

Data protection regulations

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1. Introduction

iCONDU GmbH ("iCONDU" for short) takes the protection and confidentiality of your data very seriously. The collection and use of your personal data in the context of the use of our website takes place exclusively within the framework of the statutory provisions of the applicable data protection law. Under no circumstances will the data collected be sold, leased or sold commercially in any other way.

With this privacy policy, iCONDU would like to inform you about the type, scope and purpose of the personal data we collect, use and process. Furthermore, this privacy policy informs you as a data subject about your rights. You can access this information at any time on our website. As the controller, iCONDU has implemented numerous technical and organisational measures to ensure the most complete protection possible for personal data processed via this website. Nevertheless, Internet-based data transmissions can generally have security gaps, so absolute protection cannot be guaranteed.

2. Definitions

This data protection declaration is based on the terms used by the European legislator for the adoption of the General Data Protection Regulation (GDPR). Our privacy policy should be easy to read and understand for the public as well as for our customers and business partners. To ensure this, we would like to explain the terms used in advance.

We use the following terms, among others, in this privacy policy (in alphabetical order:

- a) Processor
Processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
- b) Person concerned
Data subject is any identified or identifiable natural person whose personal data is processed by the controller responsible for the processing.
- c) Third party
Third party is a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.
- d) Restriction of processing
Restriction of processing is the marking of stored personal data with the aim of restricting its future processing.

- e) **Consent**
Consent is any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
- f) **Recipient**
Recipient is a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular enquiry in accordance with Union or Member State law shall not be regarded as recipients.
- g) **Personal data**
Personal data means any information relating to an identified or identifiable natural person (see "data subject"). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- h) **Profiling**
Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.
- i) **Pseudonymisation**
Pseudonymisation is the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person
- j) **Controller or controller responsible for the processing**
Controller or controller responsible for the processing is 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. Where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.
- k) **Processing**
Processing is 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, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

3. Name and address of the controller

The controller within the meaning of the General Data Protection Regulation, other data protection laws applicable in the Member States of the European Union and other provisions of a data protection nature is the:

iCONDU GmbH

Despag-Straße 3

85055 Ingolstadt

Phone: +49 (0) 841 149087 40

E-mail: datenschutz@icondu.de

Website: www.icondu.de

If you have any questions or suggestions regarding data protection, please feel free to contact us by e-mail at datenschutz@icondu.de.

4. Log data

When accessing iCONDU websites and services, your Internet browser automatically transmits data for technical reasons, which is stored in the server log files for the proper operation and protection of our websites and services ("access data"). This includes operating system, browser type and version, referrer URL, date and time of access. The IP address is only stored shortened by the last three digits. This data is not assigned to a specific or identifiable person at any time and is deleted at the latest after one month of visiting our website.

5. Use of cookies

The Internet pages of iCONDU and our "simcision" service ("Service") use cookies. Cookies are text files that are placed and stored on a computer system via an internet browser.

Numerous websites and servers use cookies. Many cookies contain a so-called cookie ID. A cookie ID is a unique identifier for the cookie. It consists of a character string that allows websites and servers to be assigned to the specific internet browser in which the cookie was stored. This enables the websites and servers visited to distinguish the individual browser of the data subject from other Internet browsers that contain other cookies. A specific Internet browser can be recognised and identified via the unique cookie ID.

Through the use of cookies, iCONDU can provide the users of this website with more user-friendly services that would not be possible without the cookie setting.

Cookies can be used to optimise the information and offers on our website for the benefit of the user. As already mentioned, cookies enable us to recognise the users of our website. The purpose of this recognition is to make it easier for users to use our website. For example, the user of a website that uses cookies does not have to re-enter their access data each time they visit the website because this is taken over by the website and the cookie stored on the user's computer system. Another example is the cookie of a shopping basket in an online shop. The online shop remembers the items that a customer has placed in the virtual shopping basket via a cookie.

The data subject can prevent the setting of cookies by our website at any time by means of a corresponding setting of the Internet browser used and thus permanently object to the setting of cookies. Furthermore, cookies that have already been set can be deleted at any time via an Internet browser or other software programmes. This is possible in all common internet browsers. If the data subject deactivates the setting of cookies in the Internet browser used, not all functions of our website may be fully usable.

6. Collection of general data and information

The iCONDU website and the service collect a range of general data and information each time it is accessed by a data subject or an automated system. This general data and information is stored in the server log files. The (1) browser types and versions used, (2) the operating system used by the accessing system, (3) the website from which an accessing system accesses our website (so-called referrer), (4) the sub-websites which are accessed via an accessing system on our website can be recorded, (5) the date and time of access to the website, (6) an internet protocol address (IP address), (7) the internet service provider of the accessing system and (8) other similar data and information used for security purposes in the event of attacks on our information technology systems.

When using these general data and information, iCONDU does not draw any conclusions about the data subject. Rather, this information is required in order to (1) correctly deliver the content of our website, (2) optimise the content of our website and the advertising for it, (3) ensure the long-term functionality of our information technology systems and the technology of our website and (4) provide law enforcement authorities with the information necessary for criminal prosecution in the event of a cyber attack. Therefore, iCONDU analyses anonymously collected data and information statistically, with the aim of increasing the data protection and data security of our enterprise, and to ensure an optimal level of protection for the personal data we process. The anonymous data of the server log files are stored separately from all personal data provided by a data subject.

7. Data provided by users during registration

You have the option of registering on the iCONDU website by providing personal data. Which personal data is transmitted to us in the process is determined by the respective input mask used for registration. The personal data entered by the data subject is collected and stored exclusively for internal use by iCONDU and for its own purposes. iCONDU may arrange for the data to be passed on to one or more processors, who will also use the personal data exclusively for internal use attributable to iCONDU.

Your registration with voluntary provision of personal data serves iCONDU to offer you content or services which, due to the nature of the matter, can only be offered to registered users. Registered persons are free to change the personal data provided during registration at any time or to have it completely deleted from the controller's database.

Some personal information is collected when you register for an account. For registration, this includes your name, e-mail address and a password. These are stored separately and can be

changed, managed and deleted at any time via your user account by requesting iCONDU to do so. We store and process this data only to the extent necessary for the provision of the services or their billing. You can customise your profile with additional information. This will be visible to other users as soon as they communicate with you or you work together in teams. However, you decide what information you want to share about yourself. We delete the data automatically when your account is deleted (see section 2.2 of the terms of use).

When you register on the iCONDU website and/or the service, the IP address assigned to you by your internet service provider (ISP), the date and time of registration are also stored. This data is stored against the background that this is the only way to prevent misuse of our services and, if necessary, to enable criminal offences to be investigated. In this respect, the storage of this data is necessary to safeguard the controller. This data is not passed on to third parties unless there is a legal obligation to pass it on or the passing on serves the purpose of criminal prosecution.

If you send iCONDU a message by e-mail or instant messaging, we need the above-mentioned information and possibly further information in order to be able to respond to your enquiry, idea and criticism. When using paid services, iCONDU also requires your account details in order to forward them to the online payment service Stripe for payment processing.

Upon request, iCONDU will provide any data subject at any time with information about what personal data is stored about the data subject. Furthermore, iCONDU corrects or deletes personal data at the request or notice of the data subject, provided that this does not conflict with any statutory retention obligations or other statutory provisions on deletion. A data protection officer named in this privacy policy and all iCONDU employees are available to the data subject as contact persons in this context.

8. Forwarding of data

iCONDU does not pass on personal data without first informing you and obtaining your consent. Data will only be passed on without your consent if we are legally authorised to do so, in particular if we are legally obliged to disclose data. A legal obligation may exist in particular in the case of requests from law enforcement authorities or third parties whose rights have been violated by one of our services.

Our service partners that iCONDU commissions to process our services with the user (e.g. credit card institutions for processing payments or software providers for support) only receive the personal data from us that is necessary for the respective service.

iCONDU uses the external hosting service provider 1&1 IONOS SE, Elgendorfer Straße 57, 56410 Montabaur, Germany, to provide the simcision service.

iCONDU uses the services of Stripe Payments Europe, Limited, 1 Grand Canal Street, Lower Grand Canal Dock, Dublin, D02 H210 Ireland to process payments.

iCONDU uses the services of Haufe Service Center GmbH, Munzinger Straße 9, 79111 Freiburg, Germany, to create invoices and offers.

iCONDU uses the tool sentry.io from Functional Software, Inc, 45 Fremont Street, 8th Floor, San Francisco, CA 94105, USA, to analyze errors.

There is an agreement between iCONDU and the service providers on order processing that fulfils the legal requirements.

9. Newsletter

iCONDU provides a free newsletter service. With the newsletter we inform you about news about the services you have ordered and similar services as well as about our company. iCONDU stores your name as well as your e-mail and IP addresses when you subscribe to the newsletter, as well as the date and time of the order. The data will be deleted if you unsubscribe from the newsletter. You can unsubscribe at any time at datenschutz@icondu.de or by clicking on the corresponding link in the email.

The newsletters contain so-called tracking pixels. A tracking pixel is a miniature graphic that is embedded in e-mails that are sent in HTML format to enable log file recording and log file analysis. This allows the success or failure of online marketing campaigns to be statistically analysed. Based on the embedded tracking pixel, iCONDU may see if and when an e-mail was opened by a data subject, and which links in the e-mail were called up by data subjects.

Such personal data collected via the tracking pixels contained in the newsletters are stored and evaluated by iCONDU in order to optimise the newsletter dispatch and to adapt the content of future newsletters even better to the interests of the data subject. This personal data is not passed on to third parties. Data subjects are entitled at any time to revoke the separate declaration of consent given in this regard via the double opt-in procedure. After cancellation, this personal data will be deleted by the controller. iCONDU automatically regards a withdrawal from the receipt of the newsletter as a revocation.

10. Websites of external providers

Our services include links to external third-party websites. iCONDU is not responsible for the privacy practices or the content of these websites.

11. Use of Matomo

iCONDU uses the web analysis software Matomo (with anonymization function) on the simc-ion websites for the statistical evaluation of visitor access. Web analysis is the collection, compilation and evaluation of data on the behavior of visitors to websites. Among other things, a web analysis service collects data about the website from which a person came to a website (so-called referrer), which subpages of the website were accessed or how often and for how long a subpage was viewed.

The processing is based on our legitimate interest in the optimization and analysis of our website in accordance with Art. 6 para. 1 lit. f GDPR.

The purpose of using Matomo is to analyze the flow of visitors to our website. Matomo uses the data and information obtained, among other things, to evaluate the use of our website in order to compile online reports for us that show the activities on our website.

To ensure data protection compliance, Matomo is configured in such a way that IP addresses are only recorded in anonymized form (shortened by the last two octets). In addition, iCONDU does not use tracking cookies. This prevents the data collected from being directly assigned to a specific person.

The data collected is stored exclusively on iCONDU servers and is not passed on to third parties.

However, if you do not want your visits to be included in the statistics, you can object to the collection here: <https://simcision.com/privacy-policy/#matomo-opt-out>

12. Your rights as a data subject

a) Right to confirmation

Each data subject shall have the right granted by the European legislator to obtain from the controller the confirmation as to whether or not personal data concerning him or her are being processed. If a data subject wishes to avail himself of this right of confirmation, he or she may, at any time, contact our Data Protection Officer or contact us via datenschutz@icondu.de.

b) Right to information

Any person affected by the processing of personal data has the right, granted by the European legislator of directives and regulations, to obtain from the controller free information about the personal data stored about him/her and a copy of this information at any time. Furthermore, the European legislator has granted the data subject access to the following information:

- the purposes of processing,
- the categories of personal data that are processed,
- the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations,
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period,
- the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing,
- the existence of a right of appeal to a supervisory authority,
- if the personal data is not collected from the data subject: All available information about the origin of the data,
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the

logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Furthermore, the data subject has a right to information as to whether personal data has been transferred to a third country or to an international organisation. If this is the case, the data subject also has the right to obtain information about the appropriate safeguards in connection with the transfer.

If a data subject wishes to avail himself of this right of access, he or she may, at any time, contact our Data Protection Officer or contact us via datenschutz@icondu.de.

c) Right to rectification

Any person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to demand the immediate correction of incorrect personal data concerning them. Furthermore, the data subject has the right to request the completion of incomplete personal data, including by means of a supplementary declaration, taking into account the purposes of the processing.

If a data subject wishes to exercise this right to rectification, they can contact our data protection officer or us at datenschutz@icondu.de at any time.

d) Right to erasure (right to be forgotten)

Each data subject shall have the right granted by the European legislator to obtain from the controller the erasure of personal data concerning him or her without undue delay, and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies, as long as the processing is not necessary

- The personal data was collected or otherwise processed for purposes for which it is no longer necessary.
- The data subject withdraws consent on which the processing is based according to point (a) of Article 6(1) of the GDPR, or point (a) of Article 9(2) of the GDPR, and where there is no other legal ground for the processing.
- The data subject objects to the processing pursuant to Art. 21 (1) GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Art. 21 (2) GDPR.
- The personal data was processed unlawfully.
- The deletion of personal data is necessary to fulfil a legal obligation under Union law or the law of the Member States to which the controller is subject.
- The personal data was collected in relation to information society services offered in accordance with Art. 8 para. 1 GDPR.

If one of the aforementioned reasons applies, and a data subject wishes to request the erasure of personal data stored by iCONDU, he or she may at any time contact our Data Protection Officer or contact us via datenschutz@icondu.de. The Data Protection Officer of iCONDU or an employee shall promptly ensure that the erasure request is complied with immediately.

If the personal data has been made public by iCONDU and our company is obliged to erase the personal data as the controller pursuant to Article 17(1) of the GDPR, iCONDU shall take reasonable steps, including technical measures, taking into account the

available technology and the cost of implementation, to inform other controllers processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data, as far as processing is not required. The Data Protection Officer of iCONDU or an employees will arrange the necessary measures in individual cases.

e) Right to restriction of processing

Each data subject shall have the right granted by the European legislator to obtain from the controller restriction of processing where one of the following applies:

- The accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data.
- The processing is unlawful and the data subject opposes the erasure of the personal data and requests 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 the data subject for the establishment, exercise or defence of legal claims.
- The data subject has objected to processing pursuant to Article 21(1) GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject.

If one of the aforementioned conditions is met, and a data subject wishes to request the restriction of the processing of personal data stored by iCONDU, he or she may at any time contact our Data Protection Officer or contact us via datenschutz@icondu.de. The data protection officer or an employee will arrange for the restriction of processing.

f) Right to data portability

Any person affected by the processing of personal data has the right, granted by the European legislator, to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format. He or she also has the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, as long as the processing is based on consent pursuant to point (a) of Article 6(1) of the GDPR or point (a) of Article 9(2) of the GDPR, or on a contract pursuant to point (b) of Article 6(1) of the GDPR, and the processing is carried out by automated means, as long as the processing is not necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Furthermore, in exercising their right to data portability pursuant to Art. 20 (1) GDPR, the data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible and provided that this does not adversely affect the rights and freedoms of others.

In order to assert the right to data portability, the data subject may at any time contact the Data Protection Officer designated by iCONDU or contact us via datenschutz@icondu.de.

g) Right to object

Any person affected by the processing of personal data has the right granted by the European legislator to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1) of the GDPR. This also applies to profiling based on these provisions.

iCONDU shall no longer process the personal data in the event of the objection, unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims.

If iCONDU processes personal data for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing. This also applies to profiling insofar as it is associated with such direct advertising. If the data subject objects to iCONDU to the processing for direct marketing purposes, iCONDU will no longer process the personal data for these purposes.

In addition, the data subject has the right, on grounds relating to his or her particular situation, to object to processing of personal data concerning him or her by the iCONDU for scientific or historical research purposes, or for statistical purposes pursuant to Article 89(1) of the GDPR, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

In order to exercise the right to object, the data subject may directly contact the Data Protection Officer of iCONDU or contact us via iCONDU.datenschutz@icondu.de. The data subject is also free, in the context of the use of information society services, and notwithstanding Directive 2002/58/EC, to exercise his or her right to object by automated means using technical specifications.

h) Automated decisions in individual cases including profiling

Each data subject shall have the right granted by the European legislator not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her, or similarly significantly affects him or her, provided that the decision (1) is not necessary for the conclusion or performance of a contract between the data subject and the controller, or (2) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, or (3) is based on the data subject's explicit consent.

If the decision (1) is necessary for entering into, or the performance of, a contract between the data subject and a data controller, or (2) it is based on the data subject's explicit consent, iCONDU shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and contest the decision.

If the data subject wishes to assert rights relating to automated decisions, they can contact our data protection officer or us at datenschutz@icondu.de at any time.

i) Right to withdraw consent under data protection law

Any person affected by the processing of personal data has the right granted by the European legislator to withdraw consent to the processing of personal data at any time. If the data subject wishes to exercise their right to withdraw consent, they can contact our data protection officer or us at datenschutz@icondu.de at any time.

13. Routine erasure and blocking of personal data

iCONDU processes and stores personal data of the data subject only for the period necessary to achieve the purpose of storage, or as far as this is granted by the European legislator or other legislators in laws or regulations to which the controller is subject to.

If the storage purpose no longer applies or if a storage period prescribed by the European legislator or another competent legislator expires, the personal data will be routinely blocked or erased in accordance with the statutory provisions.

The criterion for the duration of the storage of personal data is the respective statutory retention period. Once this period has expired, the corresponding data is routinely deleted, provided it is no longer required for the fulfilment or initiation of a contract.

14. Legal basis for data processing

Art. 6 I lit. a GDPR serves our company as the legal basis for processing operations for which we obtain consent for a specific processing purpose.

If the processing of personal data is necessary for the performance of a contract to which the data subject is party, as is the case, for example, with processing operations necessary for the supply of goods or the provision of any other service or consideration, the processing is based on Art. 6 I lit. b GDPR. The same applies to such processing operations that are necessary for the implementation of pre-contractual measures, for example in cases of enquiries about our products or services.

If our company is subject to a legal obligation which requires the processing of personal data, such as for the fulfilment of tax obligations, the processing is based on Art. 6 I lit. c GDPR.

In rare cases, it may be necessary to process personal data in order to protect the vital interests of the data subject or another natural person. This would be the case, for example, if a visitor to our company were injured and their name, age, health insurance details or other vital information would have to be passed on to a doctor, hospital or other third party. The processing would then be based on Art. 6 I lit. d GDPR.

Ultimately, processing operations could be based on Art. 6 I lit. f GDPR. Processing operations that are not covered by any of the aforementioned legal bases are based on this legal basis if the processing is necessary to safeguard a legitimate interest of our company or a third party, provided that the interests, fundamental rights and freedoms of the data subject do not prevail. We are permitted to carry out such processing operations in particular because they have been specifically mentioned by the European legislator. In this respect, it took the view that a legitimate interest could be assumed if the data subject is a customer of the controller (Recital 47 Sentence 2 GDPR). Where the processing of personal data is based on Article 6 I lit. f GDPR,

our legitimate interest is to carry out our business in favour of the well-being of all our employees and our shareholders.

15. Changes

iCONDU is entitled to change these data protection provisions at any time. iCONDU will give the customer three months' written notice of such a change. The change shall be deemed to have been agreed if the customer does not object in writing within six weeks of receipt of the announcement.

If the customer objects and the change affects the service, iCONDU is entitled to terminate the contract for the use of the service with effect from the end of the current billing month.