

Privacy Policy

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1. Introduction

In the following, we provide information about the collection and processing of personal data when using

- our website www.avatarmy.com
- our WhatsApp application
- our profiles in social media.

Personal data is any data that can be related to a specific natural person, such as their name or IP address.

We are the controller of personal data within the meaning of applicable data protection laws, including EU General Data Protection Regulation (GDPR) with respect to personal data collected through our website.

With respect to personal data processed within our WhatsApp application, we act as a data processor.

1.1 Contact details

The controller within the meaning of Art. 4 para. 7 GDPR with respect to personal data collected through the website is Avatarmy OÜ, Sepapaja tn 6, Tallinn, Estonia, email: privacy@avatarmy.com. We are legally represented by Jörg Olbing.

Our data protection officer can be reached via heyData GmbH, Schützenstraße 5, 10117 Berlin, www.heydata.eu, E-Mail: datenschutz@heydata.eu.

1.2 Scope of data processing, processing purposes and legal bases

We detail the scope of data processing, processing purposes and legal bases below. In principle, the following come into consideration as the legal basis for data processing:

- Art. 6 para. 1 s. 1 lit. a GDPR serves as our legal basis for processing operations for which we obtain consent.
- Art. 6 para. 1 s. 1 lit. b GDPR is the legal basis insofar as the processing of personal data is necessary for the performance of a contract, e.g. if a site visitor purchases a product from us or we perform a service for him. This legal basis also applies to processing that is necessary for pre-contractual measures, such as in the case of inquiries about our products or services.
- Art. 6 para. 1 s. 1 lit. c GDPR applies if we fulfill a legal obligation by processing

personal data, as may be the case, for example, in tax law.

- ♦ Art. 6 para. 1 s. 1 lit. f GDPR serves as the legal basis when we can rely on legitimate interests to process personal data, e.g. for cookies that are necessary for the technical operation of our website.

1.3 Data processing outside the EEA

Insofar as we transfer data to service providers or other third parties outside the EEA, the security of the data during the transfer is guaranteed by adequacy decisions of the EU Commission, insofar as they exist (e.g. for Great Britain, Canada and Israel) (Art. 45 para. 3 GDPR).

In the case of data transfer to service providers in the USA, the legal basis for the data transfer is an adequacy decision of the EU Commission if the service provider has also certified itself under the EU US Data Privacy Framework.

In other cases (e.g. if no adequacy decision exists), the legal basis for the data transfer are usually, i.e. unless we indicate otherwise, standard contractual clauses. These are a set of rules adopted by the EU Commission and are part of the contract with the respective third party. According to Art. 46 para. 2 lit. b GDPR, they ensure the security of the data transfer. Many of the providers have given contractual guarantees that go beyond the standard contractual clauses to protect the data. These include, for example, guarantees regarding the encryption of data or regarding an obligation on the part of the third party to notify data subjects if law enforcement agencies wish to access the respective data.

1.4 Storage duration

Unless expressly stated in this privacy policy, the data stored by us will be deleted as soon as they are no longer required for their intended purpose and no legal obligations to retain data conflict with the deletion. If the data are not deleted because they are required for other and legally permissible purposes, their processing is restricted, i.e. the data are blocked and not processed for other purposes. This applies, for example, to data that must be retained for commercial or tax law reasons.

1.5 Rights of data subjects

Data subjects have the following rights against us with regard to their personal data:

- ♦ Right of access,
- ♦ Right to correction or deletion,
- ♦ Right to limit processing,
- ♦ **Right to object to the processing** ,
- ♦ Right to data transferability,

- ♦ **Right to revoke a given consent at any time .**

Data subjects have the right to lodge a complaint with a data protection supervisory authority, in particular in the Member State of their habitual residence, place of work or the place of the alleged infringement, if they believe that the processing of their personal data violates the provisions of the General Data Protection Regulation (GDPR).

The contact details of the competent supervisory authorities can be found at the following link: <https://www.aki.ee>

1.6 Obligation to provide data

Within the scope of the business or other relationship, customers, prospective customers or third parties need to provide us with personal data that is necessary for the establishment, execution and termination of a business or other relationship or that we are legally obliged to collect. Without this data, we will generally have to refuse to conclude the contract or to provide a service or will no longer be able to perform an existing contract or other relationship.

Mandatory data are marked as such.

1.7 No automatic decision making in individual cases

As a matter of principle, we do not use a fully automated decision-making process in accordance with article 22 GDPR to establish and implement the business or other relationship. Should we use these procedures in individual cases, we will inform of this separately if this is required by law.

1.8 Making contact

When contacting us, e.g. by e-mail or telephone, the data provided to us (e.g. names and e-mail addresses) will be stored by us in order to answer questions. The legal basis for the processing is our legitimate interest (Art. 6 para. 1 s. 1 lit. f GDPR) to answer inquiries directed to us. We delete the data accruing in this context after the storage is no longer necessary or restrict the processing if there are legal retention obligations.

2. Data processing on our website

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2.1 Notice for website visitors

Our website uses technologies such as cookies or similar storage technologies to store information on the end device of users or to access information already stored there (e.g. IP addresses or device identifiers). The specific types of information concerned are described in more detail in the sections below.

The storage of information and access to it are carried out on the basis of the following legal grounds:

Service necessity: Where storage or access is technically necessary in order to provide a service expressly requested by the user (e.g. to use a chat function or to ensure the security and stability of the website), the processing is based on Article 5(3) sentence 2 of the ePrivacy Directive in conjunction with Article 6(1)(f) GDPR (legitimate interest) or – depending on national implementation – based on the corresponding provisions of the applicable Member State.

- Consent-required activities: In all other cases, storage and access will only take place if the user has given prior and explicit consent. The legal basis for this is Article 5(3) sentence 1 of the ePrivacy Directive in conjunction with Article 6(1)(a) GDPR.

Subsequent processing of personal data is carried out solely on the basis of the provisions of the GDPR and, where applicable, additional national data protection laws.

2.2 Informative use of our website

During the informative use of the website, i.e. when site visitors do not separately transmit information to us, we collect the personal data that the browser transmits to our server in order to ensure the stability and security of our website. This is our legitimate interest, so that the legal basis is Art. 6 para. 1 s. 1 lit. f GDPR.

These data are:

- ♦ IP address
- ♦ Date and time of the request
- ♦ Time zone difference to Greenwich Mean Time (GMT)
- ♦ Content of the request (specific page)
- ♦ Access status/HTTP status code
- ♦ Amount of data transferred in each case
- ♦ Website from which the request comes
- ♦ Browser

- Operating system and its interface
- Language and version of the browser software.

This data is also stored in log files. They are deleted when their storage is no longer necessary, at the latest after 14 days.

2.3 Web hosting and provision of the website

Our website is hosted by Webflow. The provider is Webflow, Inc., 398 11th St., Floor 2, San Francisco, CA 94103, USA. In doing so, the provider processes the personal data transmitted via the website, e.g. content, usage, meta/communication data or contact data in the USA. Further information can be found in the provider's privacy policy at <https://webflow.com/legal/eu-privacy-policy>.

It is our legitimate interest to provide a website, so the legal basis of the described data processing is Art. 6 para. 1 s. 1 lit. f GDPR.

The legal basis of the transfer to a country outside the EEA are adequacy decision. The security of the data transferred to the third country (i.e. a country outside the EEA) is guaranteed because the EU Commission has decided as part of an adequacy decision in accordance with Art. 45 para. 3 GDPR that the third country ensures an adequate level of protection.

We use the content delivery network Webflow for our website. The provider is Webflow, Inc., 398 11th St., Floor 2, San Francisco, CA 94103, USA. The provider thereby processes the personal data transmitted via the website, e.g. content, usage, meta/communication data or contact data in the USA. Further information can be found in the provider's privacy policy at <https://webflow.com/legal/eu-privacy-policy>.

We have a legitimate interest in using sufficient storage and delivery capacity to ensure optimal data throughput even during large peak loads. Therefore, the legal basis of the described data processing is Art. 6 para. 1 s. 1 lit. f GDPR.

Legal basis of the transfer to a country outside the EEA are adequacy decision. The security of the data transferred to the third country (i.e. a country outside the EEA) is guaranteed because the EU Commission has decided as part of an adequacy decision in accordance with Art. 45 para. 3 GDPR that the third country ensures an adequate level of protection.

2.4 Payment processors

For the processing of payments, we use payment processors who are themselves data controllers within the meaning of Art. 4 No. 7 GDPR. Insofar as they receive data and payment data entered by us in the ordering process, we thereby fulfill the contract concluded with our customers (Art. 6 para. 1 s. 1 lit. b GDPR).

These payment processors are:

Stripe Payments Europe, Ltd., Ireland

2.5 Third parties

2.5.1 One.com

We use One.com to create websites. The provider is One.com Group AB, Carlsgatan 3, 211 20 Malmö, Sweden. The provider processes usage data (e.g. web pages visited, interest in content, access times), meta/communication data (e.g. device information, IP addresses) in the EU.

The legal basis for the processing is Art. 6 para. 1 s. 1 lit. f GDPR . We have a legitimate interest in setting up and maintaining a website and thus presenting ourselves to the outside world.

The data will be deleted when the purpose for which it was collected no longer applies and there is no obligation to retain it. Further information is available in the provider's privacy policy at <https://www.one.com/de/ueber-uns/datenschutzerklärung>.

2.5.2 Webflow

We use Webflow to create websites. The provider is Webflow, Inc., 398 11th St., Floor 2, San Francisco, CA 94103, USA. The provider processes usage data (e.g. web pages visited, interest in content, access times), meta/communication data (e.g. device information, IP addresses) in the USA in the USA.

The legal basis for the processing is Art. 6 para. 1 s. 1 lit. f GDPR . We have a legitimate interest in setting up and maintaining a website and thus presenting ourselves to the outside world.

The transfer of personal data to a country outside the EEA takes place on the legal basis adequacy decision. The security of the data transferred to the third country (i.e. a country outside the EEA) is guaranteed because the EU Commission has decided as part of an adequacy decision in accordance with Art. 45 para. 3 GDPR that the third country ensures an adequate level of protection.

We delete the data when the purpose for which it was collected no longer applies. Further information is available in the provider's privacy policy at <https://webflow.com/legal/eu-privacy-policy>.

2.5.3 heyData

We have integrated a data protection seal on our website. The provider is heyData GmbH, Schützenstraße 5, 10117 Berlin, Germany. The provider processes meta/communication data (e.g. IP addresses) in the EU.

The legal basis of the processing is Art. 6 para. 1 s. 1 lit. f GDPR. We have a legitimate interest in providing website visitors with confirmation of our data privacy compliance. At the same time, the provider has a legitimate interest in ensuring that only customers with existing contracts use its seals, which is why a mere image copy of the certificate is not a viable alternative as confirmation.

As the data is masked after collection, there is no possibility to identify website visitors. Further information is available in the privacy policy of the provider at <https://heydata.eu/en/privacy-policy>.

3. Data processing on social media platforms

We are represented in social media networks in order to present our organization and our services there. The operators of these networks regularly process their users' data for advertising purposes. Among other things, they create user profiles from their online behavior, which are used, for example, to show advertising on the pages of the networks and elsewhere on the Internet that corresponds to the interests of the users. To this end, the operators of the networks store information on user behavior in cookies on the users' computers. Furthermore, it cannot be ruled out that the operators merge this information with other data. Users can obtain further information and instructions on how to object to processing by the site operators in the data protection declarations of the respective operators listed below. It is also possible that the operators or their servers are located in non-EU countries, so that they process data there. This may result in risks for users, e.g. because it is more difficult to enforce their rights or because government agencies access the data.

If users of the networks contact us via our profiles, we process the data provided to us in order to respond to the inquiries. This is our legitimate interest, so that the legal basis is Art. 6 para. 1 s. 1 lit. f GDPR.

3.1 Facebook

We maintain a profile on Facebook. The operator is Meta Platforms Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland. The privacy policy is available here: <https://www.facebook.com/policy.php>. A possibility to object to data processing arises via settings for advertisements:

<https://www.facebook.com/settings?tab=ads>. We are joint controllers for processing the data of visitors to our profile on the basis of an agreement within the meaning of Art. 26 GDPR with Facebook. Facebook explains exactly what data is processed at https://www.facebook.com/legal/terms/information_about_page_insights_data. Data subjects can exercise their rights both against us and against Facebook. However, according to our agreement with Facebook, we are obliged to forward

requests to Facebook. Data subjects will therefore receive a faster response if they contact Facebook directly.

3.2 Instagram

We maintain a profile on Instagram. The operator is Meta Platforms Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland. The privacy policy is available here: <https://help.instagram.com/519522125107875>.

3.3 Tiktok

We maintain a profile on Tiktok. The operator is TikTok Technology Limited, whose registered office is at 10 Earlsfort Terrace, Dublin, D02 T380, Ireland. The privacy policy is available here: <https://www.tiktok.com/de/privacy-policy>.

3.4 YouTube

We maintain a profile on YouTube. The operator is Google Ireland Limited Gordon House, Barrow Street Dublin 4. Ireland. The privacy policy is available here: <https://policies.google.com/privacy?hl=de>.

3.5 X (formerly Twitter)

We maintain a profile on X. The operator is Twitter Inc, 1355 Market Street, Suite 900, San Francisco, CA 94103, USA. The privacy policy is available here: <https://twitter.com/de/privacy>. One way to object to data processing is via the settings for advertisements: <https://twitter.com/personalization>.

3.6 LinkedIn

We maintain a profile on LinkedIn. The operator is LinkedIn Ireland Unlimited Company, Wilton Place, Dublin 2, Ireland. The privacy policy is available here: https://www.linkedin.com/legal/privacy-policy?_l=de_DE. One way to object to data processing is via the settings for advertisements: <https://www.linkedin.com/psettings/guest-controls/retargeting-opt-out>.

4. Changes to this privacy policy

We reserve the right to change this privacy policy with effect for the future. A current version is always available [here](#).

5. Questions and comments

If you have any questions or comments regarding this privacy policy, please feel free to contact us using the contact information provided above.