

**swiftme**

## General data protection information swiftme

Data status 1st January 2019

Data protection and data security are of the highest priority for us, which is why we will inform you below about the processing of your personal data when you visit and use our websites and apps (hereinafter "MyTomSolutions", "we" or "us") and about our marketing measures on our websites, apps as well as on websites of third parties and in social networks in accordance with the Basic Data Protection Ordinance (hereinafter "DS-GVO").

### I. Scope, responsible body and definitions

#### 1. Scope of this data protection information

This privacy statement applies to your visit to and use of the [www.swift.me](http://www.swift.me) website, where you may be a visitor or create a user account, and our related marketing efforts on our websites, third party websites and social networks. This data protection information also applies to the downloading and use of our **swiftme** app (**swiftme4One**).

#### 2. Responsible entity for the processing of your personal data

Unless otherwise stated in this privacy statement, we are responsible for the processing of your personal data:

MyTomSolutions  
Owner Mrs. Katja Tomaschek  
Mergentheimer Str. 23  
71642 Ludwigsburg  
E-mail: [privacy@swift.me](mailto:privacy@swift.me)

#### 3. Definitions

This data protection information is based on the following data protection terms, which we have defined for easier understanding:

1. The **DS-GVO** is the basic data protection regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of



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individuals with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC).

2. The **recipient** is a natural or legal person, public authority, agency or other body to whom personal data are disclosed, whether or not that person is a third party. However, authorities which may receive personal data in the course of a specific investigation task under Union law or the law of the Member States shall not be considered as recipients; the processing of such data by those authorities shall be carried out in accordance with the applicable data protection rules and in accordance with the purposes of the processing.

3. **Personal data** is all information relating to an identified or identifiable natural person, i.e. the data subject. A natural person shall be considered identifiable if he can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an on-line identifier or one or more specific characteristics expressing the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person. Personal data can be name, contact data, user behaviour or bank data.

4. The **controller** shall be 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 laid down by Union law or by the law of the Member States, the controller or controllers may be designated in accordance with Union law or with the law of the Member States on the basis of certain criteria. MyTomSolutions is responsible for the data processing described in this data protection information (Section I.2.).

5. **Processing** means any operation or set of operations which is carried out with or without the aid of automated processes relating to personal data, such as collection, recording, organisation, sorting, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or association, qualification, erasure or destruction. Processing may include the collection and use of your data when creating a customer account or using our services.



## II. Purposes, legal bases and, if applicable, data categories for the processing of personal data

### 1. Processing for the purpose of IT security

When you visit our website, we process personal data that is technically necessary for us to provide you with our website and to ensure the stability and security of your visit to our website. We process the following personal data for this purpose:

- IP address
- cookies

We process personal data on the basis of our legitimate interest in providing you with the websites and to ensure IT security for you when visiting our websites, the basis here is Art. 6 Para. 1 S. 1 lit. f) DS-GVO.

### 2. Processing for analysis purposes

When visitors visit our website, we may analyse and document how our website is used, e.g. the number and origin of website visitors, the behaviour of visitors to our website and which areas they are interested in. The following personal data may be processed for this purpose:

- IP address
- cookies

The basis for the processing is Art. 6 Para. 1 S. 1 lit. f) DS-GVO and our legitimate interest in improving our website and service on the basis of such analyses. We also process this information to help us prevent fraud and to provide our customers with individualized recommendations for our products and services when they visit our website.

**We use Google Analytics**, a web analytics service provided by Google LLC ("Google"), for analysis based on our legitimate interests. Google uses cookies. The information generated by the cookie about the use of the online offer by the user is usually transferred to a Google server in the USA and stored there.

Google is certified under the Privacy Shield Agreement and thereby offers a guarantee of compliance with European privacy laws (<https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI&status=Active>).



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Google will use this information on our behalf to evaluate the use of our online services by users, to compile reports on the activities within this online service and to provide us with other services associated with the use of this online service and the Internet. Pseudonymous user profiles of the users can be created from the processed data.

We only use Google Analytics with IP anonymization enabled. This means that the IP address of the user is shortened by Google within member states of the European Union or in other contracting states of the Agreement on the European Economic Area. Only in exceptional cases is the full IP address transmitted to a Google server in the USA and shortened there.

The IP address transmitted by the user's browser is not merged with other Google data. Users may refuse the use of cookies by selecting the appropriate settings on their browser, they may also refuse the use of cookies by selecting the appropriate settings on their browser, they may refuse the collection of information by Google regarding the use of cookies and the processing of such information by Google by selecting the appropriate settings on their browser, and they may refuse the use of cookies by selecting the appropriate settings on their browser, and they may refuse the use of cookies by selecting the appropriate settings on their browser, and by downloading and installing the browser plug-in available at the following link: <http://tools.google.com/dlpage/gaoptout?hl=en>.

Further information on the use of data by Google, setting and objection options, can be found in Google's privacy policy (<https://policies.google.com/technologies/ads>) and in the settings for the display of advertising by Google (<https://adssettings.google.com/authenticated>) customizable.

The personal data of the users will be deleted or anonymized after 14 months.

If you wish to opt out of data processing by these web analytics services, please click on the opt-out link. We would like to point out that the objection is always made by means of a cookie. If this cookie is deleted, the respective link of the analysis service must be clicked again in order to exercise objection.

### **3. Use of cookies**

When you use the website, cookies are stored on your computer. Cookies are small text files that are stored on your hard drive assigned to the browser you are using and through which certain information flows to the location that sets the cookie (in this



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case us). Cookies cannot run programs or transmit viruses to your computer. They serve to make the Internet offer more user-friendly and effective overall.

This website uses Transiente cookies, which are automatically deleted when the browser is closed. This includes session cookies in particular. They store a so-called session ID with which various browser requests can be assigned to the shared session. This allows your computer to be recognized when you return to the site. Session cookies are deleted when you log out or close your browser.

This stored information will be stored separately from any other data we may provide. In particular, the data of the cookies are not linked with your other data.

#### **4. Registration and creation of a customer account**

When you visit our websites, you can create a customer account. You can make use of our services and in particular use the calendar function, representation overview and messenger function. The registration and use of the customer account requires personal data. Mandatory fields are marked accordingly in the input mask.

We process this personal data in order to enable our customers to create and use a customer account and to inform our customers about our products and services on the basis of our legitimate interest. Processing takes place on the basis of Art. 6 para. 1 sentence 1 lit. b) and lit. f) DS-GVO.

#### **5. Use of our services**

We process your personal data when you use our services and provide personal data (e.g. calendar data, names, etc.). Processing is carried out for the purpose of contract execution and execution on the basis of Art. 6 Para. 1 S. 1 lit. b) DSGVO.

#### **6. Use of our contact form**

If you have any questions, we offer you the possibility to ask them via our contact form. If you decide to send us such a request, we will process the following data:

- the surname and forename provided,
- the subject of the request,
- the e-mail address provided,
- Telephone number, if applicable,
- Subject,



- the request you have made,
- the IP address of the device used,
- the date and time of the request,

to process your request. The legal basis for this is Art. 6 para. 1 lit. b) DS-GVO. This processing is necessary in order to comply with your request. The data can be stored in a CRM system. We delete the requests if their storage is no longer necessary. You can object to this processing at any time with effect for the future.

We will comply with your objection, unless there are important reasons within the meaning of Art. 21 DS-GVO to the contrary. Please direct your request:

- by e-mail to [privacy@swift.me](mailto:privacy@swift.me)
- in writing: MyTomSolutions, owner Katja Tomaschek,  
Mergentheimer Street 23  
71642 Ludwigsburg

If you object to data processing, we will process your personal data collected in this context to respond to your inquiry. Your personal data will be processed in order to fulfil a legal obligation on the basis of Art. 6 Para. 1 S. 1 lit. c) DS-GVO.

## 7. Dunning, collection and enforcement and defence of legal claims

In the case of open claims against us, we will inform you by e-mail and send you a reminder if necessary. If and to the extent that a payment on your part is not made as a result, a collection procedure will be initiated. The collection procedure is carried out by a collection agency or lawyer (collection service provider) commissioned by us. Insofar as this is necessary for the execution of the collection procedure, the collection service provider carries out address determinations, accesses public registers for this purpose and collects further information on your person for the execution of the collection procedure if necessary. We process your personal data for the purpose of contract execution and processing with you on the basis of Art. 6 para. 1 sentence 1 lit. b) DS-GVO and due to our legitimate interests to prevent misuse of our services and enforce our legal claims, including collection (on the basis of Art. 6 para. 1 sentence 1 lit. f) DS-GVO.

In the context of a legal dispute with you, we process your personal data to enforce and / or defend our rights. If and to the extent necessary for the conduct of the legal dispute, we also make use of data from other sources (e.g. public registers). We process your personal data on the basis of a legal obligation pursuant to Art. 6 para. 1 sentence 1 lit. c) DS-GVO and on the basis of our legitimate interest in safeguarding,

enforcing and/or defending our legal interests on the basis of Art. 6 para. 1 sentence 1 lit. f) DS-GVO.

## 8. Other processing

On the basis of your data, which we process within the meaning of Section II. of this data protection information, we may carry out analyses. These serve as a basis for business decisions to improve our products and services, to adapt them to the needs of our customers and to implement marketing measures. We process your personal data on the basis of our justified interest in improving our offer and carrying out marketing measures, on the basis of Art. 6 Para. 1 S. 1 lit. f) DS-GVO. The analyses created on this basis no longer contain any personal references, so that it is no longer possible to draw any conclusions about your person.

## III. Storage and deletion of personal data

1. We store personal data for as long and as far as necessary for the purposes (Item II.) for which they are processed.
2. As soon as the data is no longer required for the purposes specified in Section II, we will retain your personal data for the period in which you can assert claims against us or us against you (statutory limitation period as a rule of three years, beginning at the end of the year in which the claim arises; e.g. at the end of the year in which our services are used).
3. In addition, we store personal data for as long and as far as we are legally obliged to do so. Corresponding duties of proof and storage arise, among other things, from the Commercial Code, the Tax Code and the Money Laundering Act (e.g. § 257 HGB; § 147 AO). According to this, the storage obligations amount to up to ten years.

## IV. Categories of recipients of personal data

1. We will share your personal information with IT service providers who provide our website, databases and tools for services, perform user behavior analysis on our websites and marketing campaigns, and process your personal information on our behalf when using **swiftme**. Your personal data will be transmitted for the purpose of performing the contract with you on the basis of Art. 6 para. 1 sentence 1 lit. b) DS-GVO, due to our legitimate interest in improving and advertising our products, on the basis of Art. 6 para. 1 sentence 1 lit. f) DS-GVO, and, if you have given us your



consent for the processing of your personal data, on the basis of your consent within the meaning of Art. 6 para. 1 sentence 1 lit. a) DS-GVO.

2. If users do not meet their payment obligations, we initiate a collection procedure. In order to carry out the collection procedure, we transmit the personal data to collection service providers who carry out the procedure for us. We process personal data for the purpose of performing and processing the contract with you on the basis of Art. 6 para. 1 sentence 1 lit. b) DS-GVO and on the basis of our legitimate interests in asserting our legal claims, including collection, on the basis of Art. 6 para. 1 sentence 1 lit. f) DS-GVO.
3. In the event of legal disputes, we transmit data to the competent court and, if a lawyer has been appointed, to this court in order to conduct the legal dispute. We process personal data on the basis of a legal obligation under Art. 6 para. 1 sentence 1 lit. c) DS-GVO and on the basis of our legitimate interest in safeguarding, enforcing and/or defending our legal interests under Art. 6 para. 1 sentence 1 lit. f) DS-GVO.
4. You also have the option of processing the payment process with the online payment service PayPal. PayPal makes it possible to make online payments to third parties. The European operating company of PayPal is PayPal (Europe) S. à.r.l. & Cie. S.C.A., 22-24 Boulevard Royal, 2449 Luxembourg. If you choose PayPal as your payment method, your data required for the payment process will automatically be transmitted to PayPal. This is the following data:
  - name
  - Address
  - firm
  - email address
  - (telephone and mobile number)
  - IP address

The data transmitted to PayPal may be transmitted by PayPal to credit agencies. The purpose of this transmission is to check identity and creditworthiness. PayPal may also disclose your information to third parties to the extent necessary to fulfill your contractual obligations or to process the information on your behalf. You can review PayPal's privacy policy at <https://www.paypal.com/de/webapps/mpp/ua/privacy-full/>

The legal basis for the data processing is Art. 6 Para. 1 b) DSGVO, since the processing of the data is necessary for the payment with PayPal and thus for the execution of the contract.





5. We will not send you any product information or surveys without your explicit request or confirmation (contact form).
6. **Swiftme** uses the services of SendBird DBA, 541 Jefferson Ave. Suite 100, Redwood City, CA 94063. SendBird is a messaging tool that helps to exchange messages with each other. Here data of the customer as well as contents of his message are processed by SendBird on behalf of MyTomSolutions and transmitted to the USA. SendBird is certified under the EU-US Privacy Shield, so that the legal requirements for the adequacy of the data protection level according to Art. 45 DS-GVO are met. If the customer does not want data to be processed at SendBird, **swiftme** may not be used. More information about SendBird can be found in the privacy policy: <https://sendbird.com/privacy>.
7. Beyond that we transmit your personal data only and in so far a legal obligation on our part to the passing on exists. The transmission takes place on the basis of Art. 6 para. 1 sentence 1 lit. c) DS-GVO (e.g. to the police authorities in the context of criminal investigations or to the data protection supervisory authorities).

## V. When using our mobile app **swiftme4One**

In addition to our **swiftme4Teams** online platform, we also provide an app **swiftme4One** that you can download and use on your smartphone. You are also entitled to the rights described in this document. In addition to the data specified in section IV of this data protection information, further personal data is processed, about which we will inform you below.

1. When you download the app, the necessary information is transferred to the App Store, including your username, e-mail address and customer number, the time of download, payment information and the individual device code number. However, we have no influence on this data collection and are not responsible for it. We process the data provided as far as this is necessary for downloading the app to your smartphone. The data will not be further stored.
2. For the quality assurance of our app we use the **crashlytics** service from fabric. For analysis purposes, the analysis program uses IP addresses of the users, which are used exclusively anonymously. A conclusion to a concrete person is not possible thereby. Crashlytics provides real-time evaluations of system crashes, making it easier for us to maintain the mobile app. Further information can be found here: <https://fabric.io/terms/faq>



3. Usage analyses with **Firebase**. We use the services of Firebase to import real-time information into the **swiftme4One** app, also known as push messages. This tool is an integral technical part of our offer and cannot be deactivated. Anonymous data is also transmitted to Firebase during the playout so that we can also analyze the usage.

## VI. Integration of third-party services and content

1. Within the scope of our online offer, we act on the basis of our legitimate interests (i.e. interest in the analysis, optimisation and economic operation of our online offer within the meaning of Art. 6 Para. 1 lit. f. of the German Civil Code). DSGVO) content or service offers from third parties in order to integrate their content and services, such as videos or fonts (hereinafter uniformly referred to as "content"). This always presupposes that the third party providers of this content process the IP address of the user, since they could not send the content to their browser without the IP address. The IP address is therefore required for the presentation of these contents.
2. The following presentation provides an overview of third-party providers and their contents, along with links to their data protection declarations, which contain further information on the processing of data and, in some cases already mentioned here, possible objections (so-called opt-out):
  - If our customers use the payment services of third parties (e.g. PayPal or Sofortüberweisung), the terms and conditions and the privacy policy of the respective third parties, which are available within the respective websites or transaction applications, apply.
  - External fonts from Google, LLC, <https://www.google.com/fonts> ("Google Fonts"). The integration of the Google Fonts takes place by a server call with Google (usually in the USA). Privacy Policy: <https://policies.google.com/privacy>, Opt-Out: <https://adssettings.google.com/authenticated>.
  - maps of the "Google Maps" service of third party provider Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA. Privacy Policy: <https://www.google.com/policies/privacy/>, Opt-Out: <https://www.google.com/settings/ads/>.
  - Within our online offer, functions of the Instagram service are integrated. These functions are provided by Instagram Inc., 1601 Willow Road, Menlo Park, CA, 94025, USA. If you are logged in to your Instagram account you can link the contents of our pages to your Instagram profile by clicking the Instagram button. This allows Instagram to associate the visit to our pages with your user account. We would like to point out that, as the provider of these pages, we do not have any knowledge of the content of the transmitted data or of its use by Instagram. Privacy policy: <http://instagram.com/about/legal/privacy/>.

## VII. Legitimate interests in data processing and objection

1. We process your personal data within the meaning of Clause II on the basis of our legitimate interests, in particular to guarantee IT security on our websites, to carry out analyses and marketing measures, to inform you about our products and services, to increase the range of our products and marketing measures, to prevent fraud and abuse, to avoid payment defaults, to safeguard, enforce and defend our legal interests (if necessary also in court) and to carry out our internal administration efficiently and with a division of labour. You can obtain information on the balances of interests carried out from: [privacy@swift.me](mailto:privacy@swift.me)
2. If we process your personal data on the basis of these legitimate interests (Art. 6 Para. 1 S. 1 lit. f) DS-GVO), you can object to data processing at any time. We will comply with your objection, unless there are important reasons within the meaning of Art. 21 DS-GVO to the contrary. Please direct your request:
  - by e-mail to [privacy@swift.me](mailto:privacy@swift.me)
  - in writing: MyTomSolutions, owner Katja Tomaschek,  
Mergentheimer Street 23  
71642 Ludwigsburg

If you object to data processing, we will process your personal data collected in this context to respond to your inquiry. Your personal data will be processed in order to fulfil a legal obligation on the basis of Art. 6 Para. 1 S. 1 lit. c) DS-GVO.

## VIII. Consent and revocation of your consent

If you have given us permission to process your personal data, you can revoke it at any time. Please be aware that it will then no longer be possible to use our services. The revocation of your consent is effective for the future. The lawfulness of the processing of your personal data until the time of revocation remains unaffected. Please judge your revocation:

- by e-mail to [privacy@swift.me](mailto:privacy@swift.me)
- in writing: MyTomSolutions, owner Katja Tomaschek,  
Mergentheimer Street 23  
71642 Ludwigsburg



If you revoke your consent, we will process your personal data collected in this context to respond to your request. Your personal data will be processed in order to fulfil a legal obligation on the basis of Art. 6 Para. 1 S. 1 lit. c) DS-GVO.

## IX. Your rights

You can demand from us at any time in accordance with the DS-GVO that we

- provide you with information about the personal data concerning you that we process (Art. 15 DS-GVO),
- correct personal data that concerns you and is incorrect (Art. 16 DS-GVO) and / or
- delete (Art. 17 DS-GVO), block (Art. 18 DS-GVO) and/or disclose (Art. 20 DS-GVO) your personal data stored with us. A deletion of the data is only possible if you do not want to use **swiftme** any further.

Please direct your request to

- by e-mail to [privacy@swift.me](mailto:privacy@swift.me)
- in writing: MyTomSolutions, owner Katja Tomaschek,  
Mergentheimer Street 23  
71642 Ludwigsburg

If you assert your rights against us, we will process your personal data collected in this context to respond to your inquiry. Your personal data will be processed in order to fulfil a legal obligation on the basis of Art. 6 Para. 1 S. 1 lit. c) DS-GVO.

Without prejudice to your rights under Section IX, you may file a complaint with a data protection supervisory authority if you are of the opinion that the processing of your personal data by MyTomSolutions violates the DS-GVO (Art. 77 DS-GVO).

## X. Other

The provisions of this data protection information (available free of charge on our website at <https://swift.me/impressum>) in the version valid at the time of use of our website apply.

We reserve the right to supplement and change the content of the data protection information. The updated data protection information applies from the time it is published on our websites.



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We will inform you about these changes and additions on our websites and, if your contact details are already stored with us, by e-mail or post. You will be given the opportunity to view, print and save the amended data protection information free of charge.

## **XI. contact details**

Please address your questions about data protection:

MyTomSolutions, owner Katja Tomaschek,  
Mergentheimer Street 23  
71642 Ludwigsburg  
E-mail to [privacy@swift.me](mailto:privacy@swift.me)

swiftme by MyTomSolutions

Katja Tomaschek · Mergentheimerstraße 23 · 71642 Ludwigsburg · [hello@swift.me](mailto:hello@swift.me) · [www.swift.me](http://www.swift.me)  
Ethikbank IBAN DE42830944950003357970, BIC GENODEF1ESN · USt-IdNr. DE309508558 · GF: Katja Tomaschek