

Privacy Policy

1. Who are we?

Defacto is a simplified joint stock company with a capital of 6163.17€, registered with the Paris Trade and Companies Register under n°899 270 979, with its registered office at 50 rue de Rochechouart ("we", "us" or "our"). Defacto is a Financing company ('Société de Financement) registered before ACPR under n°17768.

Defacto offers:

- A solution (the "Solution"), available at the URL <https://app.getdefacto.com/>, which enables its users to access short-term financing (the "Service").
- A showcase website available at the URL www.getdefacto.com (the "Showcase Website").

You can contact our Data Protection Officer at the following email address: dpo@getdefacto.com

In the context of your use of the Service through the Solution, we are acting as a "data controller" within the meaning of the Legislation in force.

When you visit the Showcase Website, for the purpose of informing you about the Solution and the Service, we also act as a "data controller" within the meaning of the Legislation in force.

2. To whom this policy applies

This policy applies to:

- A customer of the Solution (via the Application)
- A Prospect interacting with us (e.g. via form of referral)
- A visitor of the Showcase website

3. Personal data collected

3.1. Information collected directly

We collect information when you :

Register on our Solution: your contact information (email, phone number), identification data (Identification document, biometric information, name, date of birth, place of birth etc...), company and financial data (financial transaction, company public data), IP address.

Navigate in the App: We may monitor your use of the Showcase Website, the Service and the Solution through cookies and other similar tracking devices. For example, we may track the number of times you use the Showcase Website, the Service or the Solution, the data traffic on the Solution, your IP address, your location data and your browsing history. This information helps us to determine the profile of our users and allows us to establish statistics, traffic volumes and use of the various elements of the Solution and the Showcase Website in order to improve their ergonomics and interest. When using cookies, the data will be aggregated, which means that we will not be able to identify you individually. For more information on the use of cookies, please see the dedicated section below.

Request a new loan: we collect your financial data (updated financial transaction, company public data), loan request information, supporting document (invoice).

Submit an online form: we collect your contact details and other information submitted in the form.

Get in touch with our customer support: The exchanges we have with you. Any document you share with us.

3.2. Information collected through third parties

As part of the Services, we may receive information about you from third parties who hold personal data about you that you have indicated to us, including third party payroll, payment or other providers connected to the Solution.

This information will be automatically added to the information collected about you, in order to best meet your needs and to optimize and improve the quality of the services we offer you.

4. How we use your personal data

We process your personal data as a data controller for the purposes listed below, based on the corresponding legal grounds:

Purpose	Legal basis
Providing access to and operating the Solution and the Service	Performance of a contract
Managing your User Account	Performance of a contract
Handling enquiries and support requests	Performance of a contract
Use of the Showcase Website	Legitimate interest
Sending you service communications and newsletters	Consent (for newsletters), legitimate interest (for transactional emails)
Preventing and detecting fraud, malware, or security threats	Compliance with legal obligations and/or legitimate interest
Conducting statistical analysis and improving our services	Legitimate interest

Fulfilling regulatory requirements (e.g. AML/CFT obligations)	Compliance with legal obligations
---	-----------------------------------

Where we rely on your consent, you may withdraw it at any time by contacting us at dpo@getdefacto.com or using the unsubscribe link in our communications.

5. Hypertext links

The Solution and the Showcase Website may contain hypertext links to the websites of our partners and third parties (in particular social networks and partner merchants).

Please note that if you follow these links, the websites and services provided will be governed by their own terms of use and privacy policies.

We cannot be held liable if their terms of use and privacy policies do not comply with current legislation. We advise you to read the privacy policies and terms of use applicable to these websites before providing your personal data and using these websites.

6. Disclosure of your personal data

For the purposes set out in section 3, we may transfer some of your data to :

- IT service providers, in order to host your data, automatically recognise characters on certain of your documents such as your invoices, maintain our systems, the Showcase Website, our services, the Solution and the Service, or monitor the performance of the Showcase Website, the Service, the Solution and the User experience;
- Third parties holding personal data about you, at your request and in the context of the execution of the Services;
- Third parties to whom the User has given consent to access the personal data we collect;
- Commercial partners, with your consent, so that they can offer you their services;
- Business partners, after anonymisation of your data for statistical purposes;
- Our advisers, such as our lawyers and accountants, and any potential purchaser and their advisers, and new transferees or beneficiaries of the business if our business is sold or merged with another company;
- Representatives of law enforcement, judicial or administrative authorities or other authorised third parties, subject to our ethical obligations regarding confidentiality, in response to a request for information if we believe that the disclosure of such information is lawful or required by Applicable Law.

7. Secure storage of your data

We use appropriate technical and organisational measures to protect your personal data, in particular:

- Access to your User Account is controlled by a unique password and user name. You also have the possibility to add a second factor of authentication (2FA)
- We store your personal data on secure servers. Your data is encrypted on our server (at-rest, AES-256 and AES-GCM encryption)
- We are regularly audited by external independent IT security consultants, performing penetration tests.

- Access to your data is performed through secure channels (HTTPS-encrypted APIs)

8. Transfers outside the european union

We process your data within the European Union.

However, some of our providers may process your data from outside the EU. In such cases, we apply safeguards ensuring your data is protected according to GDPR, such as Standard Contractual Clauses or adequacy decisions (e.g. the EU–U.S. Data Privacy Framework).

9. Your rights

You have the right to access, rectify or delete your personal data, to limit the processing of your personal data, to object to the processing of your personal data and to have your data ported.

You also have the right to set out instructions regarding the retention, erasure and communication of your personal data after your death.

Where processing is based on your consent, you also have the right to revoke it.

You may exercise these rights at any time by sending your request, together with proof of identity, to the email address given at the beginning of this Policy or by post to the following address: 50 rue de rochechouart, 75009, Paris.

Any request should specify the personal data you wish to access, rectify, delete or replace or whose processing you wish to limit or invoke portability. Your User Account information may be requested to facilitate the processing of your request.

We reserve the right to ask you for proof of your identity to verify its accuracy before exercising these rights.

You may also lodge a complaint with the Commission Nationale de l'Informatique et des Libertés if you consider that the processing of your personal data infringes your data protection rights, filling the [following form](#)

10. Data retention period

Your data will be retained for a period not exceeding that necessary to fulfil the purposes set out in this Policy.

- If your data is no longer required for the purposes set out in this Policy, it will be routinely deleted unless it is necessary to keep it for longer :-To ensure compliance with legal, accounting and tax retention obligations, i.e. 10 years ;
- For the conservation of evidence during the applicable limitation periods, i.e. 5 years;
- For commercial prospecting purposes, i.e. 3 years from the end of our commercial relationship with you or from our last contact with you.

- Furthermore, if we find that your User Account has not been used for more than 2 years, we will delete your personal data.

11. Use of cookies

11.1. Our cookies

A "cookie", also known as a "tracker" or "cookie" is a small text file containing data that is stored on a terminal (computer, tablet, smartphone...) when you browse a website. We use cookies and other similar tracking devices, such as tags and web beacons on our Solution and our Showcase Website to:

- recognise you when you use the Solution, for example to speed up your access to the Service by allowing you to log in automatically to your User Account each time you log in to the Solution;
- obtain information about your preferences, your online movements and your use of the Internet in order to produce statistics and improve the ergonomics of our Showcase Website and the Solution;
- to conduct statistical research and analysis to improve the content of the Website, the Service and our services and to help us better understand your expectations and needs as a prospect or User;
- to make your online experience more functional and enjoyable.

If you have accepted the storage of cookies on your browser, the cookies embedded in the pages and content you have consulted may be stored temporarily in a dedicated space in your browser. They will only be readable by the sender.

This information will not be stored for more than 13 months.

11.2. Cookies provided by third parties

We work with third party suppliers such as Google who may also install cookies on the Solution or the Showcase Website for anonymised statistical purposes. These third parties are responsible for these cookies installed on our Solution or Showcase Website. If you need more information, we invite you to consult the privacy policies of these third parties, which are available on their website.

11.3. Deactivation of cookies

If you are not satisfied with the use of cookies, you can easily delete them by accessing your browser's cookies folder. You can also set your browser to block cookies or to send a warning message before a cookie is placed on your computer. For more information about cookies and how to disable them, please visit www.aboutcookies.org or www.allaboutcookies.org.

12. Automated decision-making

As part of our onboarding and credit decision processes, we may use automated decision systems to assess your eligibility for financing. These systems rely on objective criteria, including: i) public company data (e.g. industry, legal form, age of the company); ii) financial activity and transaction patterns; iii) risk indicators (e.g. fraud signals, anomalies); iv) previous interactions with our services.

You have the right to: i) request human intervention on automated decisions; ii) express your point of view and contest the outcome. These rights apply when the decision produces legal or similarly significant effects

To exercise these rights, you can contact our Data Protection Officer at dpo@getdefacto.com.