

Privacy policy

Status: December 12, 2023

In this privacy policy we inform you about data processing in connection with our website www.kickscale.com and the contact options offered on this website (point 2) as well as those in connection with an application to us (point 3).

1. Responsible person and contact details

The controller of the data processing is

Kickscale GmbH
Stella-Klein-Löw-Weg 8
1020 Vienna
("kickscale" or "we")

FN 535151 m, Commercial Court of Vienna

Our data protection officer is Fabian Riedlsperger, BSc.

If you have any questions or concerns about data protection, you can contact us and our data protection officer at privacy@kickscale.com.

2. Personal data

Personal data is information that relates to an identified or identifiable natural person (so-called "data subject"). Examples include name, address, e-mail address, telephone number, date of birth, age, gender or national insurance number - in the area of insurance brokerage, in particular also customer, policy and claim numbers. There are also special categories of personal data (so-called "sensitive data"). The GDPR defines this as health data or data in connection with criminal proceedings, for example. Personal data is only collected if you provide it yourself. If you do not wish to disclose any personal data to kickscale, we cannot establish a business relationship with you or respond to enquiries.

Data processing based on visits to the website and fan pages:

Personal data that we process when you use the website are

- IP address

- Tracking codes

Data processing when contacting us:

If you contact kickscale via e-mail, telephone, the website or otherwise (e.g. via fan pages), the data necessary to answer your enquiry will be processed (legal basis: Art 6 para 1 a), b) and f) GDPR). This includes in particular

Personal identification data:

- First name and surname
- Applicant data and related data disclosed by you, if applicable
- Other personal data provided by you

Contact information:

- E-mail address and telephone number
- Other contact information you have provided

3. Users of our website

a. Processing purposes and legal bases

We process your personal data

- on the basis of your **consent** (Section 165 (3) TKG 2021 and Art 6 (1) (a) GDPR)
 - to analyse user behaviour and improve our services (for the use of cookies, see point 2.d)
- for the (re-)identification of users for the purpose of displaying personalised advertising (for the use of cookies, see point 2.d) for the **implementation of pre-contractual measures** taken at your request (Art 6 para 1 lit b GDPR)
 - if you contact us via our contact forms, our chat system, by e-mail or by telephone to enquire about our products
- on the basis of **legitimate interests** (Art 6 para 1 lit f GDPR), namely
 - the prevention of and defence against attacks on the technical infrastructure of our website;
 - preventing, recognising and preventing the misuse of our website;

- communication with you via our contact form, unless the communication is necessary for the performance of pre-contractual measures;

b. Recipients

In order to achieve these intended purposes, it may be necessary to disclose your personal data to third parties. The potential recipient of your personal data may be located outside the European Union or process your personal data there. The level of data protection in other countries may not be the same as in Austria. However, we only transfer your personal data to countries that have an adequate level of data protection according to the EU Commission. Alternatively, we take measures to ensure that all recipients have an adequate level of data protection, such as the conclusion of agreements within the meaning of the standard contractual clauses (Implementing Decision (EU) 2021/914). We transfer personal data to the following third parties as processors

Receiver	Purpose	Legal basis of the Transmission	Registered office / place of data processing	Basis for Transfer to a third country
Wix.com Ltd.	Hosting of the Website	legitimate interests (Art 6 para. 1 lit f GDPR): professional IT Infrastructure	EU (Ireland)	No third country Transmission
Facebook Ireland Limited	(Again Identification of users for the purpose of Display of personal data Advertising	Consent (§ 165 para. 3 TKG 2021, Art 6 para. 1 lit a GDPR): Analysis of user behaviour to improve our website Web presence	EU (Ireland) and transfer to Group companies (USA)	Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures and express consent in the cookie banner (Art 49 para 1 lit a GDPR)
LinkedIn Ireland Unlimited	Display from profile content on the website for advertising purposes, Identification of users for the purpose of Display of personal data Advertising	Consent (§ 165 para. 3 TKG 2021, Art 6 para. 1 lit f GDPR): Analysis of user behaviour to improve our website Web presence	EU (Ireland) and transmission to Group companies (USA)	Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures and express consent in the cookie banner (Art 49 para 1 lit a GDPR)

HubSpot, Inc	(Again))Identification from users to Purpose of the Display of personal data Advertising	legitimate interests (Art 6 para. 1 lit f GDPR): professional IT Infrastructure	USA	Standard contractual clauses (Art 46 para 2 lit c DSGVO) including supplementary measures as well as explicit Consent to cookie measures
G2.com Inc.	Review and Valuation of Software platforms	legitimate interests (Art 6 para. 1 lit f GDPR): professional IT Infrastructure	USA	Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures
Google LLC	Analysis of the User behaviour on our Website	Consent (§ 165 para. 3 TKG 2021, Art 6 para. 1 lit a GDPR): Analysis of user behaviour to improve our Web presence	USA	Standard contractual clauses (Art 46 para 2 lit c GDPR) including supplementary measures and express consent in the cookie banner (Art 49 para 1 lit a GDPR)

If there is a legal obligation, we transfer personal data to public bodies and institutions (e.g. law enforcement authorities, courts).

c. Processing time

We store and process your personal data for as long as this is necessary to fulfil the purpose of processing or for as long as the consent is valid and for as long as the legitimate interest exists. The following also applies to personal data in connection with business relationships the retention obligation under company law of seven years (Sec 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. 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 you use our website, we use cookies to temporarily store certain information. Some cookies are (technically) necessary for the operation of our website and are set in any case (legitimate interest). Other cookies are not absolutely necessary for the operation of the website, but are used, for example, to increase user-friendliness or to analyse user behaviour.

You can find details on the individual cookies via the "Individual cookie settings" link in our cookie banner.

4. Application to Kickscale

a. Processing purposes and legal bases

We process your personal data

- for the implementation of pre-contractual measures or the conclusion of 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 and defence of 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 your application documents on file

b. Recipient

In order to achieve these intended purposes, it may be necessary to disclose your personal data to third parties. The potential recipient of your personal data may be located outside the European Union or process your personal data there. The level of data protection in other countries may not be the same as in Austria. However, we only transfer your personal data to countries that have an adequate level of data protection according to the EU Commission. Alternatively, we take measures to ensure that all recipients have an adequate level of data protection, such as the conclusion of agreements within the meaning of the standard contractual clauses (Implementing Decision (EU) 2021/914). We transfer personal data to the following third parties as processors

Receiver	Purpose	Legal basis	Registered office / place of data processing	Basis for transmission in a third country
Google Cloud Europe	Hosting of the Applicant management systems	legitimate interests (Art 6 para. 1 lit f GDPR); professional IT Infrastructure	EU	No Third country transfer
HubSpot, Inc	(Again) Identification of applicants for Purpose of the Display of personal data Advertising	legitimate interests (Art 6 para. 1 lit f GDPR); professional IT Infrastructure	USA	Standard contractual clauses (Art 46 para 2 lit c DSGVO) including supplementary measures as well as explicit Consent to cookie measures

If there is a legal obligation, we transfer personal data to public bodies and institutions (e.g. law enforcement authorities, courts).

c. Processing time

If 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 Equal Treatment Act + one month).

If you give us your consent to keep your application documents on file, we will store them for the processing period covered by the consent or at the latest until you withdraw your consent.

5. Automated decision making

kickscale does not use automated decision-making in accordance with Art. 22 GDPR.

6. Rights of data subjects

As a data subject, you are entitled to the rights described below. If we have reasonable doubts 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 your identity.

In the case of rights that are asserted by means of a request, we have one month to fulfil this request.

Right to information pursuant to Art. 15 GDPR

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

Right to rectification pursuant to Art. 16 GDPR

You have the right to request the correction or completion of incorrect data concerning you.

Right to erasure pursuant to Art. 17 GDPR

In principle, you have the right to demand the erasure of data concerning you. However, this right to erasure does not exist if the processing

- for the right to 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 the public interest, scientific or historical research purposes or statistical purposes in so far as the erasure is likely to render impossible or at least seriously impair the achievement of the objectives of that processing; or
- is necessary for the establishment, exercise or defence of legal claims.

Right to restriction of processing pursuant to Art. 18 GDPR

You have the right to request the restriction of processing if 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 oppose the erasure of the personal data and request the restriction of their use instead; or
- 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 defence of legal claims; or
- after an objection has been lodged in accordance with Art. 21 para. 1 GDPR, as long as it has not yet been determined whether the legitimate reasons of the controller outweigh your interests.

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

Right to object pursuant to Art. 21 GDPR

You have the right to object to processing that is based on an overriding legitimate interest on our part or on the part of a third party (pursuant to Art. 6 (1) (f))

GDPR). In the event of an objection, we will no longer process your data unless the processing serves the establishment, exercise or defence of legal claims or we can demonstrate compelling legitimate grounds for the processing which override your interests.

An objection to the processing of personal data for direct marketing purposes is possible at any time and means that we may no longer process your data for this purpose.

Right to data portability pursuant to Art. 20 GDPR

In principle, you also have the right to receive the data you have provided to us in a structured, commonly used and machine-readable format and to transmit 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 using automated procedures.

Right to lodge a complaint pursuant to Art. 77 GDPR

If you believe that your data has been processed unlawfully 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 work.

You can reach the Austrian data protection authority at

Austrian Data Protection Authority
Barichgasse 40-42
1030 Vienna dsb@dsb.gv.at

7. Changes to the privacy policy

We reserve the right to amend this privacy policy if necessary, for example due to technical developments or legal changes, or to update it in connection with the offer of new services or products. The updated privacy policy will be made available to you.