

SMS Privacy Policy of Rivera & Associates, P.A dba Wiry Smiles

Last Updated: July 1, 2024

1. **Introduction.** We at Rivera & Associates, P.A. dba Wiry Smiles believe in protecting the security and confidentiality of your personal information. This SMS Privacy Policy (the "Policy") discloses our policies regarding the collection, use, maintenance and disclosure of your personal information obtained in connection with your participation in the SMS messaging service (the "Service"), that we make available to you through a third party provider. This Policy only applies to the personal information obtained in connection with the Service. By opting into and using the Service, you agree to be bound by the terms of this Policy.
2. **Personal Information.** "Personal information" is data that identifies, relates to, describes, can be used to contact, or could reasonably be linked directly or indirectly to you. For purposes of this Policy, there is no meaningful distinction between the terms "personal information" and "personal data."
 - a. **Personal Information Collected When You Opt-In.** When you opt-in to the Service, we collect the following items of personal information directly from you:
 - i. Your name
 - ii. Your phone number
 - b. **Personal Information Collected from Service Provider.** We collect the following items of personal information from the third party provider when you use the Service:
 - i. The content of any text messages that you send us
 - ii. The details of messages you send, such as the time and date of the message
 - iii. Your messaging history
 - c. **Personal Information Automatically Collected.** Through your use of the Service, we automatically collect the following items of personal information directly from you, including usage details, IP addresses, information collected through cookies, operating system information, web browser details, web beacons, and other tracking technologies.
 - d. **Other Personal Information Provided by You.** We also collect other items of Personal Information voluntarily provided by you including, but not limited to, contact information provided in connection with an inquiry, comments and other feedback
3. **No Sale of Personal Information.** We do not sell, share, or trade personal information obtained in connection with the service to any third party for marketing purposes.
4. **Use of Personal Information.** We use your personal information:
 - a. To deliver the Service to you.
 - b. To communicate with you regarding inquiries, or otherwise provide customer service.
 - c. To maintain and support the Service.
 - d. To personalize how you experience the Service.
 - e. To improve the overall experience of the Service.
 - f. To analyze the Service.
 - g. To create de-identified personal information to be used by us.
 - h. For any other purpose that you consent to.
5. **Disclosure of Personal Information to Third-Parties.** We disclose the personal information we collect in connection with the Service for the following purposes:
 - a. **To provide the Service.** We share your personal information with third party service providers to help us provide the Service to you. These third parties are contractually obligated to use your personal information only for the limited purposes the personal information was disclosed for.
 - b. **With our affiliates.** We may share your personal information with third parties that share common ownership with Rivera & Associates, P.A dba Wiry Smiles, but only for the purposes described above.
 - c. **For reasons you consent to.** We may share your personal information with third parties for

any reason if we obtain your consent before doing so, or if you specifically direct us to share your personal information.

- d. **In the event of a corporate transaction.** We may disclose or transfer your information to a third party if we sell, transfer, divest, or disclose all or a portion of our business or assets to another company in connection with or during negotiation of any merger, financing, acquisition, bankruptcy, dissolution, transaction, or proceeding.
 - e. **Use to protect against, investigate and deter fraudulent activity.** When necessary, your personal information may be disclosed to third parties for the purpose of protecting against, investigating and deterring fraudulent, as well as unauthorized or illegal, activity.
 - f. **Defend our legal rights.** To protect and defend the legal rights of Rivera & Associates, P.A dba Wiry Smiles employees, we may disclose your personal information. We may also require your personal information to defend against legal claims, or to establish our legal rights.
 - g. **To comply with and as required by law.** We may disclose your personal information to government authorities or other relevant third parties in order to comply with applicable legal requirements, judicial proceedings, court orders, subpoenas, legal process, or lawful requests from governmental authorities.
6. **Security.** We have implemented commercially reasonable safeguards to provide adequate protection for the storage and transfer of your Personal Information. Despite the measures we have taken, we cannot guarantee that your personal information will only be accessed by authorized parties. We are not responsible for third parties that circumvent the safeguards we have put in place. We will notify you if we become aware of unauthorized access of your personal information.
7. **Retention of Personal Information.** Unless there is something in this Policy to the contrary, we may retain your personal information for as long as you participate in the Service, and thereafter as long as necessary to comply with legal requirements and obligations, defend our rights, resolve conflicts, improve our website, address complaints, and enforce contracts.
8. **Opt-Out.** At any time, you may opt-out of this Service by doing the following: Reply "Opt Out" or "Stop" to any of our text messages. You may also opt-out by contacting us by one of the methods in the Contact section of this Policy. You are not required by us to participate in the Service. You will not be discriminated against for choosing to opt-out of this Service.
9. **Revisions.** This Policy may be revised from time to time without prior notice to you. The changes to the Policy will be effective as soon as the updated Policy is posted. If you disagree with any such changes, please cease using the Service. Continued use following the posting of any such changes indicates your acceptance of the changes. If we make any changes to this Policy that materially impact previously collected personal information about you, we will make reasonable efforts to provide notice and obtain consent to any such changes as may be required by law.
10. **Minors.** Minors under the age of 13 may not use the Service. We do not knowingly collect information from children under 13 years of age. Additionally, we recommend that users between the ages of 13 and 18 ask their parents for permission before sending any information about themselves to anyone over the Internet or through text messages. If you become aware that a minor under the age of 13 has used the Service, please contact us by the method listed below.
11. **Terms of Use and Privacy Policy.** This Policy is subject to the terms contained in RRivera & Associates, P.A dba Wiry Smiles' Terms of Use and Rivera & Associates, P.A dba Wiry Smiles' primary Privacy Policy, both of which are available on Rivera & Associates, P.A dba Wiry Smiles website at www.wirysmiles.com. By signing up for the Service, you also agree to Rivera & Associates, P.A dba Wiry Smiles' Terms of Use and Privacy Policy.
12. **Contact.** If you have any questions or concerns about this Policy or the way in which your personal information is handled, please contact us at 3340 Robinwood Road, Ste 100-406, Gastonia , NC, 28054, or by email at nrivera@smilestartersdental.com.