

# EyeEm Privacy Policy

As of May 25<sup>th</sup>, 2018

Welcome to EyeEm, a service of EyeEm Mobile GmbH, Kohlfurter Str. 41/43  
10999 Berlin, Germany (hereinafter “we,” “us” or “our”).

In this privacy policy, we provide you with an overview of how we process your personal data when you use our services, in accordance with our information requirements and in accordance with the General Data Protection Regulation, which will come into force on 25 May 2018. The privacy policy applies regardless of whether you are registered with us or not, or are using our website ([www.eyeem.com](http://www.eyeem.com)) or our app.

By using our services, you consent to the processing of your data in accordance with this privacy policy.

IF YOU DO NOT AGREE TO THE TERMS OF THIS PRIVACY POLICY, YOU SHOULD NOT USE OUR SERVICES.

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## 1. Controller & data protection officer

The data controller responsible for the processing of your personal data when using our services within the meaning of Article 4 (7) of the [General Data Protection Regulation](#) is:

EyeEm Mobile GmbH  
Kohlfurter Str. 41/43  
10999 Berlin  
Germany

General Inquiries: [contact@eyeem.com](mailto:contact@eyeem.com)  
Tel.: +49 (0)30 565 899 19

Data protection officer (Michael Jones): [privacy@eyeem.com](mailto:privacy@eyeem.com)

## 2. What is personal data?

“Personal data” within the meaning of Article 4 (1) of the [General Data Protection Regulation](#) is:

“... any information relating to an identified or identifiable natural person (hereinafter the “data subject”); a natural person is considered as being identifiable, directly or indirectly, in particular by means of an identifier such as a name, an identification number, location data, an online identifier or one or more special characteristics expressing the physical, physiological, genetic, mental, economic, cultural or social identity of this natural person.”

## 3. The purposes for which we process your personal data

We collect and process your personal data for the purpose of providing you with our services and their advanced features, continuously improving and developing them, ensuring their technical functionality and ensuring the security of our services.

## 4. What personal information we collect from you and how we use it

### 4.1 Data you submit to us ...

#### (a) ... if you register as a photographer/videographer (creator)

You are “creator” if you want to share your content with us within the community (community account) or if you also want to offer it for licensing (seller account).

#### Community account (creator)

To set up a community member account, we need:

- Your e-mail address
- Your username chosen by you or generated automatically by us (@username), which also corresponds to your user ID and which will be linked to your e-mail address
- A password to protect your user account

If you register with us via a social network of Facebook, Inc. or Google, Inc., please read section 4.3 (a), since in this case we do not collect your data from you, but from a third party – namely the respective social network.

#### Seller account (creator)

For the activation of your seller account, we need the following in addition to the information that you have provided us for your community account:

- Your real name (i.e. your legal name)
- Your address
- Information about whether you are over 18 years old
- Name of the company/corporation and the tax number, if you sell your contents as a merchant or for a company
- Your PayPal account information. We will ask you to notify us of your PayPal account information at the latest after the sale of a license to use one of your contents. Optionally, you can also link your account to your EyeEm account if you click on the “Earnings” section in the menu.

Provision of the above information about you is required. Otherwise, we cannot create a user account for you and – in the case of a seller account – will not conduct transactions with you and therefore do not give licenses to your content.

#### We use the above data:

- To create your user account as a creator and, in the case of a seller account, also determine your identity, because we need to know who is the licensor in the case of a license sale.
- To contact you in case of required releases.
- To contact you in the event of alleged copyright infringement and to clarify any other issues with your content.
- To pay your license share to you.
- If necessary, to ask you if you would like to carry out orders for us.
- According to your account settings, you can receive notifications via the app (push notifications) and/or via e-mail on e.g. community updates, promotions, mentions, license sales etc. If you do not want to receive notifications, you can unsubscribe from them at any time in the settings of the app or via the existing link in the email.

- WITH YOUR CONSENT, we use your e-mail address to send you our newsletter.

Storage time:

In principle, we only store this data until the deletion of your user account. If you have sold a license to your content, your data will also be archived for the duration of the statutory retention periods (tax-related, e.g. 10 years).

Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract between you and us (Art. 6 (1) (b) GDPR) or your consent (Art. 6 (1) (a) GDPR) as far as it is necessary and you have given it to us (e.g. for the newsletter).

**(b) ... if you register as a **buyer** to purchase user licenses**

If you would like to purchase licenses for the use of content posted there via the EyeEm Market (buyer account), we need the following data from you to create your user account and to carry out transactions:

- Your real name (i.e. your legal name)
- Your address
- Your e-mail address
- The name of your company and the tax number or sales identification number if you act as a merchant or a company
- Your payment details such as credit card number, credit card holder, etc. This data is requested at the latest when you want to acquire a license to use content. However, we do not store this data ourselves; it is sent by us directly to the payment service provider appointed by us and deleted after the transaction has been completed.

Providing this information about you is required. Otherwise, we cannot create a user account for you and cannot conduct transactions with you and therefore not grant you any licenses.

We use this data

- To create a user account and identify you.
- To handle transactions.
- To send you notifications concerning transactions made (i.e. license purchases and the related payment processing).
- WITH YOUR CONSENT, we use your e-mail address to send you our newsletter.

Storage time:

We usually store this data in our active storage only until your user account is deleted and pending transactions are completed. Following this, we will archive the data for the duration of the statutory retention periods (tax-related, e.g. 10 years).

Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract between you and us (Art. 6 (1) (b) GDPR) or your consent (Art. 6 (1) lit.a GDPR) insofar as it is required and you have given it to us (e.g. for the newsletter).

**(c) ... if you provide additional, **voluntary** information in your profile**

If you have a creator account, you can voluntarily provide additional profile information in your profile to make it more meaningful. For example you can:

- Change the username automatically generated by us.
- Specify a name for your profile (this does not necessarily have to be your real name, i.e. your legal first and last name).
- Upload a picture of you for the profile picture.
- Provide further information about you for the profile text.

We use this data exclusively to make it visible in your profile to other users.

Storage time:

As a rule, we only save this data until your user account has been deleted and pending transactions have been completed.

Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract between you and us (Art. 6 (1) lit.b GDPR).

(d) ... if you **upload content**

If you have a creator account and upload content to EyeEm, we process the information contained in the metadata of the content (so-called exif data), such as date, time and location of the recording, camera type, shutter speed, etc. and any additional information you provide about the content. We only collect and process information about the location of the recording if this information is already contained in the metadata, if this information results from the content (e.g. landmarks, identifiers) or if you add the location yourself when uploading.

We use this data to provide our services, in particular to optimize the sales opportunities of the content because content with meaningful metadata can be found better.

Storage time:

We usually store this data only until your user account is deleted and pending transactions are completed.

Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract between you and us (Art. 6 (1) (b) GDPR).

(e) ... if you **contact our support**

If you contact our support, we will save your e-mail address and any other information that you provide in the context of your request.

The data will be stored and used exclusively for the processing of your respective request and any subsequent correspondence.

Storage time:

The data is stored up to six (6) months after the completion of your request with us and then deleted as far as this concerns personal data.

Legal basis:

The legal basis for this processing of your personal data is the fulfillment or initiation of a contract between you and us (Art. 6 (1) (b) GDPR).

**(f) ... if you contact us for business purposes**

If you send us inquiries via our contact form or by e-mail, we will save:

- Your e-mail address
- All other information provided by you.

We use this data to answer your inquiries and to contact you regarding possible cooperation.

Storage time:

We store this data until six (6) months after the completion of your inquiry with us and then delete it unless you expressly agree that we may keep it longer.

Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract between you and us (Art. 6 (1) (b) GDPR).

**(g) ... if you register for our newsletter**

If you register for our newsletter on our site, we will save:

- The e-mail address you provided.

We use your e-mail address only to send you our newsletter and to verify your e-mail address beforehand, so that you do not receive the newsletter unintentionally, e.g. because an unauthorized third party entered your e-mail address (so-called double opt-in).

Storage time:

Your e-mail address will be deleted as soon as you unsubscribe from the newsletter.

Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract between you and us (Art. 6 (1) (b) GDPR) or your consent (Art. 6 (1) (a) GDPR), which you provide to us with your request to receive our newsletter.

**(h) ... if you provide us a model or property release**

If you provide us with a model or property release for the release of recordings by you, your private rooms, works or other property rights you are entitled to, we will store your data as stated in the respective release form; this data includes:

- Your name
- Your address
- Your e-mail address
- Your date of birth for a model release, and
- Where applicable, the location of your property for a property release.

Providing this information about you is necessary in order to prove to third parties that you consent that we grant rights to use the contents that depict you. Otherwise, we will not be able to prove our eligibility and will not issue licenses.

We only disclose the information to our distribution partners within the framework of the model releases and, if necessary, to our licensees. For more information, please see point section 5.2.

#### Storage time:

We store the releases for the duration that we are allowed to market the respective content and, in case of a licensing, also store the respective content beyond this period in order to be able to prove our original authorization in hindsight. The same applies to the third party to whom we pass on this data.

#### Legal basis:

The legal basis for this processing of your personal data is the fulfillment of a contract (namely the respective release) between you and us (Art. 6 (1) (b) GDPR) or your consent (Art. 6 (1) (a) GDPR) that you expressly confirm with us in the context of the respective release.

## 4.2 Data that we **automatically collect** when you visit our website and use our app

### (a) Log data

Log data is data that is automatically recorded when you visit our website or use our app. Specifically, this is the following data:

- IP address,
- Type of Internet browser used,
- Name of your Internet Service Provider (ISP),
- Device data,
- Start and end page you visited, and
- Other activities within the app or on our website (so-called “events”), etc.

We use this data solely for troubleshooting and quality-assurance purposes, for statistical and analytical purposes, and for monitoring system security.

### (b) Location data

When you share your location data in your device settings, we process that data to suggest locations for tagging your content and to display nearby recorded content in our discover feed.

### (c) Cookies and similar technologies

For our service to work properly, we sometimes store small files – called cookies – on your device. This is common on most major websites.

#### (i) What are cookies?

A cookie is a small text file that leaves a web portal on your device (computer, tablet or smartphone) when you visit it. This allows the portal to “remember” certain inputs and settings (e.g., login, language, font size, and other display preferences) over a period of time, and you do not need to re-enter them each time you visit and navigate the portal.

#### (ii) How can you exercise control over cookies?

You can control and/or delete cookies at your convenience. You can find out how to do this in the help function of the browser you are using or, for example, here: [aboutcookies.org](http://aboutcookies.org). You can delete all cookies stored on your device and set most browsers to prevent the storage of cookies. But then you may be required to make some settings manually each time you visit a page and accept the impairment of some features.

#### (iii) EyeEm cookies

On our website we use cookies for storage:

- **of your session ID**, so that our server can recognize you. This cookie is valid for one month and is automatically renewed afterwards. This is mandatory for the use of our service because features are otherwise impaired, and you e.g. cannot upload or download content for the purpose of licensing.
- **Your decision for (or against) the use of cookies**. Cookies are valid for 6 months. They are not absolutely necessary for the use of our service.

The information collected through cookies will not be used to identify you and the information will be completely under our control. Cookies are not used for purposes other than those mentioned here.

#### (iv) Cookies and similar third-party technologies

In addition to our own cookies, we also use third-party cookies and similar technologies (such as counting pixels) to provide our services, including troubleshooting, quality assurance, system-security monitoring, statistics and analytics, and a user-friendly design of our offerings (e.g. site-specific photo contests, etc.), to measure efficiency and for optimization of advertisements we provide with other providers. As the providers and other technologies used may change, you should periodically review our privacy policy for updates.

### Provision of our services

#### Google Analytics

On our website we use Google Analytics, a web analytics tool from Google Inc. (hereafter “Google”). Google Analytics uses cookies to analyze the use of the website by the user. The information generated by the cookies is regularly transmitted to a Google server in the US and stored there. However, since IP anonymization is enabled on our website, the IP address of the user will be abbreviated prior to transmission within the EU Member States or other parties to the Agreement on the European Economic Area. Only in exceptional cases will the full IP address be sent to a Google server in the USA and abbreviated there.

Google processes this information on our behalf to analyze the use of the website by the user, to provide reports on the activities on the website and to provide other services in connection with the use of the website for EyeEm. As part of the services provided by Google Analytics, the IP address transmitted by the user’s browser will not be merged with other data collected by Google.



You may prevent the collection of cookie-generated data about your use of the website (including IP address) and its processing by Google by downloading and installing the following browser plug-in via the link below:

<http://tools.google.com/dlpage/gaoptout?hl=de>

#### **Amplitude**

Within our app, we use Amplitude's Amplitude analysis service to collect certain data about the use of the app. The data collected includes your country of origin from which you registered, the language you used and your device ID. The data obtained in this way is regularly transmitted to a server of the company Amplitude in the US and stored. The data is analyzed there and then transmitted to EyeEm. This service enables EyeEm to make the EyeEm Community and EyeEm Market more user-friendly and attractive. To find out more about how Localytics uses information for analytical purposes, see Localytics' privacy policy: <https://amplitude.com/privacy>.

#### **Crashlytics**

In our app, we have integrated the analysis service Crashlytics, a service of Google Inc. Crashlytics collects information for us on how and under what circumstances the app crashes. The service looks for crashes of the app, analyzes the collected data and provides us reports on it. The collected data includes not only the device type, the version of the operating system and certain data on the hardware of your mobile device and the time of the crash, but also your user ID and device ID. This information indicates how the app was working at the time of the crash. Crashlytics does not receive information that can identify you as a person. Learn more about how Crashlytics works at: <http://try.crashlytics.com/terms>

#### **Advertising**

We use tracking tools to measure, optimize, and track clicks on our advertisements, which we position on other pages. Your user ID will not be linked to the collected data. In connection with the display of advertising, third-party servers are necessarily contacted directly when using EyeEm. The third-party providers are themselves responsible for the privacy-compliant operation of the IT systems they use. The decision on the storage duration of the data is up to the service providers.

You can find more information about the tracking pixels we use and their data processing here:

#### **Facebook Pixel**

<https://www.facebook.com/about/privacy/>.

#### **LinkedIn**

<https://www.linkedin.com/psettings/advertising/actions-that-showed-interest>

#### **Twitter**

<https://twitter.com/privacy?lang=de>

### **4.3 Data that we receive from third parties**

When you register with us through Facebook, Inc. or Google, Inc., we will receive the authentication information required for your registration, i.e.:

- Your first and last name

- Your e-mail address
- Your user ID, and
- All data that you have specified in your public profile.

We use all of this information only to the same extent as the data that you provide when registering through our app or website.

If you log in via the app, the data transmitted to us will also be used to help you find your Facebook / Google+ friends or be found by them, as long as they have also linked their account to the respective services.

## 5. Whom do we share your personal data with?

We only pass on your personal data to third parties (including processors, i.e. third parties who process data for us on our behalf), insofar as this is stated below or you have expressly consented to this.

If and insofar as your data is passed on to third parties whose registered office is not located in an EEA country, we ensure that the respective recipient has an adequate level of data protection, in the respective contracts there are sufficient confidentiality agreements (e.g. in the contracts with our sales partners), the standard contractual clauses of the European Commission for the transfer of personal data to processors are agreed, or we obtain your due and proper consent.

### 5.1 Other users

Other users of our services, whether registered or not, or those accessing the content uploaded to EyeEm through a so-called API (Application Programming Interface), may be shown any information displayed on your public EyeEm profile (not your e-mail address).

### 5.2 Distributors and licensees

We will pass your names stored in the metadata of your content, for the purpose of naming and knowing the author, to all who acquire use licenses for your content as well as our partners who market your content abroad. At the latest at their request, they also receive model releases and property releases for the purpose of proving the consent of the persons depicted or the persons entitled to the objects depicted. You agree with this transfer of data if you send us the respective model release or property release.

### 5.3 Service providers

We also share your information with companies whose services we use to provide our services and manage our business affairs - such as conducting payment transactions, sending push notifications and e-mail messages, fraud monitoring and prevention, marketing services, usage analysis, hosting services, technical services (such as quality assurance and performance analysis), CRM services, customer service management services, conversion of geodata into actual locations etc. These service providers receive personal data about you only as far as this is necessary for the fulfillment of their respective performance obligation towards us. They will not be granted any further rights to use your data.

## 5.4 Government agencies, authorities & courts, legal representatives

In some cases, we may pass on your personal data if:

- We are required to disclose information as a result of a subpoena, court order or other legal or regulatory requirement.
- We believe in good faith that the disclosure is required:
  - To prevent fraud, or
  - To respond to or defend our services against attacks, or
  - To protect the property or security of EyeEm, our customers, users or the general public.

## 5.5 Affiliates

We may share your personal information with our affiliates – EyeEm Inc. (NY) and EyeEm Ltd. (UK) – as necessary to provide our services.

## 5.6 Legal successor

We may use your data as part of a sale, merger or change of control, or in preparation for any of these events. If we merge with another entity, or acquire another entity, or sell part of our business, or if all or a significant portion of our assets are acquired by another entity, it is likely that your data will be shared with our advisors and advisors of the potential buyer and that the data is one of the assets to be transferred. In the case of succession described above, the acquiring company has the right to use your data in accordance with this privacy policy or a later proper amendment.

# 6. Your control options & rights

In addition to the ability to exercise control over your personal information and other data by changing your information and settings in your user account and, if necessary, creating links to third-party applications such as Facebook or Google, allowing or blocking cookies, or making do-not-track settings in your browser, you have the following legally protected rights. We offer you communications and measures in this respect in principle free of charge. However, in the case of manifestly unfounded or excessive requests, especially in the case of frequent repetition, we may levy a fee or refuse to act.

## 6.1 Information, correction, deletion and/or restriction

You have the right at any time to request information about what personal data we process about you and to demand correction, deletion and/or restriction of your personal data stored by us. For your security, we will ask you to verify your details in the event of such a request or change. Please send us a message at: [privacy@eyeeem.com](mailto:privacy@eyeeem.com)

## 6.2 Revocation of your consent

If the data processing by us is based on your consent, you can revoke this consent at any time. To revoke your consent, please send us a message at: [privacy@eyeeem.com](mailto:privacy@eyeeem.com)

### 6.3 Right to data portability

You have the right to demand that we provide you with the personal data relating to you in a structured, common and machine-readable format, provided that the data processing is based on your consent or a contract between us and is done by automated means.

### 6.4 Right to lodge a complaint with the regulatory authority

You also have the right to lodge a complaint about us with our regulatory authority.

## 7. What do we do for the security of your data?

We have made technical and organizational arrangements to secure the website, mobile applications and other systems against loss, destruction, access, modification or disclosure of your personal data. Access to your profile is only possible after entering a password. You should always treat access information confidentially and close the browser window as soon as the connection with EyeEm is finished.

## 8. Changes & updates to our privacy policy

We occasionally change and update our privacy policy to adapt it to changing requirements. If we make any material changes, we will notify you in advance by e-mail and/or through our services so that you can review the changes before they come into force. In the event of other updates or changes, we will publish the amended privacy policy without a separate notice on our site. Accordingly, you should periodically visit our privacy policy to ensure that you know the current regulations. If you do not agree with the changes, you should not use our services and delete your account if you have one. If you use our services after the effective date of our amended or updated privacy policy, the processing of your personal data is automatically subject to our updated privacy policy.