

Privacy Policy for the Website

Welcome to choco.com (the "**Website**"), a website of Choco Communications UK Ltd, located at 6th Floor, One London Wall, London, EC2Y 5EB, and Choco Communications GmbH, located at Hasenheide 54, 10967 Berlin, Germany (hereinafter "**Choco**", "**we**" or "**us**"), as the joint controllers within the meaning of the applicable data protection law, namely (i) EU Regulation 2016/679 ("**GDPR**"); (ii) GDPR as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 (the "**UK GDPR**"); (iii) any laws or regulations ratifying, implementing, adopting, supplementing or replacing the GDPR; (iv) in the UK, the Data Protection Act 2018 ("**DPA**"); (v) any laws and regulations implementing or made pursuant to EU Directive 2002/58/EC (as amended by 2009/136/EC); and (vi) in the UK, the Privacy and Electronic Communications (EC Directive) Regulations 2003; in each case, as updated, amended or replaced from time to time; and the terms "data subject", "personal data", "processing", "processor" and "controller" shall have the meanings set out in the DPA.

In this privacy policy, we would like to inform you about the processing of personal data in connection with the use of our Website.

Personal data is any information that relates to an identified or identifiable person. This includes, in particular, information that allows conclusions to be made about your identity, for example your name, your telephone number, your address or e-mail address. Any statistical data that we collect, for example, when you visit our website and that cannot be connected to your person does not fit into the definition of personal data.

1. Contact

For all questions regarding data protection in connection with our products/services or the use of our Website, you can contact us at via datenschutz@choco.com.

You can also contact our data protection officer at any time by sending an email to the above-mentioned email address. Please note that emails to the above email address will not solely be received by our Data Protection Officer as this is a generic email for the Choco Legal Team. Therefore, if you solely wish to contact our Data Protection Officer and/or if you wish to send confidential information, please refer to the Data Protection Officer in the subject line or please ask for them to contact you directly to further discuss your data protection concerns in your e-mail without sharing any confidential information.

2. Data processing on our Website

2.1 Visiting our Website

Each time you visit our Website, we collect connection data that your browser automatically transmits to allow you to visit the website. This connection data contains the so-called HTTP header information, including the user agent, and includes in particular:

- IP address of the your device,
- method (e.g. GET, POST), Date and time of the request,
- Address of the requested website and path of the requested file,
- If applicable, the previously accessed website/file (http referrer)
- Information about the used browser and operating system,
- HTTP protocol version, HTTP status code, size of the delivered file,
- Request information such as language, type of content, encoding of content, fonts, if applicable, the username used in case of authentication for a directory password protection.

The processing of this connection data is essential to enable you to visit the Website, to ensure the permanent functionality and security of our systems and to generally maintain our Website in an administrative manner. The connection data is also stored in internal log files for the above purposes, temporarily and limited in content to what is essential, in particular to find the source of repeated or criminal requests that endanger the stability and security of the Website, to prevent or investigate possible fraud cases or attacks to our Website and to take action against them.

The legal basis of this data processing is Art. 6 para. 1 lit. f of UK GDPR due to our legitimate interest in enabling website access and permanent functionality and security of our systems. The automatic transfer of connection data and the log files developed from are essential for the operation of our Website.

2.2 How to contact us

You have several options to get in contact with us. These options include via e-mail, post, the contact form, or any other means available on the Website. If you contact us via one of these options, we collect the contact details you shared with us and your query and process this data only for the purpose of responding to your inquiry.

The legal basis of this data processing is Art. 6 para. 1 lit. b of UK GDPR insofar as your request relates to initiating or executing a contract, and otherwise Art. 6 para. 1 lit. f of UK GDPR due to our legitimate interest to answer your inquiry after you contact us

The data we collect when you contact us will be automatically deleted after we have fully processed your request, except if we still need it to fulfill contractual or legal obligations or for evidence purposes (see section 8 "Storage time").

2.3 Log in to our Web Tool

You have the option of logging in to our WebTool, which enables you to access our services. Once you click on the log-in button, you will leave the Website and will be redirected to another website, to which a different Privacy Policy applies.

2.4 Applications

We may process your personal data obtained from your voluntary application provided to us during the recruitment process through, inter alia, our website, a recruiter, an internal employee referral, from publicly available sources (e.g., LinkedIn). On our website you have the opportunity to apply for open vacancies in our company. If you find a position you're interested in and click on it, you will be redirected to our service provider's website. To apply, you need to fill out the application form. This includes, depending on the position you are applying for, your first and last name, your e-mail address, phone number, your CV, your cover letter, link to your LinkedIn profile, link to your website, your right to work in the country you applied for, salary expectations, fluency in the main language/s of the country you applied for, your preferences for starting work and your willingness to relocate, as well as other information depending on the position. Required information is marked with (*) in the contact form. In addition, you can provide further optional information.

If the information is required, we will process your application documents and the contained information for the purpose of processing your application or deciding on the basis of an employment relationship. Your application documents will only be made available to the persons who are responsible for the application within our company. The data will be processed on the legal basis of Art. 6 para 1. Lit b UK GDPR to take steps for entering into contract at your request. You are neither legally nor contractually obligated to provide this information, but we cannot process your application without it. We process your voluntarily given information on the basis of your consent, Art. 6 para. 1 lit. a UK GDPR, which you can revoke at any time without affecting the lawfulness of the processing based on the consent until revocation.

If we do not conclude an employment contract with you, your application data will be stored in our system in order to be able to answer queries in connection with your application and/or for the possibility to contact you in case a position becomes available that fits with your profile, and will be deleted after 1 year unless you allow us to store your data for a longer time. If you allow us, the legal basis for the data processing would be your consent in accordance with Art. 6 para. 1 lit. a UK GDPR.

2.5 Commercial communications

We may send you commercial communications such as e-mails, messages or make advertising calls if you have given your consent for this in accordance with the local laws on marketing communications. The data we collect for this purpose will be used for sending commercial communications about our App and services.

The data we collect for commercial communications will be deleted once you withdraw your consent, except for the consent withdrawal request and deletion log which will be stored for proof purposes (see section 8 "Storage time").

3. Use of tools on the website

3.1 Used technologies and how to control/disable them

This website uses cookies and similar technologies such as web storage, JavaScript or pixels (collectively, "Tools") that are provided either by us or by third parties. In this chapter, we inform you about the types of Tools we use on the Website and their purposes. You can find more information about how these Tools work and a list of Tools we placed on the website and third-party cookies [here](#).

In that list, we inform you about the providers of the Tools, purposes and the storage period. In addition, we explain in which cases we obtain your voluntary consent to use the Tools and how you can revoke this consent. In the event that personal data is transferred to the USA or other third countries, we refer to Section 5 ("Data transfer to third countries") in addition to the information given below.

Most browsers are set by default to accept these Tools, the running of scripts and the presentation of graphics. But you can usually customize your browser settings to reject all or certain cookies or to block scripts and graphics. If you block the storage of Tools, the presentation of graphics and the running of scripts completely, our services will probably not work or will not work properly.

If - even despite the greatest care - the information in the consent banner conflicts with that in this Privacy Policy, the information in this Privacy Policy shall take precedence.

3.2 Essential tools

We use certain tools that access information in the end device or store information in the end device to enable the basic functions of our website ("Essential Tools"). Without these tools, we could not provide our Website. The Essential Tools include cookies that are used for enabling and supporting our security features, for keeping our Website stable, preventing misuse and detecting malicious activity. It also includes cookies set for cookie consent management. Without these tools, we could not provide our Website.

The legal basis for essential tools is the necessity to fulfill our legitimate interests according to Art. 6 para. 1 lit. f of UK GDPR or to fulfill a contract or to perform pre-contractual measures according to Art. 6 para. 1 lit. b of UK GDPR. The access to and storage of information in the end device is required in these cases.

3.3 Optional Tools

To improve our Website, we use optional tools for statistical collection and analysis of general user behavior based on access data ("Optional Tools"). We also use analytic services to evaluate the use of our various marketing channels.

Categories of Optional Tools and the purposes are:

- Preference cookies:** to remember information about your browser and preferences and also to provide you with features, insights and customized content.
- Statistics cookies:** to understand and research how our visitors interact with our Website to provide, update and improve our Website.
- Marketing cookies:** to evaluate the effectiveness of our marketing campaigns, to show you personalized advertisement based on your interests. These cookies may be placed on our Website by third parties to create a profile for targeted marketing and show you relevant advertisements on other sites you visit.

The legal basis for the Optional Tools is your consent according to Art. 6 para. 1 lit. a UK GDPR. Data processing with the help of these tools only takes place if we have received your consent for this in advance.

In the event that personal data is transferred to the USA or other third countries, your consent explicitly extends to the data transfer (Art. 49 para. 1 lit. a UK GDPR).

Collection of consent

For the collection and management of your consent, we use the tool Cookiebot of Usercentrics A/S, located in Havnegade 39, 1058 Copenhagen, Denmark ("Usercentrics"). This tool generates a banner that informs you about data processing on our Website and gives you the option to consent to all, some or no data processing through Optional Tools. This banner appears the first time you visit the Website and when you revisit the selection of your preferences to change them or revoke consents. The banner will also appear on subsequent visits to our website if you have deactivated the storage of cookies or if the cookies or information in Usercentrics' local storage have been deleted or have expired.

Your consent or revocation, your IP address in anonymized form, information about your browser and the time of your visit are transmitted to Usercentrics during your visit to our Website. In addition, Usercentrics stores required information on your end device in order to retain the consents and revocations you have given. If you delete your cookies or information in the local storage, we will ask you again for your consent when you visit the site at a later time. You can find more information on how Usercentrics collects consent on their [website](#).

Data processing by Usercentrics is essential in order to provide you with the legally required consent management and to comply with our documentation obligations. The legal basis for the use of Usercentrics is Art. 6 para. 1 lit. f UK GDPR, based on our interest in fulfilling the legal requirements for consent management. The access to and storage of information in the end device is necessary in these cases and takes place on the basis of the implementation laws of the ePrivacy Directive of the EU member states.

Revocation of your consent or change of your consent

You can revoke your consent for certain tools at any time. To do so, click on the widget button on the bottom left of our Website. There you can also change the selection of the tools you want to consent to use, as well as get additional information about the cookies and the respective storage period. Alternatively, you can assert your revocation for certain tools directly with the provider.

4. Online presence in social networks

We maintain online presences in social networks in order to communicate there with customers and interested parties, among others, and to provide information about our services.

The users' data is generally processed by the social networks concerned for market research and advertising purposes. In this way, user profiles can be created based on the interests of the users. For this purpose, cookies and other identifiers are stored on the computers of the data subjects. Based on these user profiles, for example, advertisements are placed within the social networks but also on third-party websites.

In the context of running our online presences, it is possible that we can access information such as statistics, which are provided by the social networks. These statistics are aggregated and may contain, in particular, demographic information (e.g., age, gender, region) as well as data on interaction with our online presences (e.g., likes) and the posts and content spread via them. This can also provide information about the interests of users and which content and topics are particularly relevant to them. This information may also be used by us to adapt the design and our activities and content on the online presence and to optimize it for our audience. Please see the list below for details and links to the social networks that we, as operator of the online presences, can access. The collection and use of these statistics are generally subject to a joint controllership.

The legal basis for data processing is Art. 6 para 1 lit. f UK GDPR, based on our legitimate interest in effective user information and communication with users, or Art. 6 para 1 lit. b UK GDPR, in order to stay in contact with and inform our customers and to carry out pre-contractual measures with future customers and interested parties.

If you have an account with the social network, it is possible that we can see your publicly available information and media when we access your profile. In addition, the social network may allow us to contact you. This may be through direct messages or through posted messages. Communication via the social network is subject to the responsibility of the social network as a messenger and platform service.

The legal basis for the data processing carried out by the social networks under their own control can be found in the Privacy Policy of

the respective social network. The following links also provide you with further information on the respective data processing and the options to object.

We would like to point out that data protection requests can be submitted most efficiently to the relevant provider of the social network, as only these providers have access to the data and can take appropriate measures directly. If you contact us with your request, we will forward your request to the provider of the social network. The following is a list with information on the social networks on which we have online presences:

- **Facebook** (USA and Canada: Facebook Inc., 1601 Willow Road, Menlo Park, California 94025, USA; all other countries: Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland)

-Operation of the Facebook Fanpage in joint controllership on the basis of an [Joint Controller Agreement](#) (so-called Page Insights Supplement regarding the Controller)

-Information on the processed site insights data and the contact options in the event of requests for data protection: https://www.facebook.com/legal/terms/information_about_page_insights_data

-Privacy Policy: <https://www.facebook.com/about/privacy/>

-Opt-Out: <https://www.facebook.com/settings?tab=ads> und <http://www.youronlinechoices.com>.

-Instagram (Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland)

-Instagram Business-Account on the basis of an Joint Controller Agreement (so-called Page Insights Supplement regarding the Controller): https://www.facebook.com/legal/terms/page_controller_addendum

-Information on the processed site insights data and the contact options in the event of requests for data protection: https://www.facebook.com/legal/terms/information_about_page_insights_data

-Privacy Policy: <https://help.instagram.com/519522125107875>

-Opt-Out: <https://help.instagram.com/1896641480634370>

- **Google/ YouTube** (Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland)

-Privacy Policy: <https://policies.google.com/privacy>

-Opt-Out: <https://www.google.com/settings/ads>.

-**Twitter** (Twitter International Company, One Cumberland Place, Fenian Street, Dublin 2, D02 AX07 Ireland)

-Privacy Policy: <https://twitter.com/en/privacy>

-Opt-Out: <https://twitter.com/personalization>.

-**LinkedIn** (LinkedIn Ireland Unlimited Company Wilton Place, Dublin 2, Ireland)

-Operating the LinkedIn company page under joint controllership on the basis of a [Joint Controller Agreement](#) (so-called Page Insights Joint Controller Addendum)

-Information on the processed site insights data and the contact options in the event of requests for data protection: <https://legal.linkedin.com/pages-joint-controller-addendum>

-Privacy Policy: <https://www.linkedin.com/legal/privacy-policy>

-Opt-Out: <https://www.linkedin.com/psettings/guest-controls/retargeting-opt-out>.

5. Data transfer

We transfer your personal data to recipients on the condition a legal basis exists and/ or you gave your consent to the data process. Moreover, your personal data is processed by service providers who act as data processors within the meaning of the UK GDPR. Any

third parties with whom we share your personal data are limited (by law and by contract) in their ability to use your personal information. We will ensure that any third parties with whom we share your personal information are subject to privacy and security obligations consistent with this Privacy Policy and applicable laws.

We transfer personal data to the following recipients:

- **Within Choco Group:** Choco Group means the worldwide Choco group of companies of which Choco Communications GmbH is the parent company with legal seat in Hasenheide 54, 10967 Berlin, Germany. The Choco Group is composed of other companies owned or controlled by Choco or under common control/ownership as Choco, present in different Member States of the European Union, UK, the United States of America and elsewhere to the extent applicable. We'll share your personal data with them when we collaborate in providing the Website and for internal administrative purposes.

- **To our service providers:** We may engage with service providers to help us with the processing as described under this Policy. This may include, in particular, data centers that store our website and databases, software providers, IT service providers that maintain our systems, agencies, market research companies, consulting companies and parties who assist us in customer services. If we pass on data to our service providers, they may only use the data to perform their tasks. The service providers have been carefully selected and commissioned by us. They are contractually bound to our instructions and have suitable technical and organizational measures in place to protect the rights of the data subjects. A list of third party service providers can be found at the end of this Policy.

- **With official authorities and/or for enforcement of legal claims:** If it is necessary to clarify an illegal or abusive use of the Website or for legal prosecution, personal data will be forwarded to the law enforcement authorities or other authorities and, if necessary, to injured third parties or legal advisors. However, this only happens if there are indications of unlawful or abusive behavior. A transfer may also take place if this serves the enforcement of terms of use or other legal claims such as protecting our rights or the rights of a third party, or to protect the safety of any person or to prevent any illegal activity. We are also legally obliged to provide information to certain public bodies upon request. These are law enforcement authorities, authorities that prosecute administrative offenses that have been proven to be fined, and the tax authorities. Any disclosure of the personal data is justified by the fact that (1) the processing is necessary to fulfill a legal obligation to which we are subject in accordance with Art. 6 paragraph 1 lit. c UK GDPR in the national legal requirements for the disclosure of data to law enforcement authorities or (2) we have a legitimate interest in using the data in the presence of evidence of abusive behavior or to enforce our terms of use, of other conditions or legal claims to the aforementioned third parties and your rights and interests in the protection of your personal data within the meaning of Art. 6 paragraph 1 lit. f UK GDPR do not prevail.

- **Merger, Acquisition or Corporate re-structuring:** In the context of the further development of our business, the structure of our company may change by changing the legal form, subsidiaries, parts of companies or components being founded, bought or sold. In such transactions, the Website user information may be shared together with the part of the company to be transferred. Each time personal data is passed on to third parties to the extent described above, we shall ensure that this is done in accordance with this data protection declaration and the applicable data protection law. Any disclosure of personal data is justified by the fact that we have a legitimate interest in adapting our corporate form to the economic and legal circumstances if necessary and your rights and interests in the protection of your personal data within the meaning of Art. 6 paragraph 1 lit. f UK GDPR do not prevail.

In addition to the transfers listed above, transferring of the data we have collected will only occur if:

- you have given your consent in accordance with Art. 6 para. 1 lit. a UK GDPR,
- transfer is legally permitted according to Art. 6 para. 1 lit. b UK GDPR for performing our contractual relationships with you or for the implementation of pre-contractual measures, which are carried out at your request,
- we are legally obliged to transfer your data according to Art. 6 para. 1 lit. c UK GDPR, or
- the data transfer is required in accordance with Art. 6 para. 1 sent. 1 lit. f UK GDPR for the purpose of asserting, exercising or defending legal claims and there is no reason to assume that you have an overriding interest in not transferring your data that is entitled to protection.

6. Data transfer to third countries

We may share your personal data to members of the Choco Group or third party service providers who are outside the UK or the EEA. If we provide any personal data about you to any such non-UK and non-EEA members of our group or suppliers, we will take appropriate measures to ensure that the recipient protects your personal data adequately in accordance with this privacy policy

The level of data protection in some of those countries does not correspond to that of the UK. Such as in US, because the EU-US Privacy Shield (adequacy decision) has been declared invalid and it has been decided that there is no adequate level of data protection according to EU standards. In particular, there is a risk that your data may be processed by U.S. authorities, for control and for monitoring purposes, possibly also without any legal remedy.

In case of transfers to US and any other country where the UK Government has not issued an adequacy decision in case of transfers out of the UK, or European Commission in case of transfers out of EEA, we have taken appropriate measures to ensure an adequate level of data protection for any data transfers and ensured that the recipient of your personal data may adequately protect it, owing to the recipient's binding corporate rules or to the stipulation of the standard contractual clauses with the recipient which have been approved by the European Commission for transfers outside the EEA. These standard contractual clauses include certain safeguards and require the implementation of additional security measures to protect your personal data.

Where this is not possible, we base the data transfer on exceptions of Art. 49 GDPR, in particular your explicit consent or the necessity of the transfer for the fulfillment of the contract or the implementation of pre-contractual measures.

7. Hyperlink

Our Website contains so-called hyperlinks to websites of other providers. If these hyperlinks are activated, you will be redirected from our Website directly to the website of the other providers. You can recognize this, among other things, by changing the URL. We cannot accept any responsibility for the confidential handling of your data on these third-party websites, as we have no influence on the fact that these companies comply with the data protection regulations. Please inform yourself about the handling of your personal data by these companies directly on these websites.

8. Storage period

In principle, we store personal data only as long as required to fulfill the purposes for which we collected the data. Thereafter, we delete the data immediately, unless we still need the data until the expiry of the legal limitation period for evidence purposes for claims under civil law or due to legal retention obligations require us to continue storing it for a longer period of time.

For evidence purposes, we must retain contractual data for three years from the end of the year in which the business relationship with you ends. Any claims become time-barred at this point at the earliest in accordance with the standard legal limitation period.

9. Your rights, in particular revocation and objection

You are always entitled to the data subject rights defined in Art. 15 – 21 and Art. 77 of UK GDPR:

- Right to revoke your consent (Art. 7.3 UK GDPR);
- Right to object to the processing of your personal data (Art. 21 UK GDPR);
- Right to access information about your personal data processed by us (Art. 15 UK GDPR);
- Right to rectification of your personal data stored by us incorrectly (Art. 16 UK GDPR);
- Right to erasure of your personal data (Art. 17 UK GDPR);
- Right to restrict the processing of your personal data (Art. 18 UK GDPR);
- Right to data portability of your personal data (Art. 20 UK GDPR);
- Right to complain to a supervisory authority (Art. 77 UK GDPR).

To exercise your rights described here, you can contact us at any time using the contact details above mentioned. This also applies if you wish to receive copies of guarantees proving an adequate level of data protection. Provided that the respective legal requirements

are met, we will comply with your request.

Your requests for the assertion of data protection rights and our responses to them will be stored for documentation purposes for a period of up to three years and in individual cases for the assertion, exercise or defense of legal claims even longer. The legal basis is Art. 6 para 1 lit. f UK GDPR, based on our interest in defending against any civil claims under Art. 82 UK GDPR, the avoidance of fines under Art. 83 UK GDPR and the fulfillment of our accountability obligation under Art. 5 para 2 UK GDPR.

You have the right to revoke your consent at any time. This has the consequence that we no longer continue the data processing based on this consent for the future. The revocation of consent does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

Insofar as we process your data on the basis of legitimate interests, you have the right to object to the processing of your data at any time on the basis of reasons arising from your particular situation. If it concerns an objection to data processing for direct marketing purposes, you have a general right of objection, which will also be implemented by us.

If you would like to exercise your right of revocation or objection, it is sufficient to send an informal message to datenschutz@choco.com or to any other of the above mentioned contact details.

Finally, you have the right to complain to a data protection supervisory authority. You can exercise this right, for example, at a supervisory authority in the Member State of your residence, your place of work or the place of the alleged violation. In UK the competent supervisory authority is Information Commissioner's Office, Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF, helpline number: 0303 123 1113, online complaint tool available [here](#). In Berlin, the competent supervisory authority is: Berlin Commissioner for Data Protection and Information Freedom, Friedrichstr. 219, 10969 Berlin, mailbox@datenschutz-berlin.de.

10. Changes to the privacy policy

We may occasionally update this privacy policy, for example, if we make changes to our Website or if legal or regulatory requirements change.

Annex 1 – List of third-party service providers

List of third-party service providers (sub-processors) performing business or operational services, IT services and/or administrative services for Choco or on Choco's behalf for operating the Website:

Name	Address	Purpose	Personal Data Processed	Storage Information
Hetzner Online GmbH	Industriestr. 25 91710 Gunzenhausen, Germany	Hosting and storage systems provider	IP address, the browser visitors use, the time and date of the visits, and the system that visitors use	Germany
Hyperlane (DeltaBlue NV)	Kempische Steenweg 305 bus 203, 3500 Hasselt, Belgium	Hosting and storage systems provider	IP address, the browser visitors use, the time and date of the visits, and the system that visitors use	region EU West
Salesforce.com	Erika-Mann-Str.	Sales and	Username, phone number and	The servers storing your personal

Germany GmbH	31, 80636 Munich, Germany	Customer Support Software	email address (only when previously provided by the user), communications with the user	data are located in Frankfurt am Main, Germany, and Paris, France
Segment.io Inc.	100 California St, Suite 700, San Francisco, CA 94103, United States	Data management	Username, e-mails, phone numbers	EU West Data Processing Region in S3 AWS Dublin, Ireland
TYPEFORM SL	c/ Pallars 108 (Aticco - Typeform), 08018 - Barcelona, Spain	Collect event registration	Name, surname, e-mail and any other data only when provided by the user	US
Cookiebot (Usercentrics A/S)	Usercentrics A/S Havnegade 39 1058 Copenhagen Denmark	Cookie consent management	Consent data (The user's IP number in anonymized form), user agent of the user's browser and other information necessary for storing user's preferences	Databases are hosted on servers within EU member states, specifically Ireland with a hot fail-over mechanism to Microsoft's datacenter in Amsterdam, the Netherlands