

Informational Pamphlet for Customers and Interested Parties

How we handle your data and your rights – information in accordance with Articles 13, 14 and 21 of the EU General Data Protection Regulation (GDPR)

The following information is intended to give you an overview of how we process your personal data, as well as your associated rights. Which data is processed in detail and how it is used depends largely on the agreed or requested services. Therefore, not all statements contained in the following may apply to you.

In addition, this data protection information may be updated from time to time.

Who is responsible for data processing and who can I contact?

The data controllers within the meaning of the GDPR are:

Crownpeak Technology GmbH
Stockholmer Allee 24
44269 Dortmund
dataprivacy@e-Spirit.com

and

Crownpeak Technology, Inc
707 17th Street, Suite 3800
Denver, Colorado 80202
USA
privacy@crowpeak.com

We process your data in part and in cooperation to comply with the contractual requirements of the companies; The above-mentioned companies are responsible for said processing (Art. 26 GDPR). Examples include:

- Processing of data in the CRM system
- Support services in the context of product maintenance
- Accounting

You may contact our Data Protection Officer at:

Crownpeak Technology GmbH Data Protection Officer

Email: dataprivacy@e-Spirit.com

Tel.: +49 (0)30 / 770191070

Type of personal data collected

We process the following personal data that we receive from you during the course of our business relationship:

- IP addresses
- Title and name,
- Contact details,
- Billing data and
- User account information.

We process your data for the following purposes and on the following legal basis

We process personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG):

1. To fulfil pre-contractual measures (Art. 6 para. 1 lit. b GDPR)

Once you have expressed a specific interest in our services/products and thus in the conclusion of a contract, we will only process the data that is necessary to complete this.

2. To fulfil contractual obligations (Art. 6 para. 1 lit. b GDPR)

Data processing is performed for execution of the contract and for fulfilment of contractual supplementary services.

3. Due to legal requirements (Art. 6 para. 1 lit. c GDPR)

We are subject to various legal obligations that necessitate data processing. These include, e.g.:

- Tax laws and statutory accounting,
- The fulfilment of enquiries and requirements from supervisory or law enforcement authorities and
- The fulfilment of tax control and reporting obligations.

In addition, it may be necessary to disclose personal data in the context of official/judicial measures for the purpose of gathering evidence, prosecution or enforcing claims under civil law.

4. For pursuing legitimate interests (Art. 6 para. 1 lit. f GDPR)

If necessary, we process your data beyond the actual requirements of contractual fulfilment in order to safeguard our legitimate interests or those of third parties. Examples of such cases include:

- Data processing in the CRM system
- Direct advertising for our own similar goods or services in the form of email newsletters,
- Assertion of legal claims and defence in legal disputes
- Processing by marketing automation software to ensure successful communication with customers and interested parties
- Dialogue via the community platform
- Opinion polls regarding product satisfaction
- Analytics based on user interaction metrics

Who receives my data?

1. Within the group (e-Spirit AG and Crownpeak Technology, Inc)

- Employees of both companies mentioned, as far as this is necessary for fulfilment of the contact as well as our contractual and legal obligations, including the fulfilment of pre-contractual measures and safeguarding our legitimate interests.

2. During order processing

Your data may be disclosed to service providers who act as data processors on our behalf:

- Support with and maintenance of IT applications,
- Accounting and
- Data destruction.

All service providers are bound under contract and, in particular, are obliged to treat your data confidentially.

3. Other third parties

Data will only be disclosed to recipients outside our company in compliance with the applicable data protection regulations. Recipients of personal data might include, for example:

- Public bodies and institutions (e.g. financial or law enforcement authorities), provided a legal or official obligation exists,
- Credit and financial service providers (processing payment transactions) and
- Tax advisor or auditor, payroll tax and company auditor.

Will data be transferred to a third country or to an international organisation?

Data transfer to locations in countries outside the European Economic Area (so-called third countries) occurs, provided

- It is required by law (e.g. tax reporting obligations) or
- You have given us your consent or
- The European Commission has ruled that there is an adequate level of protection in the Third Country in question (Art. 45 GDPR) or
- Suitable guarantees exist (standard data protection clauses issued by the EU Commission) or
- An exception exists within the meaning of Art. 40 GDPR.

In particular, personal data is transmitted to our US-based parent company Crownpeak Technology, Inc, with which we share joint responsibility for data processing. As no adequacy decision by the European Commission currently exists for the USA, we have concluded standard contractual clauses with Crownpeak Technology, Inc. This also protects your data within the USA.

We also use service providers for certain tasks who may use sub-service providers who, in turn, may have their headquarters, parent company or data centre in a Third Country. Data transfer is permitted, provided the European Commission has ruled that there is an adequate level of protection in a Third Country (Art. 45 GDPR). If the Commission has not issued such a ruling, the company or the service provider may only transfer personal data to service providers in a Third Country provided appropriate guarantees are in place (standard data protection clauses as adopted by the EU Commission or the supervisory authority in a specific procedure) and enforceable rights and effective remedies are available.

We have also concluded contractual agreements with our service providers to ensure their contractual partners are always subject to data protection guarantees which comply with Europe's data protection standards. We will provide you with a copy of these guarantees on request.

Information about the data transfer between Crownpeak Technology GmbH and Crownpeak Technology, Inc

As part of the acquisition of Crownpeak Technology GmbH (formerly e-Spirit GmbH) by Crownpeak Technology, Inc, some of the business processes in both companies were merged. This is intended not only to make processes more efficient, but also more user-friendly. With regard to these processes, both companies are jointly responsible within the meaning of the GDPR.

For this reason, a joint responsibility contract has been concluded between the two companies. This defines the obligations of both companies with regard to your data. Both companies have undertaken to always observe the applicable data protection laws and to protect data through adequate technical and organisational measures. In this, Crownpeak Technology GmbH is also obliged to fulfil its data access obligations and to answer questions from data subjects. Nevertheless, you can submit a data subject request to both companies.

If you would like to receive additional information about the details of the aforementioned agreement, please contact us via one of the above-mentioned communication channels.

In relation to other processes, Crownpeak Technology, Inc. supports Crownpeak Technology GmbH as a sub-processor. Notwithstanding the fact that these may mostly constitute internal processes, this also applies to the processing of personal data in connection with your contract and the order processing agreement concluded in association. Crownpeak Technology, Inc., like all other sub-processors, will process this data exclusively in accordance with your instructions and in compliance with all data protection requirements and subject to sufficient technical and organisational measures.

How long will my data be saved?

We process and store your personal data as long as this is necessary for fulfilment of our contractual and legal obligations. If the data are no longer required for the fulfilment of said contractual or legal obligations, they are subject to regular deletion.

Exceptions arise in particular,

- Insofar as it is necessary to fulfil statutory retention requirements, e.g. under the German Commercial Code (HGB) and Tax Code (AO). The retention and documentation periods specified those legal codes are usually six to ten years;
- For the preservation of evidence within the framework of the legal statute of limitations. According to Sections 195 ff of the German Civil Code (BGB), these limitation periods can be up to 30 years, whereby the regular limitation period is 3 years.

If the data processing takes place within the legitimate interest of us or a third party, the personal data will be deleted as soon as this interest no longer exists. The exceptions mentioned apply here.

What data protection rights do I have?

You have the right to data access under Article 15 GDPR, the right to rectification under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing under Article 18 GDPR, the right to object under Article 21 GDPR and the right to data portability from Article 20 GDPR.

Restrictions according to Sections 34 and 35 BDSG may apply to the right to data access and the right to erasure.

In addition, the right to appeal to a competent data protection supervisory authority is also granted (Article 77 GDPR in conjunction with Section 19 BDSG). The competent supervisory authority in this case is:

State Commissioner for Data Protection and Freedom
of Information North Rhine-Westphalia
Kavalleriestraße 2-4

40213 Düsseldorf
Tel.: 02 11/384 24-0
poststelle@ldi.nrw.de
<http://www.lds.nrw.de>

Is there an obligation to provide data?

As part of the contractual relationship, you must provide the personal data that is required for the establishment, implementation and termination of the contractual relationship and for the fulfilment of the related contractual obligations or those data that we are legally obliged to collect. Without this data, we will usually not be able to conclude or execute the contract with you.

Information about your right to object in accordance with Article 21 of the General Data Protection Regulation (GDPR)

Right to object on a case-by-case basis

You have the right, for reasons that arise from your particular situation, to object at any time to the processing of personal data relating to you, which is based on Article 6 para. 1 lit. f GDPR (data processing based on legitimate interests); this also applies to profiling based on this provision within the meaning of Article 4 No. 4 GDPR.

Should you object, then we will no longer process your personal data unless we can demonstrate compelling legitimate reasons for continuation of the processing that outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

Recipient of an objection

The objection can be issued informally under the subject heading "Objection" and stating your name, address and date of birth, and should be addressed to one of the companies mentioned above.