

## Privacy Policy

The following declaration about data protection applies to the use of the website and the online offer.

Foxway attaches great importance to privacy. The collection and processing of your personal data is carried out in compliance with the applicable data protection regulations, in particular with the General Data Protection Regulation (GDPR). We collect and process your personal data in order to offer you this website. This Declaration describes how and for what purpose your personal data is collected and used, and what choices you have in connection with your data.

By using this website, you consent to the collection, use and transfer of your data in accordance with this Data Protection Declaration. If you wish to object to our collection, processing or use of your data completely or with regard to individual measures in accordance with this Data Protection Regulation, you can address your objection to the controller.

### 1 General

#### 1.1 Controller

The controller who is the body responsible for the collection, processing and use of your personal data within the meaning of GDPR is

Foxway GmbH  
Baierbrunner Straße 35  
81379 Munich  
Germany  
Tel +49 - 89 - 790 86 98-10  
E-Mail: [info.de@foxway.com](mailto:info.de@foxway.com)  
Managing Partner: Christopher Wütz, Jaan Tähiste

#### 1.2 Data Protection Officer

You can reach our data protection officer at:

Foxway GmbH  
Datenschutzbeauftragter  
Baierbrunner Straße 35  
81379 Munich  
Germany  
Tel +49 - 89 - 790 86 98-21  
E-Mail: [dataprotection.de@foxway.com](mailto:dataprotection.de@foxway.com)

#### 1.3 Terminology

‘personal data’ means any information relating to an identified or identifiable natural person (‘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;

‘processing’ means any operation or set of operations which is performed on personal data, whether or not by automated means. The term has a broad meaning and practically comprises all handling of data.

‘controller’ means 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.

‘restriction of processing’ means the marking of stored personal data with the aim of limiting their processing in the future;

‘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, behavior, location or movements;

‘pseudonymisation’ means 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;

‘deletion’ of personal data means both the definitive and therefore irrevocable, complete removal of data (destruction) and of the personal reference to them (anonymisation). In any case, after the deletion process a reference to specific persons can no longer be established.

‘processor’ means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

‘recipient’ means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not.

‘third party’ means 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;

‘consent’ of the data subject means 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;

## **2 Data processing**

### **2.1 Types of processed data**

- Name
- Address data (street, house number, postal code and city)
- Contact data (e. g. email, phone numbers)
- Content data (e.g. text entries, history, foto);
- Mobile devices data (e.g. IMEI, SN)
- Contract data (e.g. contract number, invoice number)
- Payment data (e.g. BIC, IBAN)
- Usage data (e.g. visited websites, interest in contents, access times);
- Meta/communications data (e.g. device information, IP addresses);
- identification numbers (e.g. customer account number)

### **2.2 Categories of Data Subjects**

Visitors and users of the online offer. Hereinafter, we will refer to the Data Subjects also as "user".

## 2.3 Purpose of processing

### 2.3.1 Provision of the online offer, its functions and contents

Foxway collects information about you when you use this website. We automatically collect information about your user behavior and the interaction with us and register information about your computer or mobile device. We collect, store and use data about every access to our online offer (so-called server log files). The access data includes the name and URL of the retrieved file, date and time of the retrieval, the amount of data transferred, the message about a successful retrieval (HTTP response code), browser type and browser version, operating system, referrer URL (i.e. the previously visited page), IP address and the requesting provider.

We use this protocol data - without assigning it to you personally or creating another profile - for statistical evaluations in order to operate, make secure and optimize our online offer, but also to anonymously collect the number of visitors (traffic) on our website and the extent and type of use of our website and services, as well as for billing purposes to measure the number of clicks received from cooperation partners. Based on this information, we can provide personalized and location-based contents and analyze the data traffic, search and remedy errors and improve our services. We reserve the right to check the log data retrospectively if, on the basis of concrete indications, the legitimate suspicion of unlawful use exists. We store IP addresses in the log files for a limited period, if necessary for security purposes or for the provision of services or the billing of a service, e.g. if you use one of our offers. We also store IP addresses, if we have a specific suspicion of a crime in connection with the use of our website. In addition, we store the date of your last visit (e.g. when registering, logging in, clicking links, etc.) as part of your account.

The processing of personal data takes place here on the basis of our legitimate interests in an efficient and secure provision of this online offer as well as on the basis of legal obligations according to Art. 6 (1) c and f GDPR.

### 2.3.2 Website Hosting

The hosting services we use from Amazon Web Services EMEA Sarl serve to provide the following services: Infrastructure and platform services, computing capacity, storage space and database services, security services and technical maintenance services that we use for the purpose of operating this online offering. We also use Amazon Web Application Firewall for security reasons. Further information on data protection and IT security can be found at <https://aws.amazon.com/de/privacy/>.

In doing so, we process your user data on the basis of our legitimate interests in the efficient and secure provision of this online offer in accordance with Art. 6 (1) f GDPR.

Data is stored in AWS Ireland region. AWS Web Services is an active participant in the EU-US Data Privacy Framework, which regulates the correct and secure transfer of personal data from EU citizens to the USA, if required. You can find more information on this at [https://commission.europa.eu/document/fa09cbad-dd7d-4684-ae60-be03fcb0fddf\\_en](https://commission.europa.eu/document/fa09cbad-dd7d-4684-ae60-be03fcb0fddf_en).

### 2.3.3 Replying to contact requests and communication with users

When you contact us (e.g. via contact form, agent bot or e-mail), we store your details (e.g. name, address, telephone number, e-mail address, conversation history) to process your enquiry and in the event that follow-up questions arise in relation to a subsequent contractual

or business relationship in accordance with Art. 6 (1) b GDPR. We only store and use further personal data if you give your consent or if this is legally permissible without special consent.

#### 2.3.4 Registration function

You can create a user account to use the online offer. Your registration with voluntary provision of personal data enables us to offer you content or services which, due to the nature of the matter, can only be offered to registered users. As part of the registration process, you will be provided with the required mandatory information and processed on the basis of Art. 6 (1) b GDPR for the purpose of providing the user account. The processed data includes in particular the registration and login information (e.g. name, address, telephone number, email address). The data entered during registration is used for the purposes of using the user account.

By registering on this website, your IP address assigned by the Internet service provider (ISP), the date and time of registration are also stored. This data is stored in accordance with Art. 6 (1) c and f GDPR against the background that this is the only way to prevent the misuse of our services and, if necessary, to enable criminal offenses to be investigated.

You can also be informed by us by e-mail about information relevant to your user account, such as technical changes.

#### 2.3.5 Business-/contract-related processing

In addition, we process your personal data (e.g. name, address, telephone number, e-mail address, conversation history, contract number, IMEI, IBAN, BIC) in order to fulfil both pre-contractual obligations in the initiation of the contract as well as contractual obligations of the contract in accordance with Art. 6 (1) b GDPR, which are related to the online offer and necessary for its implementation (e.g. online trade-in, for the creation and sending of the shipping label, data deletion, sending of the deletion or disposal confirmation).

The data processed, the type, scope, purpose and necessity of their processing are determined by the underlying contractual relationship. In processing the data provided in this context, Foxway acts in accordance with your instructions and the instructions of its customers as well as the legal requirements. Your personal data may be passed on to business partners and service providers for the purpose of contractual performance and services, in accordance with Art. 6 (1) b GDPR, if this is necessary for the purpose of fulfilling the contract.

Foxway does not process special categories of personal data.

#### 2.3.6 Cookies

Cookies are used on some of our websites. Cookies, a standard technology, are small text files that are stored on the device used by the User, enabling, among other things, to make the visit to a website more comfortable or safer. Cookies can also be used to better tailor the offerings on a website to the interests of the visitors or to generally improve the offer on the basis of statistical evaluations.

The User can decide for itself whether or not it allows cookies to the browser used. Users should keep in mind that the functionality of websites may be restricted or even suspended if the use of cookies has been objected to.

The processing of personal data by cookies that are absolutely necessary for the presentation and function of the website is carried out in accordance with Art. 6 (1) f GDPR. All other cookies require your consent in accordance with Art. 6 (1) a GDPR. You can adjust your decision with our consent banner.

### 2.3.7 Access measurement

This website uses Google Analytics, a web analytics service provided by Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland (hereinafter: "Google"). Google is an active participant in the EU-US Data Privacy Framework, which regulates the correct and secure transfer of personal data from EU citizens to the USA.

Google Analytics uses "cookies", which are text files placed on your computer, to help the website analyze how users use the site. On behalf of the operator of this website, Google will use the above information to evaluate your use of the website, to compile reports on website activity and to provide the website operator with other services relating to website activity and internet usage. The IP address transmitted by your browser as part of Google Analytics will not be merged with other Google data.

The purpose of data processing is to evaluate the use of the website and to compile reports on website activity. Based on the use of the website and the Internet, further associated services are then to be provided. As part of the reach analysis of Google Analytics, the following data is processed on the basis of our legitimate interests (i.e. interest in the analysis, optimization and economic operation of our online offer) in accordance with Art. 6 (1) f. GDPR. GDPR, the following data is processed:

Name and URL of the retrieved file, date and time and country of origin of the retrieval, amount of data transferred, notification of successful retrieval (HTTP response code), browser type and browser version, operating system, referrer URL (i.e. the previously visited page), IP address and the requesting provider as well as the number of visits and your time spent on the website. Your IP address is anonymized immediately after it has been stored by Google.

Pseudonymous user profiles can be created from the processed data. The cookies have a storage period of one week. The information generated by the cookie about your use of this website is only stored on our server and is not passed on to third parties. You can prevent the storage of cookies by selecting the appropriate settings in your browser software. You can also prevent Google from collecting the data generated by the cookie and relating to your use of the website (including your IP address) and from processing this data by Google by downloading and installing the browser plug-in available at the following link: [Browser add-on to deactivate Google Analytics](#). In addition or as an alternative to the browser add-on, you can prevent tracking by Google Analytics on our pages by changing your cookie consent. This will install an opt-out cookie on your device. This will prevent Google Analytics from collecting data for this website and for this browser in the future as long as the cookie remains installed in your browser.

The logs with your data will be deleted no later than 1 year after your last visit to the website. This is how long the evaluation of the collected data is necessary for effective control of the optimization and simplification of the online offer.

The website uses the "demographic characteristics" function of Google Analytics. This allows reports to be created that contain statements about the age, gender and interests of site visitors. This data comes from interest-based advertising from Google and from visitor data from third-party providers. This data cannot be assigned to a specific person. You can deactivate this function at any time via the ad settings in your Google account or generally prohibit the collection of your data by Google Analytics as described in the section "Objection to data collection".

## 3 Legal bases and storage period

Unless specifically stated, we only store your personal data for as long as necessary to fulfil the purposes pursued in accordance with Art. 6 GDPR or for as long as retention rights in accordance with Art. 17 sec. 3 GDPR prevent data deletion.

Furthermore, your data will be deleted if the data is no longer required to fulfil contractual or legal storage obligations in accordance with Art. 17 (3) b GDPR (e.g. tax and commercial law storage obligations) as well as dealing with possible warranty and comparable obligations.

In addition, we store your personal data for the purpose of asserting, exercising or defending legal claims according to Art. 17 (3) e GDPR.

If personal data may no longer be processed for the original purpose, but storage obligations still exist, the data will be archived from the productive processing or storage locations, completely deleted from the productive level and access restricted.

Once all storage obligations have been fulfilled, storage rights have lapsed and all deletion periods have expired, the corresponding data is routinely deleted.

## **4 Your rights as a Data Subject**

Under applicable law, you have various rights regarding your personal data. If you wish to assert these rights, please send your request to the data protection officer by e-mail or by mail with a clear identification of your person (see Clause 1.2).

As a Data Subject, you have the following rights:

### **4.1 Right of access**

According to Art. 15 you have the right to obtain from us a confirmation as to whether or not personal data concerning you is being processed. Where that is the case, you have the right to obtain free information from us about the personal data stored about you and a copy of this data.

### **4.2 Right to rectification**

According to Art. 16 GDPR you have the right to obtain from us the immediate rectification of inaccurate personal data concerning you. In consideration of the purposes, you have the right to request the completion of incomplete personal data, including by means of a supplementary statement.

### **4.3 Right to erasure ("Right to be forgotten")**

According to Art. 17 GDPR you have the right to obtain from us the immediate erasure of the personal data concerning you and we are obliged to erase your personal data immediately, unless there are legal or contractual obligations to keep records. In this case the further processing of your data will be restricted.

Where we have made personal data public and we are required to erase it, we will take appropriate measures, taking into account available technology and implementation costs, also of technical nature, to inform the controllers who process the personal data that you have requested the deletion of any personal data or of copies or replications of such personal data according to Art. 19 GDPR.

### **4.4 Right to restriction of processing**

According to Art. 18 GDPR you have the right to obtain from us restriction of processing. This applies in particular if data erasure is not yet possible. You can also ask us to process only the personal data that is absolutely necessary for the provision of our services.



#### **4.5 Right to data portability**

According to Art. 20 GDPR You have the right to receive the personal data concerning you provided to us in a structured, commonly used and machine-readable format and you have the right to transmit those data to another controller without hindrance from us.

#### **4.6 Right to object**

According to Art. 21 GDPR you have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you which is based on Art. 6 (1) e or f GDPR, including profiling based on those provisions. We do no longer process the personal data unless we can demonstrate compelling grounds, worthy of protection, for the processing which override your interests, rights and freedoms or the processing serves for the establishment, exercise or defense of legal claims.

#### **4.7 Right of withdrawal of a declaration of consent given under data protection law**

According to Art. 6 (1) a GDPR, you have the right to revoke the previously granted consent to data processing without giving reasons. If no other lawfulness of the processing within the meaning of Art. 6 (1) GDPR justifies further data processing, your personal data must then be deleted immediately. Otherwise, the processing of the personal data of the data subject must be temporarily restricted (blocked).

#### **4.8 Right to appeal to a supervisory authority**

You have the right to appeal to a supervisory authority, in particular in the Member State of your home, work or at the place where the infringement has allegedly been committed, if you have the opinion that the processing of the data concerning you is unlawful.

For Foxwy the competent supervisory authority is the Data Protection Inspectorate, Tatari 39, Tallinn 10134, Estland. E-Mail: [info@aki.ee](mailto:info@aki.ee).

### **5 Data security**

We endeavor to ensure the security of your personal data under the scope of applicable data protection laws and technical options.

We implement the following technical, physical and organizational measures to protect the security of your personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized use, unauthorized disclosure or access and against all other unlawful forms of processing

We transmit your personal data in encrypted form. This applies to your orders and also to a customer login. We use the SSL (Secure Socket Layer) coding system, but point out that data transmission over the Internet (e.g. when communicating by e-mail) can have security gaps. It is not possible to protect such data completely against access by third parties.

When personal data is accessed by authorized personnel, access is only possible via an encrypted connection. When accessing data in a database, the IP number of the person accessing the data must also be pre-authorized to gain access.

All access to personal data is blocked by default. Access to personal data is restricted to individually authorized personnel. Our security and data protection officer issues authorizations and keeps a log of the authorizations granted. Authorized employees are granted only the minimum access they absolutely need for their tasks through our role and authorization concept.

Administrative processes, including system access, are logged to provide an audit trail when unauthorized or accidental changes are made.

System performance and availability is monitored by both internal and external monitoring services.

To safeguard your data, we maintain technical and organizational security measures that we always adapt to state-of-the-art technology.

Furthermore, we do not warrant that our offer will be available at specific times; disturbances, interruptions or failures cannot be excluded.

In the event that your data is compromised, we will notify you and the relevant regulatory authorities by email within 72 hours of the extent of the breach, the data involved, any impact on the service and the plan of action to secure the data and limit any adverse effects on the data subject.

## **6 Automated decision-making**

No automated decision-making will be done on the basis of the collected personal data.

## **7 Transfer of data to third parties, data transfer to non-EU/EEA countries**

As a rule, we only use your personal data in our company.

In addition, your personal data will only be passed on if you have given your consent in accordance with Art. 6 (1) a GDPR, the transfer is necessary for the fulfilment of a contract in accordance with Art. 6 (1) b GDPR, we are subject to a legal obligation in accordance with Art. 6 (1) c GDPR (e.g. e.g. tax regulations, participation in the clarification of a criminal offence), or if this is necessary to protect our legitimate interests in accordance with Art. 6 (1) f GDPR, unless your interests or fundamental rights and freedoms that require the protection of personal data outweigh this.

If and insofar as we involve third parties in the fulfilment of contracts, these third parties will only receive personal data to the extent that the transmission is absolutely necessary for the corresponding service.

In the event that we outsource certain parts of data processing ("contract processing"), we contractually oblige our processors to use personal data only in accordance with the requirements of the data protection laws and this privacy policy and to ensure the protection of the rights of the data subject.

Furthermore, it is only permitted to transfer personal data to institutions or persons outside the EU/EEA under the conditions set out in Art. 44 following GDPR. In particular, adequate protection is then guaranteed by appropriate measures, such as standard contractual clauses of the EU Commission within the meaning of Art. 46 (2) d GDPR.

## **8 Data protection officer**

Should you still have any questions relating to our data protection or to this Data Protection Declaration, or should you intend to exercise your rights named herein, kindly contact our data protection officer (contact details see point 1.2).

## **9 Changes to the Data Protection Declaration**

Foxway reserves the right to change the Privacy Policy in order to adapt it to changed legal situations, or in the event of changes in the service and data processing. However, this only





applies to declarations about the processing of data. If the consent of the user is required or elements of the Data Protection Declaration contain provisions of the contractual relationship with the User, the changes are only made with the approval of the User.

Users are asked to inform themselves regularly about the content of the Data Protection Declaration. You can save and print this Data Protection Declaration at any time.