

Privacy policy

Status: May 15, 2024

In this privacy policy, we inform you about the processing of personal data of our customers of our sales enablement platform (hereinafter referred to as the "platform").

1. Person responsible 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 answer any enquiries.

In order to be able to provide our services to customers, it is necessary for kickscale to process personal data that you provide to us, as well as data that arises in the course of contract fulfilment. This includes the following categories of data:

- Personal identification data: First and last name, company name, user IDs, profile URLs, profile pictures, website URLs, ratings on social media platforms, comments.

- Contact information: E-mail addresses, address data, telephone numbers
- Financial data: Bank account information, credit card numbers and other financial details such as VAT identification number (UID)
- Audio and video recording of virtual conversations and meetings, including the content of these conversations to be able to provide corresponding analyses and evaluations

3. Processing purposes and legal bases

We process your personal data

- for **taking steps at your request prior to entering into a contract** (Article 6(1)(b) GDPR)
 - if you contact us to initiate a contractual relationship (e.g. preparation of an offer).
- for the **fulfilment of a contract** (Art 6 para 1 lit b GDPR), namely the user contract 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; and
 - Proper accounting and billing.
- for the fulfilment **of legal obligations** (Art 6 para 1 lit c GDPR), namely
 - the maintenance of proper accounting;
 - the fulfilment of statutory retention obligations (e.g. for accounting reasons); and
 - the fulfilment of official and/or judicial requests (e.g. handing over data to a third party)
 - law enforcement authorities).
- on the basis of **legitimate interests** (Art 6 para 1 lit f GDPR), namely
 - Preventing, recognising and preventing the misuse of our platform;
 - the detection and correction of software errors on our platform;
 - the collection and processing of customer feedback;
 - the cross-team collaboration between the employees of the person responsible;
 - product development, design and improvement; and
 - the analysis of user behaviour and the improvement of our offers within the framework of our platform.

4. Recipients of personal data

In order to achieve these intended purposes, it may be necessary to disclose your personal data to third parties. The potential recipients 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 Transmission to a Third country
Google Cloud EMEA Limited	Hosting your own IT systems Backend and storage of recordings Database and authentication of users via Firecase	legitimate interests (Art 6 para 1 lit f GDPR): professional IT Infrastructure	USA (data storage: EU)	Standard contractual clauses (Art 46 para 2 lit c GDPR) together with complementary measures
Google Cloud EMEA Limited	Office tools, collaboration tools ("Collaboration Tools") and utilisation of an e-mail Platform	legitimate interests (Art 6 para 1 lit f GDPR): professional IT Infrastructure	USA (Data storage: EU)	Standard contractual clause n (Art 46 para 2 lit c GDPR) together with complementary measures
Halbwachs Schmitt & Partner Steuerberatung GmbH	Tax consultant	legitimate interests (Art 6 para 1 lit f GDPR): professional advice in connection with tax and duty law issues	EU (Austria)	No Third country transfer
AKELA RechtsanwältInnen GmbH	Lawyers	legitimate interests (Art 6 para 1 lit f GDPR): professional advice in the Connection with legal topics	EU (Austria)	No Third country transfer

HubSpot, Inc.	Organisation, Administration, Design and Administration of Marketing activities	for the performance of (pre-)contractual measures (Art. 6 (1) (b) GDPR) and on the basis of legitimate interests (Art. 6 (1) (f) GDPR): professional IT Infrastructure	USA	Standard Contractual Clause n (Art 46 para 2 lit c GDPR) together with complementary measures
Slack, Inc.	Communication for co-operation with Customers Communication for collaboration internal	for the fulfilment of a contract (Art 6 para 1 lit b GDPR) for the provision of service and support services in connection with of our platform; legitimate interests (Art 6 para 1 lit f GDPR): Utilisation professional IT Infrastructure	USA	Standard Contractual Clause n (Art 46 para 2 lit c GDPR) together with complementary 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 Clause n (Art 46 para 2 lit c GDPR) together with complementary measures
Stripe Payments Europe Ltd.	Online Payment Provider	legitimate interests (Art 6 para 1 lit f GDPR): professional IT Infrastructure	USA (headquarters in Ireland)	Standard contractual clause n (Art 46 para 2 lit c GDPR) together with complementary measures
LogRocket, Inc.	Analysis of the user behaviour for Quality improvement & product optimisation	legitimate interests (Art 6 para 1 lit f GDPR): professional IT Infrastructure	USA	Standard contractual clause n (Art 46 para 2 lit c GDPR) together with complementary measures
Microsoft, Inc. (Clarity Service)	Analysis of the user behaviour for Quality improvement & product optimisation	legitimate interests (Art 6 para 1 lit f GDPR): professional IT Infrastructure	USA	Standard contractual clause n (Art 46 para 2 lit c GDPR) together with complementary measures
Hyperdoc Inc / Recall AI	Recording of online meetings	for the implementation of (pre-)contractual measures (Art para lit b GDPR)	USA	Standard contractual clause n (Art 46 para 2 lit c GDPR) including supplementary measures

AssemblyAI	Transcription of sales calls	for the implementation of (pre-)contractual measures (Art para lit b GDPR)	USA	Standard contractual clause n (Art 46 para 2 lit c GDPR) including supplementary measures
OpenAI LLC	Processing the transcripts	for the implementation of (pre-)contractual measures (Art para lit b GDPR)	USA	Standard contractual clause n (Art 46 para 2 lit c GDPR) including supplementary measures
Microsoft Ireland Operations, Ltd.	Processing the transcripts	for the implementation of (pre-)contractual measures (Art para lit b GDPR)	EU (Ireland)	No Third country transfer
Mailgun Technologies Inc	Marketing activities and product release notes	for the performance of (pre-)contractual measures (Art. 6 (1) (b) GDPR) and on the basis of legitimate interests (Art. 6 (1) (f) GDPR): Utilisation professional IT Infrastructure	USA	Standard contractual clause n (Art 46 para 2 lit c GDPR) including supplementary measures
Apideck bv	Integration for other platforms (especially CRM systems)	for the implementation of (pre-)contractual measures (Art para lit b GDPR)	EU (Belgium)	No Third country transfer

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

5. Automated decision-making pursuant to Art 22 GDPR

kickscale does not use automated decision-making pursuant to Art. 22 GDPR.

6. Processing time

We store and process your personal data for as long as this is necessary to fulfil the purpose of processing. We process the personal data required for the fulfilment of the contract 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 (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 if this is of importance to the controller as an entrepreneur (Sec 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.

7. 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 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

8. 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.