



## Data Protection & Privacy Policy

This Privacy Policy applies to the processing of data by the

CellmatiQ GmbH (in the following „CellmatiQ“)  
Represented by the managing director Nicolas Hantzsch

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As the operator of our websites and applications (hereinafter also referred to as "Services"), we take the protection of your personal data seriously and comply with applicable data protection laws. With this privacy policy, we comply with our information requirements from Art. 12 et seq. of the General Data Protection Regulation (hereinafter referred to as "GDPR") and give you an overview of how we handle your personal data (hereinafter referred to as "Data"). Data are collected by us only to the extent technically necessary. In no case will your data be sold by us or passed on to third parties for unjustified reasons.

### §1 Definition of Terms

Controller	... is in accordance with Art. 4 No. 7 GDPR the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
Processor	... is in accordance with Art. 4 No. 8 GDPR a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.



Personal Data	... are in accordance with Art. 4 No. 1 GDPR any information relating to an identified or identifiable natural person ('data subject').
Processing	... is in accordance with Art. 4 No. 2 GDPR any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
Data Subject	... is in accordance with Art. 4 No. 1 GDPR the natural person to which personal data can be directly or indirectly related.
Special Categories of Personal Data	... are in accordance with Art. 9 No. 1 GDPR in particular also health data of the data subject.

## §2 Data Collection and Storage; Nature and Purpose of their Processing

### §2.1 When using our Websites

#### a) Usage of Log-Files

When calling our websites via the browser (e.g., Chrome, Firefox, Safari, etc.) of the device you are using (e.g., desktop computer, smartphone.), the browser automatically sends certain data to the server of the website and stores those there temporarily, i.e. for a limited time, in a so-called log-file. In particular, transmitted data are

- the IP address of the device,
- the date and time of your access,
- the name and URL of the requested data, respectively of the visited website,
- the website, from which the request was initiated (so called Referrer-URL),
- the browser type and version you are using, and
- potentially the operating system identification of the device you are using.



This is necessary to ensure a smooth connection to the website, as well as a user-friendly usage, and to evaluate the system's security and stability.

The legality of this data processing is based on Art. 6 (1) (f) GDPR. The "legitimate interest" required for this purpose follows from the aforementioned purposes. In no case, however, will collected data be used to draw conclusions about your person.

## b) Usage of Cookies

On our websites we are currently not using so-called cookies. Cookies are small text files that are automatically stored by your browser on your particular device. Cookies do not contain viruses, trojans, or other malicious software and therefore cannot cause damage to your device. Should we use cookies at a later date, the following applies:

*Most of the cookies we use are so-called "session cookies". These allow us to recognize that you have already visited specific pages of the website you are visiting. These cookies will be automatically deleted after your visit. Other cookies are stored on your device. These are either deleted automatically after a specified (but not determinable by us) period or you have to delete them yourself*

*Cookies are automatically accepted by most browsers. If you do not wish to save them, you can restrict or disable this feature in the settings of your browser. Please note, however, that disabling cookies completely may affect the functionality of our websites.*

*The legality of this data processing is based on Art. 6 (1) (f) GDPR. The "legitimate interest" required for this follows from our desire to adapt and optimize our online services in the best possible way to your needs. In any case, the data collected will never be used to draw conclusions about you.*

## §2.2 When using our Applications

### a) Usage of Log-Files

When using our applications and associated services, certain data are automatically sent to the platform of the respective application and logged there in a so-called log file. Among other data, the following will be transmitted

- conduct of the registration process,
- login to a user account,
- logout from a user account,
- execution of services within the respective application, as well as



- other application-specific activities.

This is necessary to ensure user-friendly usage of our applications and services, and to evaluate overall system security and stability.

The legality of this data processing is based on Art. 6 (1) (f) GDPR. The "legitimate interest" required for this purpose follows from the aforementioned purposes. In no case, however, will collected data be used to draw conclusions about your person.

## b) Usage of Mixpanel Analytics

Our applications (in the following also referred to as "apps") potentially use Mixpanel Analytics. This is an analysis service provided by Mixpanel Inc. (405 Howard St., 2nd Floor, San Francisco, CA 94105, USA, [www.mixpanel.com](http://www.mixpanel.com), hereinafter referred to as "Mixpanel"). Mixpanel analyzes your usage behavior (i.e. your activities in the respective app) and prepares the collected data for analytical evaluation. Where available, Mixpanel also collects your publicly available contact and social information (e.g., age, gender, photos, occupation, title, etc.).

This is necessary in order to gain a better understanding of the use of our services and to tailor and optimize our services to your needs.

For more information about data protection related to Mixpanel Analytics, please refer to <https://mixpanel.com/legal/privacy-policy/>.

The legality of this data processing is based on Art. 6 (1) (f) GDPR. The required "legitimate interest" follows from the aforementioned purposes.

## §2.3 When creating and using an User Account

In order to fully benefit from our services, you must create a user account with which you subsequently register for the services we offer.

The first step in creating a user account is to truthfully enter the requested data (e.g., name, address, billing information) into the fields provided on the registration page. In the second step you have to confirm, by setting a check mark in the respective check box, that you have read and do accept our terms of use and the data protection policy.

Additionally, you may have the option to register for our newsletters by placing a check mark in the check box provided for this purpose. Please note that the registration for our newsletters is expressly not required for the creation



of the user account. You can also sign up later as part of your user account settings.

In the third step, after completing the registration process, you will receive an e-mail from us once with a confirmation link or activation code that finally activates the user account (so-called double-opt-in procedure). This procedure is intended to ensure that you - and not an unauthorized third party - have actually created the user account. The data entered by you during the registration process will be stored within the context of your user account and can be subsequently modified or changed by you.

The legality of this data processing is based on Art. 6 (1) (b) GDPR, as it is mandatory for the fulfillment of our service contract with you.

## §2.4 When using our Contact Form

As part of our websites and applications, we offer you the opportunity to send us inquiries via a contact form. This requires that you submit the requested data (such as name, e-mail address, message content) to us as the service provider.

The data requested in the contact form are required by us in order to receive, process, and answer your request.

The legality of this data processing is based on Art. 6 (1) (a) GDPR. Before submitting your request, you consent to this by setting a check mark in the respective check-box, which thereby verifies that you accept the processing of your data in accordance with this Privacy Policy.

## §2.5 In the context of our Newsletters

As part of our services, we may offer you the opportunity to register for the receipt of our newsletters. The administration of your data, as well as the sending of the newsletters, is performed by "Mail-Chimp", a newsletter dispatch platform of The Rocket Science Group LLC (675 Ponce De Leon Ave NE # 5000, Atlanta GA, 30308, USA, [mailchimp.com](https://mailchimp.com), hereinafter referred to as "MailChimp").

This is necessary in order to provide you with information (such as new features and releases) related to the products you use.

For more information about data protection related to MailChimp, please refer to <https://mixpanel.com/legal/privacy-policy/>.

The legality of this data processing is based on Art. 6 (1) (a) GDPR. You consent to this by setting a check mark in the check-box provided for this purpose



during the creation process of your user account. Subsequently, you will receive an e-mail from us once with a confirmation link or activation code, with which you confirm your registration (so-called double opt-in procedure). This procedure ensures that you, and not an unauthorized third party, actually sign up to receive our newsletters. You can also register for the reception of our newsletters later as part of your user account settings.

## §2.6 When processing Payments

Insofar as the use or licensing of our services is subject to a charge, the payment process is handled via the "Stripe" service. This is a service of Stripe Inc. (510 Townsend St., San Francisco, CA 94103, USA, [www.stripe.com](http://www.stripe.com), hereinafter referred to as "Stripe").

Within the scope of the payment processing, your order and payment data (e.g., order number, date and time, contents of the order, contact data, payment data, as well as possibly tax relevant information) will be transmitted via a secure protocol to servers of Stripe and CellmatiO. The data will be stored there at least for the legally required retention period.

For more information about data protection related to Stripe payment processing, please refer to <https://stripe.com/de/privacy>.

The legality of this data processing is based on Art. 6 (1) (b) GDPR, as it is mandatory for the fulfillment of our service agreement with you. In no case, however, will the collected data be used to draw conclusions about your person.

## §2.7 For the integration with Partner Companies

To the extent that our range of services is used in cooperation with partner companies, e.g. as a distributor (also in the sense of MDR §2 (34)) or system integrator, necessary data for the integration with partner systems or their billing are exchanged.

This applies in particular to

- the forwarding of customer or client numbers and further registration data when creating a user account for the purpose of master data reconciliation,
- the transfer of usage data (e.g. number of chargeable transactions in the billing period) for the purpose of service billing by the partner company. A transfer of transaction content from users, such as the analyzed image data or analysis results, however, does not take place.



The legality of this data processing is based on Art. 6 (1) (b) GDPR, as it is mandatory for the fulfillment of contractual obligations. In no case, however, will the collected data be used to draw conclusions about your person.

### §3 Integration of Social Media Links

Where applicable, we use links to social media platforms (such as LinkedIn) on our websites. By clicking on the corresponding link (for example via a respective icon) you will be redirected to the corresponding profile on the respective social media platform. The direct contact and thus also the data exchange between you and the respective platform - unlike with the use of conventional social media plugins – will only take place, when you actively click on the respective link. In this respect, CellmatiQ does not process data in accordance with the GDPR.

For further information on data protection in connection with specific linked social media platforms, please refer to the respectively applicable data protection regulations.

### §4 Your Rights as a Concerned Party

As a concerned party in the spirit of the GDPR, you have the right

- in accordance with Art. 15 GDPR to request disclosure about your data that are processed by us;
- iaw. Art. 16 GDPR to request the prompt correction or completion of your data stored by us;
- iaw. Art. 17 GDPR to request the deletion of your data stored by us, unless one of the cases in Art. 17 (3) GDPR applies;
- iaw. Art. 18 GDPR to request a restriction of processing of your data by us, insofar as the preconditions of Art. 18 (1) (a-d) GDPR are satisfied;
- iaw. Art. 20 GDPR to request the hassle-free transmission of the data you provided to us in a structured, common, and machine-readable format;
- iaw. Art. 21 GDPR to raise objection to the processing of your data, insofar as these are processed on the basis of legitimate interests within the meaning of Art. 6 (1) (f) GDPR and if there are grounds for this arising from your particular situation or if your objection is directed against direct advertisement. In the latter case, you have a general right of objection, which will be implemented by us without the need to specify



a particular situation. You can submit your objection at any time via the above contact details (e.g., by e-mail);

- iaw. Art. 22 GDPR to object against being subjected to an automated decision-making process (including profiling) that has legal effect upon you or that affects you in a similar way. You can submit your objection at any time via the contact details listed above (e.g., by e-mail);
- iaw. Art. 7 (3) GDPR to withdraw your once given consent to us at any time. You can submit your withdrawal at any time via the above contact details (e.g., by e-mail) to us.
- law. Art. 77 GDPR to submit a complaint to the respective supervisory authority.

## §5 Transfer of Data to Third Parties

A transfer of your data to third parties for purposes other than those listed below does not take place. We only transfer your data to third parties, if

- you have given your explicit consent iaw. Art. 6 (1) (a) GDPR;
- the disclosure is required iaw. Art. 6 (1) (f) GDPR to assert, exercise, or defend legal claims and there is no reason to assume that you have a predominantly legitimate interest in not disclosing your data;
- there is a statutory obligation for the disclosure pursuant to Art. 6 (1) (c) GDPR and/or
- this is required under Art. 6 (1) (b) GDPR for the settlement of contractual relationships with you.

## §6 Encryption

In order to protect your transmitted data, we use so-called SSL encryption for our websites and apps. That such an encryption is active can be recognized by the "https://" and a lock symbol in the address bar of your browser. Encryption ensures that any information you submit to us (such as the contact form) cannot be read by third parties.

## §7 Changes to this Policy

Please note that we may update our privacy policy occasionally or have to modify it to reflect a change in the legal situation. Your rights as a concerned party will under no circumstances be restricted. The latest version of our privacy policy is always available at [www.cellmatiq.com](http://www.cellmatiq.com).