



Data Protection Declaration and Privacy Policy

I. Data Protection Declaration

Data protection is one of our top priorities. Because of that, we have systems in place to process your data in accordance with the General Data Protection Regulation (GDPR), other applicable statutory obligations, and our General Terms and Conditions. If you, as a Data Subject, would like to use some of our services, we may need to process your Personal Data. If that happens, and there is no statutory basis for that processing, we will first ask you for permission.

You can rest assured that the processing of your Personal Data, like your name, address, e-mail address, or telephone number will always be in line with the GDPR and with the laws of Germany. Under those laws, we have a duty to inform you of the nature, scope, and purpose of the Personal Data we may potentially collect, use, and process.

For your peace of mind, we have implemented numerous technical and organizational measures to give you the most complete protection of the Personal Data we process. But, internet-based data transmissions can sometimes have security gaps, so as hard as we try, we cannot always guarantee absolute protection. Therefore, you are free to transfer Personal Data to us by using alternative means. One option is encrypted email using a service called ProtonMail. If you let us know by regular email that you require additional security measures, we'll send you an encrypted email through ProtonMail. Your reply will, of course, also be encrypted. That is called end to end encryption and you can learn more about ProtonMail's end to end encryption here: <https://protonmail.com/security-details>. Another alternative option is providing data by telephone. You can call us at: +49 (0)30 23-62411 to give us any necessary data that you do not want to send us over the internet.

II. Privacy Policy

1. Definitions:

Our Privacy Policy is based on the terms used by the European legislator for the adoption of the General Data Protection Regulation (GDPR). The law requires that Privacy Policies be legible and understandable for the general public, consumers, and business partners. For that reason, our Data Protection Declaration and Privacy Policy, General Terms and Conditions, and all other legal documents are drafted in plain language. It is also why we begin each of our legal documents by explaining the terminology used throughout each and how our documents relate to each other.

Except where context clearly indicates otherwise, the capitalized words used throughout this document will have the meaning awarded below. Any capitalized words that are not defined in this Privacy Policy are defined in our Terms and Conditions and other legal documents, which means that if you can't find it here or in our other legal documents, that word has the regular meaning awarded by applicable law. It is our intention that our General Terms and Conditions and Data Protection Declaration and Privacy Policy be interpreted harmoniously and merged when so required.

1.1 Consent: is any freely given, specific, informed and unambiguous indication given by you of your wishes, by which you, either by a statement or by a clear affirmative action, let us know that you agree to the processing of Personal Data relating to you.

1.2 Controller or Controller Responsible for the Processing: is the natural or legal person, public authority, agency or other body which, alone or together with others, determines how and why Personal Data will be processed. In some cases, the how and the why of such processing are up to Union or Member State law. When that is the case, that same law may also determine who the Controller is or what specific criteria must be followed to appoint the Controller.

1.3 Data Subject: is any “identified or identifiable natural person” whose Personal Data is processed by the Controller Responsible for the Processing. If you’re wondering what we mean by “identified or identifiable natural person,” it’s simply someone who can be identified, directly or indirectly, by reference to an “identifier.” Identifiers are criteria like a person’s name, identification number, location data, online identifier or one or more factors specific to that person’s physical, physiological, genetic, mental, economic, cultural or social identity.

1.4 Personal Data: is any information relating to an identified or identifiable natural person (“you” or a “Data Subject”).

1.5 Processing: is any operation or set of operations that is performed on Personal Data or on sets of Personal Data, regardless of whether or not it is done by automated means. This can include collecting, recording, organizing, structuring, storing, adapting or altering, retrieving, consulting, using, disclosing by transmission, disseminating or otherwise making available, aligning or combining, restricting, erasing or destroying data.

1.6 Processor: is a natural or legal person, public authority, agency or other body that processes Personal Data on behalf of the Controller.

1.7 Profiling: is any form of automated processing of Personal Data that involves using Personal Data to evaluate certain personal aspects relating to a natural person. In particular, it may involve analyzing or predicting aspects concerning that natural person’s performance at work, or their economic situation, health, personal preferences, interests, reliability, behavior, location or movements.

1.8 Pseudonymization: is the processing of Personal Data in such a manner that it can no longer be attributed to a specific person without resorting to additional information, provided that such additional information is kept separately and is subject to technical and organizational measures to ensure that the Personal Data are not attributed to an identified or identifiable natural person.

1.9 Recipient: is a natural or legal person, public authority, agency or another body, to which the Personal Data are disclosed, whether they are a Third Party or not. However, public authorities who may receive Personal Data in the framework of a particular inquiry in accordance with Union or Member State law will not be regarded as recipients under the GDPR. The processing of those data by those public authorities will be in compliance with applicable data protection rules according to the purposes of the processing.

1.10 Restriction of Processing: means marking stored Personal Data with the aim of limiting their processing in the future.

1.11 Third Party: is a natural or legal person, public authority, agency or body other than the Data Subject, Controller, Processor and persons who, under the direct authority of the Controller or processor, are authorized to process Personal Data.

2. Collection of General Data and Information

Our website collects a series of general data and information when a Data Subject or automated system calls up the website. This general data and information are stored in the server log files. We may collect the following: (1) the browser types and versions used, (2) the operating system used by the accessing system, (3) the website from which an accessing system reaches our website (“referrers”), (4) the sub-websites, (5) the date and time (“timestamp”) of access to the internet site, (6) an internet protocol address (“IP address”), (7) the internet service provider (“ISP”) of the accessing system, and (8) any other similar data and information that may be used in the event of attacks on our information technology systems.

When using these general data and information, we **do not** draw any conclusions about you as the Data Subject. This information is only used for the following purposes: (1) to deliver the content of the website correctly, (2) to optimize the content of the website as well as its advertisement, (3) to ensure the long-term viability of the information technology systems and website technology, and (4) to provide law enforcement authorities with the information they may request from us when we are required to do so by applicable law. Therefore, we analyze anonymously collected data and information statistically, with the aim of increasing the data protection and data security of our enterprise, and to ensure an optimal level of protection for the Personal Data we process. The anonymous data of the server log files are stored separately from all Personal Data provided by a Data Subject.

3. Cookies

Our website uses Cookies. Cookies are text files that are stored in a computer system through an internet browser.

Many internet sites and servers use cookies. Many cookies contain a “cookie ID.” A cookie ID is a unique identifier of the cookie. It consists of a character string which internet pages and servers can assign to the specific internet browser in which the cookie was stored. This allows visited internet sites and servers to differentiate the individual browser of the subject from other internet browsers that contain other cookies. A specific internet browser can be recognized and identified using the unique cookie ID.

Through the use of cookies, we can provide you with more user-friendly services that would not be possible without the cookie setting.

You may, at any time, prevent the setting of cookies through our website by changing the setting of your internet browser. In fact, you may permanently deny the setting of cookies. In addition, already set cookies may be deleted at any time via an internet browser or other software programs. This is possible in all popular internet browsers. If you deactivate the setting of cookies in your internet browser, some of our website functions may not be entirely usable. If you wish to deactivate cookies on your internet browser and don’t know how to do that, we recommend that you visit your internet browser’s Help section for instructions.

4. Contact Form and email

Our website contains information that enables you to quickly contact us by an email address provided on the website and an opt-in Contact Form. If you, as a Data Subject, contact us by email or by way of our Contact Form, the Personal Data transmitted by you will be client-side encrypted and stored in a client-side encrypted cloud. Such Personal Data transmitted on a voluntary basis by you to us will be stored for the purpose of contacting you back, marketing to you if you opt-in to any of our marketing options, or rendering service to you if you retain any of our services. However, that Personal Data will be deleted after it is no longer needed or after any statutory retention periods under applicable law have expired.

In addition, Personal Data that you transmit to us will only be transferred to Third Parties, including Vendors, if (i) required for the performance of a Project for which you have retained our services or (ii) if so required by law. In the event that your Personal Data is transferred for the purpose of performing a Project for which you have retained our service, that transfer will be done as described in our General Terms and Conditions of Service. We strongly encourage you to read those General Terms and Conditions thoroughly if you intend to retain our service and provide Personal Data to us.

5. Routine Deletion and Blocking of Personal Data

We will process and store your Personal Data only for the period necessary to achieve the purpose of marketing or performance of a Project for which you have retained our service, or for as long as we are required to do so by law. Should you retain our service, we will store your Project files, and other important business documents for 6 years, unless you ask us to delete the files earlier. However, if you ask us to delete Project files before that period expires, you may no longer make any quality-related or similar claims because, once we delete the files per your request, we have no way of verifying the merits of your claim.

Personal Data will routinely be blocked or deleted in accordance with legal requirements as soon as it is no longer needed for the purposes described above or as soon as any statutory retention periods under applicable law expire.

6. Newsletter

We use Mailjet for marketing emails. Mailjet is, to the best of our knowledge, a GDPR certified company and we have a Data Protection Agreement in place with Mailjet for the purpose of protecting any of your Personal Data processed via Mailjet. Mailjet uses a double opt-in system to ensure your consent before emailing you for marketing purposes.

Double opt-in is when Data Subjects need to confirm their email address before being added to an email list and receive email communication from us. It is basically just the double confirmation of your subscription to our newsletter or any services that require your email details. This is done to ensure compliance with the GDPR. You will be able to easily opt-out of this service by clicking on the Unsubscribe option in any email you receive from us via Mailjet.

7. Google Services

We have integrated Google Analytics on our website. Google Analytics is a web analytics service. Web analytics is the collection, gathering, and analysis of data about the behavior of visitors to websites. A web analysis service collects, among other things, data about the website from which a person has come (the "referrer"), which sub-pages were visited, or how often and for how long a sub-page was viewed.

Web analytics are mainly used for the optimization of a website and in order to carry out a cost-benefit analysis of internet advertising. Google Analytics places a cookie on the information technology system of the Data Subject. The definition of cookies is explained above under Section 3 (Cookies).

In addition, you have a right to object to the collection of data that are generated by Google Analytics as well as to the processing of this data by Google and the chance to preclude any such collection. To do so, you'll need to download a browser add-on, which you can find at the following link: <https://tools.google.com/dlpage/gaoptout>. You will then need to install that add-on by following Google's instructions.

We also use G Suite to manage the data we process. G Suite is a Google service that has machine intelligence built into it to take care of everyday tasks, like automatically scheduling meetings and formatting slides. We will use G Suite mainly for deletion confirmation, automated deletion after a set time period, and audit reports. You can find information about G Suite and how it works at the following link: <https://gsuite.google.com/>

Google is, to the best of our knowledge, a GDPR compliant company. The operator of Google Analytics and G Suite is Google Inc., 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351, United States. Further information and the applicable data protection provisions of Google are available at: <https://www.google.com/intl/en/policies/privacy/>
<http://www.google.com/analytics/terms/us.html>
<https://www.google.com/analytics/>
<https://support.google.com/googlecloud/answer/6056650?hl=en>

8. Facebook

Facebook components (Facebook "plug-ins") have been integrated onto this website. Facebook is a social network. A social network is a place for social meetings on the internet. It is basically an online community, which usually allows users to communicate with each other and interact in a virtual space. A social network may serve as a platform for the exchange of opinions and experiences or to enable the internet community to provide personal or business-related information. Facebook allows social network users to include the creation of private profiles, upload photos, and network through friend requests.

The operating company of Facebook is Facebook, Inc., located at 1 Hacker Way, Menlo Park, CA 94025, United States. If a person lives outside of the United States or Canada, the controller is Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland.

You can see an overview of all Facebook Plug-ins at <https://developers.facebook.com/docs/plugins/>.

Facebook receives, through the Facebook component, information about your visit to our website whenever you are logged in at the same time on Facebook during the time of the call-up to our website. This occurs regardless of whether you click on the Facebook component or not. If you want to opt-out of the transmission of information to Facebook, you must log off from Facebook before calling up (or "accessing") our website.

Facebook's data protection guideline is available at <https://facebook.com/about/privacy/>
You may find different configuration options to prevent data transmission to Facebook, e.g. the Facebook blocker, through your browser.

9. Twitter

Twitter components (Twitter “plug-ins”) have been integrated onto this website. Twitter messages (or “tweets”) are available for everyone, including those who are not logged on to Twitter. Tweets are also displayed to “followers” of the respective user. Followers are other Twitter users who follow a user’s tweets. In addition, Twitter allows you to address a wide audience using hashtags, links or retweets. The operating company of Twitter is Twitter, Inc., 1355 Market Street, Suite 900, San Francisco, CA 94103, UNITED STATES.

If, while visiting our website, you are logged in at the same time on Twitter, Twitter detects (with every call-up to our website and throughout your whole visit) which specific sub-page of our website you visited. This information is collected through the Twitter component and associated with your respective Twitter account. If you click on one of the Twitter buttons integrated onto our website, then Twitter assigns this information to your personal Twitter user and stores the personal data.

Twitter receives information through the Twitter component on our website only if you are logged in on Twitter at the time of the call-up to our website. This occurs regardless of whether you click on the Twitter component or not. If you wish to opt-out of that transmission of information to Twitter, log off from your Twitter account before a call-up to our website is made.

You can see Twitter’s applicable data protection provisions at <https://twitter.com/privacy?lang=en>

10. LinkedIn

LinkedIn components (LinkedIn “plug-ins”) have been integrated onto this website. LinkedIn is a web-based social network that enables users with existing business contacts to connect and to make new business contacts. LinkedIn is currently the largest platform for business contacts and one of the most visited websites in the world.

The operating company of LinkedIn is LinkedIn Corporation, 2029 Stierlin Court Mountain View, CA 94043, UNITED STATES. For privacy matters outside of the UNITED STATES LinkedIn Ireland, Privacy Policy Issues, Wilton Plaza, Wilton Place, Dublin 2, Ireland, is responsible.

If, while visiting our website, you are logged in to LinkedIn at the same time, LinkedIn detects (with every call-up to our website and throughout your whole visit) which specific sub-page of our website you visited. This information is collected through the LinkedIn component and associated with your respective LinkedIn account. If you click on one of the LinkedIn buttons integrated on our website, then LinkedIn assigns this information to your personal LinkedIn user account and stores your personal data.

LinkedIn receives information through the LinkedIn component that you have visited our website only if you are logged in to LinkedIn at the time of the call-up to our website. This occurs regardless of whether you click on the LinkedIn button or not. If you wish to opt-out of that transmission of information to LinkedIn, log off from your LinkedIn account before a call-up to our website is made.

If you want to unsubscribe from e-mail messages, SMS messages and targeted ads, or if you want to manage your ad settings, visit <https://www.linkedin.com/psettings/guest-controls>. LinkedIn also uses affiliates such as Eire, Google Analytics, BlueKai, DoubleClick, Nielsen, Comscore, Eloqua, and LotameVisit. You can opt out of those cookies by visiting <https://www.linkedin.com/legal/cookie-policy>.

LinkedIn's privacy policy is available at <https://www.linkedin.com/legal/privacy-policy>. LinkedIn's Cookie Policy is available at <https://www.linkedin.com/legal/cookie-policy>.

11. Debitoor

Payments or invoices issued to you are collected using a service called Debitoor, which also helps us keep track of payments. Debitoor is to the best of our knowledge a GDPR compliant service and we have a Data Protection Agreement in place with them. You can find out more about how Debitoor works and their privacy policy at <https://debitoor.com/>.

12. Blog Comments

Third parties may subscribe to comments left on our blog posts. Commenters may subscribe to the comments following his or her comments on a particular blog post.

If you decide to opt-in to blog comments, you will receive an automatic confirmation e-mail. The option to subscribe to comments may be terminated at any time.

13. Legal Basis

The legal basis for processing operations for which we obtain consent for a specific processing purpose is Art. 6(1) lit. a GDPR. If the processing of Personal Data is necessary for the performance of a contract to which the you are party, as is the case, for example, when processing operations are necessary for the supply of goods or to provide any other service, the processing will be based on Article 6(1) lit. b GDPR. The same applies to such processing operations which are necessary for carrying out pre-contractual measures, for example in the case of inquiries concerning our products or services. If we are subject to a legal obligation by which processing of Personal Data is required, such as for the fulfillment of tax obligations, the processing is based on Art. 6(1) lit. c GDPR. Finally, processing operations could be based on Article 6(1) lit. f GDPR. This legal basis is used for processing operations which are not covered by any of the abovementioned legal grounds.

14. Legitimate Interests

Where the processing of Personal Data is based on Article 6(1) lit. f GDPR our legitimate interest is to carry out our business in favor of the well-being of our team.

15. Retention Period

The criteria used to determine the period of storage of Personal Data is the respective statutory retention period. After expiration of that period, the corresponding data is routinely deleted, as long as it is no longer necessary for the fulfillment of the contract or the initiation of a contract.

16. Miscellaneous

The provision of Personal Data is partly required by law (e.g. tax regulations) or can also result from contractual provisions (e.g. information on the contractual partner). Sometimes, to conclude a contract, you may need to provide us with Personal Data, which we may then subsequently have to process. For example, you are obligated to provide us with very specific Personal Data when we sign a contract with you or issue a Project Specification Sheet as defined in our General Terms and Conditions. If the Personal Data were not provided, the contract could not be concluded. Before you provide us with Personal Data, you may contact us to ask us about whether the provision of that Personal Data is required by law or contract or is necessary for the conclusion of the contract, or whether there is an obligation to provide the Personal Data, and the consequences of not providing the Personal Data (when applicable). We will also gladly clarify whether Personal Data will be shared with Vendors (as defined in

our General Terms and Conditions) and provide a copy of our Vendor Agreement and explain any and all measures taken to ensure that our Vendors meet the same Standard of Care that we do.

17. Contacting Fellingner Communications

If you have any questions regarding this Privacy Policy, please submit them by email to info@kristalfellinger.com. We will endeavor to reply to you within two (2) business days when possible.