

Data privacy declaration and information according to Art 13 DSGVO for the services of LeanFive Software GmbH & Co KG for users and interested parties

This Privacy Policy is based on Austrian law and includes references to Austrian legal paragraphs.

According to § 13 DSGVO we have to inform you how we process your personal data in order to answer your questions, create and transmit offers and fulfill our contractual obligations:

According to Art. 4 Z 2 DSGVO processing of data comprises ascertainment, acquisition, organization, storage, retrieval, usage as well as disclosure to third parties.

•Responsible entity:

the data we get from you will be processed according to Art. 6 Abs. 1 lit. a DSGVO by

LeanFive Software GmbH & Co KG

Johannessgasse 20/5a, A-1010 Wien, Österreich

Tel. +43-1-2869530, E-Mail: office@leanfive.com.

which is the responsible entity according to Art. 4 Z 7 DSGVO in order to apply pre-contractual measures as well as to fulfill contractual obligations based on your chosen products or services according to Art 6. Abs 1 lit b DSGVO respectively on our legitimate interest for customer care respectively optimization of our offer and web site according to Art 6. Abs. 1 lit. f DSGVO, ensuring our legal obligations regarding public authorities according to Art. 6 Abs.1 lit. c DSGVO (e.g. meeting tax and social security obligations), or in case you consent to it on the basis of this according to Art. 6 Abs. 1 lit. a DSGVO.

•The contact person for questions regarding data protection:

Dr. Martin Toeltsch, dataprivacy@leanfive.com.

•The following personal data of you will be processed by us:

- Name, date of birth, sex, language,
- Address, billing address,
- phone number, fax number, as well as other means of contact via modern communication (e.g. email address, social media contacts)

- Contract-, product-, service data (e.g. kind of contract (rental or sale), data of the conclusion/termination of the contract, deadlines for legitimate claims) as well as your access data.
 - Sport related data (height, weight, body fat, swim PB, bike FTP, run PB, run FTP, power zones, min/max heart rate, heart rate zones). Available training time per day, week and month, date, duration, intensity and GPS data of the completed activities
 - Payment data provided by you (bank account number, credit card data, IBAN, BIC and other relevant data required for payment like credit card issuer, bank name, expiration date, card owner)
 - Pictures, videos and audio recordings (including tagging of name and function) as long as no legitimate interests of you are involved
 - Data that is required to fulfill legal obligations
- The legal basis to process your data is given by:
- the contractual or pre-contractual obligations according to Art. 6 Abs. 1 lit b DSGVO followed by your conclusion of a contract or your interest in our services, products and offers.
 - legal obligations (e.g. accounting) according to Art. 6 Abs. 1 lit c DSGVO
 - the legitimate interest by us or a third party to optimize our services including customer service according to Art 6 Abs 1 lit f DSGVO. Data processing for direct advertisement can also pose a legitimate interest.

As long as there are no contractual or legal obligations in place as well as there are no legitimate interest of you, your data will be processed based on your agreement according to Art. 6 Abs 1 lit a DSGVO. This agreement can be revoked at any time. This does not affect the legitimacy of the data processing prior to your repeal.**We need your explicit approval in order to process personal health data or other personal data according to Art. 9 Abs. 1 DSGVO or data regarding criminal convictions or criminal offenses according to Art. 10 DSGVO as long as there are no exceptions according to Art. 9 Abs. 2 lit. b – j DSGVO.**

- We will only disclose your personal data to third parties if we have contractual obligations. Primarily for the administration and fulfillment of contracts with you as well as our partner companies (e.g. book keeper, accountant, sub-contractors, printing plant, sales

representatives, lawyers, tax accountants, banks, public authorities like tax authorities, social insurance etc.). We do not intend to transfer your data to other third parties. In case your data is transferred to a third party an agreement will be implemented or we act on legal obligations.

- We will store your data for a time of 10 years after the end of our contractual relationship. If no contract was closed we will store the data for the time of 6 months. This is if there are no other legal obligations in place to store your data. An overview of the legal record retention in Austrian law: www.wko.at/service/wirtschaftsrecht-gewerberecht/eu-dsgvo-speicher-und-aufbewahrungsfristen.html.

- We have no intentions to disclose your data to a third country or an international organization (Art 13. Abs. 1 lit. f DSGVO). If data will be transferred an agreement will be implemented (Art. 49 DSGVO).

- According to Art 13. Abs. 2 lit. b DSGVO, anytime you have the:

- right to information according to Art. 15 DSGVO,
- right to correction according to Art. 16 DSGVO,
- right to erasure according to Art. 17 DSGVO
- right to limitation of processing according to Art. 20 DSGVO
- right to dissent the processing according to Art. 21 DSGVO
- right to portability according to Art. 21 DSGVO
- right to be informed about the existence of an automated decision-making including profiling according to Art 22 DSGVO

- You have the right to revoke your agreement to the processing of data at any time (Art 13 Abs 2 lit c DSGVO). This does not affect the legitimacy of the data processing prior to your revocation. Regardless of your revocation, we might have to continue to process your data, because of other legal obligations.

- You have the right to complain with the regulatory authority (Art. 13 Abs. 2 lit. d DSGVO). This authority is the Österreichische Datenschutzbehörde, 1082 Vienna, Austria, Wickenburggasse 8, www.dsb.gv.at.

•Providing personal data is required for us to fulfill our contractual obligations. Without this data it is not possible for us to provide you with our services and the contract has to be cancelled (Art. 13 Abs. 2 lit. e DSGVO).

•We have no intentions to use your data for automated decision-making including profiling (Art 13. Abs 2 lit f DSGVO).

•To protect your data we have put technical and organizational measures in place according to Art 32 DSGVO.

INFORMATION ON (MEDIA-) ARTICLES AND PICTURES

In case we take pictures, video or audio recordings while you are using our products and services we are entitled to publish, reproduce, use them without compensation including your name and function as long as we don't violate your legitimate interests (this cannot be the case if you are in our office premises or participate in an event and your picture, video or audio recording is published or your name is on the participant- or result list or published in the media). You transfer your exploitation right without compensation to us as responsible entity respectively the photographer of the material. This applies especially to the usage of the material for (even commercial) advertisement of any kind and in any format (audio, video and pictures). This includes but is not limited to media reports, printed documents, even in electronic format, social media, or advertisements.

DATA PRIVACY STATEMENT AND ADDITIONAL INFORMATION FOR VISITORS OF OUR WEBSITE:

Complementing the above information, for visitors of our websites the following applies.

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is the responsible entity according to Art. 4 Z 7 DSGVO processing data on the website for legitimate interest for customer care respectively optimization of our offer and web site according to Art 6. Abs. 1 lit. f DSGVO, or based on your agreement according to Art. 6 Abs 1 lit a DSGVO, or in order to apply

pre-contractual measures as well as to fulfill contractual obligations according to Art 6. Abs 1 lit b DSGVO.

Our website can be visited without registration.

When doing so we collect the following data:

- IP-address (anonymized and shortened)
- name and country of your ISP
- the type of user interface (web browser or mobile device)
- the used browser
- the URL
- the address of the website the user come from
- time, date and duration of the visit of the web site

These are collected for statistical reasons and saved on our server. This data is not directly connected to a person. The identification of a visitor of the website is not possible. We want to inform you that the IP address is personal but we use it only for statistical reasons and not in combination with other personal data. Also the IP address is shortened and anonymized so that an identification of the user is not possible. Only a rough localization might be possible. Personal data are e.g. name, address, phone number, email address and your IP address.

Our web site uses cookies

Cookies are text files which store user related data on the user's device. Cookies allow to monitor the frequency of page visits, the behavior on the page which helps us to make our page more customer friendly. Cookies can stay on the user's device even when he no longer visits the page and can be reloaded when he returns. We use cookies to store language settings.

Additionally cookies of third parties are being used:

Google Analytics

Data privacy statement for Google Analytics

Google Analytics uses cookies (explanation see above). The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. In case of activation of the IP anonymization, Google will truncate/anonymize the last octet of the IP address for member states of the European Union as well as for other parties to the Agreement on the European Economic Area. Only in exceptional cases, the full IP address is sent to and shortened by Google servers in the USA. On behalf of the website provider Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage to the website provider. Google will not associate your IP address with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser. However, we point out that if you do this, you may not be able to use the full functionality of this website. Furthermore you can prevent Google's collection and use of data (cookies and IP address) by downloading and installing the browser plug-in available under <https://tools.google.com/dlpage/gaoptout?hl=en>. Please note that on this website, Google Analytics code is supplemented by "gat._anonymizeIp();" to ensure an anonymized collection of IP addresses (so called IP-masking).

Social Media

Privacy statement for the use of Facebook plugins (Like-Button)

Our web pages feature integrated plugins of the social network Facebook, vendors Facebook Inc., 1 Hacker Way, Menlo Park, California 94025, USA. The Facebook plugins can be identified by a Facebook logo or the "Like Button" ("Like") on our site. You can find an overview of Facebook-plugins here: <http://developers.facebook.com/docs/plugins/>. When you visit our pages, the plugin establishes a direct connection between your browser and the Facebook server. Facebook receives the information that you have visited our site with your IP address. If you click on the Facebook "Like" button while you are logged into your Facebook account, you can link the content of our pages to your Facebook profile. This allows Facebook to assign your visit on our website to your Facebook user account. We point out that we – as providers of the sites – have no knowledge of the content of the transmitted data and their use on Facebook. For more information, please see the privacy policy of Facebook at <http://facebook.com/policy.php>. If you do not wish Facebook to identify you visiting our pages, please log out from your Facebook account.

Your rights:

According to Art 13 Abs 2 lit b DSGVO you have the right to information about your stored personal data, their origin and recipient and the purpose of data processing as well as a right to correction, limitation of processing, or erasure of this data. For this purpose, as well as any further questions relating to personal data, feel free to contact us at our address. You have the right to complain with the controlling authority (Art. 13 Abs. 2 lit. d DSGVO). The controlling authority is the Österreichische Datenschutzbehörde, 1082 Vienna, Austria, Wickenburggasse 8, www.dsb.gv.at.