Data Processing Addendum

Last update: February 12th, 2026

This Data Processing Addendum ("Addendum") is made and entered into by and between the parties identified in the Order Form ("Customer") and Resend, Inc. ("Resend") and forms part of the relevant agreement ("Master Order") and the Resend Terms of Service ("Terms of Service") (collectively, the "Agreement") between Customer and Resend. Customer and Resend are each a "Party" and together the "Parties".

Capitalized terms defined in the GDPR and/or the Agreement shall have the meanings given to them in the Agreement.

Customer is a business or other legal entity and Customer entering into this Addendum on behalf of a business or other legal entity represents and warrants that it has the authority to bind such business or other legal entity to this Addendum.

1. Definitions

1.1 **"Affiliate"** means, in the context of each Party, any entity controlled by, directly or indirectly, that Party, or under common control with, such Party, where "control" means ownership of or the right to control more than 50% of the voting or other equivalent rights of such entity, or any other entity that a Party shall from time to time designate in writing to be an Affiliate for purposes of this Addendum.

1.2 **"Data Protection Laws"** means all laws and regulations, including laws and regulations of the European Union, the European Economic Area, their Member States, Switzerland, the United Kingdom and the United States of America, applicable to the Processing of Personal Data under the Agreement.

1.3 **"Personal Data"** means any information relating to an identified or identifiable natural person, or as defined under applicable Data Protection Laws, or its equivalent, that Resend Processes on behalf of Customer in connection with the provision of the Services, and which is subject to the Data Protection Laws.

1.4 **"Processing"** (and its cognates) means any operation or set of operations which is performed on Personal Data, or on sets of Personal Data, whether or not by automatic means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

1.5 **"Processor"** means a natural or legal person, public authority, agency or other body which Processes Personal Data on behalf of the controller, and includes its equivalent under the CCPA or the Agreement, and any a subprocessor of the foregoing.

1.6 **"Supervisory Authority"** means (a) an independent public authority which is established by a Member State pursuant to Article 51 GDPR; and (b) any similar regulatory authority, agency or body responsible for the administration of data privacy legislation in any other country.

1.7 **"Sub-Processor"** means any Processor engaged by Resend or any member of Resend Group.

1.8 **"Resend Group"** means any Affiliate of Resend.

1.9 **"Services"** means the services and other activities to be supplied to or carried out by or on behalf of Resend pursuant to the Agreement.

1.10 **"Standard Contractual Clauses"** means the contracts between Customer and Resend, of even date herewith, in the form attached hereto as Exhibit A.

1.11 **"Term"** means the term of this Addendum as set forth in the Agreement.

1.12 **"Third Country"** means any country, organization or territory not acknowledged by a Member State under Article 45 of the GDPR to ensure an adequate level of protection.

1.13 **"Trust Center"** means Resend's trust center located at https://trust.resend.com.

2. Relationship of the Parties; Processing of Data

2.1 The parties acknowledge and agree that with respect to the Personal Data Processed hereunder, Customer may act either as a controller or a processor, and, except as expressly set forth in this DPA or the Agreement, Customer is a processor and Resend is a processor (or a sub-processor) which Processes Personal Data on behalf of Customer (and its Affiliates) as Customer (or its Affiliates) may permit or instruct in writing from time to time, and Resend shall not have any independent obligation to Process Personal Data other than as instructed by Customer (and its Affiliates) from time to time. Customer (and its Affiliates) may permit or instruct in writing from time to time Resend to Process Personal Data that is not subject to the Data Protection Laws. Notwithstanding anything to the contrary herein, Customer (and its Affiliates) retain all right, title and interest in and to the Personal Data, and all rights and remedies in relation thereto, including all rights and remedies relating to the proper Processing of the Personal Data in accordance with the Agreement.

2.2 Customer represents and warrants that it has all necessary rights to provide the Personal Data to Resend for Processing in connection with the Services. In addition, Customer represents and warrants that all Personal Data that it instructs Resend to Process on its behalf does not violate the Data Protection Laws or any other applicable law, regulation or third party rights.

2.3 Customer represents and warrants that it has all necessary rights, permissions and consents in place to instruct Resend to Process the Personal Data in accordance with the GDPR and this Addendum and that such instruction will not cause Resend to be in breach of the Data Protection Laws or any other applicable law, regulation or third party rights.

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