

## Privacy Policy

Responsible for data collection at Cyanite is:

elceedee UG (haftungsbeschränkt) (hereinafter: "we", "us")

Represented by the managing directors Markus Schwarzer, Jakob Höflich, Joshua Weikert

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This Privacy Policy is in relation to the online platform for music analysis "Cyanite" operated by us.

### § 1 General information

The permanent protection of our users' data is particularly important to us.

Your data is collected, processed and used in accordance with the provisions of the German Telemedia Act (TMG) and data protection law, in particular the German Federal Data Protection Act (BDSG) – from 25 May 2018 the General Data Protection Regulation (GDPR).

The following provisions inform you about the type, scope and purpose of the collection, processing and use of personal and usage data. However, this privacy policy only applies to our web and mobile services. If you are redirected to other pages via links, please inform yourself there about the respective handling of your data.

### § 2 Collection and storage of personal data during registration; deletion

In order to use Cyanite, you must first register with Cyanite and create a user profile. You can do this by registering with your e-mail address. When you register with us, we will ask you for the following data:

- E-mail address (mandatory)
- Username (mandatory)
- Password (mandatory)
- Full name (mandatory)
- Company name (optional)

(2) You can voluntarily enter or upload the following additional data within your profile:

Audio files

(3) All your activities within Cyanite are collected and processed by us. This includes the audio files you analyse at Cyanite, your interaction with our products, your locations and IP.

We collect the content, communications and other information you provide when you use our products, including when you register for an account, create or share content. This may include information about the content you provide or that is contained within it (such as metadata), such as the date a file was created. It may also include what you see through features we provide, such as our sound analysis, so that we can, for example, suggest music you might like. Our

systems automatically process content and communications provided by you to analyse the context and details contained in them for the purposes described below.

We collect information about the artists, song titles, accounts you are connected to and how you interact with them in our products, such as the artists you work with the most.

We collect information about how you use our products, such as the types of content you view or interact with, the features you use, the actions you take, the product categories or features you interact with, and the time, frequency and duration of your activities. For example, we record when you are currently using our products or when you last used them and which audio files and other content you view in our products. We also record information about how you use functions such as our analyses.

#### (4) Device information

As described below, we collect information from and about the computer(s), phone(s) and other internet-connected device(s) you use that have an integration with Cyanite. We then combine this information across different devices you use. For example, we use information we have collected about your use of our products on your phone to better personalise the content or features you see when you use our products on another device, such as your laptop or tablet, or to measure whether you have taken an action on another device in response to content we have shown you on your phone.

The information we receive from these devices includes:

Device attributes: Information such as the operating system, hardware and software versions, battery level, signal strength, available storage space, browser type, app and file names and types, and plugins. Processes on the device: Information about the operations and activities performed on the device, such as whether a window is in the foreground or background or mouse movements (this can help distinguish humans from robots). Identifiers: Unique identifiers, device IDs and other identifiers, such as those from apps or accounts you use, and family device IDs (or other identifiers). Device signals: Bluetooth signals and information about nearby Wi-Fi access points, beacons and cell towers. Network and connections: Information such as the name of your mobile or internet service provider, language, time zone, mobile phone number, IP address or connection speed and in some cases information about other devices nearby or on your network so that we can help you find friends in your area, for example. Cookie data: Data from cookies stored on your device, including cookie IDs and settings.

(5) We use the above personal data for the following purposes: We use the information available to us (subject to the choices you make) as described below and to provide and support Cyanite. This is done as follows:

#### General functionalities

We collect and process your data for the following reasons:

- to enable you to access your information efficiently after you log in;
- to provide you and others with personalised content and information, which may include online advertisements or other forms of marketing;
- to provide, improve, test and monitor the effectiveness of our Service; to develop and test new products and features
- to monitor statistical figures, such as the total number of visitors and views

- to diagnose or fix technical problems;
- to automatically update Cyanite on your device.

In more detail:

Provision, personalisation and improvement of our products.

We use the information available to us to provide our Products, including to personalise features and content (including your "Track Mood Analysis", your "Dynamic Emotion Analysis", and your "Playlist Analysis") and to make suggestions to you on and off our Products (such as product recommendations you may be interested in or topics you may want to follow).

Product research and development: We use the information available to us to develop, test and improve our products, including by conducting surveys and studies, testing and troubleshooting new products and features.

Adverts and other sponsored content: We use the information we have about you – including information about your interests, actions and connections – to select and personalise the advertisements, offers and other sponsored content we show you.

Promoting protection, integrity and security:

We use the information available to us to verify activity and accounts on and off our product, combat harmful behaviour, detect and prevent spam and other negative experiences, maintain the integrity of our app, and promote protection and security. For example, we use data available to us to investigate suspicious activity or violations of our terms of use or policies, or to determine if someone needs help.

Communication with you.

We use the information available to us to send you marketing communications, to communicate with you about our app and to inform you about our policies and terms of use. We also use your information to respond to you when you contact us.

Research and innovation for social good.

We use the information available to us to conduct and support research and innovation on topics related to social welfare, technological advancement, public interest, health and well-being. For example, we analyse how which music affects people's well-being.

(6) Your personal data will not be passed on to our partners!

(7) For the transfer of your data to our servers and via the Internet, please read § 7 of this privacy policy.

(8) You can delete your Cyanite account and thus all your personal data stored with us at any time. Audio files that you have uploaded will be deleted when you delete your Cyanite account.

(9) Storage period of your data & user content Your data & user content are stored and remain in our database until you instruct us to delete them or they must be deleted for legal reasons (e.g.

infringement of copyrights of others). The storage of data and user content is based on your consent (Art. 6 para. 1 lit. a GDPR). You can revoke your consent at any time. All you need to do is send us an informal email. The legality of the data processing operations that have already taken place remains unaffected by the revocation. Correspondence with our support team will be stored for longer so that we can respond to possible future enquiries. If no further enquiries are made, the correspondence will normally be deleted after 6 years. Anonymised information about Cyanite activity is kept for longer for statistical and product research purposes. After a profile is deleted, however, this information can no longer be assigned to a specific person.

### **§ 3 Partner for measurements.**

We share information about you with companies that aggregate it to provide analytics and measurement reports to our partners.

Vendors and service providers.

We provide information and content to vendors and service providers that support our business (e.g., by providing technical infrastructure services, analysing how our products are used, providing customer service, facilitating payments, or conducting surveys).

Tracking providers and analysis services

In order to optimise Cyanite's services and offer them in the best possible way, Cyanite carries out analyses of visitor behaviour. For this purpose, Cyanite uses analysis procedures with which visits to Cyanite can be analysed. Third-party tracking tools are also used to analyse the reach of various advertising campaigns and marketing activities. When third-party tools are used, personal data may also be transmitted. In addition to troubleshooting, the purpose of data processing is primarily to optimise Cyanite with regard to the needs of users. Cyanite also receives key figures on the number of visitors and their distribution over time, on popular content and the length of time users spend on the site via the web analysis process. If necessary, it can be traced whether a user profile was created on the basis of an advertising measure. The data is processed and used to prevent and combat fake profiles, illegal activities and spam and to ensure the security of the Cyanite platform. User data is transmitted to various third-party providers to carry out the analyses.

The following analysis and tracking providers are currently used by Cyanite:

#### **Sentry**

Cyanite uses the tool "sentry" from Functional Software, Inc, 45 Fremont St, San Francisco, CA 94105, United States to log crashes. No personal data is transmitted. Only information on crashes with details of code locations and device information is sent in order to make such crashes analysable and thus improve the stability of Cyanite. This data is transmitted to Sentry. Sentry's complete privacy policy can be viewed at the following link: <https://sentry.io/privacy/>

#### **Google Analytics with anonymisation function**

For this web analysis, we use the web analysis service Google Analytics, which is operated by Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA ("Google"). Google Analytics uses cookies, which are stored on your computer and enable your use of the website to be analysed. The information generated by the cookie about your use of the website (browser type/version, operating system used, referrer URL, host name of the accessing computer (IP

address), date and time of the server request) is usually transmitted to a Google server in the USA and stored there. We have added the code "anonymizeIp()" to Google Analytics on our website in order to ensure anonymised collection of IP addresses (so-called IP masking). Your IP address will therefore be shortened by Google by the last octet within member states of the European Union or in other signatory states to the Agreement on the European Economic Area. Only in exceptional cases will the full IP address be transmitted to a Google server in the USA and truncated there. The transfer of your information to a third country outside the EU is covered by an adequacy decision of the Commission (C/2016/4176 of 12 July 2016 – [https://data.europa.eu/eli/dec\\_impl/2016/1250/oj](https://data.europa.eu/eli/dec_impl/2016/1250/oj)) within the meaning of Art. 45 GDPR, because Google has undertaken to comply with the principles of the EU-US Privacy Shield (<https://www.privacyshield.gov/EU-US-Framework>).

Google uses this information on our behalf as a processor within the meaning of Art. 28 GDPR to evaluate your use of the website, to compile reports on website activity and to provide other services related to website activity and internet usage to the website operator. The IP address transmitted by your browser as part of Google Analytics will not be merged with other Google data.

You can find more information on the terms of use and data protection of Google Analytics at <https://www.google.com/analytics/terms/de.html> and <https://support.google.com/analytics/answer/6004245?hl=de>.

### **Mailjet**

Mailjet is a service of Mailjet GmbH, Friedrichstraße 68, 10117 Berlin for coordinated mass mailouts and newsletters to you. We store all email addresses of registered users, as well as those from newsletter registrations, in order to be able to contact you via Mailjet. You can unsubscribe from our advertising and marketing-related mailouts at any time. We will then delete your email from the relevant mailing lists. However, as long as you have a Cyanite account, we will retain your email address for technical information about the operation of Cyanite and important announcements such as changes to the Terms of Use.

### **Amazon Web Services (AWS)**

We would like to point out that we use the services of AWS, Amazon Web Services EMEA SARL, a company registered in Luxembourg, with registered office at 38 Avenue John F. Kennedy, L-1855, Luxembourg, for the storage and processing of personal data. AWS provides the necessary infrastructure to ensure that your data is stored securely and reliably. Your personal data is stored on the AWS servers and will remain there until you inform us that you want us to delete it. We will retain your data for as long as necessary to provide our services, unless longer retention is required or permitted by law. We take appropriate security measures to ensure that your data is protected from unauthorized access, disclosure, alteration or destruction. AWS has also implemented security measures to ensure the integrity and confidentiality of the stored data.

### **Streaming services**

Cyanite uses streaming providers such as Spotify and Apple Music to play music within the app. (e.g. 30 second snippets of songs. This generates usage data for the streaming provider). The content and services are offered by Apple Inc, 1 Infinite Loop, Cupertino, 95014, California, USA (hereinafter: Apple) and Spotify AB, Regeringsgatan 19, SE-111 53 Stockholm, Sweden (hereinafter: Spotify). Please contact the respective provider to find out which data is collected, stored and processed.

Spotify (<https://www.spotify.com/de/legal/privacy-policy/>)

Apple Music (<https://www.apple.com/legal/privacy/de-ww/> & <https://support.apple.com/de-de/HT204881>)

#### **§ 4 Data collection when sending feedback**

(1) You can send us feedback about Cyanite via the "Feedback" dialog box. To do this, we first ask you to define the type of feedback ("Error", "Suggest function", "Send praise" or "Other") and then enter your feedback in the free text field.

(2) The data you enter when sending feedback can be saved in our database for your user.

(3) Feedback can only be viewed by us.

#### **§ 5 Communication with the Internet / Encryption**

(1) Cyanite communicates with our servers via the Internet to the extent technically necessary. This communication is necessary for updating content, displaying information, notifying and downloading existing updates from Cyanite. Personal data is transmitted to the extent necessary to provide the services.

(2) Your personal data is transmitted over the Internet using SSL encryption. We use technical and organizational measures to protect Cyanite and other systems against loss, destruction, access, modification or dissemination of your data by unauthorized persons.

#### **§ 6 Miscellaneous**

(1) Law enforcement authorities or legal requests.

Where necessary, we will share information with law enforcement authorities or in response to legal requests in the circumstances set out below:

In response to a legal request, if we believe in good faith that we are legally required to do so. We may also respond to legal requests if we believe in good faith that the response is required by the law of the relevant jurisdiction, affects users in the relevant jurisdiction, and is consistent with internationally recognized standards.

When we believe in good faith that it is necessary to: detect, prevent, and prosecute fraud, unauthorized use of the Products, violations of our Terms of Use and policies, and other harmful or illegal activities; protect us (including our rights, property, or Products), you, or others, including in response to investigations or requests for information from regulatory authorities; or prevent death or imminent bodily harm. For example, where relevant, we will provide to and receive from third party partners information about the trustworthiness of your account to prevent fraud, abuse and other harmful activities in and outside of our Products.

(2) New Owner.

If the ownership or control of all or part of our products, elceedee UG (haftungsbeschränkt) or its assets changes, we may transfer your information to the new owner.

#### **§ 7 Your rights**

You have the right to request information about your personal data stored by us free of charge. In addition, you have the right to correct, block and delete your personal data in accordance with the statutory provisions. You can also object to the use of your data for the purposes of advertising or market and opinion research. If you wish to do this or request information, please send us an email to: [mail@cyanite.com](mailto:mail@cyanite.com)

#### **§ 8 Amendments to this privacy policy**

We reserve the right to amend this privacy policy in accordance with the following procedure if there are valid reasons for doing so, in particular due to new technological developments, changes in case law or other equivalent reasons.

The amended privacy policy will be sent to you at the e-mail address you provided when you registered, indicating the respective changes. If you do not object within two weeks of receiving the aforementioned email, you are deemed to have consented to the respective changes. We will inform you separately in the e-mail containing the changes of the significance of the deadline set. If you object to the changes within the deadline, we are entitled to exclude you from using Cyanite within 4 weeks of your objection.

#### **§ 9 Accessibility of this privacy policy**

You can access this privacy policy at any time in Cyanite under "Privacy Policy" when you are connected to the Internet.