

SMARTCOMMENT

PRIVACY POLICY

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What's in this Privacy Policy?

In this Privacy Policy, we explain how we handle information when you use SmartComment.

We'll identify what information we collect, how we might use it, what we share with others, and your rights and choices about your information. We aim to be transparent about our practices and help you understand how we protect your privacy.

What does this Privacy Policy cover?

We are SMARTCOMMENT SOFTWARE INC. ("SmartComment", "we", or "us"). This Privacy Policy applies to SmartComment's website, platform, and associated services that enable public comment collection and management (collectively, the "Service").

Our Service connects two important groups of users, and this policy explains how we handle information for both:

First, we serve organizations like government agencies and other entities who use our platform to collect and manage public comments. We call these organizations our "Clients." When Clients use our Service to manage their accounts and access our platform, we act as the data controller for their account information.

Second, we serve members of the public who submit comments through our platform ("Public Users"). When Public Users submit comments, we process this information on behalf of our Clients, acting as a data processor. This means our Clients determine what information to collect and how it will be used, while we follow their instructions in managing this data.

How do we collect and use information?

The type of information we collect and how we use it depends on whether you're a Client or a Public User. Let's look at each separately:

Information from our Clients

When an organization becomes a SmartComment Client, we collect information needed to create and manage their account. This includes basic contact information like organization name and administrator details, contact and other information about the individual account holder, as well as billing information needed to process payments. We may also collect information about how Clients use our platform to help us improve the Service.

We use this Client information to:

- Set up and maintain Client accounts
- Process payments and handle billing
- Provide customer support and technical assistance

- Send important service updates and communications
- Analyze how our platform is used to make improvements

Information from Public Users

When members of the public submit comments through our platform, the specific information we collect is determined by our Clients. Generally, this includes, at a minimum, the commenter's name and their comment text or other uploaded documents and attachments. Depending on the Client's requirements, we may also collect additional information such as email address, physical address, phone number, demographic details. Our Clients determine what information is required for their specific comment periods.

Additionally, the individual user determines what information is included in their public comment. This may include certain personal information and sensitive information, such as political opinions, gender identity, sexual orientation, race, religion, and other information which the user provides at their own discretion.

We use all of this information to operating the Service's public and private commenting features, and other Service functionality.

We also automatically collect some technical information when Public Users interact with the Service, such as IP address and browser type. This helps us ensure the security and proper functioning of the Service.

How do we share information?

We're careful about how we share information, and we never sell personal information to anyone. Here's how we handle information sharing for each group:

Sharing Client Information

For our Clients, we share account and service information with trusted service providers who help us operate the Service. This includes:

- Payment processors who help us handle billing
- Analytics providers who help us understand Service usage, fix errors, and make improvements
- Customer and technical support tools to help us assist our Clients
- Cloud storage and other hosting providers who help us maintain platform data

We only share what's necessary for these providers to perform their services, and we have agreements in place requiring them to protect any shared information.

Sharing Public User Comments

For Public Users, we share submitted comments in these ways:

First, all comments and associated information that Public Users transmit to the Service are shared with the Client who initiated the comment period. They receive this information to review and consider as part of their decision-making process.

Second, comments may be displayed publicly on the Service if the Client has chosen to make them public. When comments are public, anyone can view them along with the commenter's name and any other information the Client has designated as public.

If you've included attachments with your comment, these may also be made public depending on the Client's settings. We recommend not including sensitive personal information in public comments or attachments that you do not want to share publicly.

How do we protect your information?

We take security seriously and use industry-standard practices to protect your information. We use various safeguards including:

- Encryption to protect data in transit and at rest
- Access controls to limit who can see different types of information
- Regular security assessments to identify and address potential risks
- Monitoring systems to detect and prevent suspicious activity
- Employee training on security and privacy practices

We also have procedures in place to deal with any suspected data security breach. We'll notify you and any applicable regulator of a suspected data security breach when legally required.

While we implement strong security measures, no online service can guarantee absolute security. We continuously work to improve our security practices as technology evolves.

How long do we keep information?

Our retention practices differ for Clients and Public Users:

For Clients, we keep account information for as long as they maintain an active account with us, plus a reasonable period afterward for legal and administrative purposes. This helps us handle any follow-up questions and comply with laws and other regulations.

For Public Users, we retain comments and associated information according to our Clients' specifications and applicable legal requirements. Different Clients may have different retention periods based on their needs and regulatory requirements. If you have questions about how long your comment will be retained, please contact the relevant Client organization.

Please note that we may retain some data, if necessary to:

- resolve disputes,
- enforce our user agreements,
- follow any technical and legal requirements related to the Service.

Children's privacy rights

We don't knowingly collect any personal data from children under the age of 13. We also don't knowingly allow them to create accounts, make purchases, post comments, or otherwise use the Service.

We may also limit our personal data processing for EU users between 13 and 16.

We take children's privacy seriously and encourage parents to play an active role in their children's online experience. If you have any concerns about your child's personal data, please contact us at info@smartcomment.com.

Cookies, “Do Not Track” Signals

Cookies: We use cookies on certain portions of the Service. To find out more about what cookies are and how we use them, please view our [Cookie Policy](#).

“Do Not Track” Signals: Because there's not yet a consensus on how companies should respond to web browser-based or other “do not track” mechanisms yet, we do not respond to web browser-based do not track signals.

What rights do you have regarding your information?

Your rights can vary depending on whether you're a Client or Public User, and where you live. We'll explain the basic rights everyone has, then cover some additional rights that may apply based on your location.

For Our Clients

If you're a Client, you have direct control over your account information through your account settings. You can update your organization's and specific users' details, modify payment and subscription information, and manage your preferences. You can also request a copy of your account information or ask us to delete it.

For Public Users

If you've submitted a comment through the Service, your rights regarding that information are primarily governed by the Client organization that collected your comment. However, you can always:

- Request information about how we process and protect your data
- Ask us to remove your personal information from public view
- Opt out of any marketing communications from SmartComment
- Contact us with privacy questions or concerns

Remember that while we can help with technical aspects of these requests, we'll need to coordinate with our Clients on matters involving the comments themselves, since they control that information.

Special Privacy Rights by Region

Privacy laws around the world give people different rights regarding their personal information. Here's an overview of major privacy rights that might apply to you:

European Union (GDPR) and UK Residents

If you're in the European Economic Area, UK, or other regions where GDPR-style regulations apply, you have several important rights:

- **Access:** You can request a copy of your personal information
- **Correction:** You can ask us to fix inaccurate information
- **Deletion:** You can ask us to erase your personal information in certain circumstances
- **Restriction:** You can ask us to limit how we use your information
- **Portability:** You can request your information in a format you can reuse
- **Objection:** You can object to certain types of processing
- **Consent Withdrawal:** You can withdraw previous consent for data processing

If you would like to exercise any of those rights, please email us at info@smartcomment.com. We will respond to your request or inquiry within a reasonable timeframe and in accordance with applicable laws. We may ask for additional info to verify that you're the owner of that data.

For Public Users in these regions, we'll work with our Clients to fulfill these requests since they control comment data. For Clients, we'll handle these requests directly for account information we control.

What is Sensitive Information?

Some types of personal data are "sensitive information."

Sensitive information is personal information revealing or relating to your health, genetic or biometric data, your racial or ethnic origin, religious or philosophical beliefs, sex life or sexual orientation, political opinions or trade union membership.

Will SmartComment treat Sensitive Information different from other personal data?

Yes.

We will only collect and process your Sensitive Information:

- in ways for which you have given your explicit consent (such as posting a public comment)
- to protect your or another person's vital interests, in cases where you cannot give your explicit consent, or we can't reasonably request it
- according to applicable laws which include suitable and specific measures to safeguard your fundamental rights and interests
- to establish, exercise, or defend a legal claim

Legal Basis for processing your personal data:

In accordance with the General Data Protection Regulation (GDPR) and UK data protection law, we process your personal data based on the following legal grounds:

- **Consent.** For personal data collected when you provide it to us directly, such as when you post a public comment, we may rely on your explicit consent. In these situations, you have the right to withdraw your consent at any time (see "How to Contact Us" below).

- **Contractual Obligations.** We process specific sets of your data to fulfill our contractual obligations to you. This encompasses actions like account creation, providing Service commenting functionality, and general Service operations and delivery.
- **Legitimate Interests.** For certain data processing activities, we rely on our legitimate business interests. This includes activities like Service error correction, updates, and improvements, and ensuring a safe user environment.
- **Legal Compliance.** There are instances where we're legally mandated to process your data. This could be due to regulatory requirements, legal requests, or for the prevention of fraud and illegal activities.

US Residents - State-Specific Privacy Rights

For residents of states with comprehensive privacy laws (including California, Virginia, Colorado, Connecticut, Utah, Texas, and Oregon), you may have additional rights, depending on your state's law. These include:

Access and Control Rights

- Request a copy of your personal data
- Correct inaccurate personal information
- Request deletion of your personal data
- Receive your data in a portable format

Right to Opt Out of:

- Targeted advertising
- Sale of personal data
- Profiling and automated decision-making

Important Notes

In addition to the above rights, we also agree to the following with respect to US users' personal data:

- We will not discriminate against you for exercising your rights
- We do not sell personal data as defined by state privacy laws
- We do not engage in automated decision-making that produces legal effects
- We protect sensitive personal data with additional safeguards

California Resident Rights

In addition to the above rights, for California residents under the California Consumer Privacy Act (CCPA), you have the right to designate an authorized agent to make requests on your behalf.

If you would like to exercise any of those rights, please email us at info@smartcomment.com. We may ask for additional info to verify that you're the owner of that data.

Canadian Residents

Under Canadian privacy law (PIPEDA), you have rights including:

- **Access:** You have the right to access the personal information we hold about you and request a copy of that information.
- **Rectification:** If you believe that any of the personal information we hold about you is inaccurate or incomplete, you have the right to request that we correct or update it.
- **Consent Withdrawal:** If you have previously provided your consent for the collection, use, or disclosure of your personal information, you have the right to withdraw that consent at any time. Please note that withdrawing your consent may affect our ability to provide certain services to you.
- **Objection:** You have the right to object to the collection, use, or disclosure of your personal information for certain purposes, such as direct marketing.
- **Erasure:** In certain circumstances, you have the right to request the deletion or removal of your personal information from our records.
- **Data Portability:** You have the right to request a copy of your personal information in a structured, commonly used, and machine-readable format, and to transmit that information to another organization.

If you would like to exercise any of those rights, please email us at info@smartcomment.com. We will respond to your request or inquiry within a reasonable timeframe and in accordance with applicable laws. We may ask for additional info to verify that you're the owner of that data.

International Data Transfers

SmartComment is based in the United States, but the Service may be accessed by Clients and Public Users globally. This means we may transfer personal information to a country other than where you live. When we do this, we use recognized legal mechanisms to protect your information:

- For transfers to and from the EU/UK, we use Standard Contractual Clauses approved by the European Commission
- We implement appropriate technical and organizational security measures
- We ensure receiving countries have adequate data protection standards or additional safeguards

Changes to this Privacy Policy

We may update this Privacy Policy as our Service evolves and privacy laws change. When we make significant changes, we'll notify our Clients through their account and post a notice on the Service. We will also update the "Last Modified" date at the top of this policy.

For Public Users, since we don't maintain ongoing accounts, we encourage you to review this policy periodically. Changes are effective when posted, and your continued use of the Service after changes means you accept the updated policy.

How to Contact Us

We welcome your questions and feedback about privacy. You can reach us in several ways:

- Email: info@smartcomment.com
- Postal Mail: 6600 West Sunset Blvd. Suite 307, Los Angeles, CA 90028

If you're a Public User with questions about how your comment information is used, you may also want to contact the Client organization that collected your comment, as they make many of the decisions about comment data.

Response Time

We'll respond to privacy questions and requests within a reasonable timeframe, typically within 30 days. Some requests may take longer depending on complexity, and we'll let you know if we need additional time.

Remember, for requests about comment information, we may need to consult with our Clients since they control that data. We'll help coordinate this process and keep you informed about the status of your request.