

# Data Protection Declaration

Version 3.0

## 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 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 software solutions provided by Pinpoll at their websites (hereinafter referred to as "**Customers**"). It shall be noted that customers are not private individuals, as the software solutions are generally used for commercial purposes. Provided that a provision of this data protection declaration refers to private individuals being data subjects according to GDPR, we refer to those as "**Users**".

**1.3** A sample wording for customers of Pinpoll with a reference to Pinpoll is attached to this data protection declaration for the sake of inclusion in their data protection declaration to regulate the relationship between our customer and their own users.

**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 by users – without giving reasons – in written form at any time via our contact form at the homepage <https://pinpoll.com>. Customers can revoke their consent only by deleting their account.

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

## **3. Collection of Personal Data**

**3.1** Pinpoll stores personal data from their customers upon account creation, upon account updates and during usage of all products (**Category 1**).

In certain cases, Pinpoll also stores personal data from the users of our customers, if customers collect such data from their users and on their websites with the product Pinpoll Tools (**Category 2**).

When using the products Pinpoll DMP and Pinpoll Analytics on the website of our customers, Pinpoll collects and stores anonymous data of the customer's users (**Category 3**).

**3.2** Pinpoll stores the following **personal data from customers** upon account creation, upon account updates and during usage of all products (**Category 1**):

**3.2.1** E-mail address(es);

**3.2.2** First and last name;

**3.2.3** Company name;

**3.2.4** Gender;

**3.2.5** Billing address;

**3.2.6** Tax ID;

**3.2.7** Last four digits of the credit card number;

**3.2.8** Last four digits of the bank account number;

**3.2.9** Name of the Financial Institute;

3.2.10 Browser Information;

3.2.11 Device Information;

3.2.12 IP Address.

3.3. By default, **Pinpoll does not collect or store any personal data from users** of a customer, when **Pinpoll Tools** is used on a customer's website. However, our customers have the option to collect personal data from their users with forms (**Category 2**). In this case, the user must be clearly informed by the customer of the storage of personal data and consent must be requested from the user.

It is explicitly stated that the collection of personal data abolishes the anonymity of the affected user, which means that interests and properties of a user, discovered in the course of previous usage of Pinpoll Tools will obtain a personal reference.

3.4. By default, **Pinpoll does not collect or store any personal data from users** of a customer, when **Pinpoll DMP and / or Pinpoll Analytics** is used on a customer's website (**Category 3**).

The following **data without personal reference** is stored from users of a customer, when using Pinpoll DMP and / or Pinpoll Analytics on a customer's website. This data is **not used to identify a single user, but for the sole purpose of an aggregated analysis of target group and website behaviour**:

3.4.1 Browser information (name, version, language, time zone, cookies, ad blockers);

3.4.2 Device information (type, operating system, screen size / orientation);

3.4.3 Website information (domain, path, parameters, referrer, title, image, type, AMP);

3.4.4 Target group information (interests, properties);

3.4.5 MD5 hash of the IP address.

3.5 Our customer must inform their users clearly and in simple language about the storage of data of Categories 2 and 3 by Pinpoll (e.g., in the customer's data privacy policy). The sample wording in the Annex to this data protection declaration can be used for this purpose.

## 4. Cookies & Local Storage

4.1 Pinpoll uses so-called "cookies". Cookies are text files that are stored on the computers of the users of our customers. Pinpoll also stores data in the "local storage" of a browser.

4.2 Pinpoll sets the following cookies and values in the local storage **of its customers** with their explicit consent during the first visit of our website **www.pinpoll.com**:

Cookie Name: intercom-session-kxb2mza7

Purpose: Used to communicate with the customer using the Intercom chat system: <https://www.intercom.com>. By agreeing to this data protection declaration, the customer accepts the use of this service. **Pinpoll does not transmit any personal data of the customer to Intercom.**

Cookie Lifetime: 7 days

Example Value: this cookie remains empty.

Cookie Name: intercom-id-kxb2mza7

Purpose: Used by the chat system to recognize the customer.

Cookie Lifetime: 365 days

Example Value:

aedfeb6b-2bf1-4413-946b-2e8915eb7559

Local Storage Name: cookieHintAccepted

Purpose: Used to remember, if a customer has seen a cookie hint and agreed to the setting of cookies.

Example Value:

true

Pinpoll sets additional cookies and values in the local storage of a browser that are required for the technical execution of its software solutions. The values set can be retrieved from the browser. The customer agrees to these values being set when creating an account (**Category 1**).

**4.3 Pinpoll sets the following cookies and values in the local storage of users, when customers use the Pinpoll Tools product on their websites (Category 2):**

Cookie Name: visitor

Purpose: Used for user recognition

Cookie Lifetime: 30 days

Example Value:

eyJpdiI6IkdxM1loZl1HSUxObXJHNTk3KzJFUGc9PSIsIm1hYyI6ImIwZmJiYjJlNzdjYmNlMzMwZGVlZWl3YjgyNzRmMThmNzAyMjNiZDU4OTF1MjIxODJhYTlWZD1lMWNmYjUwYTgiLCJ2YWx1ZSI6Ikdxek5kd29OL1laWHY0TFBJTHhvK0RFUj9YeTMrbdVwU1BkWkQ0OHdjOVU9In0%3D

Cookie Name: dnt

Purpose: We store the value 0 if the user has agreed to the setting of cookies.

Cookie Lifetime: 30 days

Example Value:

0

Local Storage Name: webpSupported

Purpose: Used to recognize whether a browser supports the webp image format and whether Pinpoll can load images in this format (to ensure better performance and thus, user comfort).

Example Value:

true

Local Storage Name: allVisitorVotes or pinpoll\_allVisitorVotes

Purpose: Used to colour the answer option chosen by the user in a poll or quiz, without any additional server requests (to ensure better performance and thus, user comfort). The prefix \_pinpoll is used if the value is stored in what is known as First Party Local Storage.

Example Value:

```
[{"id":1,"answer_id":1,"poll_id":1,"voted_at":1583930000000}]
```

**4.4 Pinpoll sets the following cookies and values in the local storage of users, when customers use the Pinpoll DMP and / or Pinpoll Analytics products on their websites (Category 3):**

Cookie Name: visitor

Purpose: Used for user recognition

Cookie Lifetime: 30 days

Example Value:

```
eyJpdiI6IkdXM1loZl1HSUxObXJHNTk3KzJFUGc9PSIsIm1hYyI6ImIwZmJiYjJlNzdjYmNlMzMwZGVlZWl3YjgyNzRmMThmNzAyMjNiZDU4OTFlMjIxODJhYTlWZD1lMWNmYjUwYTgiLCJ2YWx1ZSI6IkdXek5kd290L1laWHY0TFBjTHhvK0RFUj9YeTMrbDVwU1BkWkQ0OHdjOVU9In0%3D
```

Cookie Name: dnt

Purpose: We store the value 0 if the user has agreed to the setting of cookies.

Cookie Lifetime: 30 days

Example Value:

0

Local Storage Name: lastTriggered

Purpose: Used to recognize whether or when a remarketing code stored by the customer was last executed (see point 4.8).

Example Value:

```
Wed Aug 26 2020 09:27:18 GMT+0200 (Central European Summer Time)
```

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

**4.6** It is also possible to adjust browser settings accordingly in order for cookies and / or local storage to be rejected and values not to be set, or cookies and / or local storage to be deleted in case that these have already been set.

**4.7** Pinpoll also participates in the IAB Europe Transparency & Consent Framework and complies with its specifications and guidelines. Pinpoll's identification number within the framework is 727.

**Pinpoll customers are therefore advised to participate in the IAB Europe Transparency & Consent Framework themselves, in order to handle the storage of cookies in a legally compliant manner.**

**4.8** Pinpoll's customers may activate "remarketing" functionality with the Pinpoll DMP product. By doing so, the customer triggers certain mechanisms that lead to the setting of cookies. To set cookies, a code is provided to Pinpoll by the customer. The customer is responsible for such code and Pinpoll cannot be held accountable for its proper functionality. The users of our customers are to be informed of remarketing cookies in clear and simple language (e.g., in the customer's data protection declaration or by using the Transparency & Consent Framework).

**4.9** In case of an opt out, or if cookies & local storage are blocked or deleted by the user, Pinpoll can no longer ensure proper operability of the provided software solutions and hence, may not be held liable for their proper functionality.

## **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** To communicate with and issue invoices to customers (**Category 1**);

**5.1.2** To technically execute our software solutions (**Category 2 + 3**);

**5.1.3** To provide the service to our customers (**Category 2 + 3**);

**5.1.4** To develop new products and services (**All Categories**).

**5.2** Pinpoll transfers non personally identifiable information of users according to clause 3.4 of this data protection declaration to third parties in an anonymised and aggregated way, only. Data collected by Pinpoll with the explicit consent of a user may be transferred to third parties 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://azure.microsoft.com/en-en/overview/trusted-cloud/>.

## **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 7.3 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 7.3 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, customers must inform the users of their websites about the changed data protection declaration in a suitable manner and obtain their consent. No further execution of the Pinpoll software solutions may take place without consent.

**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>.

**Annex:**

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 GmbH, Hopfengasse 3, 4020 Linz, may as well process personal data generated in the course of the provision of software solutions in order to gather and analyse data of users.

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

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

It is possible to opt out of the use of cookies & local storage at any time using the link <https://pinpoll.com/#opt-out> [as well as using our CMP].