



PRIVACY POLICY

UPDATED: JANUARY 1, 2021

Gabbit, LLC and its affiliates and subsidiaries (collectively “Gabbit”, “us”, “we”, “our”) is committed to protecting your privacy while providing you with a positive experience while visiting our website and when using our products and services.

We provide voice over IP services and equipment for businesses and consumers (the “Services”) as well as a related mobile application (the “App”). Except as set forth in this Privacy Policy (the “Policy”), we will not trade, sell, or disclose to any third party any form of Personal Information (as defined below) without your consent. This Policy explains how we collect and use information from visitors to our website (www.gabbit.net), customers who use the Services and App (including End Users), and potential customers who have communicated, made contact with, or otherwise interacted with Gabbit in connection with the Services. The Terms and Conditions which appear on our website, as amended from time to time, are incorporated by reference herein. This Policy also describes choices that may be available to you regarding use, access, deletion and correction of Personal Information. Any capitalized term not otherwise defined herein shall have the meaning ascribed to it in the Terms and Conditions.

This Policy only applies to the Gabbit website and Services that link to or reference this Policy. Additional information on our personal information practices may be provided in supplemental terms and conditions, supplemental privacy statements, or notices provided prior to or at the time of data collection.

Please read this Privacy Policy carefully and in full to ensure you are fully informed. By using and/or accessing our Website, App and Services, you acknowledge that you have read and understood this Privacy Policy. This Policy is not, however, a contract and does not create any legal rights or obligations.

CATEGORIES OF PERSONAL INFORMATION WE COLLECT AND USE

As used in this Notice, “personal information” or “personal data” means any information or data relating to an identified or identifiable natural person or household that we process in connection with our Website, App, and Services. An identifiable natural person or household is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person or household.

Customer Account and Registration Data (you provide directly to Gabbit)

When you purchase Equipment and Services, request us to contact you, or provide information on our website, we may ask you for certain personal information, such as your name, birthdate, postal address, e-mail address, telephone number, company name, job title, or payment information. When you request support from us, we may also collect information from you such as contact information, documentation, screenshots, or other information you or we may believe is helpful to solving the issue.

When you speak with our customer service or sales representatives on the phone, your calls may be recorded and/or monitored for quality assurance, training and research purposes.

You should be aware that any Personal Information which you voluntarily include and transmit through publicly accessible forums may be viewed and used by anyone with access to such forums. We are not responsible for other users' use of available information, so you should carefully consider whether and what to post or how you identify yourself on such forums.

Where required by applicable law, we indicate whether and why you must provide us with your Personal Information, as well as the consequences of failing to do so.

Service Data (collected automatically when you visit our Website)

When you visit our Website and/or use our Services, we receive data that you or others voluntarily enter, including on schedules and attendee lists, as well as data that is automatically logged by the Website or Service - for example, duration of session, connections made, hardware, equipment and devices used, IP addresses, location, language settings, operating system used, unique device identifiers and other diagnostic data. We need this information to provide, operate, and improve our Services. We collect location-based data for the purpose of providing, operating, and supporting the Services and for fraud prevention and security monitoring; you can disable location data transmission on mobile devices at any time by disabling location services from the settings menu on your device.

Information We Get from Third Parties

Generally. We may collect names, e-mail addresses, postal addresses and business location information from third parties to market our products and services. This collection of information and marketing is always carried out in compliance with applicable law. This helps us to update, expand and analyze our records, identify new customers, and provide products and services that may be of interest to you. For our End Users, we do not use Service Data for marketing purposes without your consent.

Third party services and social media. Certain Gabbit products and services may also access and store personal information about you from a customer's social media accounts or accounts a customer may have with other third-party services, when the customer chooses to connect its Gabbit accounts with its other accounts. This personal information may include name, email, geolocation and any other publicly available information on these platforms. With respect to social media, only personal information that an End User has directly provided to the relevant Gabbit customer or that an End User has designated as publicly accessible will be accessed or stored. We use this personal information in connection with providing our Services to our customers. For example, we use this personal information to enable Gabbit customers to respond to social media posts and messages from within their Gabbit accounts, and to enable Gabbit customers to track and analyze their interactions with End Users via social media.

Credit agencies. We may obtain your credit information from third party reporting agencies in order to evaluate our own credit risk in onboarding new customers.

Device information. Where we have provided equipment to you, such as an analog telephone adapter or a VoIP phone, or you have installed our software on your device, we collect device-specific information from you. This includes, for example, your hardware model, operating system version, firmware,

browser information, device and network configuration, device identifier, IP address, device performance, signal strength, call quality, telemetry, and mobile or wireless network information. We use the device information we collect in order to provide and improve our services.

Your contact lists and address book. If you use our App, we may request your permission to access and store the contact list or address book maintained on your mobile phone, tablet, or other broadband-connected device. Your contact list is considered your personal data. We may use your contact list information to facilitate certain services where selected by you such as to enable you to make calls easily and to facilitate calls, texts, and other services. We may also facilitate the delivery of messages to individuals in your contact list that you wish to invite to download our App so that you can utilize our services with these selected individuals, although it is always your choice to send invites to such individuals. We will not use your contact list information for other purposes. You do not have to allow us to access your contact list information, but if you do not, certain features of our mobile apps may not be available to you. You may at any time opt out from allowing this access via the privacy settings on your device.

Mobile device camera, microphone and photos. If you use our App, we may request your permission to access the camera, microphone, and photos on your mobile device, to make and receive voice and video calls and messages and to send photos to others. You do not have to allow us to access these functions of your device, but if you do not, certain features of our mobile apps may not be available to you. You may at any time opt out from allowing this access via the privacy settings on your mobile device.

Your location information. If your mobile device is equipped with GPS or can connect with wireless access points or hot spots, or if your mobile device is also a phone that communicates with cell towers or satellites, then your mobile device is able to use these features to determine its precise geographic location. Your precise geographic location is considered your personal data. To the extent our App collects precise geographic location, you may at any time opt out from further allowing us to have access to your mobile device's precise location information via the mobile app's location settings on your mobile device.

If we receive, combine or associate information from other sources with Personal Information that we collect from you or through the Equipment and Services, we will treat the combined information as Personal Information in accordance with this Policy.

We strive to limit the types and categories of personal data that is collected from, and processed on behalf of, our users to include only information which is necessary to achieve the purpose(s) for which it was collected and we do not use personal data for additional purpose(s) which are incompatible with their initial collection. In other words, we have measures and policies in place designed to ensure that we only collect and process information from you that we believe is necessary to provide you with world-class service.

HOW WE GATHER PERSONAL INFORMATION

We may collect personal information from or about you in a variety of ways.

- We collect your personal information when you actively provide it to us. For example, users provide us with personal information when signing up for an account, communicating with

Gabbit, responding to surveys, participating in events or promotions, or modifying an account profile.

- We may also collect personal information about you when another user actively provides it to us. For example, if an account holder invites you to a meeting using our Apps and Services, Gabbit would collect your email address.
- We may automatically collect personal information from you as you use our Apps and Services, or visit our Website.
- We may receive personal information about you from a business or commercial partner. For example, we may receive personal information from third-party service providers that you have linked to your use of our Services (including social media accounts, single-sign-on services, and scheduling applications), publicly available sources, data enrichment vendors, payment and delivery service vendors, advertising networks and analytics providers.

HOW WE USE YOUR PERSONAL INFORMATION

We use the data we collect from visitors to our website to: (a) provide and operate our Services; (b) address and respond to service, security, and customer support needs; (c) detect, prevent, or otherwise address fraud, security, unlawful use, or technical issues; (d) comply with applicable laws and administrative requests, protect our rights and assert and defend against claims; (e) fulfill contracts; (f) maintain and improve our Services; (g) provide customer support, analysis or valuable data back to our customers and users; (h) assess the needs of your business to determine and promote other Gabbit products and services which we believe may be helpful to you; (i) provide product updates, marketing communications, and service data; (j) conduct research and analysis for business planning and product development; (k) display content based upon your interests; and (l) to the extent permitted by law, we may combine, correct, and enrich personal data that we receive from you with data about you from other sources, including publicly available databases or from third parties to update, expand, and analyze our records, identify new prospects for marketing, and provide products and services that may be of interest to you.

Use of Cookies and Other Similar Technologies

The Gabbit Website also uses a technology called “cookies” to collect certain information. A cookie is a piece of computer code that your internet browser is given when you access the Website. Our cookies help provide additional functionality to the Website, track the traffic patterns for our Website, and study how our users use and interact with the Website and Services. For instance, our Website may set a cookie on your browser that allows you to access the Website without needing to remember and then enter a password more than once during a visit to the Website. If available, please refer to your web browser’s instruction guide or help section for information on how to receive notification when you are receiving a new cookie and how to turn cookies off. We recommend that you leave cookies turned on because they allow you to better take advantage of some of the Services.

SHARING AND DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

We will not rent or sell your personal information. We may share and disclose personal information that we collect with business partners, contractors, vendors, and authorized third party agents, solely for legitimate business or legal purposes and in accordance with applicable law in order to: (a) operate, deliver, improve and customize our Website, App, and Services; (b) provide support and technical services; (c) send marketing and other operational communications related to our Website, App, and Services; (d) enforce our acceptable use policy; (e) conduct analytics in order to better the user experience and improve the Gabbit Website, App and Services; (f) provide offers and advertisements to customers based on their interests and interactions with us; (g) communicate with any third parties as part of or in connection with an actual or prospective corporate business transaction, such as a sale, merger, acquisition, joint venture, financing, corporate change, reorganization or insolvency, bankruptcy or receivership; and (h) to respond to legal process, comply with any legal obligation, protect or defend our rights, interests or property or that of third parties or prevent or investigate wrongdoing in connection with the Website, App or our Services upon request from law enforcement agencies, regulatory or governmental bodies, or other third parties (see “Data Requests” below).

We may also share Personal Information with our affiliates, subsidiaries, and branch offices if reasonably necessary or desirable for us in connection with the above-mentioned purposes.

DATA REQUESTS

General Provisions. We cooperate with government and law enforcement officials and private parties when we, in our sole discretion, deem it necessary or appropriate to respond to claims and legal process (such as subpoena requests), to protect our property and rights or the property and rights of a third party, to protect the safety of the public or any person, or to prevent or stop activity we consider to be illegal or unethical. A Data Request is a request for information relating to a Gabbit customer account in connection with an official criminal or administrative investigation or proceeding, or a filed civil legal action. Customers or End Users who need copies of their own data should download that data through their Admin Portal, rather than submitting a Data Request. Gabbit will comply with a Data Request sent from a Customer or End User only where required by law and after a showing that such data cannot be obtained through the Admin Portal.

Request by Legal Process.

Service of Process - Civil or Private Parties. Except in extremely limited exigent or emergency situations, Gabbit generally will not respond to Data Requests unless they are made through formal legal processes and procedures. Examples of legal processes that may serve as the basis for a Data Request include: (a) subpoenas; (b) court orders; and (c) search warrants. Gabbit will review and respond to properly served request for data as required by law and in accordance with its Terms of Use and this Privacy Notice. Gabbit may object to requests for data in any manner prescribed by applicable law including, but not limited to, if a request has been deemed by Gabbit to have been improperly served, is overly broad or vague, or is unduly burdensome. All service of process in civil matters should be localized through the Missouri state or federal courts, as applicable, and conform to the laws of the State of Missouri and applicable Federal law.

Service of Process by Law Enforcement. Gabbit accepts service of subpoenas, warrants, court orders, and governmental civil investigative demands or related legal process which do not require the oral

testimony or personal appearance of a Gabbit representative, via email at legal@gabbit.net, with a copy served by any means authorized under the Federal Rules of Civil Procedure or Missouri State Law on Gabbit's registered agent for service of process. Acceptance of service of process by email is strictly voluntary and may change at any time and without notice. Gabbit does not consent to service by fax or email for subpoenas, warrants, court orders, and civil investigative demands or related legal process that seeks oral testimony or requires or demands the personal appearance of a Gabbit representative. Gabbit requests personal service on Gabbit's registered agent for service of process of legal process seeking oral testimony or the personal appearance of a Gabbit representative.

Emergency Requests. Emergency Data Requests will not be considered unless they are made using the Emergency Data Request Form or are made in connection with a court order. A copy of the Emergency Data Request Form can be downloaded [\[here\]](#) or contact Gabbit at legal@gabbit.net to request one. Emergency Data Requests (if made without a court order) are only appropriate in cases involving the risk of serious bodily harm or death, and (absent a court order) Gabbit responds to such requests only when Gabbit believes that such harm may be imminent if we do not respond.

Information to Include in Data Requests.

General Parameters. Our database is not designed to enable any kind of search a requestor might desire. In addition, certain features of our business make many common search requests virtually worthless. For example, a given telephone number may be assigned to many different users over a comparatively short period of time. Thus a request for information relating to a given telephone number may (unless targeted to a very short period of time) relate to more than just the user(s) who are relevant to the data request and impinge on the privacy rights of those other users. For these reasons, Gabbit cannot reasonably consider a request for information unless it includes at least the following:

- Telephone Number or User Identification Number ("UID")
- A specific date or a narrowly tailored date range (generally up to 2 months).
- Any other potentially identifying information (for example a customer's name, physical address, email address) in the possession of the requesting party.

Please note that Gabbit customers register through an online portal and their names, addresses and other contact information are not verified or regulated by Gabbit in any way. As a result: (a) in some cases the identifying information provided by a requesting party may not be used in a search; and (b) searching by username may be unreasonably overbroad so Gabbit may require the requesting party to provide narrower criteria.

Required Information. The following contact information is required for the requesting party and its counsel of record:

- Requesting Party's Name
- Counsel Name and State Bar Number
- Telephone Number
- E-mail Address
- Mailing Address (P.O. boxes will not be accepted)
- Requested Response Date (please allow a reasonable time for processing)

Law Enforcement Data Requests. To enable Gabbit to verify that a data request is from an official law enforcement agency or authority, Gabbit requires that any law enforcement agency requesting information or data (other than by legal process) submit a Law Enforcement Agency Disclosure Request Form. A copy can be downloaded [[here](#)] or contact Gabbit at legal@gabbit.net to request one.

Responsive Information. Responsive information is generally returned via e-mail in the form of a compressed, password protected file; however, if the volume of returned data is larger than a few megabytes, we may place the compressed, password protected file for download via a secured cloud account or other similar-type arrangement. Keep in mind that while Gabbit is generally able to provide Data such as Basic Subscriber Information, Billing History Information, Additional Number or Extensions, Call Log Data, Fax Log Data, SMS Log Data and Comment Log Data, we cannot guarantee that we can provide data responsive to each Data Request. Each customer's circumstances are unique; information that is readily accessible or useful in some cases may not be in others. For example, the production of Call Logs, Fax Logs, and SMS Logs is frequently unduly onerous, and Gabbit may object to the production of these records to private litigants. Additionally, Gabbit is typically prohibited from producing the Content of Communications to private litigants.

Private litigants are strongly encouraged to seek data directly from the Gabbit Customer or End User, who can use automated account tools to download the relevant Data from their Gabbit Admin Portal.

Notification of Customers.

To the extent we are legally permitted to do so, we will take reasonable steps to notify you if we are required to provide your Personal Information to third parties as part of a legal process. Law enforcement officials who believe that notification would jeopardize an investigation should obtain an appropriate court order or other valid legal process that specifically prohibits customer notification **prior** to sending a Data Request to Gabbit. If a Data Request draws attention to an ongoing violation of our Terms of Service, or Privacy Notice we may take action to prevent any further abuse in order to protect the network, comply with our legal obligations and/or protect other Gabbit customers. This may include actions that could (explicitly or implicitly) notify the customer that we are aware of his or her misconduct.

Questions/Status Requests

Questions regarding the Data Requests and these guidelines should be directed to: legal@gabbit.net. For security reasons, Gabbit will only respond to questions submitted in writing. To prevent delays in response to your Data Request and those of others, please allow Gabbit five (5) business days to respond to your Data Request before you inquire as to its status.

Cost Reimbursement

To cover the cost of compliance to Gabbit, Gabbit may require payment, to the extent allowable by law, of certain reimbursable costs and fees (regardless of format or identity of the requesting party). A schedule of these fees can be downloaded [[here](#)] or contact Gabbit at legal@gabbit.net to request one.

YOUR PRIVACY RIGHTS

Update and access to your information

Where we process personal information collected via our Website or App or via our Services for our own account management, billing or marketing purposes and/or if required by applicable law, we provide individuals with the opportunity to access, review, modify, and delete any such personal information that we process.

Requests from End Users

If you believe Gabbit may have collected or stored personal information about you on behalf of a Gabbit customer, please contact the Gabbit customer with any requests related to your personal information.

To make a request, please submit a ticket through our customer service portal or contact our Privacy Team at privacy@gabbit.net.

Unsubscribe from our mailing list

We give you the choice of receiving a variety of information related to our App and Services. You can manage your communication preferences through the following methods:

- By following the instructions included in any promotional email from us to unsubscribe from that particular mailing; or
- Sending us an email at support@gabbit.net

These choices do not apply to service notifications or other required communications that are considered part of the App or Services, which you may receive periodically unless you stop using or cancel the App or Service in accordance with its terms and conditions.

THIRD-PARTY SITES

This Policy does not apply to, nor are we responsible for, the privacy, information or other practices of any third parties, including any third party operating any site or service to which the Website links including but not limited to social media sites. The inclusion of a link on the Website does not imply our endorsement of the linked site or service. You should check the privacy notices of those sites before providing your personal information to them.

BLOGS AND FORUMS

Our Website offers publicly accessible blogs or community forums. You should be aware that any information you provide in these areas is public and may be read, collected, and used by others who access them and may remain on the public forum indefinitely. To request removal of your personal information from our blog or community forum, you can submit a request at legal@gabbit.net. In some cases, we may not be able to remove your personal information, in which case we will let you know if we are unable to do so and why. We encourage all users to exercise caution when providing personal information in blogs and community forums.

SECURITY

Keeping your information secure is important to us. Like all businesses, we cannot guarantee the security of the personal information we collect and process in connection with our Website, App and Services. We have, however, taken certain steps designed to reduce the risk that your personal information will be subject to loss, misuse, unauthorized access, disclosure, alteration or destruction. Gabbit has no control over or responsibility for the security or privacy policies or practices of other sites on the Internet you might visit, interact with, or from which you might buy products or services, even if you visit them using links from our Website.

DATA RETENTION

We will retain your personal information for no longer than is necessary to fulfill the purposes for which the information was originally collected unless a longer retention period is required or permitted by law, for legal, tax or regulatory reasons, or other legitimate and lawful business purposes. Where we have no ongoing legitimate business need to process your personal information, we will either delete or anonymize it.

CHILDREN'S PRIVACY

Gabbit does not knowingly provide products or services directly to children under the age of 16, or knowingly collect or solicit personal information from or about children under the age of 16. If you learn that a child has provided us with Personal Information, then you may alert us at legal@gabbit.net.

YOUR RIGHTS AS A CALIFORNIA RESIDENT

This section applies only to California consumers. It describes how we collect, use, and share California consumers' personal information in our role as a business, and the rights applicable to such residents. For purposes of this section "personal information" has the meaning given in the California Consumer Privacy Act ("CCPA"). Gabbit does not sell your personal information or your end users' personal information.

We process your personal information only in order to provide the services and we do not retain, use, or disclose your personal information outside of the scope of the agreement we have with you.

How We Collect, Use, and Share your Personal Information

We have collected the following statutory categories of personal information in the past twelve (12) months:

- Identifiers, such as name, e-mail address, mailing address, fax number and phone number. We collect this information directly from you or from third party sources.
- Customer records information, such as your Social Security number for a limited purpose like tax reporting relating to a payment for a customer referral or to facilitate an international money transfer.
- Information collected in connection with your use of our services, including communications usage information and the communications content processed through the services.

- Internet or network information, such as browsing and search history. We collect this information directly from your device.
- Geolocation data, such as IP address. We collect this information from your device.
- Financial information, such as payment details or financial account numbers in the process of providing you with our services. We collect this information from you.
- Inferences based on your use of the services and browsing history.
- Other personal information, in instances when you interact with us online, by phone or e-mail in the context of receiving support from our sales and customer service teams

The business and commercial purposes for which we collect personal information are described in the section of this Privacy Policy entitled “How We Use Your Personal information”. The categories of third parties to whom we “disclose” this information for a business purpose are described in the section of this Privacy Policy entitled “Sharing and Disclosure Of Personal Information To Third Parties”.

Your California Rights

You have certain rights regarding the personal information we collect or maintain about you. Please note these rights are not absolute, and there may be cases when we decline your request as permitted by law.

- The right of access means that you have the right to request that we disclose what personal information we have collected, used and disclosed about you in the past 12 months.
- The right of deletion means that you have the right to request that we delete personal information collected or maintained by us, subject to certain exceptions.
- The right to non-discrimination means that you will not receive any discriminatory treatment when you exercise one of your privacy rights.
- Gabbit does not sell personal information to third parties (pursuant to California Civil Code §§ 1798.100–1798.199).
- “California's “Shine the Light” law, Civil Code section 1798.83, requires certain businesses to respond to requests from California consumers asking about the businesses' practices related to disclosing personal information to third parties for the third parties' direct marketing purposes. Alternately, such businesses may have in place a policy, as we do, only to disclose personal information of consumers to third parties for the third parties' direct marketing purposes if the consumer has opted into such information-sharing.

How to Exercise your California Rights

You can exercise your rights yourself or you can alternatively designate an authorized agent to exercise these rights on your behalf. Please note that to protect your personal information, we will verify your identity by a method appropriate to the type of request you are making. We may also request that your authorized agent have written permission from you to make requests on your behalf, and we may also need to verify your authorized agent's identity to protect your personal information.

UPDATES TO THIS NOTICE

We may update this Policy from time to time in response to changing legal, technical, or business developments. If we make nonmaterial changes to our Notice, we will post those changes on this page in addition to updating the "Last Updated" or effective date at the top of this webpage. If we make material changes, we will notify you more directly, for example by emailing you prior to such material changes taking effect. We encourage you to review this Policy regularly to stay informed of the latest modifications.

CONTACT US

If you have any questions, comments or concerns about this Policy, please e-mail us at legal@gabbit.net. Or, you can write to us at:

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