

## **Privacy policy**

In this privacy policy, we inform you about our data processing activities in connection with our website [www.swat.io](http://www.swat.io) as well as the contact options offered on this website (point 2) and about our data processing activities in connection with submitting an application to us (point 3).

### **1. Controller and contact possibility**

Controller of the data processing activities is

Swat.io GmbH  
Schönbrunner Straße 213-215/3<sup>rd</sup> floor  
1120 Vienna

FN 348798p, Commercial Court Vienna

Our data protection officer is Gerald Goldgruber, MA.

For questions and concerns regarding data protection you can reach us at [privacy@swat.io](mailto:privacy@swat.io).

### **2. Users of our website**

#### ***a. Processing purposes and legal bases***

We process your personal data

- Based on your **consent** (§ 165 para 3 TKG 2021 and Art 6 para 1 lit a DSGVO)
  - for the analysis of user behavior and the improvement of our offers (for the use of cookies, see point 2.d)
  - for the (re-)identification of users for the purpose of playing out personalized advertising (for the use of cookies, see point 2.d)

- in order to take steps at your request prior to **entering into a contract** (Art 6 para 1 lit b DSGVO).
  - if you contact us via our contact forms, our chat system, by e-mail or by telephone in order to obtain information about our products
- on the basis of **legitimate interests** (Art 6 para 1 lit f DSGVO), namely
  - for the prevention of and defense against attacks on the technical infrastructure of our website;
  - for the prevention, detection and prevention of the misuse of our website;
  - for communicating with you via our contact form, provided that the communication does not serve the purpose of carrying out pre-contractual measures;

**b. Recipient**

In order to achieve these intended purposes, it may be necessary to disclose your personal data to third parties:

Recipient	Purpose	Legal basis for the transfer	Location / place of data processing	Basis for transfer to a third country
Amazon Web Services EMEA SARL	Website hosting	Overriding legitimate interests (Art 6 para 1 lit f GDPR): Use of professional IT infrastructure	EU (Germany)	No third country transfer
Hotjar Ltd	Analysis of user behavior on our website as well as offering a possibility for feedback by users	Consent (§ 165 para 3 TKG 2021, and Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	EU (Malta)	No third country transfer Explicit consent in the cookie banner (Art. 49 para 1 lit a GDPR)
Facebook Ireland Limited	(Re-)identification of users for the purpose of displaying personalized advertisements	Consent (§ 165 para 3 TKG 2021, and Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	EU (Ireland) and transfer to group companies (USA)	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current Standard contractual clauses (Art. 46 para. 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art. 49 para. 1 lit a GDPR)
LinkedIn Ireland Unlimited	Display of profile content on the website for advertising purposes, identification of	Consent (§ 165 para 3 TKG 2021, and Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	EU (Ireland) and transfer to group companies (USA)	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current

	users for the purpose of personalized advertising			Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art 49 para 1 lit a GDPR)
Twitter International Company	Display of profile content on the website for advertising purposes, identification of users for the purpose of personalized advertising	Consent (§ 165 para 3 TKG 2021, and Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	USA	Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art 49 para 1 lit a GDPR)
Pinterest Europe Ltd.	Display of content on the website for advertising purposes, identification of users for the purpose of displaying personalized advertisements	Consent (§ 165 para 3 TKG 2021, Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	EU (Ireland) and transfer to group companies (USA)	Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art 49 para 1 lit a GDPR)
Microsoft Ireland Operations Limited	Identification of users for the purpose of displaying personalized advertising	Consent (§ 165 para 3 TKG 2021, Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	EU (Ireland) and transfer to group companies (USA)	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art 49 para 1 lit a GDPR)
TwentyThree ApS	Tool for conducting Live Webinars	Legitimate interests (Art 6 para 1 lit f GDPR): use of professional IT-infrastructure	EU (Denmark)	No transfer to third countries
Varify GmbH	A/B testing of landing pages and landing page elements for user-oriented optimization of the website	Legitimate interests (Art 6 para 1 lit f GDPR): use of professional IT-infrastructure	EU (Germany)	No transfer to third countries
Dreamdata.io ApS	Tool for Optimization of Marketing and Sales performance	Legitimate interests (Art 6 para 1 lit f GDPR): use of professional IT-infrastructure	EU (Denmark)	No transfer to third countries

Cheq AI Technologies LTD	Prevention and defense against attacks on the technical infrastructure of our website; prevention, detection and prevention of misuse of our website	Overriding legitimate interests (Art 6 para 1 lit f GDPR): Use of professional IT infrastructure	Israel	Adequacy decision of 01/31/2011 (2011/61/EU)
HubSpot, Inc	(Re-)identification of users for the purpose of displaying personalized advertisements	Overriding legitimate interests (Art 6 para 1 lit f GDPR): Use of professional IT infrastructure	USA	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art 49 para 1 lit a GDPR)
Intercom Inc	Internal communication	Overriding legitimate interests (Art 6 para 1 lit f GDPR): Use of professional IT infrastructure	USA	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current Standard contractual clauses (Art. 46 para. 2 lit c GDPR) including supplementary measures
G2.com Inc.	Review and Rating of Software Platforms	Prevailing legitimate interests (Art 6 para 1 lit f GDPR): use of professional IT-infrastructure	USA	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current Standard data protection clauses (Art 46 para 2 (c) GDPR) together with supplementary measures
Google LLC	Analysis of user behavior on our website	Consent (§ 165 para 3 TKG 2021, and Art 6 para 1 lit a GDPR): Analysis of user behavior to improve our website	USA	Adequacy decision from 10 <sup>th</sup> of July 2023 including DPF-certification. Further apply the current Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures as well as explicit consent in the cookie banner (Art 49 para 1 lit a GDPR)

Arcade Software, Inc.	Offering interactive Demos of our software on our website and in the product	Overriding legitimate interests (Art 6 para 1 lit f GDPR): Use of professional IT infrastructure	USA	Standard data protection clauses (Art 46 para 2 (c) GDPR) together with supplementary measures
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In case of a legal obligation, we transmit personal data to public authorities and institutions (e.g., law enforcement agencies, courts).

### *c. Processing periode*

We store and process your personal data as long as this is necessary for the fulfillment of the purpose of processing.

Personal data in connection with the use of the contact form will be stored for a period of seven years for reasons of corporate law (212 of the Austrian Commercial Code). In individual cases, for example in the case of pending official or court proceedings, this storage period may also be longer than seven years. In the event of foreseeable legal disputes, your personal data may also be stored for longer, in any case until the expiry of the relevant limitation periods for legal claims.

### *d. Cookies*

When using our website, we set cookies to temporarily store certain information. Some cookies are (technically) necessary for the operation of our website and are set in any case. Other cookies are not absolutely necessary for the operation of the website, but serve, for example, to increase user-friendliness or to analyze user behavior.

Details about the individual cookies can be found via the link "Individual cookie settings" in our cookie banner.

## **3. Application at Swat.io**

### *a. Processing purposes and legal bases*

We process your personal data

- in order to take steps at your request prior to **entering into** a service contract (Art 6 para 1 lit b GDPR)
- on the basis of **legitimate interests** (Art 6 para 1 lit f GDPR), namely
  - the exercise of and defense against legal claims (in particular with regard to the Equal Treatment Act)
- on the basis of your **consent** (Art 6 para 1 lit a GDPR) to keep records of your application documents

### ***b. Recipient***

In order to achieve these intended purposes, it may be necessary to disclose your personal data to third parties:

Recipient	Purpose	Legal basis for the transfer	Location / place of data processing	Basis for transfer to a third country
NEW WORK SE and XING kununu Prescreen GmbH	Use of the applicant Management Software in connection with the implementation of the application process	Overriding legitimate interests (Art. 6 para.1 lit f GDPR): initiation of a contractual relationship, use of professional IT infrastructure	EU (Germany)	No third country transfer
Personio SE & Co. KG	Use of the applicant Management Software in connection with the implementation of the application process	Overriding legitimate interests (Art. 6 para.1 lit f GDPR): initiation of a contractual relationship, use of professional IT infrastructure	EU (Germany)	No third country transfer
Amazon Web Services EMEA SARL	Hosting of the applicant management system	Overriding legitimate interests (Art 6 para 1 lit f GDPR): Use of professional IT infrastructure	EU (Germany)	No third country transfer

In the event of a legal obligation, we transmit personal data to public bodies and institutions (e.g., law enforcement agencies, courts).

### ***c. Processing periode***

In the event that your application is rejected, we will store your application documents for a period of seven months from the date of notification of rejection (§§ 15 para 1, 29 para 1 Austrian Equal Treatment Act (*Gleichbehandlungsgesetz*) plus one month).

If you give us consent to keep a record of your application documents, we will store them for the processing period covered by the consent or at the latest until you revoke your consent.

#### **4. Rights of data subjects**

As a data subject, you are entitled to the rights described below. If we have reasonable doubt about the identity of your person in the context of exercising one of the data subject rights, we may request additional information from you that is necessary to confirm the identity of your person.

For those rights that are asserted by means of a request, we have one month to comply with it.

##### *Right to information according to Art. 15 GDPR*

You have the right to request information about the personal data we process concerning you at any time. The right to information also includes the right to receive a copy of the data, provided that this does not affect the rights and freedoms of other persons. For the creation of such a data copy, we may charge you a reasonable fee based on the administrative costs.

##### *Right to rectification according to Art. 16 GDPR*

You have the right to request that inaccurate data concerning you be corrected or completed.

##### *Right to deletion according to Art. 17 GDPR*

In principle, you have the right to request the deletion of data concerning you. However, this right of deletion does not exist if the processing is necessary

- for the right to freedom of expression and information; or
- for compliance with a legal obligation which requires processing under Union or Member State law to which the controller is subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; or
- for reasons of public interest in the field of public health; or
- for archiving, scientific or historical research purposes in the public interest, or for statistical purposes, where erasure is likely to make impossible, or at least seriously jeopardize, the achievement of the purposes underlying the processing; or
- for the assertion, exercise or defense of legal claims.

### *Right to restriction of processing according to Art. 18 GDPR*

You have the right to request the restriction of processing, provided that at least one of the following conditions is met:

- the accuracy of the personal data is contested by you for a period enabling the controller to verify the accuracy of the personal data; or
- the processing is unlawful and you object to the erasure of the personal data and request instead the restriction of the use of the personal data; or
- the controller no longer needs the personal data for the purposes of the processing, but you need it for the assertion, exercise or defense of legal claims; or
- after having filed an objection pursuant to Art 21 (1) GDPR, as long as it has not yet been determined whether the legitimate grounds of the controller outweigh your interests.

If you have exercised your right to restrict processing, we may process this personal data - with the exception of the storage of such data - only with your consent or for the assertion, exercise or defense of legal claims or for the protection of the rights of another natural or legal person or for reasons of an important public interest of the Union or a Member State.

### *Right of objection according to Art. 21 GDPR*

You have the right to object to processing that is carried out on the basis of an overriding legitimate interest on our part or on the part of a third party (pursuant to Art. 6 para. 1 lit f GDPR). In the event of an objection, we will no longer process your data unless the processing serves the assertion, exercise or defense of legal claims or we demonstrate compelling legitimate grounds for the processing that override your interests.

An objection to the processing of personal data for direct marketing purposes is possible at any time and will result in us no longer being allowed to process your data for this purpose in any case.

### *Right to data portability according to Art. 20 GDPR*

In principle, you also have the right to receive the transfer of the data you have provided in a structured, common and machine-readable format and to transfer this data to another controller. However, the right to data portability only exists if the processing is based on your consent or on a contract and the processing is carried out with the help of automated processes.



*Right to complain according to Art. 77 GDPR*

If you believe that the processing of your data is unlawful and in breach GDPR, you have the right to file a complaint with the competent data protection authority. The jurisdiction depends on your place of residence or place of work.

You can reach the Austrian data protection authority at

Austrian Data Protection Authority

Barichgasse 40-42

1030 Vienna

[dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)