



## PRIVACY POLICY FOR THE NEMOVOTE ONLINE VOTING WEB SOFTWARE

**We**, as the provider of the NemoVote online voting web software (also the "**software**"), are the **controller** within the meaning of applicable data protection law, in particular the General Data Protection Regulation ("**GDPR**") with regard to the personal data of the user ("**you**").

In the following, we inform you clearly within the scope of our information obligations (Art. 13 seqq. GDPR) about which data is processed when you use our software and on which legal basis such processing is carried out. You will also receive information about the rights you have vis-à-vis us and the competent supervisory authority

In section 1 you will find information about the controller of the software, NemoContra GmbH. In section 2 you will find information on the services NemoContra GmbH provides as a processor for organisers.

### 1. NEMOCONTRA AS THE RESPONSIBLE PARTY (PROVISION OF THE SOFTWARE)

#### 1.1 INFORMATION ON THE CONTROLLER

NemoContra GmbH

Mörikerstr. 25

71083 Herrenberg

Germany

[info@nemovote.com](mailto:info@nemovote.com)

## 1.2 INFORMATIONAL USE OF OUR SOFTWARE

When you call up our software, so-called **log files** are **automatically** recorded by our system.

The following log files are processed automatically:

- IP address of the requesting computer
- Date and time of the enquiry
- Name and URL of the retrieved file
- Referrer URL
- Access status/HTTP status code
- Type of Internet browser used
- Language of the Internet browser used
- Version of the Internet browser used
- Operating system

The log files contain your IP address and possibly other personal data. Therefore, an assignment to you is possible in principle. However, we only store your data temporarily and in particular not together with other personal data. The data is deleted as soon as you leave the website on which the software is hosted. The temporary processing and storage of the above-mentioned data is necessary to provide our software and to ensure the security of our information technology systems. These purposes also justify our legitimate interest in processing the data on the **legal basis** of Art. 6 para. 1 sentence 1 lit. f GDPR.

## 1.3 WEBSITE HOSTING:

The website on which our software is hosted is operated on the servers of the providers Heroku, Inc, 415 Mission St. 3rd Floor, San Francisco, CA 94105, with server location in the European Union, and netcup GmbH, Daimlerstraße 25, 76185 Karlsruhe, Germany, with server location in Germany. This means that the data we collect when you visit this website is stored by our hoster.

However, the database linked to our software is stored on the servers of the provider MongoDB Limited, Building 2 Number One Ballsbridge, Shelbourne Rd, Ballsbridge, Dublin 4, D04 Y3X9, Ireland, with server location in Frankfurt, Germany.

The **legal basis** for the processing of your personal data is Art. 6 para. 1 sentence 1 lit. f GDPR, as it is in our legitimate interest to use the services of a professional provider for the secure and efficient provision of our website. We have concluded a data processing agreement with each of the providers.

### **Note on data transfers to the USA:**

Heroku is a US company, which means that your personal data may also be transferred to the USA. The USA is a third country within the meaning of the GDPR, for which an adequacy decision of the EU Commission (the so-called "EU-US Data Privacy Framework" or "EU-US

DPF") exists. Heroku is certified as a US company under the EU-US DPF, see <https://www.dataprivacyframework.gov/s/participant-search/participant-detail?id=a2zt0000000KzLyAAK&status=Active>

#### 1.4 SENDING OF E-MAILS WITH MAILJET

To send emails from our software, we use the services of the provider Mailjet GmbH, Alt-Moabit 2, 10557 Berlin, Germany. The **legal basis** for the use of Mailjet for the purpose of sending e-mails is Art. 6 para. 1 sentence 1 lit. f GDPR. It is in our legitimate interests to use a professional, specialised and high-performance email service provider to send emails.

We have concluded a data processing agreement with Mailjet.

## 2. NEMOCONTRA GMBH AS PROCESSOR (USE OF THE SOFTWARE IN CONNECTION WITH EVENT ORGANISERS)

### 2.1 USE OF THE SOFTWARE BY EVENT ORGANISERS

Our customers (hereinafter referred to as "**organisers**") use the software to facilitate the conduct of elections and votes (hereinafter collectively referred to as "**votes**"). The software leads to time savings and more flexibility in the organisation of votes by allowing voters to cast their votes online via the software.

NemoContra GmbH is a processor of the organiser if the software is used for the setup and execution of voting, whereby the information under section 1.2 (website hosting) and section 1.3 (e-mail dispatch with Mailjet) apply accordingly to the personal data collected in this context. In this respect, the service providers mentioned there act as our sub-processors.

### 2.2 SETTING UP AND ORGANISING VOTES, INVITING VOTERS

Organisers have the option of setting up polls in our software and inviting voters to these polls. To be invited to a poll, you must have a user account. For this purpose, the organiser can send an invitation email to your email address. The email will contain your username and your (temporary) password.

Organisers also have the option of setting up voter lists by entering the voter's first name and surname and assigning these to individual votes. If a voter has been entered in a voter list and a vote is opened for this user, the voter will be notified of this by email if this has been set up by the organiser.

Voters have the option of changing their display name, e-mail address and password.

## 3. YOUR RIGHTS

If we process your data, you are a "data subject" within the meaning of the GDPR. You have the following rights: right of access, right to rectification, right to restriction of processing, right to erasure, right to information and right to data portability. In addition, you have a right to

object, a right to withdraw your consent and the right to lodge a complaint with a supervisory authority.

Below you will find some details on the individual rights:

### **3.1 RIGHT OF ACCESS**

You have the right to request confirmation from us as to whether we are processing your personal data. If we process your personal data, you have the right to obtain information in particular about the processing purposes, categories of personal data, recipients or categories of recipients and, if applicable, the storage period.

### **3.2 RIGHT OF RECTIFICATION**

You have the right to correct and/or complete the data we have stored about you if this data is incorrect or incomplete. We will carry out the correction or completion without delay.

### **3.3 RIGHT TO RESTRICT PROCESSING**

Under certain circumstances, you have the right to request that we restrict the processing of your personal data. An example of this is if you dispute the accuracy of your personal data and we need to verify the accuracy for a certain period of time. For the duration of the verification, your data will only be processed in a restricted manner. Another example of restriction is if we no longer need your data, but you need it for a legal dispute.

### **3.4 RIGHT TO ERASURE**

You have the right in certain situations to request that we delete your personal data immediately. This is the case, for example, if we no longer need your personal data for the purposes for which we collected the data or if we have processed your data unlawfully. Another example would be if we process your data on the basis of your consent, you withdraw your consent and we do not process the data on any other legal basis. However, your right to erasure does not always exist. For example, we may process your personal data to comply with a legal obligation or because we need it for litigation.

### **3.5 RIGHT TO INFORMATION**

If you have exercised your right to rectify, erase or restrict the processing of your data, we are obliged to notify all recipients to whom we have disclosed your personal data of the rectification, erasure or restriction of the processing of your data, unless this proves impossible or involves a disproportionate effort.

### **3.6 RIGHT TO DATA PORTABILITY**

You have the right, under certain conditions, to receive the personal data you have provided to us in a structured, commonly used and machine-readable format and the right to have this data transferred to another controller. This is the case if we process the data either on the

basis of your consent or on the basis of a contract with you and that we process the data using automated procedures.

You have the right to request that we transfer your personal data directly to another controller, insofar as this is technically feasible and does not affect the freedoms and rights of other persons.

### **3.7 RIGHT TO OBJECT**

You have the right to object at any time to the processing of your personal data based on Art. 6 (1) sentence 1 lit. e or lit. f GDPR for reasons arising from your particular situation. This also applies to profiling based on these provisions.

We will no longer process your personal data after an objection, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the assertion, exercise or defence of legal claims.

If we process your personal data for the purpose of direct marketing, you have the right to object at any time to the processing of your personal data for the purpose of such marketing. This also applies to profiling insofar as it is related to direct advertising. If you object to the processing of your personal data for direct marketing purposes, we will no longer process it for these purposes.

### **3.8 RIGHT TO WITHDRAW YOUR CONSENT**

You have the right to withdraw your consent at any time in accordance with Art. 7 (3) GDPR. The withdrawal of consent does not retroactively invalidate the lawfulness of the processing.

### **3.9 RIGHT OF LODGE A COMPLAINT WITH A SUPERVISORY AUTHORITY**

You have the right to lodge a complaint with a supervisory authority, without prejudice to any other administrative or judicial remedy. In particular, you may exercise your right to lodge a complaint in the Member State of your residence, place of work or place of the alleged infringement if you consider that the processing of your personal data infringes the GDPR.

An overview of the respective data protection commissioners of the German Bundesländer as well as their contact details can be found under the following link:

<https://www.bfdi.bund.de/DE/Service/Anschriften/Laender/Laender-node.html>

## **4. STATUS AND TOPICALITY OF THIS DATA PROTECTION INFORMATION**

Status: November 2023