.

When the retention period provided by any law or administrative regulation has not expired, or it is technically difficult to delete Personal Information, we will cease the

processing of Personal Information, and will keep taking necessary security protection measures for such information.

2. Sharing and Disclosure of Information

We do not rent, sell, or share any information about the user with any third-parties, except as specifically described herein. Unless required by applicable law, TeleMessage will only share your Personal Information with the Client and business partners who are acting on TeleMessage's behalf to provide and maintain the stability of the services offered by TeleMessage.

When processing Personal Information within the territory of mainland China, TeleMessage Information Technology (Shanghai) Co., Ltd. may act on behalf of TeleMessage Inc and/or TeleMessage Ltd. All the activities engaged by TeleMessage Information Technology (Shanghai) Co., Ltd to perform the Service on behalf of TeleMessage Inc. and/or TeleMessage Ltd. are going to be conducted in strict compliance with relevant Chinese laws and regulations, as instructed by TeleMessage and authorized by the Client.

In addition, we may disclose your Personal Information if we believe such action is necessary to:

- (a) comply with the law, or legal process served on us;
- (b) protect and defend our rights or property (including the enforcement of our agreements); or
- (c) act in urgent circumstances to protect the personal safety of users of our Service or members of the public.

In order to provide you with TeleMessage products you have requested, TeleMessage may sometimes, if necessary, share your Personal Information and traffic data with trusted partner service providers and/or agents, for example: banking organizations or other providers of payment and analytical services, customer support, or hosting services. TeleMessage will always require these third parties to take appropriate organizational and technical measures to protect your personal data and traffic data and to observe the relevant legislation.

TeleMessage will never share your address book information with any third party, except as may be required by law (see below).

Third party companies, such as mobile providers, are used in order to send you an authentication SMS when you register with TeleMessage and for any message that is designated as an SMS/MMS message. In order to send you the SMS/MMS, we share with these third party companies your phone number and/or email address when delivering email messages. Other messaging service operators may require to receive similar personal information about your account such as name, phone, email and screen name. We may disclose information about you if we determine that for national security, law enforcement, or other issues of public importance that disclosure of information is necessary and/or required by relevant laws and regulations.

We may from time to time ask you to provide information about your experiences which will be used to measure and improve quality. You are at no time under any obligation to provide any of such data. Any and all information which is voluntarily submitted in feedback forms on the Site or any survey that you accept to take part in is used for the purposes of reviewing this feedback and improving the TeleMessage software, products and websites.

We may contact you to send you messages about faults and service issues. Furthermore, we reserve the right to use email, the TeleMessage software or SMS, or other messaging channel to notify you of any eventual claims related to your use of our software, websites and/or products, including without limitation claims of violation of third party rights.

We may send you alerts via the TeleMessage software to notify you when someone has

tried to contact you. We may also use the TeleMessage software to keep you up to date with news about our software and products that you have purchased and/or to inform you about other TeleMessage products and related information.

3. Overseas Transfers of Personal Information

We will not transfer your Personal Information to third parties except as specified above (item 2), when the personal information has been disclosed by you after you approved archiving your communication with a user or the Client, or where you consent to such transfer.

When necessary for the conclusion of TeleMessage's contractual obligations with the Client, TeleMessage may be required to transfer your Personal Information overseas, which will be done in accordance with the Data Protection Laws and applicable regulations and agreements.

TeleMessage will take the necessary measures to ensure the safety of your Personal Information when transferring it to the Client overseas and will request the Client to provide the required level of protection for the Personal Information transferred.

If the Client or any other recipient to which TeleMessage was required to transfer Personal Information collected within the PRC territory does not comply with the Data Protection Laws, TeleMessage may cease the data processing activities related to the purposes of acting on behalf of either of them.

4. Processing on Behalf of a Personal Information Processor

In order to provide the Service, TeleMessage may be processing your Personal Information on behalf of the Client. In the cases where TeleMessage processes Personal Information on behalf of the Client, the purposes, processing period, processing methods, categories of Personal Information, protection measures, the rights and obligations of both parties, among others, have been agreed between the parties.

The original processor bears the responsibility of ensuring that the Personal Information processed by TeleMessage on behalf of it has been legally disclosed, in accordance with the Data Protection Laws and applicable regulations.

When processing Personal Information on behalf of the Client, TeleMessage will process as agreed, and will not process Personal Information beyond the agreed purposes or methods of processing, and will conduct its processing activities in strict compliance with the Data Protection Laws.

TeleMessage will cease the processing of Personal Information when instructed by the original processor and delete the Personal Information collected, according to relevant laws and regulations.

TeleMessage may entrust the processing of your Personal Information with the consent of the original processor.

If you have any questions regarding the processing of your Personal Information related to the entrustment of TeleMessage by the Client, please refer to their specific privacy policies.

5. Data Protection Laws

TeleMessage Service, Site, and any additional service or application provided by TeleMessage will process Personal Information and other types of data in accordance with the Data Protection Laws and other relevant laws and regulations applicable.

6. Children's Privacy

TeleMessage websites and software clients are not intended for or designed to attract anyone under the age of 14 and we do not intentionally or knowingly collect Personal Information on our sites from anyone under the age of 14. We encourage parents to be involved in the online activities of their children to ensure that no information is collected from a child without parental permission.

7. Security

We take reasonable precaution to protect Personal Information from misuse, loss and unauthorized access. Although we cannot guarantee that Personal Information will not be subject to unauthorized access, we have physical, electronic, and procedural safeguards in place to protect Personal Information. Personal Information is stored on our servers and protected by secured networks to which access is limited to a few authorized employees and personnel. All employees are made aware of our security procedures as part of our training process. We review our web security procedures on a monthly basis. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure.

8. Business Transitions

In the event that we go through a business transition, such as a merger, acquisition by another company, or sale of all or a portion of our assets, Personal Information will likely be among the assets transferred. As part of such a transaction the new entity will be required to commit to the same level of protection of your Personal Information as described in this Privacy Policy. If we cannot obtain such a commitment, the recipient of your Personal Information will be required to obtain a new consent from you before changing the purposes or methods of processing.

We will post a notice on our Site of any such change in ownership or control of the Personal Information we may have prior to such transfer.

9. Changes to Policy

From time to time, we may revise this Policy. We reserve the right to update or modify this Policy, or any other of our policies or practices, at any time with or without notice, to the extent permitted by relevant laws and regulations. However, we will not use your Personal Information in a way that is materially different than the uses described in this Policy without giving you an opportunity to opt-out of such differing uses. We will post the revised Policy on the Site, so that users can always be aware of what information we collect, how the information is used and under what circumstances such information may be disclosed. You agree to review the Policy periodically so that you are aware of any modifications. Your continued use of the Site indicates your assent to any changes and signifies your agreement to the terms of our Policy. If you do not agree with these terms, you should not use the Site, the TeleMessage App, or any other Services provided by TeleMessage.

10. Hosting of Site and Service

Please note that the Service and the Site are hosted in the United States and are intended for and directed to users in the United States. If you are an international user, please be advised that through your use of the Service or the Site, your Personal

Information will be processed in the United States, which will be done in accordance with applicable laws and regulations, including the Data Protection Laws.

11. Individuals' Rights

At all times, you have the following rights, under the conditions and subject to the limitations set out by applicable regulations:

- a) the right to know and to decide on the processing of their personal information;
- b) the right to restrict or refuse the processing of their personal information by others;
- c) the right to consult and duplicate their personal information from personal information processors;
- d) the right to have their personal information rectified if inaccurate or incomplete;
- e) the right to request the erasure of their personal information when it is no longer needed for the purposes for which it was collected or processed, or when the user withdraws consent;
- f) the right to request restrictions on the processing of their personal information; and
- g) the right to request the portability of the personal information entrusted to TeleMessage on the basis of the consent.

If an individual whom we possess or have control of Personal Information dies, his or her close relatives may, for their own lawful and legitimate rights and interests, exercise the rights to consult, duplicate, correct and delete the relevant personal information of the deceased, except if otherwise arranged by the deceased before his or her death.

You may exercise their rights by contacting the Person in Charge at the contact details provided below (item 11 Contact Information).

This right will stand as long as it doesn't infringe with other legal rights and requirements.

12. Change or Removal of Information

If you provided your e-mail address to us and wish to update it, you may do so by sending an e-mail to support@TeleMessage.com.

If you no longer wish to receive e-mail communication from us, such as updates and newsletters, you may opt-out of receiving such communications by following the instructions included in each newsletter or communication. In addition, you can remove your e-mail address at any time by sending an e-mail with the subject line of UNSUBSCRIBE to support@TeleMessage.com.

13. Contact Information

Please direct all questions in connection with this Policy via e-mail to legal@smarsh.com or by writing to Smarsh Corporation, Attention: Privacy Policy Administrator, 851 SW 6th Ave, Portland, OR 97204, U.S.A, Tel: +1 866-762-7741.