

Data Protection Declaration

Version 1.2

1. Scope and Definitions

1.1 This data protection declaration describes how the Pinpoll GmbH (hereinafter referred to as „**Pinpoll**“), registered in the commercial register of the regional court in Linz under the registration number FN 433631 v, with its head office in Linz and the business address Hopfengasse 3, 4020 Linz, processes personal data generated in the course of the provision of complete software solutions in order to gather and analyse data of users for operators of websites.

1.2 This data protection declaration refers to clients of Pinpoll, who use the tools provided by Pinpoll at their websites (hereinafter referred to as “**Users**”). Provided that a provision of this data protection declaration refers to users, it shall be stated explicitly.

1.3 A sample wording for clients of Pinpoll with a reference to Pinpoll is attached to this data protection declaration for the sake of inclusion in their data protection declaration.

1.4 The provisions of the Austrian and European law on data protection in the respective current version shall be complied with by Pinpoll. This data protection declaration explicitly refers to the European General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ 04.05.2016 L 119/1 (shall be referred to as “**GDPR**”) as legal basis.

1.5 Personal data referred to in this data protection declaration means, pursuant to Art 4 (1) GDPR, any information relating to an identified or identifiable natural person (“**Data Subject**”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

1.6 Processing referred to in this data protection declaration means, pursuant to Art 4 (2) GDPR, any operation or set of operations, which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

1.7 Controller referred to in this data protection declaration means, pursuant to Art 4 (7) GDPR, the natural or legal person, public authority, agency or body which, alone or jointly with others determines the purposes or means of the processing of personal data.

1.8 Processor referred to in this data protection declaration means, pursuant to Art 4 (8) GDPR, natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

2. Withdrawal of Consent

2.1 The consent to this data protection declaration or individual clauses may be revoked – without giving reasons – in written form at any time via our contact form at the homepage <https://pinpoll.com>.

2.2 The withdrawal according to clause 2.1 does not affect the legality of the processing until the date of the withdrawal.

2.3 Pinpoll participates in the IAB Europe Transparency & Consent Framework and complies with its Specifications and Policies. Pinpoll's identification number within the framework is 727.

3. Collection of Personal Data

3.1 Pinpoll collects data in two ways: On the one hand, data are gathered by input of information of the respective user and / or voter. On the other hand, data are generated by the software of Pinpoll.

3.2 Personal data gathered by input of information of the respective user can be the following:

3.2.1 E-mail address;

3.2.2 In case of use of paid features: company name, first name and surname of the contact person, business address, tax number and domains.

3.3 Personal data gathered by input of information of the respective voter by the users of Pinpoll, as well as by Pinpoll themselves can be the following:

3.3.1 First name und surname;

3.3.2 Address;

3.3.3 Date of birth;

3.3.4 E-mail address;

3.3.5 Gender;

3.3.6 Religious or philosophical beliefs;

3.3.7 Political view;

3.3.8 Personal preferences.

3.4 Data generated by the software of Pinpoll can be the following data of users and voters:

3.4.1 Device-specific information;

3.4.2 Location-based information;

3.4.3 Website-based information.

3.4.4 Nothing in this Data Protection Declaration contradicts the following statement: Pinpoll does not collect, retain or share any data regarding a particular user or device on sites or apps not owned by Pinpoll, unless the user agrees to such collection, retention or sharing. Moreover, Pinpoll is committed, not to do any fingerprinting (i.e., the abuse of any data derived from a user's browser or device).

4. Cookies

4.1 Pinpoll uses so-called "cookies". Cookies are text files that are stored on the computers of the users and / or voters. The use of cookies enables an analysis of the use of the website in order to facilitate the use of the website, to optimise it and to improve user experience.

4.2 It is possible to opt out of the use of cookies at any time by clicking the following link:
<https://pinpoll.com/#opt-out>

4.3 In case of an opt out, or if cookies are blocked or deleted, Pinpoll can no longer ensure proper operability of its tools and website.

5. Use of Information and Storage of Data

5.1 Pinpoll uses the personal data collected according to clause 3 of this data protection declaration for the following purposes:

5.1.1 Provision for its users;

5.1.2 Development of new services.

5.2 With regard to the provision to users according to clause 6.1.1 the following applies: Pinpoll provides to its users data about the voting behaviour in connection with further personal data indicated by the voter according to clause 3.3.

5.3 Pinpoll transfers the personal data generated by the user according to clause 3 of this data protection declaration to third parties in an anonymised way, only. Data collected by Pinpoll itself with the explicit consent of the data subject may be transferred to third parties also in a non-anonymised way.

6. Data Security

6.1 The gathered personal data according to clause 3 of this data protection declaration shall be protected at best effort by Pinpoll against non-authorized access, non-authorized use or disclosure by third parties.

6.2 The storage of personal data collected according to clause 3 of this data protection declaration shall be made on a server of Microsoft Corporation, Redmond, WA 98052-6399 USA (hereinafter referred to as "**Microsoft**") in the European Union. Pinpoll refers in this context to the terms and certifications of Microsoft in the respective current version, available at <http://www.microsoftvolumelicensing.com/Downloader.aspx?DocumentId=12826> and <https://www.microsoft.com/en-us/TrustCenter/Compliance/iso-iec-27018>.

7. Rights of Data Subjects

7.1 Provided that Pinpoll acts as a processor according to clause 1.8 of this data protection declaration, Pinpoll shall ensure that the controller according to clause 1.7 of this data protection declaration is able to fulfil the rights of the data subject according to clause 8.3 of this data protection declaration.

7.2 Provided that Pinpoll itself acts as a controller according to clause 1.7 of this data protection declaration, Pinpoll shall guarantee that the rights of the data subject according to clause 8.3 of this data protection declaration.

7.3 The rights of the data subject according to the GDPR are the following:

7.3.1 Right of access: According to Art 15 GDPR, the data subject shall have the right to obtain confirmation whether personal data concerning him or her are being processed.

7.3.2 Right to rectification: According to Art 16 GDPR, the data subject shall have the right to require the amendment or completion of the personal data concerning him or her.

7.3.3 Right to erasure: According to Art 17 GDPR, the data subject has the right to obtain erasure of personal data concerning him or her, without undue delay, provided that processing violates the GDPR.

7.3.4 Right of restriction of processing: According to Art 18 GDPR, there exists the right to obtain restriction of processing of personal data collected, provided that the data subject has exercised its right to rectification and the controller has not yet decided about it.

7.3.5 Right to data portability: According to Art 20 GDPR, every data subject has the right to receive the personal data concerning him or her in a structured, commonly used and machine-readable format and for its transmission to a third party.

7.4 The data protection authority shall be competent for demands regarding the violation of the right of information, the rights of secrecy, correction or deletion.

8. Amendment of the Data Protection Declaration

8.1 Pinpoll reserves the right to supplement or amend this data protection declaration.

8.1.1 In case of supplements or amendments, a specific hint and a request for users to consent in the course of the next sign in to the Pinpoll account shall be shown.

8.1.2 In case of supplements or amendments, a specific hint and a request for voters to consent prior to the next vote shall be shown, provided that with regard to the respective voting a hint and therefore a link to this data protection declaration is made.

8.2 In case of a contradiction between this data protection declaration and the relevant supplementary provisions, the supplementary provisions prevail in the individual case.

8.3 Any amendment or supplement to or modification of this agreement, including this provision, shall be valid only if made in writing.

8.4 The data protection declaration shall apply in its current version, available at <https://pinpoll.com>.

Appendix:

Sample wording with a reference to Pinpoll for the data protection declaration of clients of Pinpoll

Pinpoll

[Client] collects and analyses [at his/her website] data of users by using Pinpoll. Pinpoll, Hopfengasse 3, 4020 Linz, processes personal data generated in the course of the provision of complete software solutions in order to gather and analyse data of users.

The terms and the data protection declaration in the respective current version are available at <https://pinpoll.com>.

Pinpoll provides us with personal data [indicated by you] in connection with data generated by the voting behaviour and the software of Pinpoll. Pinpoll transfers personal data collected by us to third parties only in an anonymised way.

It is possible to opt out of the use of cookies at any time using the link in clause 4.2 of the Data Protection Declaration.