

# PRIVACY POLICY

Last modified: 11 December 2020

Swaarm Tech GmbH including all of its affiliates (collectively, “Swaarm” or “We”) respects your privacy and is committed to protecting it through our compliance with this policy. With this privacy policy, we would like to inform you how we process your personal data whilst using this website.

The responsible body according to Art. 4 European General Data Protection Regulation (“GDPR”) is Swaarm Tech GmbH, Stallschreiberstr. 20, 10179 Berlin, registered at the local court of Charlottenburg (Berlin) und HRB No. 220633.

In case of any questions relating to data protection, please get in touch with us at [privacy@swaarm.com](mailto:privacy@swaarm.com).

This policy describes the types of information we may collect from you or that you may provide when you visit the website [www.swaarm.com](http://www.swaarm.com) (our “Website”) and our practices for collecting, using, maintaining, protecting and disclosing that information.

This policy applies to information we collect:

- on this Website.
  - in email, text and other electronic messages between you and this Website.
  - when you interact with our advertising and applications on third-party websites and services, if those applications or advertising include links to this policy.
  - when using our Swaarm Platform.
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It does not apply to information collected by:

- us offline or through any other means, including on any other website operated by Swaarm or any third party; or

- any third party, including through any application or content (including advertising) that may link to or be accessible from the Website.

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Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, you agree to this privacy policy. This policy may change from time to time (see Changes to our Privacy Policy).

## I. COLLECTION AND USE OF DATA ON THE WEBSITE

### Content

Personal data is all information relating to personal and objective circumstances through which a person may be personally identified. This may for example entail information such as your name, address, other contact details such as phone number or e-mail address or payment and invoice details as well as your tax identification number.

### Intended Use

Legal basis for the processing of this personal data is our legitimate interest (Art. 6 para. 1 (f) GDPR), as this data is necessary for the following purposes:

- to present and improve our website.
- to estimate the size of our target group and their user pattern.
- to save information about your preferences so that we may adapt our website to your individual interests.
- to speed up your search.
- to recognize you when you return to our website.

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Furthermore, with this information we will be able to ensure the stability and security of our website.

### How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information:

- To present our Website and its contents to you.
- To provide you with information, products or services that you request from us.

- To fulfill any other purpose for which you provide it.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection (Art. 6.1. (c), (f) GDPR).
- To notify you about changes to our Website or any products or services we offer or provide through it and to help us understand how the Website is being used.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

Upon conclusion of a contract, we may also use your information to contact you via email about goods and services that may be of interest to you. If you do not want us to use your information in this way, you may elect to object hereto when concluding the contract and supplying us with your email address or to unsubscribe and we will cease using your information in that manner.

### Children Under the Age of 13

Our Website is not intended for children under 13 years of age. No one under age 13 may provide any personal information to the Website. In compliance with GDPR, CPPA as well as COPPA (Children's Online Privacy Protection Act) we do not knowingly collect personal information from children under 13. If you are under 13, do not use or provide any information on this Website or on or through any of its features/register on the Website, make any purchases through the Website, use any of the interactive or public comment features of this Website or provide any information about yourself to us, including your name, address, telephone number, e-mail address or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us at Swaarm Tech GmbH, Stallschreiberstr. 20, 10179 Berlin, Germany, via email at [privacy@swaarm.com](mailto:privacy@swaarm.com) or per phone at +49 176 84702114.

### Information We Collect About You When You Visit Our Website

We collect several types of information from and about users who visit our Website via internet connection or through your device which you use to access our website, including certain user details. Such information includes:

- traffic data
- location
- logs and communication data

- resources on our website which you access and use
- IP address, operating system and browser type
- and information which is collected through cookies, web-beacons and other tracking technologies.

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Furthermore, we are tracking data with which you may be personally identified such as your name, postal address, e-mail address, phone number and any other identifier with which you may be contacted online or offline ( “personal data”) insofar as you provide us with this data in our online form.

The technologies we use for this automatic data collection may include:

- Cookies (or browser cookies). We, and businesses we work with, require for some features of our website. Cookies are small files that your browser places on your device in a designated directory. These cookies can be used to determine, for example, whether you have visited a website before. Most browsers accept cookies automatically. However, you can set your browser so that no cookies are stored or an explicit consent is required before saving a cookie. In addition, you can delete previously set cookies at any time. Please note that disabling cookies may result in restrictions when using our website. Please see our Cookies Policy for more details about the collection and usage of this data.
- Web Beacons. Pages of our Website and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit Swaarm, for example, to count users who have visited those pages or opened an e-mail and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).
- Log files. Every time you access our Internet pages, your usage data is transmitted through the respective internet browser and stored in log files, the so-called server log files. The records stored in this case contain the following data: domain and location from which the user is accessing the website

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Additionally, we can receive information from third parties, for example business partners.

### Information You Provide to Us

The information we collect on or through our Website may include:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of subscribing to our newsletter, subscribing to our service, or requesting further services. We may also ask you for information when you report a problem with our Website or the Swaarm platform.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Details of transactions you carry out through our Website and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Website.
- Details of Website searches and button clicks are also recorded.

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You also may provide information to be published or displayed (hereinafter, “posted”) on public areas of the Website, or transmitted to other users of the Website or third parties (collectively, “User Contributions”). Your User Contributions are posted on and transmitted to others at your own risk. Although you may set certain privacy settings for such information by logging into your account profile, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Website with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons.

### Third-party Use of Cookies and Other Tracking Technologies

Some third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control these third parties’ tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. For information about how you can opt out of receiving targeted advertising from many providers, see [Choices About How We Use and Disclose Your Information](#).

### Duration of Retention of Data

We store your data:

- if you have consented to the processing at the latest until you revoke your consent,
  - if we need the data to carry out a contract at most as long as the contractual relationship with you or statutory retention periods are running,
  - if we use the data on the basis of a legitimate interest at most as long as your interest in deletion or anonymization does not prevail.
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### Disclosure of Your Information

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this privacy policy:

- To our subsidiaries and affiliates for the sole purpose of providing our services.
  - To contractors, service providers and other third parties we use to support our business.
  - To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of Swaarm's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by Swaarm about our Website users is among the assets transferred.
  - To fulfill the purpose for which you provide it.
  - With your consent.
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We may also disclose your personal information:

- To comply with any court order, law or legal process, including to respond to any government or regulatory request.
  - To enforce or apply our terms of service and other agreements, including for billing and collection purposes.
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There is a transfer of data to third countries outside the European Union. This is done on the basis of statutory contractual provisions that are intended to ensure an adequate protection level of your data.

## Choices About How We Use and Disclose Your Information

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- Tracking Technologies and Advertising. You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of this Website may then be inaccessible or not function properly.
  - Opt-out. You may “opt out” of receiving marketing or promotional emails from us by objecting hereto when concluding a contract with us and in this course supplying us with your email address or by following the instructions in those emails. If you opt out, we may still send you non-promotional emails, such as emails about your accounts or our ongoing business relations.
  - We do not control third parties’ collection or use of your information to serve interest-based advertising. However these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative (“NAI”) on the NAI’s *website*.
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## How we protect Your Data

- We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration and disclosure. All information you provide to us is stored on our secure servers behind firewalls. All transactions, regardless of their nature, are encrypted using SSL technology.
- The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.
- Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot

guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

- Transfer between subsidiaries: We may transfer user and customer information to our affiliates and to third party providers for the sole purpose of providing our services.
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## Newsletter

If you subscribe to our newsletter, we will process your name, e-mail address and data to verify your subscription. Your consent hereto is voluntary and it is expressed by clicking the subscription button (Art. 6 (1) (a) o GDPR). You can cancel your subscription at any time by sending a message to us or by clicking the “unsubscribe” button.

## Your rights according to the GDPR

As the data subject, you have the right of access (Art. 15 GDPR), the right to rectification (Art. 16 GDPR), the right to erasure of your personal data (Art. 17 GDPR), the right to restriction of processing of your personal data (Art. 18 GDPR) as well as the right to data portability (Art. 20 GDPR). Furthermore, you have the option to file a complaint against the processing of your personal data with the competent supervisory authority (in this case Berliner Beauftragte für Datenschutz und Informationsfreiheit at <https://www.datenschutz-berlin.de/>).

If you have given your consent to the processing of your data, you can revoke the given consent at any time. Such revocation affects the admissibility of the processing of your personal data after you make such revocation.

You can object to the processing of your personal data insofar as we base the processing of your personal data on the balance of interests. This is the case in particular if the processing is not necessary for the fulfilment of a contractual obligation to you, which we in each case present in the description of the functions which follow. In case of such objection, we kindly ask for an explanation of the reasons for the objection against the processing of your personal data. In the case of your justified objection, we will examine the situation and will either discontinue or adapt the data processing or point out to you our compelling legitimate reasons based on which we continue the processing of your personal data.

You may, of course, object to the processing of your personal data for advertising and data analysis purposes at any time.





In any above-mentioned case, please contact our Data Protection Officer at:  
[privacy@swaarm.com](mailto:privacy@swaarm.com)

## Your California Privacy Rights

If you are a California resident, special additional provisions apply to you in accordance with the California Consumer Privacy Act effective from January 1, 2020 ("CCPA"). In matters not covered in this section, the remaining provisions of this Privacy Policy apply.

CCPA provides additional privacy protections for California data subjects including:

- the right to request access to your Personal information and request additional details about our practices regarding the processing of your Personal information (right to access),
- the right to request deletion of your Personal information (right to deletion),
- the right to opt out of the "sale" of your Personal information (right to opt out), and
- the right to not be discriminated against for exercising any of your rights granted under the CCPA (right not to be discriminated).

To submit an access or deletion request as well as non-discrimination request please contact us via e-mail: [privacy@swaarm.com](mailto:privacy@swaarm.com).

Swaarm does not and will not sell Personal information of their Customers, as defined in section 1798.140 of the CCPA. The right to opt-out therefore does not apply.

Swaarm may transfer Data to a country outside of the European Economic Area (EEA), i.e. to the territory of the United States of America. In such cases, your Personal Data will be transferred to the territory of USA in accordance with Applicable laws, with appropriate safeguards in place, by using standard contractual clauses adopted by the European Commission (EU Commission Decision on standard contractual clauses for the transfer of Personal Data to processors established in third countries under Directive 95/46/EC (the "Model Contract Clauses")), or based on other applicable transborder data transfer mechanisms.

## II. TRACKING TECHNOLOGIES ON OUR WEBSITE

### Google Analytics

In order to optimize this website, we use Google Analytics, a web analytics service provided by Google, Inc. ("Google"). Google Analytics uses "cookies", which are text files placed on your computer, to help the website analyze how you use this website. The information generated by the cookie about your use of this website (including your IP address) will be transmitted to and stored by Google on servers in the United States. If the IP anonymization is activated on this website, your IP address will previously be truncated by Google within the EU member states or EEA member states. Only in exceptional cases will the IP address be transferred to Google on a server in the United States and thereafter be truncated. On behalf of the website operator, Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. The IP address that was transmitted by your browser will not be combined by Google with any other data. You may refuse the use of cookies by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of this website. You may also prevent the collection of the data that was generated by the cookie and that is related to the use of the website (including your IP address) as well as its processing by Google by downloading and installing a browser plugin that is available under the following link: <http://tools.google.com/dlpage/gaoptout?hl=de>. Additional information thereto is available at <http://www.google.com/intl/de/analytics/privacyoverview.html> (general information to Google Analytics and privacy). This Website uses Google Analytics with its extension code "gat.\_anonymizeIp()" so that IP addresses will therefore only be processed in a shortened form to prevent persons from being identified.

### Google AdWords

We as a Google AdWords customer also use Google Conversion Tracking, a web analytics service provided by Google, Inc. ("Google"). Google AdWords places a cookie in your browser ("Conversion Cookie") if you have accessed our website via a Google ad. These cookies are valid for 30 days. If you access some of our sites and the cookie is still valid, we and Google can recognize that somebody has clicked on the ad and thereafter was transferred to our website. Every AdWords customer uses a different cookie, and therefore it is not possible to track cookies via the websites of AdWords customers. The information obtained via the Conversion Cookie is used in order to assemble conversion reports for AdWords customers. The AdWords customers receive the number of users that have clicked on their ad and have been transferred to a site that includes the Conversion Tracking Tag but they do not receive any information that would allow them to identify the user. You may refuse the use of cookies



by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of this website.

#### [Facebook Pixel](#)

We use the “visitor action pixels” from Facebook Inc. on our website. This allows user behavior to be tracked after they have been redirected to our website by clicking on a Facebook ad. This enables us to measure the effectiveness of Facebook ads for statistical and market research purposes. The data collected in this way is anonymous to us, i.e. we do not see the personal data of individual users. However, this data is stored and processed by Facebook, which is why we are informing you, based on our knowledge of the situation. Facebook may link this information to your Facebook account and also use it for its own promotional purposes, in accordance with Facebook’s Data Usage Policy. You can allow Facebook and its partners to place ads on and off Facebook. A cookie may also be stored on your computer for these purposes. You can object to the collection of your data by Facebook pixel, or to the use of your data for the purpose of displaying Facebook ads in your account-settings. Facebook is certified under the US-EU Privacy Shield Agreement and thus guarantees compliance with European data protection legislation.

#### [LinkedIn Insight Tag](#)

The LinkedIn Insight Tag is a piece of lightweight JavaScript code that we have added to our websites to enable in-depth campaign reporting and to help us unlock valuable insights about our website visitors. We use the LinkedIn Insight Tag to track conversions, retarget website visitors, and unlock additional insights about members interacting with our LinkedIn adverts. The LinkedIn Insight Tag enables the collection of metadata such as IP address information, timestamp, and events such as page views. All data is encrypted. The LinkedIn browser cookie is stored in a visitor's browser until they delete the cookie or the cookie expires. You can opt out of cookies from LinkedIn on your LinkedIn settings page and recommend you read their Cookie Policy for more information.

#### [Hotjar](#)

Hotjar Ltd. provides a service which analyses the online behavior of website users by combining analytics and feedback tools. Hotjar will collect and process your IP address when you navigate through and interact with the contents of our website. The sole purpose for passively collecting this information is to improve your experience when using our website. You may opt-out from having Hotjar collect Your information when visiting our website at any time by visiting their Opt-out page and clicking 'Disable Hotjar'.

### III. OTHER TRACKING TECHNOLOGIES

#### Zoom

In our sales activities, we use the "Zoom" service of Zoom Video Communications, Inc. 55 Almaden Boulevard, 6th Floor, San Jose, CA 95113. We use Zoom to record, transcribe and analyse video conferences between our sales staff and you. The service is used exclusively with your consent for the purpose of employee training. You will find Zoom's Privacy Policy at <https://zoom.us/privacy>

#### Google Hangouts

In our sales activities, we use the "Google Hangouts" service of Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland. We use Hangouts to record, transcribe and analyse video conferences between our sales staff and you. The service is used exclusively with your consent for the purpose of employee training. You will find Google's Privacy Policy at <https://policies.google.com/privacy?hl=en>

### IV. PROCESSING OF DATA THROUGH THE SWAARM PLATFORM

We provide analytics and tracking services to online marketers (our "Customers"). In connection with these services, we may process certain data from the users of these mobile apps (collectively the "End User" or "You"), as further described hereafter. We process the data upon instructions from our Customers and do not have any kind of direct relationship with You as the End User.

Customers who have child-directed apps must choose the appropriate product settings and must not share any personal data with Partners or any third parties. Customers must agree to the section in our Terms of Service accordingly.

Our Platform and APIs (collectively the "Swaarm Platform") may process some of the following data from You as the End User:

- IP address



- Mobile identifiers such as the ID for Advertising for iOS (IDFA), Google Advertising ID or similar mobile identifiers
  - Installation and first opening of an app on Your mobile device
  - Your interactions within an app (e.g. in-app purchases, registration)
  - Information regarding which advertisements You have seen or clicked on
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We use the aforementioned data for providing mobile analytics and attribution services to our Customers, and thereby allow our customers to track their marketing performance, to match You to their campaigns and to understand how You engage with our Customer's marketed app. Furthermore, we enable our Customers to track Your interactions in their apps in real time in order to see how You engage over their full lifetime. The aforementioned data is therefore processed in order to analyze the performance of marketing campaigns and to provide performance reports to our Customers. We do not combine the data with any other data that would enable us to personally identify You. Any information processed via the Swaarm Platform is owned and controlled by our Customer who has implemented the Swaarm Platform to measure their marketing efforts.

We do not share or disclose the user data with anyone else except with our server providers and in response to lawful requests by public authorities, including national security or law enforcement requirements. We store the data as long as our Customers are using the Swaarm Platform because we need it to provide our services to our Customers, if not requested otherwise by our Customers.

In some cases, there is a transfer of data to third countries outside the European Union. This is done on the basis of statutory provisions that are intended to ensure an adequate level of protection for Your personal data.

### [Changes to Our Privacy Policy](#)

It is our policy to post any changes we make to our privacy policy on this page. If we make material changes to how we treat our users' personal information, we will notify you through a notice on the Website home page or via email. The date the privacy policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our website and this privacy policy to check for any changes.