

# Privacy Policy

In this privacy policy we would like to inform you about the processing of personal data of clients of our Social Media Management Software (hereinafter the “Platform”).

## 1. Controller and Contact

Data processing activity’s controller is

Swat.io GmbH  
Schönbrunner Straße 213-215/3.OG  
1120 Vienna  
Austria

FN 348798p, Commercial Court Vienna (*Handelsgericht Wien*)

Our designated data protection officer is Gerald Goldgruber, MA.

For questions and concerns regarding privacy, please contact us at [privacy@swat.io](mailto:privacy@swat.io).

## 2. Purposes and legal basis for data processing

We process your personal data

- in order to take **steps at your request prior to entering into a contract** (Art 6 para 1 (b) GDPR), namely
  - if you contact us in order to initiate a contractual relationship (e.g. preparation of an offer).
  
- in order to **perform a contract** (Art 6 para 1 (b) GDPR), namely of the user agreement concluded between you and us. This includes
  - the operation and provision of our Platform;
  - the provision of service and support services in connection with our Platform; as well as
  - proper billing and invoicing.
  
- in order to **comply with legal obligations** to which we are subject to (Art 6 para 1 (c) GDPR), namely
  - keeping proper accounting records;
  - the fulfillment of legal retention obligations (e.g. for accounting reasons); as well as
  - the fulfillment of official and/or judicial requests (z.B. surrender of data to law enforcement agencies).

- based on our **legitimate interests** (Art 6 para 1 (f) GDPR), namely
  - prevention, detection and defense of abusive use of our Platform;
  - detection and fixing of software bugs on our Platform;
  - collecting and processing client feedback;
  - cross-team collaboration of the controller's employees;
  - development, design and improvement of our products; and
  - analysis of user behavior as well as improvement of our offers on our Platform.

### 3. Recipients of personal data

In order to fulfill these above listed purposes, it may be necessary to disclose your personal data to following third parties:

Recipient	Purpose	Legal basis for transfer	Location of data processing	Legal basis for transfer to a third country
Amazon Web Services EMEA SARL	Hosting of our IT-systems	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	EU (Luxembourg)	No transfer to third countries
tecRacer GmbH & Co. KG,	Hosting of Managed Services (Hosting management of Amazon Web Services)	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	EU (Germany)	No transfer to third countries
Aircall SAS	Communication via telephone for internal collaboration	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	EU (France)	No transfer to third countries
	Communication via telephone with our clients	Steps at your request prior to entering into a contract (Art 6 para 1 (b) GDPR)		
SatisMeter s.r.o.	Collecting and managing client feedback	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	EU (Czech Republic)	No transfer to third countries
stereosense GmbH ("involve.me")	Collecting and managing of client surveys for quality improvement	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	EU (Austria)	No transfer to third countries
Mag. Alexandra Ludvik	Tax consulting services	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional consulting services in connection with tax and fiscal issues	EU (Austria)	No transfer to third countries

KWR Karasek Wietrzyk Rechtsanwälte GmbH	Attorneys at law	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional consulting services in connection with legal issues	EU (Austria)	No transfer to third countries
TwentyThree ApS	Tool for conducting Live Webinars	Steps at your request prior to entering into a contract (Art 6 para 1 (b) GDPR)	EU (Denmark)	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
Sentry.io	Error analysis for troubleshooting and improvement of service quality	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	USA (Location of data storage: EU)	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 Cloud EMEA Limited	Office-Tools, Tools for collaboration („Collaboration Tools“) and use of an e-Mail platform	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	USA (Location of data storage: EU)	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
HubSpot, Inc.	Organization, Management, Design and Administration of Marketing activities	Steps at your request prior to entering into a contract (Art 6 para 1 (b) GDPR)	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
		Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure		
CHARGE BEE INC.	Accounting, receivables management and billing	To perform a contract (Art 6 para 1 (b) GDPR) for proper billing and invoicing	USA (location of data storage EU [Germany])	Standard data protection clauses (Art 46 para 2 (c) GDPR) together with supplementary measures
Active Campaign LLC (formerly Wildbit LLC)	Automatic invoicing	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

ProductBoard, Inc.	Organization of product development and product design	Prevailing legitimate interests (Art 6 para 1 (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
Intercom R&D Unlimited Company	Communication with our clients	To perform a contract (Art 6 para 1 (b) GDPR) for the provision of service and support services in connection with our Platform	USA (registered office in EU [Ireland])	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
	Communication for internal collaboration	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure		
G2.com Inc.	Review and Rating of Software Platforms	Prevailing legitimate interests (Art 6 para 1 (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
BUILDSCALE INC. OPERATING (Vidyad)	Providing Training videos	Steps at your request prior to entering into a contract (Art 6 para 1 (b) GDPR)	USA (registered office in Canada)	Standard data protection clauses (Art 46 para 2 (c) GDPR) together with supplementary measures
Stripe Payments Europe Ltd.	Online Payment Provider	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	USA (registered office in EU [Ireland])	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
PayPal (Europe) S.à r.l. et Cie, S.C.A	Online Payment Provider	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	USA (registered office in EU [Luxembourg])	Standard data protection clauses (Art 46 para 2 (c) GDPR) together with supplementary measures
Arcade Software, Inc.	Offering interactive Demos of our software on our website and in the product	Prevailing legitimate interests (Art 6 para 1 (f) GDPR): use of professional IT-infrastructure	USA	Standard data protection clauses (Art 46 para 2 (c) GDPR) together with supplementary measures

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

#### **4. Processing period**

We store and process your personal data only as long as this is necessary for the fulfillment of the respective processing purpose. We process the personal data necessary for the performance of the contract in any case for the duration of the business relationship and beyond in accordance with the statutory retention and documentation obligations. These are seven years for business correspondence and other business letters (§ 212 UGB). In individual cases, for example in the case of pending official or court proceedings, this storage period may also be longer than seven years, provided that this is of significance for the responsible party as an entrepreneur (§ 212 (1) last sentence UGB). 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.

#### **5. Rights of the data subject**

As a data subject, you have 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, the time limit to comply with these requests is one month by law.

##### *Right of access – Art 15 GDPR*

You have the right to obtain information about the personal data we process concerning you at any time. The right to obtain 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 – Art 16 GDPR*

You have the right to obtain the rectification of inaccurate personal data concerning yourself and to have incomplete personal data completed.

### *Right to erasure – Art 17 GDPR*

You have the right to obtain the erasure of personal data concerning you. However, this right to erasure does not apply to the extent that processing is necessary

- for exercising the right of freedom of expression and information; or
- for compliance with a legal obligation which requires processing by 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 area of public health; or
- for archiving purposes in public interest, scientific or historical research purposes, or statistical purposes, where erasure is likely to make impossible, or at least seriously impair, the achievement of the purposes underlying the processing; or
- for the establishment, exercise or defense of legal claims.

### *Right to restriction of processing – Art 18 GDPR*

You have the right to obtain the restriction of processing where at least one of the following applies:

- 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 oppose the erasure of the personal data and request the restriction of their use instead;
- the controller no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defense of legal claims;
- you have objected to processing pursuant to Art 21 para pending the verification whether the legitimate grounds of the controller override yours.

If you have exercised your right to restriction of processing, we may process this personal data - with the exception of the storage of such data - only with your consent or for the establishment, 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 to object – 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 (f) GDPR). In the event of an objection, we will no longer process your data unless the processing serves the establishment, 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 – Art 20 GDPR*

In principle, you also have the right to receive the data 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 lodge a complaint with a supervisory authority – Art 77 GDPR*

If you believe that the processing of your data is unlawful and in breach of the GDPR, you have the right to lodge 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 supervisory authority:

Österreichische Datenschutzbehörde  
Barichgasse 40-42  
1030 Vienna, Austria  
[dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)