

Data Privacy Policy for swarmOS Products and Website

Responsible Provider:

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Thank you very much for your interest in our swarmOS Software (hereinafter the “App”) and our Website (www.swarmos.com). This Privacy Policy applies to personal data we collect from visitors of the Website and from registered and licensed users of our App.

Your privacy is important to us. In what follows, we will provide you with information about how we use your personal data and which rights you have with respect to our use of your personal data. Any consent you grant may be withdrawn at any time with future effect. If you have any questions about our use of your personal data, please contact us (contact data above).

1. General Information on Data Processing and Legal Basis

- 1.1 This Privacy Policy informs users about the type, scope and purpose of the processing of personal data by the swarmOS GmbH (hereinafter "swarmOS" or 'we'/'us') as the responsible provider. It applies exclusively for the App as well as for the website www.swamos.com (hereinafter the „Website“). This privacy policy applies regardless of the systems, platforms and devices used by the user.
- 1.2 With regards to the terminology used in this privacy policy, i.e. 'personal data', 'data subject' or 'processing' we refer to Art.4 of the European General Data Protection Regulation („GDPR“).
- 1.3 We are processing personal data of our users solely in accordance with the relevant provisions of data protection regulations. In accordance to Art. 13 GDPR we inform you about the legal basis of our data processing. Unless the legal basis is not specified in this privacy policy the following applies: legal basis for the processing of personal data with separate consent are Art. 6 (1) (a) and Art. 7 GDPR. Legal basis

for the processing of personal data for the fulfillment of our services and legal obligations is Art. 6 (1) (c) GDPR and legal basis for the processing of personal data in order to safeguard our legal interests is Art. 6 (1) (f) GDPR.

2. Transfer to a Third Party and Third-Party Providers

- 2.1 In agreement with the applicable legal regulations we are authorized to assign other companies or legal persons to perform duties on our behalf, for which the transfer of personal data is required.
- 2.2 Personal data shall only be transferred to third parties on the basis of legal permissions and in accordance with statutory provisions. We are only transferring personal data to third parties if this is necessary on the basis of Art. 6 (1) (b) GDPR for the fulfillment of the contract or when we pursue our legitimate interests in accordance to Art. 6 (1) (f) GDPR. If third parties are assigned with the processing of data within the scope of a so-called 'order data processing' this is done on the basis of Art. 28 GDPR.
- 2.3 Provided we are using services of third parties in order to provide our service, we are taking appropriate legal measures as well as technical and organizational measures in order to ensure the protection of personal data according to the relevant legal provisions.

Data we collect and the way we use the data

3. Data of registered Users of the App

- 3.1 In order to use our App a registration is required. During registration process we need your and your registered users name, first name, name of company, and a valid email address. Such processing is necessary to enter into an End User License Agreement with you and for the performance of the End User License Agreement to which you are a party after having accepted the same (see Art. 6 (1) (b) GDPR. We will not share such data with third parties. We will, however, use such data in order to send you (also via email) offers concerning swarmOS product updates, new products and services in the context of agile development. Such data may be stored in an external CRM outside Europe, e.g. Hubspot Cloud. If you do not agree with the aforementioned practice, you have the option to object by sending us a notice (contact details above).

- 3.2 We collect and store any information or data that you upload, submit, post, create, transmit, store or display during use of the swarmOS Service Desk (“Service Requests”). Such Content may include any personal data or other sensitive information that you choose to include (passively-collected personal data). We store the Content on swarmOS Atlassian Instance which are hosted in external data centers (e.g. Atlassian). We will keep such data strictly confidential, will not use such data for our own purposes and will not share such data with third parties. We only might access such data in the course of maintenance or bug fixing. The storage of passively-collected personal data is necessary for the performance of the Support Services (see Art. 6 (1) (b) GDPR).
- 3.3 We collect and store any information or data that you upload, submit, post, create, transmit, store or display during use of the App (“Content”). Such Content may include any personal data or other sensitive information that you choose to include (passively-collected personal data). We store the Content on swarmOS servers which are hosted in external data centers (e.g. Amazon or an external CRM outside Europe, e.g. Hubspot Cloud). We will keep such data strictly confidential, will not use such data for our own purpose and will not share such data with third parties. We only might access such data in the course of maintenance or bug fixing. The storage of passively-collected personal data is necessary for the performance of the End User Licence Agreement (see Art. 6 (1) (b) GDPR).
- 3.4 We will not collect any payment data, such processing will be exclusively conducted by Atlassian marketplace. Atlassian will be subjected to an undertaking to treat your data securely and as strictly confidential and may only use these data to the extent necessary to fulfill their obligations.
- 3.6 Personal data are treated as strictly confidential and are not divulged to third parties without the User’s consent. Personal data may also be disclosed if necessary to protect other users or if its disclosure is required by law.
- 3.7 Personal data is only used if necessary to provide, operate, maintain, improve, and promote our services, communicate with you, including responding to your comments, questions, and requests, providing customer service and support, sending you technical notices, updates, security alerts, and support and administrative messages, investigate and prevent fraudulent transactions, unauthorized access to our Software and other illegal activities, enable you to

communicate, collaborate, and share Content with users you designate. The processing of such personal data is necessary for the performance of the End User License Agreement (see Art. 6 (1) (b) GDPR).

4. Contact Form

- 4.1 If you wish to use the contact form of our Website, we will collect the personal data that you provide in the contact form, including but not limited to your name and e-mail address. In addition, we record the date and time of your enquiry. We process any data transmitted through the contact form exclusively for the purpose of answering your enquiry or reacting to your concern.
- 4.2 It is up to you to decide what information you provide in the contact form. In accordance with Article 6 (1) (a) GDPR, your consent constitutes the legal basis for processing your data.
- 4.3 After the matter has been dealt with, the data is stored for some time in case you have any further questions. Without prejudice to the relevant legal retention periods, you may request deletion of the data at any time, otherwise the data will be deleted once the matter has been conclusively dealt with.

5. Newsletter

- 5.1. Providing you have given your consent in accordance to Art. 6 (1) (a) GDPR we will send periodic email newsletters to the email address you have provided. Where the registration for the newsletter included a concrete description of the newsletter content this description is authoritative for your consent. Otherwise our newsletters includes information on our products, offerings, special offers and our company. For the reception of our newsletters the provision of a valid email address is sufficient.
- 5.2. For the newsletter registration we use the so-called double opt-in procedure, i.e. you need to confirm the provided email address before being added to our email-list and receiving newsletters. In order to confirm the newsletter registration we will send you an email with a confirmation link, which you need to click in order to confirm your newsletter registration.
- 5.3 With the registration for the newsletter we store your IP address and the date of your registration. The storage of this information shall serve as the proof of your newsletter registration.

5.4. You may withdraw your registration for the newsletter at any time with effect for the future via a link in the newsletter itself or by notice to the contact data stated above.

6. Access Data and Log Files

6.1 When you visit the Website, our server automatically collects certain browser or device generated information, which may in some cases constitute personal data, including but not limited to:

- your domain;
- your IP address;
- your date, time and duration of your visit;
- your browser type;
- your operating system;
- your page visits;
- information from third parties;
- other information about your computer or device; or
- Internet traffic.

6.2 The processing and storage of this data is based on our legitimate interests in accordance to Art. 6 (1) (f) GDPR, namely the maintenance and improvement of our services.

7. Cookies

7.1 Our Website uses cookies. Cookies are small text files that are stored on your computer and store certain settings and data of your web browser for the exchange with our online offering. As a rule, a cookie contains the name of the domain from which the cookie file has been sent as well as information about the age of the cookie and an alphanumeric identifier.

7.2 The cookies we use are so-called session cookies that are automatically deleted after the end of the browser session. In individual cases, we may use cookies with a longer storage time so that your default settings and preferences may be considered when you visit our online offering the next time.

7.3 Cookies enable us to recognize your computer and make any default settings immediately available. Cookies help us to improve our online offering and to provide you with an even better service customized to meet your particular requirements.

This also constitutes a legitimate interest in the processing of the data in accordance with Article 6 (1) (f) of the GDPR.

- 7.4 Most web browsers are set to accept cookies by default. However, you can disable the storage of cookies or set up your web browser to inform you when you receive a cookie. It is also possible to manually delete stored cookies in the browser settings. Please note that your use of our online offering may be limited or restricted if you refuse to save cookies or delete necessary cookies.

8. Google Analytics

- 8.1 We use Google Analytics on the basis of a legitimate interest according to Art. 6 (1) (f) DSGVO for the analysis, optimization and commercial operation of our website, a web analysis service of Google, Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (hereinafter "Google"). Google Analytics uses so-called "cookies," i.e., text files that are installed in your terminal device and allow an analysis of your use of our website. Generally, information generated by cookies about your use of our website will be transferred to and stored in a server of Google in the United States. On our website the code "gat_anonymizeIp()" was added to Google Analytics to guarantee anonymous collection of IP addresses. As a result, your IP address will be shortened within member countries of the European Union or other countries that are signatories of the Agreement on the European Economic Area before being transmitted to a server of Google in the United States. Only in exceptional cases will the full IP address be transmitted to a server of Google in the United States and then shortened there.
- 8.2 On behalf of us Google will use this information to analyse your use of the website, in order to compile reports about website activities, and to provide additional services related to website use and internet use to the website operator. The IP address transmitted from your browser for purposes of Google Analytics will not be combined with any other data by Google. You can prevent the installation of cookies by selecting appropriate settings in your browser software; note, however, that in this case you may not be able to use all functions of our website to the full extent.
- 8.4 You can also prevent data related to your use of our website and generated by the cookie (including your IP address) from being transferred to and processed by Google, by downloading and installing the following browser add-on available from the following link:

<http://tools.google.com/dlpage/gaoptout?hl=de>.

- 8.4 If you use a mobile terminal device, you can, in the alternative to installing the above browser add-on, prevent the collection of data by Google Analytics by clicking on the link below. An opt-out cookie will then be installed to prevent any future collection of your data when you visit this website:

`Click here to opt-out of Google Analytics`

You can find additional information about Google Analytics here:

<http://www.google.com/intl/de/policies/privacy/partners/>.

9. Hubspot

We use Hubspot Sales and Marketing which tracks your activities on our website, stores submissions from our website forms and on our landing pages by setting cookies in your browsers (clause 7). These cookies are set in order to remember preferences (like form field values) when a visitor returns to our website. Such cookies include the name "visitor_id" plus the unique identifier for the account, which is derived from the tracking code placed on our website. The value stored is the unique ID for the visitor. You can prevent us from setting cookies by deactivating cookies in your browser.

10. Social Media Links

- 10.1 Our Website contains links to the social networks Facebook, LinkedIn and Twitter. The links are identified by the logo of their relevant providers. Clicking on a link opens the relevant social media web pages; this Privacy Policy does not apply to such web pages. For further details on the provisions applicable on such web pages please refer to the relevant privacy statements of each of the providers; you can find them at:

Facebook: <http://www.facebook.com/policy.php>

LinkedIn: <https://www.linkedin.com/legal/privacy-policy>

Twitter: <https://twitter.com/privacy?lang=de>

- 10.2 No personal information is forwarded to the relevant providers before clicking on the links. Calling up the linked website also constitutes the basis for data processing by the relevant website provider.

11. Data security

To prevent unauthorized access, maintain data accuracy, and ensure the correct use of information, we have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we collect online. The servers on which personal data is stored are kept in a controlled environment. Nonetheless, making available your personal data, whether in person, by telephone or online, is always associated with certain risks, and no technical system is completely immune to manipulation or sabotage. We cannot guarantee that any passively-collected personal data you choose to store are maintained at levels of protection to meet specific needs or obligations you may have relating to that information. For more information about the security of our Software, please see our [Cloud Security Statement](#).

12. Processing and deletion of data

12.1 swarmOS may, on its own initiative or at the request of the User, supplement, correct or delete any incomplete, erroneous or outdated personal data stored in connection with the operation of the App.

12.2 swarmOS will delete personal data in compliance with applicable law promptly upon User's request or as soon as they are no longer required for the intended purpose, unless swarmOS is required to keep your data on file under applicable law.

13. Rights of persons concerned

You have the right:

- to withdraw your consent at any time for future effect, in accordance with Art. 7 (3) GDPR;
- to request information concerning the personal data stored about them at any time, free of charge, in accordance with Art. 15 GDPR ;
- to request rectification of any incomplete or inaccurate information, in accordance with Art. 16 GDPR;
- to request the deletion of your personal data stored with us unless it opposes the processing for the fulfillment of contract, the right to freedom of expression and information, grounds of public interest or the establishment, exercise or defence of legal claims, in accordance with Art. 17 GDPR;
- to request the restriction of the processing of your personal data, in accordance with Art. 18 GDPR ;
- to request your personal data stored with us the personal data stored in a

structured, standardized and machine-readable format or request the delivery to another authorized party, in accordance with Art. 20 GDPR;

- to complain to the responsible supervisory authority, in accordance with Art. 77 GDPR.

14. Revocation of consent and objection

14.1 You may at any time revoke your consent with future effect. Revocation of the consent does not affect the legality of any processing performed on the basis of such consent given up until the revocation thereof. In such cases, too, please use the contact data above.

14.2 Insofar as the processing of your personal data is not based on consent given by you but on another legal basis, you can object to the data processing. Your objection will lead to a review and, if necessary, to termination of the data processing. You will be informed of the outcome of the review and – if the data processing is to be continued after all – you will receive further information from us on why the data processing is admissible.

25. Changes to this Privacy Policy

25.1. As swarmOS develops new products and services or adapts to changes in the legal framework, we reserve the right to review and update our privacy policy to reflect these changes. We recommend you to regularly review this page in order to be informed about the protection of your data. Through use of the Website and/or the App you accept the latest version of our privacy policy provided on this page.

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