

**RULES CONCERNING THE PRIVACY PROTECTION WITHIN THE PROVIDING OF APISENDSMS  
SERVICES  
AND THE DECLARATION RELATING THE COOKIES**

We deem the privacy and personal data protection as our priority duty. In this document, you can find the summary of the basic principles concerning the processing and the protection of personal data applied in the WTI LLC, as described below, in the context of providing the services and applications under the brands „ApiSendSMS“, „ApiSendSMS.com“ or „ApiSendSMS.com SMS Gateway Sender“ and the operation of the [www.ApiSendSMS.com](http://www.ApiSendSMS.com) and [app.ApiSendSMS.com](http://app.ApiSendSMS.com) websites.

WTI LLC provides a broad portfolio of services for which it also operates other websites. For the sake of clarity, these additional services and other websites are always subject to separate privacy rules, which you will always find on the respective websites.

**1. I want to use the ApiSendSMS services. Who will process my personal data?**

The owner of the website brand and the application <https://www.ApiSendSMS.com> and <https://app.ApiSendSMS.com> and the service providers „ApiSendSMS.com“ and „ApiSendSMS.com Gateway Sender“ and of the related services and goods (hereinafter „ApiSendSMS“ or „ApiSendSMS.com“) is the company WTI LLC, reg. no.: 2015-000693891, 2232 Dell Range Blvd Ste 245, Cheyenne, WY 82009, Wyoming, USA (hereinafter „WTI LLC“) through the company WTI LLC o.z., odstepny zavod, Reg. n.: 09828397, with registered address at Svetova 523/1, PSČ 180 00, Praha 8 – Liben, Czech Republic, data box: u9d5r2x, registered in the Commercial Register maintained by the Municipal Court of Prague, section A, file 79642, represented by its manager Jana Medricka, phone number +420 777166238, email: [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com). As part of our activities, we process your personal data and thus we become the controller of your personal data.

**2. Why and on what base do you process the personal data?**

We process your personal data as part of the process of concluding and fulfilling the contract for the provision of the ApiSendSMS service. The legal basis is therefore the concluding and fulfilling of the contract. Within this legal basis, we process the personal data for the following purposes:

- customer identification when concluding a contract or registration
- providing customer support, including handling of complaints
- operation and management of client’s account
- calls for payments and the records concerning credits
- invoicing of services and sending of these invoices
- matching the received payments with the specific client

Beyond the scope of fulfilling the contract, we must comply to our legal duties. These include namely:

- fulfillment of obligations arising from tax regulations
- fulfillment of obligations arising from the Accounting Act
- fulfillment of the obligation to provide co-operation to bodies active in criminal proceedings, including the Police of the Czech Republic and other public authorities or bodies to the extent and under the conditions stipulated by legal regulations

- communication with the client within the fulfilling of our legal obligations

We cannot avoid processing based on our legitimate interest:

- contacting our existing clients in direct marketing, for at least 1 (one) year from the termination of the contract
- records concerning debtors
- providing evidence in case of the need to enforce claims and rights of WTI LLC
- recovery of receivables from customers and resolution of other disputes with clients

To this extent, the provision of personal data is mandatory and without them we would not be able to enter into a contract with you, resp. to provide the required services. We do not need your consent to process this personal data. However, you may object to processing based on our legitimate interest. You will find details concerning the right to object in the Article 7.7 of the present document.

In addition to the above, we process personal data of persons who have given their consent to their addressing for marketing purposes (by call, email, SMS, etc.), to the extent and for the period in which the consent was provided. If the consent was provided through our website [www.ApiSendSMS.com](http://www.ApiSendSMS.com), data from cookies on this website are processed together with these contacts to the extent for that the consent to the use of cookies has been provided.

You can find out more about cookies and how we use them in Article 9 below in this document.

### 3. What personal data do you process when providing services under the ApiSendSMS brand?

Within the scope of our activities under the brand of ApiSendSMS and as data controller, we process the following categories of personal data:

- **Identification data:** name, surname, residential address, in case of self-employment person the name of the firm, place of business, reg. no., VAT no., signature as applicable
- **Contact data:** namely the contact phone number, contact email address, other contact data as applicable
- **Data on the use of ApiSendSMS services and other data that allow us to invoice the services provided:** in particular, the identification of the payer of the given invoice, the invoicing address, the number of your bank account, the method of payment or the currency in which you want to make payments
- **Data that allow us to take care of our clients:** in particular, what language do you use to communicate with us, the identification and contact details of your contact person or your personal identifier, under which we will quickly find you across our systems. This includes our mutual communication and personal data resulting from this communication (written or electronic communication with clients, records of telephone calls, message content, chat with clients)
- **Access data:** Our systems process your access data to the customer section of your customer account. We carefully protect this access data and only authorized persons have access to it
- **Data we process based on your consent:** We do not necessarily need to process certain personal data for the performance of a concluded contract or the fulfillment of legal obligations or due to our legitimate interests. However, the processing of other personal data allows us, for example, to inform you about the most suitable offers or to improve our services. We process those data exclusively based on your consent. This includes:

- **identification and contact and other data of a person who had not been our customer yet**, to the extent that they were provided to us for the purpose of marketing contact. Together with these contact data, we also process data from cookies to the extent that consent to the use of cookies has been provided.
- **records of behavior** on the website [www.ApiSendSMS.com](http://www.ApiSendSMS.com) or via applications obtained from cookies to the extent that consent has been given to the use of cookies
- **other data** processed for the commercial purposes WTI LLC in the extent of the given consent

#### 4. How long we store the data?

We contact our clients, resp. we send business communications regarding similar products and services they have already purchased from us, based on our legitimate interest. We will do so for the duration of the contract and for a period of 1 (one) year from the end of the contract. You can object to this address at any time; we may include instructions on how to decline further submissions in each commercial communication.

We also process identification and contact data, data on provided services and data from mutual communication with our clients in our clients database, if the client has fulfilled all its obligations to WTI LLC, for a period of 10 years from the date of termination of the last contract between WTI LLC and this client.

We store the processed personal data on the basis of the provided consent for the period for which the consent was provided, or until the consent is revoked, unless we have another legal basis for their processing.

Tax receipts / invoices issued by WTI LLC are governed by the relevant legal regulations of the given country, tax receipts / invoices issued by the Czech branch of WTI LLC o.z. are archived for a period of 10 (ten) years from their issuance in accordance with Section 35, Paragraph 2 of Act No. 235/2004 Coll., on value added tax. We are obliged to prove the legal reason for issuing invoices, and therefore we also archive contracts with clients for a period of 10 (ten) years from their termination.

Pursuant to the Section 90, Paragraphs 3 and 4 of Act No. 127/2005 Coll., on electronic communications, WTI LLC or WTI LLC o.z. is obliged to keep the operating data of the service provided to the customer until the end of the period during which the invoicing of the price or the provision of the electronic communications service may be legally challenged by a complaint. For this purpose, WTI LLC or WTI LLC o.z. processes the operational data of the service for the period of up to 6 (six) months from the provision of this service, unless a longer period is required. Further, WTI LLC or WTI LLC o.z. is also entitled to process the operational data of the service until the resolution of the dispute on the objection to the settlement of the complaint or until the claim can be legally enforced.

Pursuant to Section 97, Paragraph 3 of Act No. 127/2005 Coll., on electronic communications, the company WTI LLC or WTI LLC o.z. is obliged to store operational and location data that are created or processed during the provision of its publicly available electronic communications services for the period of 6 (six) months. Upon request and after meeting the conditions stipulated by law, we are obliged to pass this information to, for example, law enforcement authorities.

#### 5. To whom we pass personal data?

We carefully select the partners to whom we entrust your personal data and who are able to ensure such technical and organizational security of your personal data which exclude any unauthorized or accidental access or other misuse. WTI LLC or WTI LLC o.z. transmits personal data to the following categories of recipients:

- persons providing technical operation of a certain service or operators of technologies that we use for our services;
- persons providing us the services concerning the IT security
- our business partners which provide you our products and services
- payment gates providers (payment cards providers)
- financial institutions for the purposes of collecting our receivables
- legal advisors for the purposes of collecting our receivables
- persons, to whom we provide data for the purpose of statistical analyses, marketing surveys and the management of promotional campaigns, accounting or tax returns
- providers of promotional systems in relation to the targeted advertisement
- technical solution providers ensuring we show you only the relevant content and advertisement.

Processors are companies with the main office both in the Czech Republic and in a member state of the European Union, the United States of America, or in the so-called safe states. The transfer and processing of personal data in countries outside the European Union always takes place in accordance with applicable legislation.

Further, we are obliged to pass on some of your personal data to public authorities. For example, we are obliged to provide operational and location data without delay for the purposes of and in compliance with the conditions set out in a special law to law enforcement authorities, the Czech Police or the Police of the country for the purposes of the launched searching for the specific wanted or missing person or the identity of the unidentified person or the corpse found, the prevention or detection of specific terrorist threats or the screening of the protected person. For the purposes and while meeting the conditions stipulated by a special legal regulation, we are also obliged to pass on some of your personal data to the Security Information Service, military intelligence, or the Czech National Bank and other security forces in the respective countries.

## **6. How we secure your personal data?**

We have taken all technical and organizational measures necessary to ensure adequate protection of the personal data processed, taking into account the nature, scope, context and purposes of the processing and the various probable and severe risks to the rights and freedoms of individuals.

We use the system of the controlling and checking procedures excluding the possibility of unauthorized or accidental access to data, its changes, destruction or loss, to unauthorized transmissions, unauthorized processing as well as other misuses.

All persons who come into contact with the personal data of clients or potential clients in the performance of their work or contractually assumed obligations are bound by a legal or contractual obligation of confidentiality.

All internet communication on our websites is secured using SSL technology with a high level of encryption.

However, we must warn you that no data transmission via Internet or data storage technology does not guarantee the 100% security.

## **7. What are my rights concerning the processing of my personal data?**

In connection with the processing of personal data, you have all the rights under applicable law (since 25 May 2018, this is mainly the General Regulation on Personal Data Protection No. 2016/679, i.e. the so-called GDPR). You have the following rights under this regulation:

- right to withdraw, at any time, your consent with the processing you gave to us;
- right to rectify and to complete;
- right to erasure;
- right to access to the personal data;
- right to restriction of processing;
- right to object;
- right not to be the subject of decision based solely on the automated processing;
- right to portability;
- right to lodge a complaint.

### **7.1 Right to withdraw the given consent**

You have the right to withdraw our consent to the processing of personal data at any time. Withdrawal of consent is free of charge.

Withdrawal of consent does not change the fact that until the withdrawal of consent, the personal data provided were processed lawfully and in accordance with legal regulations. Withdrawal of consent does not affect the processing of personal data that we process on a legal basis other than consent (i.e., if the processing is necessary, for example, to fulfill a contract or fulfill a legal obligation, we will continue to process your personal data).

The summary of consents with the personal data processing that you has given to us, ant the tool to their withdrawal you will find on <https://www.ApiSendSMS.com/osobni-udaje/>. You can restrict the using of cookies in the settings of your browser or on the website [www.ApiSendSMS.com](http://www.ApiSendSMS.com).

### **7.2 Right to rectify and to complete**

You can ask us to correct inaccurate information about you. You also have the right to provide us with additional personal data if required.

The request to rectify or completion your personal data you shall send to [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com).

### **7.3 Right to erasure**

Our systems are set up to automatically delete or anonymize personal information that we no longer need for the purpose for which it was processed. In some cases, deleting a contact would result in the re-uploading the given phone number or other contact to our system by our partner, and our system

would no longer be able to process the contact's request so that nothing was sent to him after deleting such a contact, therefore, in some cases, the contact is not deleted, but instead of this, the contact is transferred to the so-called Blacklist, so that the contact can never be contacted by the partner again. If a contact is deleted at the contact owner's request instead of being moved to the Blacklist, we cannot guarantee any further junk messaging to that contact.

However, if you believe that the erasure has not yet taken place or that we process some of your personal data without authorization, you can contact us with a request to delete your personal data. We do not have to delete your personal data, for example, if we need it to determine, enforce or defend our legal claims, or if the processing of such data is required by law. There are several such exceptions and you will find them all in Article 17 (3) of the GDPR.

You can enforce your right to erasure on [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com).

#### **7.4 Right to access**

Upon request, we will inform you whether we process any personal data concerning your person. And if so, then we will inform you in particular of the purpose of such processing, the categories of personal data concerned, the categories of recipients, or the planned duration of storage. Provided that the rights and freedoms of other persons are not affected, we will provide you with a copy of the processed personal data concerning you free of charge. However, we may already charge a reasonable fee for additional copies, commensurate with our administrative costs.

You can exert your right concerning the confirmation of processing your personal data and other information within the right to access on [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com)

We would like to inform you that in case of exercising the right of access to personal data, we may require you, in order to verify your identity, to prove your identity to us in an appropriate manner. This is a precautionary measure to prevent unauthorized access to your personal data.

#### **7.5 Right to restriction of processing**

At your request, we will limit the processing of personal data if:

- you believe that the data we process about you is inaccurate. We will then limit such processing until we verify the accuracy of this personal data;
- the processing is illegal, but you refuse to delete the personal data and ask for restrictions on their use instead (e. g., Blacklist);
- we will no longer need personal information for our purposes, but you will request it to determine, enforce or defend concerning legal claims;
- you have objected to processing on personal grounds (i.e., due to your specific situation) based on our legitimate interest. We are then obliged to limit such processing of personal data, until it is verified whether our legitimate interest outweighs your personal reasons (i.e., reasons arising from your specific situation).

In case of restriction of processing we can this personal data only:

- save;
- further process only with your consent;

- further process ensuring the given/partner will not send any further information to you contact via our system;
- further process for the determination, enforcement or defend of legal claims;
- further process for the protection of rights other individual or legal person or for the major public interest od EU or member state.

The right to restriction of processing you can exert on [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com)

## **7.6 Right not to be the object of decision based solely on the automated processing**

You have the right not to be the subject of a decision based solely on automated processing if such a decision has legal effects for you or affects you significantly. WTI LLC does not perform automated decision-making without the engagement of human judgment which would have any legal or otherwise significant effects on data subjects.

## **7.7 What does it mean that I have the right to object?**

If in a specific case, there would be a processing of personal data necessary for the purposes of our legitimate interest (i.e., not processing on the basis of consent, performance of the contract, etc.), you can object to such processing for reasons related to your specific situation. If we do not prove that our legitimate interest in a particular processing outweighs your interests or rights and freedoms, we will terminate such processing.

You can also object to the processing of your personal data for the purposes of direct marketing. In such a case, we will no longer process your personal data for these purposes, or we will register them in the system as blocked, so that the given partner/client cannot be contacted no more.

The objection for abovementioned reasons you can lodge at [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com)

## **7.8 Right to portability**

You have the right to portability of your personal data. If the processing is based on your consent or is necessary for the performing of the concluded contract and is performed automatically, you have the right under Article 20 of the GDPR to obtain from us personal data concerning you and which you have provided to us, in a structured, commonly used and machine readable format. However, the request cannot be complied with if the exercise of this right could adversely affect the rights and freedoms of third persons.

The right to portability you can exert on [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com)

## **7.9 Right to lodge a complaint**

You can lodge a complaint to the Privacy protection authority (Úřad pro ochranu osobních údajů, [www.uoou.cz](http://www.uoou.cz)).

## **8. Sending of the marketing communications**

The marketing communications we send are marked with the abbreviation OS, the term „obchodní sdělení“ (marketing communication), or other appropriate title, from which it is clear that the said communication forms a marketing communication in the sense of applicable law. It is always clear from our marketing communications who is the sender.

To our clients and based on our legitimate interest, we send marketing communications regarding similar products and services they have already purchased from us. We can thus send you a marketing messages for the duration of the contract and for a period of 10 years from the end of the contract.

We can also send marketing communications, even if you are not our client, based on your given consent. You can revoke the consent if necessary on [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com)

## 9. Statement regarding the cookies

Cookies are small text files stored on your computer or mobile device when you visit the website. They do not take up much space and are automatically deleted when they expire. Some cookies expire after the end of the internet session, while others will be stored for a certain period of time.

We use cookies to personalize content and ads, provide social media functions and analyze our traffic. We share information about how you use our site with our social media, advertising and analytics partners. Partners may combine this data with other information you have provided or which have been obtained as a result of using their services.

We use various types of cookies:

**Necessary cookies** help make the website usable by providing basic functions such as page navigation and access to secured sections of the website. The website cannot be operated properly without using these cookies.

**Preferential cookies** allow a website to remember information that changes the way a website behaves or looks. For example, it includes your preferred language or region.

**Statistic cookies** help us understand how visitors use the website. They collect and communicate information anonymously.

**Marketing cookies** are used to track visitors of the website. The purpose is to display ads relevant and interesting to the individual user and thus more valuable to third-party publishers and advertisers.

**Not-classified cookies** means cookies, which we share within the process of classification with the providers of individual cookies.

According to the valid legal regulations, we may store cookies on your device if they are absolutely necessary for the operation of the website. We need your permission for all other types of cookies.

In the footer of the website you will find a link to the current list of cookies used on the website [www.ApiSendSMS.com](http://www.ApiSendSMS.com), as well as the duration for which we will use them. In the same place you can set the range of cookies we use. You can also change your browser settings to delete cookies or prevent them from being stored on your computer or mobile device without your explicit consent.

## 10. Icons of social media present on [www.ApiSendSMS.com](http://www.ApiSendSMS.com)



By clicking on the icons of social media and platforms placed on our website, the relevant media are called up, or their website. This function corresponds to a regular online link.

#### **11. Protection of privacy and children**

Our services are not targeted to persons younger than 18 y.o. If the child's legal guardian find out that we are processing the personal data of a person under the age of 18, he or she should contact us in this matter.

It is only possible to subscribe to the newsletter, news or any other marketing communications after reaching the age of 16.

#### **12. Whom can I contact with my question?**

If you have any questions, you can contact us at any time.

You can contact our privacy officer at any time at [info@ApiSendSMS.com](mailto:info@ApiSendSMS.com), or in the WTI LLC o.z. mailbox, data box: u9d5r2x, or you can send a letter to WTI LLC o.z., Privacy Officer, at: WTI LLC o.z., Svetova 523/1, Praha 8 – Liben, 180 00.

We would like to inform you that in the event of exercising the right of access to personal data or other rights, we may require you to prove your identity to us in an appropriate manner in order to verify your identity. This is a precautionary measure to prevent unauthorized access to your personal data.

In order to keep records concerning the fulfillment of our obligations arising from legal regulations, all communication with you is monitored and archived.

#### **13. Change of rules regulating the privacy protection**

These rules regulating the privacy protection are effective on the 1. 1. 2022. We can change these rules solely under our own discretion. In such a case, we are obliged to notify you of these changes in advance.