

WEB

Data privacy statement

Thank you for your interest in using our platform. The protection of your personal data is very important to us. In the following, you will find all important information regarding the collection, processing and use of personal data that we only process in accordance with the provisions of the data protection law. Personal information is information relating to an identified or identifiable natural person; a natural person is regarded as identifiable when they can be directly or indirectly identified, in particular by means of assignment to an identifier such as a name, an identification number, location data, an online ID, or by one or more special features which are the expression of the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The provision of your personal data is voluntary. However, the functionality of our services may be restricted as a result of a lack of data.

The legal principles of data protection can be found among others in the EU General Data Protection Regulation (GDPR) and the Federal Data Protection Act (FDPA).

Responsible body

Responsible in the sense of GDPR, the national data protection laws and other data protection regulations is:

Pixformance GmbH

Hauptstr. 19 - 20

14624 Berlin

Germany

Managing Director/owner: Valerie Bönström

[+49 (0)30 398 056 10]

[contact@pixformance.com]

www.pixformance.com

Data protection officer

Data protection officer is:

Christian Büsdorf

c/o colognetworkx cnx GmbH

Weinsbergstr. 118a

50823 Cologne

datenschutzbeauftragter@datxs.de

1. Data sources and categories of data:

We process personal data that we receive from you during registration or in connection with the use of features of our platform and the services provided by us.

Depending on the use, the relevant personal data can be from the following categories of data:

- Name, first name
- Contact details (address, email, phone)
- Gender, language
- Date of birth
- Account information, authentication data (e.g. QR code, user name, email)
- Training and usage data (fitness values, training plans and training time, training level)
- Weight, body mass, muscle, fat, body size, blood pressure, health-related factors
- System data (IP address, server data)

If you gain access to our platform via the Pixformance app, we also process - provided we have your approval -

- location data, access data, transaction data
- device information (device model, operating system, data on device events (e.g. crashes by apps, system activity and date and time of the request) for the purpose of improving the app and our services

2. Purposes of processing

We process the personal data for the provision and fulfilment of the services offered to you in the context of the platform and to further develop and optimize our services.

3. Legal bases:

If you have provided us with consent for the processing of your personal data, this will serve as a legal basis in conjunction with article 6 paragraph 1 (a) of the EU General Data Protection Regulation (GDPR).

The contract in conjunction with article 6 paragraph 1 (b) of the GDPR forms the legal basis for the processing of personal data with a contracting party which is necessary for the performance of a contract. This also applies to processing procedures that are necessary for the implementation of pre-contractual measures. Where necessary, we process your data on the basis of article 6 paragraph 1 (f) GDPR beyond the actual fulfilment of the contract to protect our legitimate interests and those of a third party.

The legal or regulatory obligation in conjunction with article 6 paragraph 1 (c) GDPR forms the legal basis as far as processing of personal data for the performance of a legal obligation is required.

Data processing due to requirements for the protection of vital interests arises from the legal basis from article 6 paragraph 1 (d) GDPR.

To protect the legitimate interests of our company or a third party, data can be processed beyond the actual performance of the contract on the basis of article 6 paragraph 1 (f) GDPR, insofar as it is necessary and interests, rights and fundamental freedoms of the person contract do not prevail.

4. Disclosure to third parties:

Personal data generated by the use of the platform are not generally disclosed by us to third parties. The data shall particularly not be transmitted to places outside the EU.

Within our company, only offices and employees who require your data for the purpose of providing our services, technical tasks and legal obligations shall gain access to your data. Moreover, service providers and processors can obtain data for these purposes if they follow our privacy policies and undertake to respect data confidentiality.

A transfer to third parties shall be carried out only in exceptional cases and only if you have provided prior express consent.

5. Storage period

Data will be deleted when it is no longer necessary to meet the purpose of their collection. If the purpose of the processing is omitted or a statutory storage period should expire, the personal data shall be blocked or deleted routinely and in accordance with statutory provisions.

This is the case after no later than seven days if data is saved in log files. Storage extending beyond this is possible. In this case, user identification (e.g. IP addresses) shall be deleted or anonymized, so to ensure that an attribution of the retrieving client is no longer possible. In the case of the collection of data for the provision of online services, this is the case once that session has finished.

6. How to exercise your rights as a subject

You as the data subject are at all times entitled to obtain information about the personal data stored on you, to demand correction or withdraw consent at any time. In addition, you have the right to deletion or limitation of the processing or to object against the processing. We would also like to point out your right to data portability and that there is the possibility of filing a complaint with a supervisor. Please send corresponding requests by email to us or our data protection officer using the contact details above.

Below are your rights in detail:

a) Right of revocation, right of objection

You have the right to revoke your consent at any time. The lawfulness of the processing carried out on the basis of the consent up until the withdrawal is not affected by the withdrawal of consent.

Likewise, you have the right, for reasons arising from your specific situation, to appeal at any time to the processing of your personal data in accordance with article 6 paragraph 1(e), (f) of the GDPR; this also applies to a profiling based on these provisions.

b) Right to information

You may request a statement indicating whether personal data relating to you is processed by us. In the event that your personal data is processed, you may ask for information in particular on the data categories, origin of the data, purposes of the processing, recipients, any third country of transmission (including warranties in accordance with article 46 of the GDPR), the planned duration or criteria for the duration of the processing, as well as the existence of automated decision-making. The same applies for profiling in accordance with article 22 paragraphs 1, 4 of the GDPR (possibly with information about the involved logic as well as scope and impact).

c) The right to rectification

You are entitled to rectification and/or completion insofar as the personal data processed relating to you is incorrect or incomplete.

d) Right to deletion

You have the right to have your personal data deleted, particularly if these data are no longer required for the purpose of processing, you have revoked your consent, any other legal basis is lacking or if you have objected to the processing and there are no overriding legitimate reasons for the processing in accordance with article 21 paragraph 2 of the GDPR, or if the data has been unlawfully processed or the deletion of data is required to comply with any legal obligation under EU law or national law, or if the data arose in relation to services provided by the information society in accordance with article 8 paragraph 1 of the GDPR.

Deletion rights may not exist among other things if and insofar as the processing is required to comply with a legal obligation, to carry out tasks in the public interest, or to assert, exercise or defend legal claims.

e) Right of limitation of the processing

You may request the restriction of processing personal data among other things if the processing is unlawful, the accuracy is disputed, you have objected, the person responsible no longer requires the data for the purposes of the processing but you need them for the enforcement of rights, or, in the event of unlawful processing, demand limitation instead of deletion.

f) Right of data portability

You have the right to obtain personal data relating to you in a structured, conventional and machine-readable format and transmit them to other responsible persons insofar as the processing is based on a consent or on a contract and is processed using automated procedures. To this end, you have the right to have the data directly transmitted by one responsible person to another responsible person as far as this is technically feasible and does not infringe upon the rights of third parties. The right to data portability does not apply to processing that is carried out for the fulfilment of a task in the public interest in the exercise of public authority.

g) Right of complaint to a supervisory body

Irrespective of another administrative or judicial appeal, you have the right to appeal to a supervisory authority, particularly the member state of your residence, your workplace or place of the alleged infringement if you believe that the processing of personal data related to you is in violation of the GDPR.

7. Cookies

Our online platform uses cookies to recognize multiple uses of our website by the same users/internet connection owners. Cookies are small text files that are filed and stored by your internet browser on your computer. They are used to facilitate the use of online platforms for users and to improve our website and our services. Some features of our website are not offered without the use of cookies. For them to work it is necessary that the browser is recognized even after changing the page. The recognition is possible because the IP address is stored in the cookies.

The legal basis for the processing of personal data by using technically required cookies is in our legitimate interest in accordance with article 6 paragraph 1 (f) of the GDPR. The legal basis for the processing of personal data by using cookies for analytical purposes is the required consent of the user in conjunction with article 6 paragraph 1 (a) of the GDPR.

8. Server data

For technical operations, data that is transmitted through your internet browser is collected (so-called server log files). These include: browser type and version - operating system used – the website from which you visit us (referrer URL) – the website that you visit - date and time of access - your Internet Protocol (IP) address. The data thus transmitted is stored anonymously and separate from personal data.

It is stored in log files to ensure the functionality of the online platform. In addition, the data serves to optimize the platform and ensure the security of our information technology systems.

This is also the basis for our legitimate interest in data processing as a legal basis in accordance with article 6 paragraph 1 (f) of the GDPR.

9. Registration function

We offer you the possibility to register on our website. With the registration, you enter into a user agreement with us in accordance with the general terms and conditions (GTC)<Link>

Information entered in the course of this registration, which is shown in the input mask of the registration form

>PLEASE ENTER: NAME, EMAIL ADDRESS ETC.>

The registration data is collected and processed solely for the purpose of providing services and making available the content within the framework of our offer. By registering on our website, we also store your IP address and the date and time of your registration. This is used as a safeguard on our part in the event that a third party misuses your data and registers on our website with this data without your knowledge. No data shall be passed on to third parties. A comparison of such collected data with data that may be collected through other components of our website shall also not be carried out.

The legal basis for the data processing in the event of the consent of the user is given in conjunction with article 6 paragraph 1 (a) GDPR, or in the event of the concluded user agreement in conjunction with article 6 paragraph 1 (b) GDPR.

10. Data connected to the use of our services, health-related data

Data entered on our platform or generated by application may be processed in connection with the use of our services. Data categories arise from the input masks and the application programs. This relates in particular to fitness values, training plans and training durations, training level, weight, body mass index, muscle, fat, body size, blood pressure, health-affecting factors. This may also include health data. "Health data" is personal information relating to the physical or mental health of a natural person, including the provision of health services, which provides information about their state of health. The health data are processed for the purpose of the diligent performance of our services, improving our services and emergency preparedness. The legal basis is the contract, your consent or the safeguarding of interests in accordance with article 6 paragraph 1 (d), (f) of the GDPR. The data is processed separately from other data and immediately deleted after termination of the contractual relationship.

11. Newsletter

We offer you the opportunity to subscribe to a newsletter as part of our scope of services. In doing so, the data from the entry form (name, email) is transmitted to us during registration for the newsletter

The newsletter and related data processing serve to keep you regularly informed about our offers.

By subscribing to our newsletter, we store your IP address and the date and the time of your subscription. This is used as a safeguard on our part in the event that a third party should misuse your data and register on our site using this data without your knowledge.

The e-mail address provided by you is checked to verify whether you are indeed the owner of the specified e-mail address or whether the owner is authorized to receive the newsletter. We do not collect any further data. The data collected in this manner is used exclusively for the subscription to our newsletter. No data will be passed on to third parties. A comparison of such collected data with data that may be collected through other components of our website is also not carried out.

The legal basis for the processing and sending of the newsletter is your consent in conjunction with article 6 paragraph 1 (a) GDPR, which you may withdraw at any time - also by unsubscribing. Data will be deleted when it is no longer necessary for meeting the purpose of their collection. The user's email address is therefore stored as long as the subscription to the newsletter is still active.

12. Contact

On our site we offer you the opportunity to contact us via email or via a contact form. It processes the categories of data specified in the contact form (name, address, email, phone). The IP address of the user, as well as date and time at the time the message is sent are also processed.

Your consent is obtained and this privacy statement is referred to for the processing of the data in the context of the sending process.

Alternatively, it is possible to contact us using the email address provided. In this case, the personal data transmitted together with the user's email is stored.

The processing of personal data in the input mask serves solely for the processing of the contact. If contact is made via email, this also includes the required legitimate interest in the processing of the data. The other personal data processed during the dispatch process are used to prevent misuse of the contact form and to ensure the security of our information technology systems.

The legal basis for the data processing when using the contact form is your consent in conjunction with article 6 paragraph 1 (a) GDPR. The legal basis for the processing of the data transmitted over the course of sending an email is article 6 paragraph 1 (f) GDPR. If the mail contact is aimed at the conclusion of a contract, the legal basis stems from article 6 paragraph 1 (b) GDPR

In this context, there is no transfer of data to third parties. The data is used solely for the processing of the conversation.

Data will be deleted when it is no longer necessary for meeting the purpose of their collection. Regarding the personal data from the input mask of the contact form and those that were sent via email, this shall be the case once the communication with the user has ended. Personal data additionally collected during the dispatch process are deleted at the latest after a period of seven days.

13. Use of Google Analytics with anonymization function

We use the component Google Analytics (with anonymization function) on our platform. Google Analytics is a web analytics service. Web analytics is the detection, collection and analysis of data about the behaviour of visitors to websites. A web analysis service includes, among others, data about the website a person has come to another website from (so-called referrer), which subpages of a website were accessed, or how often and the duration a subpage was visited. Web analysis is used mainly for the optimization of a website and the cost-benefit analysis of internet advertising.

The operator of the Google Analytics component is Google Inc., 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351, USA.

For the web analytics through Google Analytics, we use the additional "_gat. _anonymizeIp". Using this addition, the IP address of the internet connection of the person concerned is truncated and anonymized by Google when accessing our websites from a member state of the European Union or from any other contracting state of the Agreement on the European Economic Area.

The purpose of the Google Analytics component is to analyse the traffic on our website. Google uses the collected data and information among other things to evaluate the use of our website, to compile online reports for us that show the activity on our websites and to provide other services related to the use of our website.

The legal basis for the data processing is our legitimate interest in conjunction with article 6 paragraph 1 (f) GDPR.

Google Analytics places a cookie on the information technology system of the person concerned. We already explained what cookies are earlier. Setting the cookie enables Google to analyse the use of our website. Whenever an individual page of this website is called up, which is operated by the person responsible for the processing and on which a Google Analytics component was integrated, the internet browser on your information technology system of the affected person is automatically requested by the respective Google Analytics component to transmit data to Google for the purpose of online analysis. In this technical procedure, Google receives knowledge of personal information, such as the IP address of the person concerned, that enables Google to, among other things, trace the origin of visitors and clicks and subsequently enable commission settlements.

Personal information such as access time, the location from which the website was accessed and the frequency of visits to our website, are stored by means of the cookie. Whenever you visit our website, this personal data, including the IP address of the internet connection used, is transmitted to Google in the United States of America. This personal data is stored by Google in the United States of America. Google may disclose this personal data collected through the technical procedure to third parties.

As stated above, you can prevent the setting of cookies by our website at any time by means of a corresponding adjustment of the web browser used and thus permanently object to the setting of cookies. The use of such an internet browser setting would also prevent Google from setting a cookie on the information technology system of the person concerned. In addition, a cookie already set by Google Analytics can be deleted at any time using the internet browser or other software programs.

In addition, the affected person is entitled to object to the collection of data that is generated by Google Analytics, related to the use of this website, as well as the processing of this data by Google and to prevent such processing. To do this, the person concerned must download and install a browser add-on under the link <https://tools.google.com/dlpage/gaoptout>. This browser add-on tells

Google Analytics via JavaScript that no data and information about the visits to websites may be transmitted to Google Analytics. Google regards the installation of the browser add-ons as an objection. If the information technology system of the person concerned is deleted, formatted or newly installed at a later stage, the browser add-ons must be reinstalled by the person concerned in order to disable Google Analytics. If the browser add-on is uninstalled or disabled by the person concerned or any other person that is attributable to their sphere of influence, it is possible to reinstall or reactivate the browser add-ons.

More information and the applicable General Data Protection Regulations of Google can be obtained under <https://www.google.de/intl/de/policies/privacy/> and <http://www.google.com/analytics/terms/de.html>. More information about Google Analytics can be found at https://www.google.com/intl/de_de/analytics/.