

## **Model Clauses Messaging Compliant Terms**

As we've noted in our webpage on the subject, sending promotional text messages through a service like Hustle will require undergoing registration. As a part of approving your messaging campaigns, a registrar will review your Privacy Policy, Terms of Service, and Opt-In Forms. To help you check your existing policies for compliance, or to draft compliant terms, we offer below some clauses as examples of compliant language.

Please note: the following provisions are model language intended to illustrate potential terms for privacy policies and terms of service related to text marketing promotions. These provisions are general templates and are not tailored to any specific business or website and may not accurately reflect your legal obligations under applicable laws, including 10DLC regulations and consumer protection laws. **Do not use these provisions without modifying them to reflect your actual business practices. Do not use these provisions without consulting a qualified attorney.** Legal requirements vary based on jurisdiction, business model, data collection practices, and contractual obligations. We strongly recommend seeking legal counsel to review and customize your privacy policies and terms of service to ensure compliance with relevant laws and regulations.

*Model Language on Following Pages*

## **Privacy Policies**

### **1. SAMPLE DATA COLLECTION & USAGE SECTION**

We collect personal information that you voluntarily provide to us when you register on the Services, express an interest in obtaining information about us or our products and Services, when you participate in activities on the Services, or otherwise when you contact us. The personal information that we collect depends on the context of your interactions with us and the Services, the choices you make, and the products and features you use. The personal information we collect may include the following:

- Your Name
- Your Email
- Your Phone Number
- Social Media User Names for any accounts you link to our services.
- Information from social media accounts that you use to log in to our services.

We automatically collect certain information when you visit, use, or navigate the Services. This information does not reveal your specific identity (like your name or contact information) but may include device and usage information, such as your IP address, browser and device characteristics, operating system, language preferences, referring URLs, device name, country, location, information about how and when you use our Services, and other technical information. This information is primarily needed to maintain the security and operation of our Services, and for our internal analytics and reporting purposes. Like many businesses, we also collect information through cookies and similar technologies. We process your personal information for a variety of reasons, depending on how you interact with our Services, including:

- To facilitate account creation and authentication and otherwise manage user accounts. We may process your information so you can create and log in to your account, as well as keep your account in working order.
- To deliver and facilitate delivery of services to the user. We may process your information to provide you with the requested service.
- To respond to user inquiries/offer support to users. We may process your information to respond to your inquiries and solve any potential issues you might have with the requested service.
- To send administrative information to you. We may process your information to send you details about our products and services, changes to our terms and policies, and other similar information.

- To fulfill and manage your orders. We may process your information to fulfill and manage your orders, payments, returns, and exchanges made through the Services.
- To enable user-to-user communications. We may process your information if you choose to use any of our offerings that allow for communication with another user.
- To request feedback. We may process your information when necessary to request feedback and to contact you about your use of our Services.
- To protect our Services. We may process your information as part of our efforts to keep our Services safe and secure, including fraud monitoring and prevention.
- To identify usage trends. We may process information about how you use our Services to better understand how they are being used so we can improve them.
- To determine the effectiveness of our marketing and promotional campaigns. We may process your information to better understand how to provide marketing and promotional campaigns that are most relevant to you.
- To save or protect an individual's vital interest. We may process your information when necessary to save or protect an individual's vital interest, such as to prevent harm.

You can opt out of receiving SMS messages at any time by texting STOP to **[PHONE NUMBER]** or reply STOP to any text you receive from us. After you send STOP, you will receive one final message confirming your opt-out status. No further messages will be sent unless you re-enroll.

## 2. SAMPLE THIRD-PARTY SHARING CLAUSE

We may share your data with third-party vendors, service providers, contractors, or agents ("third parties") who perform services for us or on our behalf and require access to such information to do that work. We have contracts in place with our third parties, which are designed to help safeguard your personal information. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will also not share your personal information with any organization apart from us. They also commit to protect the data they hold on our behalf and to retain it for the period we instruct. **Mobile opt-in data will not be shared with third parties for marketing purposes.**

## 3. SAMPLE OPT-OUT & CONSUMER RIGHTS CLAUSE:

Depending on the jurisdiction in which you reside, you may have certain rights regarding the data that you share with us. These may include:

- Right to be informed whether or not we are processing your personal data
- Right to access your personal data
- Right to correct inaccuracies in your personal data
- Right to request deletion of your personal data
- Right to obtain a copy of the personal data you previously shared with us

To the extent that one or more of these rights is required in the jurisdiction in which you reside, and that you wish to exercise one or more of these rights, please reach out to our team at **[INSERT SUPPORT EMAIL]**.

#### **4. SAMPLE SALE OF DATA CLAUSE:**

Sharing Your Information: We will not sell, rent, or otherwise share your personal data to third parties. We prioritize the confidentiality of member information and only share data in limited circumstances. However, we may share your information with:

- Service Providers: Third-party vendors (e.g., payment processors or email services) for business operations
- Legal Authorities: When required by law or to protect our rights

## Terms of Service

### 1. SAMPLE MESSAGE TYPE AND FREQUENCY SECTION

By subscribing to our SMS service, you agree to receive text messages from **[BUSINESS NAME]**, which may include:

- Organization Updates
- Cart Reminders
- Ways to Get Involved
- Advocacy Opportunities
- **[ADD MARKETING IF YOU PARTICIPATE IN COMMERCIAL MARKETING OR SALES PROMOTIONS]**
- **[ADD DONATION SOLICITATIONS YOU WILL BE REQUESTING DONATIONS]**
- **[ADD OTHERS BASED ON BUSINESS PRACTICES]**

By providing your mobile number and opting in to receive SMS communications, you give express consent to receive text messages from **[BUSINESS NAME]**. You do not need to opt in to SMS messages to use our services. Message frequency varies, and will typically range from approximately **[APPROXIMATE NUMBER]** messages per month. Additional messages may be sent based on urgent matters.

### 2. SAMPLE DATA RATES CLAUSE

Message and data rates may apply. Check with your mobile service provider for details on your plan's rates. **[BUSINESS NAME]** is not responsible for any charges related to SMS messages. Text message opt-ins are excluded from information sharing with third parties. T-Mobile is not liable for delayed or undelivered messages. For help, reply HELP or email us at **[EMAIL ADDRESS]**. You can unsubscribe at any time by replying STOP to messages you receive from us. Contact **[EMAIL ADDRESS]** for more information.

### 3. SAMPLE REGULATORY DISCLOSURES

By subscribing with your mobile number, you agree to receive text messages that may include **[MESSAGE TYPES STATED IN TERMS OF SERVICE SECTION 1]** from **[BUSINESS NAME]**. Message frequency varies. Message and data rates may apply. Text message opt-ins are excluded from information sharing with third parties. T-Mobile is not liable for delayed or undelivered messages. For help, reply HELP or email us at **[EMAIL ADDRESS]**. You can unsubscribe at any time by replying STOP to messages you receive from us. You can reply HELP or contact **[EMAIL ADDRESS]** for more information. You can view our Privacy Policy at **[PRIVACY POLICY LINK]**.

### 4. SAMPLE OPT-OUT & SUPPORT CLAUSE

You can opt out of receiving SMS messages at any time by texting STOP to **[PHONE NUMBER]** or reply STOP to any text you receive from us. After you send STOP, you will receive one final message confirming your opt-out status. No further messages will be sent unless you re-enroll. You can also email **[EMAIL ADDRESS]** or call **[PHONE NUMBER]** to request to opt out.

5. **SAMPLE OPT-IN LANGUAGE.** In addition to the opt-out language to be included in your Terms of Service, you should include an “Opt -In Form” on every page which enables the user to sign up for text messages of any kind.

*Opt in to text messages from **[BUSINESS NAME]**.*

- ☐ *Yes, I agree to receive text messages from **[BUSINESS NAME]**. Message types may include **[MESSAGE TYPES STATED IN TERMS OF SERVICE SECTION 1]**. Message frequency varies. Message and data rates may apply. Reply STOP to unsubscribe. Reply HELP for help.*

*By opting in, you agree to our Privacy Policy **[LINKED HERE]** and Terms of Service **[LINKED HERE]**.*