

## **Data privacy statement – Social Media App - IMOCCI**

The right of data privacy is one of the basic rights of the Austrian constitution. In the following we would like to inform you on your national and European rights and our duties in terms of data privacy and receive your confirmation on processing your personal data.

We, in the representational case is the IMOCCI GmbH, FN 484602a, Unterwaldstraße 20, 6450 Sölden, e-mail: [datenschutz@imocci.com](mailto:datenschutz@imocci.com).

Please take your time to read through the following carefully and do not hesitate to contact us if there are any further questions.

### **Content / Overview:**

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#### **1. Commitment to data privacy / Interest in raising personal data**

- 1.1. You have been contacting us with the intent of using the social media application „IMOCCI“® (also called “**App**” in the following) which has been developed by our company.
- 1.2. We are committed to protect your privacy and the personal data provided to use the app.
- 1.3. The commitment to protect your privacy is applied to all collected data.

#### **2. Personal data**

- 2.1. Personal data is defined as the sum of all data that can be related to any individual person
- 2.2. **Which data will be processed after your confirmation? / Aim of data minimization**

2.2.1. The following personal data (also called “**your data**” in this document) will be processed after completing the registration form:

- i. First Name
- ii. Name
- iii. User Name, which can be defined on an individual basis
- iv. Date of Birth
- v. Profile Picture (not necessarily a personal photograph)
- vi. E-Mail-Address

**2.2.2.** Based on this data an individual password registration will be necessary in order to use the application.

**2.2.3.** Without providing the previously mentioned data (see 2.2.1) the use of the application is not possible and no contract will be established in that case.

**2.2.4.** While using the application all communication between you and other users shall be processed by IMOCCI GmbH.

### **2.3. What is the purpose of using this data (data processing)?**

**2.3.1.** Personal data shall be processed for the following reasons:

- i. For (explicit) identification of an individual person as the user of the app.
- ii. In order to ease the communication with other users of the app.
- iii. In order to be able to reply to any upcoming questions.
- iv. In order to make sure that your rights and our duties can be fulfilled according to law.
- v. To inform you on changes with reference to the app (e.g. changes in the terms of use, change of this data privacy statement, etc.)
- vi. To inform you on upcoming news and changes with reference to the app in general.

**2.3.2.** For further information on the app please click on the menu “about us”

### **2.4. Transfer of data to third parties?**

**2.4.1.** Your data will be stored on a Google Firebase Server within the European Union while using state of the art encoding technologies (“**Data Saving**”). We are using storage capacities of a third party. Any liability for the third party through IMOCCI GmbH shall be excluded. Any information on regulations with reference to this privacy statement can be found on either <https://www.google.com/policies/privacy/> or <https://firebase.google.com/terms/>.

**2.4.2.** The transmission of data – with the exemption of the storage process as explained above – (in particular for marketing and advertising purposes) respectively the transmission of your data for any other purpose, not stated in this statement, is not intended. Should this be the case at any point of time in the future you will be informed about this transmission and the purpose of it according to Art. 13 Abs. 2 DSGVO.

## **2.5. How is the data raised? / Which (other) data is accessed by the app?**

**2.5.1.** The relevant data will be communicated at the time of contracting with the app. IMOCCI GmbH has therefore received your personal data directly with the conclusion of the contract

**2.5.2.** When using the application you will find out who of your “contacts” is also using the app and has agreed to provide the necessary data in order to conclude the contract. Further, the app also registers / processes the following data from your smartphone when using the application:

- i. Whereabouts / location of your smart phone including current time (time stamp), in case you publish and Emoji in the feature „map“.
- ii. Contact details, but only to show you who of your “contacts” also uses the app.
- iii. The amount of „likes“ including time (time stamp)
- iv. Processing of the entire chat (chat protocol)

**2.5.3.** The application provides the possibility of “In-App” buying. In this case we are using services of third parties in order to process payment. Third party providers will process personal data. These data is therefore not subject to this privacy statement but to the privacy statement of any third party provider. A transmission of liability to IMOCCI GmbH is hence excluded.

## **3. For which time frame data is stored? How can you delete your data?**

**3.1.** As a basic principle your data will only be stored as long as necessary in order to fulfil the purpose described in this privacy statement.

**3.2.** We are processing data basically until the end of the contract, which can be realised through disconfirmation of the agreement. Your data will be deleted. If legal regulations need a longer storage of your data, your information will be deleted after the due dates provided by legislation.

**3.3.** In order to delete your data you may choose the option “delete” in the menu “information”. You will be asked again if you really want your data to be deleted. If you agree on this question, you will be transferred to a tool that enables you to delete your data completely. Be aware that in such a case also your messages, chats, comments and posts of the feature “maps” will be deleted irrevocably.

## **4. Data protection / Data security / Identification**

**4.1.** The password secured registration is meant to ensure your rights (compare chapter 5 of this declaration) and to ease a personal identification of any user of the app within a short timeframe.

- 4.2. Should there be any reasonable doubts on the identity of a person we reserve the right of any further identification (e.g. passport, identity card) in order to prove personal identity.
- 4.3. We are using technical, administrative and organisational means to guarantee state of the art storage of your data and in order to guarantee your rights related to this data protection statement. Regrettably it is impossible to provide a 100% security guarantee for any data transmission and storage over the Internet.

## 5. What are your rights / What are our duties?

- 5.1. With reference to the data that is stored and processed you receive several rights. In order to plead the following rights you are asked to contact us directly. Information on contact details can be found in 5.2 ("**contact details**").
- 5.2. Right of information: We will inform you if and to which degree your data is processed. Please direct your request to IMOCCI GmbH, FN 484602a, Unterwaldstraße 20, 6450 Sölden, e-mail: [datenschutz@imocci.com](mailto:datenschutz@imocci.com) („**contact details**").
- 5.3. Right of adjustment: Should the data processed turn out to be incomplete and/or incorrect, you are in the possession of the right of completion and/or correction of the data at any time.
- 5.4. Right of deletion – „Right of being forgotten“: You are in the possession of the right of deletion, if
- 5.4.1. your personal data is no longer needed for the initial purpose of data procession.
  - 5.4.2. you repeal your confirmation.
  - 5.4.3. you placed legally supported opposition to the storage and procession of data.
  - 5.4.4. the use of your personal data is subject to fraud.
  - 5.4.5. a deletion of data is required by national (member states of the European Union) or European law..
  - 5.4.6. Please be informed that the deletion of data might be refused. Such a refusal could be the case if there are any legal regulations of storage for the IMOCCI GmbH, if the storage of data is required to execute the freedom of opinion or the storage is subject to any public interest or legal requirement.
- 5.5. Right of limitation of data processing: This right includes in principle that the personal data can only be stored. You are in the possession of the right of limitation of data procession, if
- 5.5.1. you complained on the correctness of data. The right applies for the duration of verification of the data.
  - 5.5.2. the use of data is not in accordance to law, you however, do not want your data to be deleted but limited in use.
  - 5.5.3. the is no longer needed by IMOCCI GmbH, you however, are in need of the data for any enforcement, execution or defence of legal claims or
  - 5.5.4. you have placed objection to the use and procession of data for the time of investigation needed by IMOCCI GmbH.

- 5.6.** Right of data transferability: You are in the possession of the right that the provided data will be transferred to you in a structured, machine-readable format and to transfer this data to any third party, if:
- 5.6.1.** the procession of data is based on automatic systems and
  - 5.6.2.** the data either because of a confirmation (revocable any time) or because of a contract between user and IMOCCI GmbH.
- 5.7.** Right of objection: The right of objection is in principle only applicable if your data is processed in order to fulfil our interests or the interests of any public activity. In these cases you may place an objection if a necessity of data security comes into existence.

For all cases of direct marketing (e.g. transmission of advertisements) you can place objection any time without any particular reason. A successful objection leads to the right of limitation of data processing (compare chapter 5.5 of this declaration) and to deletion of your data (compare chapter 5.4 of this declaration).

- 5.8.** Application of rights / Compensation:
- 5.8.1.** In principle the execution of rights mentioned in chapter 5.2 through 5.7 is not related to any costs. Therefore we are not eligible for any compensation.
  - 5.8.2.** Should there be any form of misuse such as baseless and excessive use of rights - also in terms of frequency – we reserve the right of billing an adequate fee for the administrative efforts respectively reserve the right to deny a delivery any information on data.
- 5.9.** Right of complaint: If to your opinion, your data is not treated, stored or processed according to Austrian or European data protection policies we kindly ask you, to get in contact with us in order to be able to treat your complaint or to answer any kind of question that might help to clarify any misunderstanding.

Related to this subject you always have the right – without considering any other administrative or judicial remedy – to use the right of complaint with one of the regulating authorities in Austria (Austrian data protection authority - österreichische Datenschutzbehörde) or with any of the European Union data protection authorities.

## **6. Disconfirmation of agreement / Deletion of data**

- 6.1.** We inform you again that your agreement can be disconfirmed at any time, without mentioning any particular reason.
- 6.2.** You may disconfirm the given agreement of data procession and storage at any time. We recommend using the given contact details in chapter 5.2 of this declaration.
- 6.3.** In case of disconfirmation of the agreement we are obliged to no longer use your data for the given purposes and to delete your data at the earliest possibility under consideration of any legal data storage requirement. Compare information given in chapter 3 of this declaration.

**7. Period of validity:**

**7.1.** This data protection statement is valid from May, 25<sup>th</sup> 2018.

**7.2.** We are in the possession of the right to adjust this data protection statement at any time - if necessary.

Sölden, May, 25<sup>th</sup> 2018