

# EU Privacy Position Statement - Send Word Now

## EU-US Safe Harbor for Privacy

The U.S. Department of Commerce and the European Commission have developed a framework of data protection principles (the "Safe Harbor"). This Safe Harbor is designed to provide U.S. organizations with a means to satisfy the European Union's (EU) legal requirement that adequate data protections be afforded to personally identifiable information transferred from the EU to the United States. SWN is strongly committed to protecting the privacy of those who entrust us with their Personal Information. SWN fully complies with the Safe Harbor privacy principles published by the U.S. Department of Commerce (the "Principles"). SWN's certification to the Safe Harbor list can be found [here](#).

## SWN's European Union Privacy Principles

### GENERAL:

SWN recognizes and respects the privacy interests of European citizens and residents concerning the Personal Information about them that SWN retains. This is a fundamental aspect of SWN's EU Privacy Position Statement. SWN's EU Privacy Position Statement may be supplemented or superseded by legal requirements in local jurisdictions.

### SCOPE:

SWN's EU Privacy Position Statement applies to all of the Personal Information about any person who is a European citizen or resident that is collected or retained as part of SWN's operations. This statement supplements the general SWN Privacy Statement. The EU Privacy Position Statement also applies to agents and third parties that handle and process Personal Information about European citizens and residents on behalf of SWN.

### PERSONAL INFORMATION:

Any information relating to an individual who is a citizen of, or resides in, the European Union that identifies the individual or could reasonably be used to identify that individual (regardless of the medium involved) shall be deemed "Personal Information." Any Personal Information handled by SWN in connection with SWN's operations, such as information about and from customers, employees, employees or customers of SWN's customers, account holders and others, is covered by SWN's EU Privacy Position Statement.

### Collection and Use:

SWN collects, retains and uses Personal Information in accordance with the Principles. As part of providing its notification services, SWN retains Personal Information about the individuals who are to be contacted in the case of an emergency or other event ("Contact Lists"). The Contact Lists are created, populated and transferred to SWN by its customers. SWN acts as an intermediate data processor for these customers. It is the sole responsibility of SWN's customers to obtain permission from their individual employees and other third parties prior to including Personal Information about such individuals on the Contact Lists. SWN may collect Personal Information about its employees and utilize that Personal Information for standard business purposes. SWN may also collect Personal Information on its websites, in connection with marketing, sales and similar activities, or in order for individuals to access and interact with certain SWN services. SWN may use this Personal Information to operate and improve its websites and services, to perform research and analysis and to communicate with an individual.

### CHOICE: Opt-Out

If an individual objects to SWN's collection, use, or disclosure of certain Personal Information, the individual may at any time either send an email to SWN at [privacy@sendwordnow.com](mailto:privacy@sendwordnow.com) or a fax to 212-379-4906, as further detailed under the heading "Complaint Resolution" below. SWN will make reasonable steps to make

any corrections, amendments, or deletions to the Personal Information that are requested by the Individual. If applicable, SWN may also request that the SWN customer contact the individual directly.

In no case will an individual be subject to sanction or retaliation for objecting to the collection, use or disclosure of the individual's Personal Information. An individual withholding Personal Information or prohibiting its collection, use or disclosure, however, may be disadvantaged as a result of not making the information available. For example, unwillingness to provide information required to use a service or receive a benefit may make the individual ineligible for that service or benefit.

#### **Sensitive Information:**

Individuals must affirmatively opt-in before SWN would transfer any "sensitive information" about the individual. Sensitive information is Personal Information specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or information specifying the sexual preferences of the individual.

In certain limited or exceptional circumstances, and in accordance with the Principles, SWN may disclose an individual's Personal Information without the individual's consent, such as when SWN is required to disclose the information in order to carry out its employment law obligations or when such disclosure is in the vital interests of the individual or others.

#### **ONWARD TRANSFER:**

SWN recognizes the importance of respecting individuals' privacy preferences.

As a part of its normal business operations, SWN may transfer an individual's Personal Information to an agent or third party acting on behalf of SWN. In all such cases, the agent or third party must provide satisfactory written assurances that it subscribes to the Principles, ensures at least the same level of privacy protection as is required by the Principles or is subject to the EU Directive. If SWN becomes aware that the agent or third party is using or sharing Personal Information in a way that is contrary to the Principles, SWN will take reasonable steps to prevent or stop such processing.

#### **ACCESS:**

Should an individual wish to access the Personal Information that SWN has on file for him or her, the individual may at any time either send an email to SWN at [privacy@sendwordnow.com](mailto:privacy@sendwordnow.com) or a fax to 212-379-4906, as further detailed in the heading "Complaint Resolution" below. SWN will take reasonable steps to make any corrections, amendments or deletions to the Personal Information that are requested by the individual. If SWN obtained the Personal Information through one of its customers, such steps may include putting the individual in touch with the customer so that the customer and the individual may resolve the issue between them and inform SWN of any agreed upon changes to the individual's Personal Information. Access to an individual's Personal Information may be denied if SWN's customer prevents that access, if the information requested relates to an ongoing investigation of the individual, litigation or potential litigation, where the burden or expense of providing access would be disproportionate to the risks to the individual's privacy, or where the disclosure would compromise the privacy of other individuals.

#### **DATA INTEGRITY:**

##### **Accuracy**

SWN employs reasonable steps to keep Personal Information reliable for its intended use, accurate, complete and up-to-date.

##### **Retention**

SWN retains Personal Information only as long as needed to meet the purposes for which it was received or as required by contractual agreement or the Principles. SWN uses reasonable procedures to ensure that it archives Personal Information no longer than is required for the purposes for which it was originally collected, unless otherwise agreed to with a particular customer or individual. Some Personal Information of

individuals may be archived to meet legal requirements, to provide evidence in cases of litigation or for internal statistical analysis.

#### **SECURITY:**

SWN takes reasonable precautions, including administrative, technical, personnel and physical measures, to safeguard Personal Information against loss, misuse, unauthorized access, disclosure, alteration, destruction and theft.

#### **ENFORCEMENT: Compliance**

SWN maintains an active initiative to ensure compliance with the Principles and this EU Privacy Position Statement.

#### **Complaint Resolution:**

SWN recognizes the importance of having mechanisms in place to address and resolve complaints by individuals about the processing of Personal Information. Therefore, in addition to any legal remedies that may be available, if an individual covered by SWN's EU Privacy Position Statement wishes to make a complaint or raise a concern about the processing of the individual's Personal Information, and the matter is not resolved to the individual's satisfaction through SWN's internal procedures, then SWN will use a readily available and affordable independent dispute resolution mechanism to resolve the matter.

Individuals who have privacy concerns, including those who wish to limit use, disclosure and/or transmission of their Personal Information, or access their Personal Information, may follow these outlined steps to address the issue.

- Step 1: Submit the issue to SWN either by sending an e-mail to [privacy@sendwordnow.com](mailto:privacy@sendwordnow.com) or faxing to 212-379-4906. Please add the reference line: EU Privacy Matter. Supply details in your communication regarding the Personal Information that is relevant and the concerns that you have. Please provide the following information:
  - Name
  - Address (with postal code)
  - Country
  - Phone number
  - Fax
  - E-mail address
  - Description of privacy complaint
  - Type of information involved
  - Dates of occurrence(s)
  - Names of those involved
  - Desired resolution
- Step 2: Receive a communication within two (2) business days from a representative of SWN acknowledging receipt of your issue
- Step 3: Receive a communication from a representative of SWN assigned to investigate your concern within five (5) business days of the day you receive the communication from SWN acknowledging receipt of your issue.
- Step 4: SWN will conduct an investigation into your issue. This may include queries into an SWN customer, if it is the party that provided SWN with the Personal Information. You may receive additional communications from a representative of SWN for further clarification.
- Step 5: A representative of SWN will contact you within fifteen (15) business days from the date you received the communication outlined in Step 3 with a proposed resolution to your concern. If you agree with the proposed resolution, then you and the SWN representative will work together to close the matter. If you do not agree, then the matter will be escalated to an officer of SWN for resolution.

Some jurisdictions have established data protection authorities overseeing the processing of Personal Information that are willing to assist in the resolution of complaints. SWN is committed to working with these authorities to resolve any complaint and to complying with their decisions in such cases.

Alternatively, in jurisdictions where there is no data protection authority available to provide dispute resolution, SWN has identified and will utilize an independent alternative dispute resolution mechanism to resolve the complaint if it cannot be resolved directly with the complainant. For complaints that cannot be resolved between SWN and the complainant, SWN has agreed to participate in the dispute resolution procedures of the panel established by the European data protection authorities to resolve disputes pursuant to the Principles.

The SWN representative in charge of administering SWN's EU Privacy Position Statement or the designated regional officials will be able to provide additional information about the use of independent dispute resolution mechanisms.