

Data Pay App Privacy Policy & Personal Data Processing Information

1. What is the scope of this Policy?

This Privacy Policy ("**Policy**") describes YND Consult GmbH's personal data processing operations by:

- defining the sources and types of personal data we collect;
- explaining how and why we collect and use your personal data;
- explaining when and why we will share your personal data with third parties (including data transfers to third countries);
- explaining the rights and options that you have when it comes to your personal data; and
- discussing other issues, such as server logs, cookies and analytics tools.

We want you to understand when this Policy applies to you and to the processing of your personal data. The Policy applies when you are:

- an **Application User**, meaning when you use the Coffee Loyalty App ("**Application**");
- a **Recipient of Marketing Activities**, meaning when you contact us or we contact you regarding our services or when you take part in promotions and contests organized by us
- a **Merchant Representative**, meaning when you use the Application on the merchant business side providing loyalty points, such as a café or restaurant (the **Merchant**);

Please note that you these roles are context-based and various combinations may occur, meaning that depending on the situation you can be, at the same time, our Application User as well as Recipient of Marketing Activities.

We process your personal data in accordance with the General Regulation on the Protection of Personal Data of the European Union (2016/679) ("**GDPR**") and other applicable provisions on the protection of personal data that complement and / or implement the GDPR.

2. Who is the personal data controller?

Within the meaning of the GDPR and other data protection laws, your personal data controller is:

Data controller	Data Protection Officer (DPO)
YND Consult GmbH Monbijouplatz 5 10178 Berlin Germany Web: https://ynd.co/ e-mail: dpo@ynd.co	Mr. Tomasz Gwara Monbijouplatz 5 10178 Berlin Germany e-mail: dpo@ynd.co

(„**We**”, „**us**”). In matters related to the processing of personal data, you can contact us by mail or at the above e-mail addresses.

3. What information do we collect?

If you are an **Application User**, we collect information obtained from you in connection with your activity in the Application:

- your contact information such as your first name, last name, telephone number (and verifying code);
- your location data (proximity to the nearest café where you can redeem your loyalty points);

- your transaction information (purchases with loyalty points provider, transaction fingerprint received from the payment terminal and associated QR code);
- your loyalty points status (number, acquisition and redemption history);
- information concerning received and redeemed rewards (ex. free coffee);
- information concerning payment methods linked to the Application (ex. credit cards);
- information about the device you use (i.e. brand, model, operating system, mobile device identifiers and others);
- Application usage data (including analytics and crash reports via Google Firebase app);
- IP address;
- information on your data protection requests and complaints (if any).

If you are the **Recipient of our Marketing Activities**, we collect information obtained from you during ongoing conversations and correspondence regarding the services we offer, as well as during contests and promotions. These are, in particular, data such as: name, surname, correspondence address, telephone number, e-mail address, information you shared via your social media account.

If you are a **Merchant Representative**, we collect information obtained from you during your Application usage. These include your sign-in information (email login, password, login history), as well as store and store device information, transaction information.

In order to protect your data from manipulation, loss and unauthorized access by third parties, for example, we use technical and organizational measures to ensure an appropriate level of protection of your personal data. We continuously review and improve our security measures in accordance with the current state of the art. In addition, the strictest privacy settings are preset when you log in for the first time, in accordance with the "data protection by default" principle.

4. What is the purpose and the basis on which we process your data?

If you're an **Application User**, we process your personal data:

- for the purpose of operating the loyalty Application (including operating the loyalty points scheme), based on your consent (Article 6.1(a) of the GDPR);
- in order to conclude and perform the contract (based on the Application Terms and Conditions) with you, including customer service operations (Article 6.1(b) of the GDPR);
- in order to comply with legal obligations to which we are subject (Article 6.1(c) of the GDPR), for example to store financial records such as invoices related to your Application rewards;
- in order to pursue our legitimate interests (Article 6.1(f) of the GDPR) related to maintaining our relationship, ongoing contact, marketing activities, as well as processing complaints, claiming payment and defending against your potential claims.

If you're a **Recipient of our Marketing Activities**, we process your personal data:

- based on your consent, as long as it is a valid and effective basis for data processing (Article 6.1(a) of the GDPR), for the purpose of marketing our services;
- in order to pursue our legitimate interests (Article 6.1(f) of the GDPR) related to conducting direct marketing.

If you're a **Merchant Representative**, we process your personal data in order to conclude and perform the contract with you, including customer service operations (Article 6.1(b) of the GDPR).

5. Who do we share your data with?

We provide your personal data to the Merchant operating the loyalty points scheme in which you are involved, only to the extent required by the Merchant to provide awards (the Merchant serves as our personal data processor). When it is necessary to achieve the purposes in which we process your data, we can also provide it to other entities that process personal data on our behalf (personal data processors), i.e. companies providing certain services to us, such as IT services providers, hosting or cloud application providers, software developers, advisors and consultants etc. We carefully select these subcontractors (data processors) in accordance with GDPR requirements to keep your data safe.

In any event, disclosure of your data will ensure that only the minimum information necessary to achieve the purpose of data processing is transferred.

6. How long do we store your data?

If you are an **Application User**, we store your personal data for the period of their usefulness, but no longer than until the revocation of your consent.

If you are a **Recipient of Marketing Activities**, we store your personal data for as long as it is useful for marketing purposes, but no longer than until the revocation of your consent (if it constitutes a valid and effective premise for data processing).

If you're a **Merchant Representative**, we store your data for the period of the performance of the contract concluded with you or the entity you represent. After this period, we will keep your data to the necessary extent for a period of time resulting from applicable legal requirements, rules on limitation of claims or the period necessary for the implementation of other purposes data processing indicated in this document.

7. Where is the data processed? Transfer of data to third countries (outside the EEA)

In principle, we process data in Germany, where our hosting services provider is located (AWS Frankfurt). Shall we decide to process data outside of the EEA, the two paragraphs below describe the legal basis of such operation.

Processing personal data in the United States of America is based on the participation of our service providers in the so-called Privacy Shield program (Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield (notified under document C(2016) 4176)). This applies to some of our IT service providers, whose plug-ins and tools we use. This is further clarified within this data privacy policy in the information about the plug-ins/tools used.

Processing personal data in third countries in the absence of an adequacy decision or Privacy Shield is based on providing appropriate safeguards, and on condition that enforceable data subject rights and effective legal remedies for data subjects are available, pursuant to Article 46.1 of the GDPR. Further to Article 46.1(c) of the GDPR, these appropriate safeguards are provided for in every case by the contracts we executed with our data processors that include standard data protection clauses adopted by the Commission in accordance with the examination procedure referred to in Article 93(2) of the GDPR. A copy of the standard data protection clauses mentioned above can be found here (EU Controller to Non-EU or EEA Processor): https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en

8. What rights do you have?

You can exercise your data subject rights by requesting the following from us:

- a. if we process your personal data based on your consent, you can withdraw your consent at any time; the withdrawal of consent does not affect the lawfulness of the processing we have made on its basis until its withdrawal;

- b. you can request access to your personal data and obtain a copy thereof (Article 15 of the GDPR);
- c. you can exercise your right to data portability. i.e. receive the personal data you have provided to us in a structured, common and machine-readable format, and have us transfer this data to another controller without hindrance, *provided* that the processing is based on consent or contract and the processing is carried out by automated means (Article 20 of the GDPR);
- d. you can request rectifying or completing your personal data if it is incorrect or incomplete (Article 16 of the GDPR);
- e. in connection with your special situation, you may object to the processing of your personal data if we process it by invoking our legitimate interest;
- f. in cases specified by law - e.g. if your data is out of date, unnecessary, unlawfully processed, and if you withdrew your consent to processing them (if consent was the basis for such processing) or successfully filed an objection to the processing of your personal data (Article 21 of the GDPR) - you can request erasure of your personal data (Article 17 of the GDPR);
- g. you can also request a restriction of data processing (Article 18 of the GDPR).

In order to exercise the above rights, please contact us by mail or e-mail at: dpo@ynd.co We may require proof of your identity before we implement your request. This serves to protect your data from manipulation or deletion by third parties.

In any case where you believe that the processing of your personal data violates the provisions of GDPR, you also have the right to lodge a complaint with the competent court or data protection supervisory authority in your country of residence.

9. Whether you need to provide us with your personal data and their source if they were not provided by you

Providing your personal data is voluntary in every case but remember that failing to provide them will prevent us from achieving the purposes for which the data are collected, in particular, it will prevent or significantly hinder contact with you or will prevent the conclusion of the agreement with you.

If you are the **Recipient of Marketing Activities** and you have not provided us with your personal data, they were collected by us from our marketing partners such as the Merchant.

10. Current version and changes to this Privacy Policy

This is version 1.0 of the Privacy Policy in effect from 1 June 2020.

We are constantly developing the Application platform to provide you with an ever-improving service. We will always keep this data protection regulations up to date and adapt them accordingly, if and as far as this should become necessary.