

# Privacy policy AskBrian GmbH

## 1. Introduction

- 1.1 We are committed to safeguarding the privacy of our website visitors and service users.
- 1.2 This policy applies where we are acting as a data controller with respect to the personal data of our website visitors and service users; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.3 We use cookies on our website. Insofar as those cookies are not strictly necessary for the provision of [our website and services], we will ask you to consent to our use of cookies when you first visit our website.
- 1.4 In this policy, "we", "us" and "our" refer to AskBrian GmbH.

*AskBrian GmbH*

*Untermarkt 37a*

*82515 Wolfratshausen*

*Handelsregister: HRB 241460*

*Registergericht: München*

*Phone: + 4917623207742*

*E-Mail: hi@askbrian.ai*

## 2. Credit

- 2.1 This document was created using a template from SEQ Legal.

## 3. Data protection officer

We have installed an external data protection officer. The contact details are the following:

*Dehe Consulting GmbH*

*Scheidertalstraße 16*

*65329 Hohenstein*

*Phone: +49 (0) 6128 74 12 85*

*Mail: gdpr@askbrian.ai*

## 4. How we use your personal data

- 4.1 In this Section 3 we have set out:
- (a) the general categories of personal data that we may process;
  - (b) the purposes for which we may process personal data; and
  - (c) the legal bases of the processing.
- 4.2 We may process data about your use of our website and services ("**usage data**"). The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is Google Analytics. This usage data may be processed for the purposes of analysing the use of the website and services. The legal basis for this processing is our legitimate interests according to §6 Art. 1 lit f), namely monitoring and improving our website and services.
- 4.3 We may process information contained in any enquiry you submit to us regarding goods and/or services ("**enquiry data**"). The enquiry data will be processed for the purposes of service delivery and might be processed to provide further guidance, help and service offerings. The legal basis for this processing is consent according to §6 Art. 1 lit a).
- 4.4 If applicable, we process information you provide in form of attached files to emails in order to fulfill the requested service such as translation, conversion etc. ("**attachments**"). If you request the processing of attachments (which might contain personal information), we assume your consent in doing so. After processing the attachments, we delete these immediately and keep the meta-data only (file name, file size, time-stamp).
- 4.5 We may process information relating to our customer relationships, including customer contact information ("**customer relationship data**"). The customer relationship data may include your name, your employer, your job title or role, your contact details, and information contained in communications between us and you or your employer. The source of the customer relationship data is you. The customer relationship data may be processed for the purposes of managing our relationships with customers, communicating with customers, keeping records of those communications and promoting our products and services to customers. The legal basis for this processing is our legitimate interests according to §6 Art. 1 lit f), namely the proper management of our customer relationships.
- 4.6 We may process information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters ("**notification data**"). The notification data may be processed for the purposes of sending you the relevant notifications and/or newsletters. The legal basis for this processing is consent according to §6 Art. 1 lit a)..
- 4.7 We may process information contained in or relating to any communication that you send to us ("**correspondence data**"). The correspondence data may include the communication content and metadata associated with the

communication. Our website will generate the metadata associated with communications made using the website contact forms. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests according to §6 Art. 1 lit f), namely the proper administration of our website and business and communications with users.

- 4.8 We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of **legal claims**, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests according to §6 Art. 1 lit f), namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 4.9 In addition to the specific purposes for which we may process your personal data set out in this Section 3, we may also process any of your personal data where such processing is necessary for compliance with a **legal obligation** to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.
- 4.10 We may process information if you have a registered account with us ("**profile data**"). The profile data will be processed for the purposes of utilizing and / or buying any services and products we offer. The legal basis for this processing is consent according to §6 Art. 1 lit b).
- 4.11 Please do not supply any other person's personal data to us, unless we prompt you to do so.

### **Google Analytics**

ASKBRIAN might use Google Analytics. Provider is Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA. This enables the use of the website to be tracked using the "Google Analytics" tool. Google analytics uses Cookies (see below for more information) which store and transfer information to the US. This is a service provided by Google to obtain information about the user's visits to the website. Some of the data stored for later analysis are: number of user's visits to the website, data from his first and last visit, duration of visit, website from which he accessed this website, search machine used by the user to find this website or the link clicked on, the location from where the visit took place, etc. The legal basis for this processing is consent according to §6 Art. 1 lit a).

The configuration of these cookies has been determined in advance by the service offered by Google. For further information please consult the Google Analytics data protection policy, <http://www.google.com/intl/es/analytics/privacyoverview.html>. Please note that we are not responsible for the content or accuracy of third party websites.

### **Google Webfonts**

For uniform representation of fonts, this page uses web fonts provided by Google. When you open a page, your browser loads the required web fonts into your browser cache to display texts and fonts correctly. For this purpose, your browser

has to establish a direct connection to Google servers. Google thus becomes aware that our web page was accessed via your IP address. The use of Google Web fonts is done in the interest of a uniform and attractive presentation of our website. This constitutes a justified interest pursuant to Art. 6 (1) (f) DSGVO. If your browser does not support web fonts, a standard font is used by your computer.

Further information about handling user data, can be found at <https://developers.google.com/fonts/faq> and in Google's privacy policy at <https://www.google.com/policies/privacy/>.

## **MAILJET**

ASKBRIAN uses a third-party email service, Mailjet, to manage your communication with Brian. Mailjet therefore acts as a data-processor on behalf of ASKBRIAN.

Mailjet is a French company and stores your data in Germany. Mailjet fulfills the GDPR requirements and holds a ISO 27001 certificate for data security. When you sign up to our email alerts, you agree to your data being stored in this way. As a subscriber to our email alerts, we may contact you from time to time to ask for your feedback on how to improve our email alert service.

As a data processor on behalf of ASKBRIAN, Mailjet will use your information to send you email alerts if you request them. The legal basis for this processing is consent according to §6 Art. 1 lit a). You can find out more about how Mailjet collects and stores your information here: <https://www.mailjet.com/security-privacy/>.

## **Paypal**

We have integrated components from PayPal on this website. PayPal is an online payment service provider. Payments are processed through PayPal accounts, which are virtual private or business accounts. In addition, PayPal offers the possibility to process virtual payments via credit cards if a user does not have a PayPal account. A PayPal account is managed via an e-mail address, which is why there is no classic account number. PayPal makes it possible to trigger online payments to third parties or to receive payments. PayPal also assumes trustee functions and offers buyer protection services. The European operating company of PayPal is PayPal (Europe) S.à.r.l. & Cie S.C.A., 22-24 Boulevard Royal, 2449 Luxembourg, Luxembourg.

If you select "PayPal" as payment option during the ordering process in our online store, your data will be automatically transmitted to PayPal. By selecting this payment option, you agree to the transmission of personal data required for payment processing.

The personal data transmitted to PayPal is usually first name, last name, address, email address, IP address, phone number, cell phone number or other data necessary for the payment processing. For the processing of the purchase contract, such personal data is also necessary in connection with the respective order.

The transmission of the data is intended for payment processing and fraud prevention. We will transmit PayPal personal data if there is a legitimate interest for the transmission. The personal data exchanged between PayPal and us may be

transmitted by PayPal to credit agencies. The purpose of this transmission is to check identity and creditworthiness.

PayPal may share the personal data with affiliated companies and service providers or subcontractors if this is necessary to fulfill contractual obligations or if the data is to be processed on behalf of a third party.

You have the possibility to revoke your consent to PayPal to handle personal data at any time. Revocation does not affect personal data that must be processed, used or transmitted for the (contractual) handling of payments.

The use of PayPal is in the interest of proper and smooth payment processing. This represents a legitimate interest in the sense of Art. 6 paragraph 1 letter f DS-GVO.

The applicable data protection regulations of PayPal can be found at <https://www.paypal.com/de/webapps/mpp/ua/privacy-full>.

## **Stripe**

Similar to Paypal, Stripe is a payment solution provider. They offer services that enable platforms and merchants to run businesses, and to safely conduct online payment transactions.

Depending on your usage of stripe, the data collected are either browser and device data or usage data.

The use of Stripe is in the interest of proper online payment processing. This represents a legitimate interest in the sense of Art. 6 paragraph 1 letter f DS-GVO.

The applicable data protection regulations of Stripe can be found at <https://stripe.com/de/privacy>.

## **5. Providing your personal data to others**

Apart from the mentioned usage of your personal data, your personal data will not be shared with any other party.

## **6. International transfers of your personal data**

Apart from the mentioned usage of your personal data, your personal data will not be transferred internationally.

## **7. Retaining and deleting personal data**

7.1 This Section 6 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.

- 7.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 7.3 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

## **8. Your rights**

- 8.1 In this Section 8, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 8.2 Your principal rights under data protection law are:
- (a) the right to confirmation;
  - (b) the right to access;
  - (c) the right to rectification;
  - (d) the right to erasure;
  - (e) the right to restrict processing;
  - (f) the right to object to processing;
  - (g) the right to data portability;
  - (h) the right to complain to a supervisory authority; and
  - (i) the right to withdraw consent.
- 8.3 You have the right to **confirmation** as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.
- 8.4 You have the right to have any inaccurate personal data about you **rectified** and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.
- 8.5 In some circumstances you have the right to the **erasure** of your personal data without undue delay. Those circumstances include: [the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based

processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed]. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: [for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims].

- 8.6 In some circumstances you have the right to **restrict** the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 8.7 You have the right to **object** to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 8.8 You have the right to **object** to our processing of your personal data for direct marketing purposes. If you make such an objection, we will cease to process your personal data for this purpose.
- 8.9 To the extent that the legal basis for our processing of your personal data is:
- (a) consent; or
  - (b) that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract,

and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

- 8.10 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the

EU member state of your habitual residence, your place of work or the place of the alleged infringement.

- 8.11 To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 8.12 You may exercise any of your rights in relation to your personal data by written notice to us.

## **9. About cookies**

- 9.1 A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.
- 9.2 Cookies may be either "persistent" cookies or "session" cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.
- 9.3 Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.

## **10. Managing cookies**

110.1 Most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can however obtain up-to-date information about blocking and deleting cookies via these links:

- (a) <https://support.google.com/chrome/answer/95647?hl=en> (Chrome);
- (b) <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences> (Firefox);
- (c) <http://www.opera.com/help/tutorials/security/cookies/> (Opera);
- (d) <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies> (Internet Explorer);
- (e) <https://support.apple.com/kb/PH21411> (Safari); and
- (f) <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy> (Edge).



10.2 Blocking all cookies might have a negative impact upon the usability of websites.

10.3 If you block cookies, you will not be able to use all the features on our website.

## **11. Amendments**

11.1 We may update this policy from time to time by publishing a new version on our website.

11.2 You should check this page occasionally to ensure you are happy with any changes to this policy.

11.3 Date of update and release: September 2020