

Last updated: May 18, 2018

Effective Date: May 25, 2018

This Privacy Policy applies to EU residents only. If you are not an EU resident, our [regular Privacy Policy](#) applies to you.

### **Chatfuel's EU-Specific Privacy Policy**

We appreciate your interest in our services, products (collectively, our "**Products**"), and website (<https://chatfuel.com/>), (our "**Website**" and together with our services and Products, our "**Services**"). Privacy protection is very important to us and we are committed to protecting and respecting your privacy. This Privacy Policy sets out information about how we collect, store, process, transfer and use data that identifies or is associated with you, as a natural person (hereinafter "**personal information**") and which is subject to the European Data Protection Regulation (the "**GDPR**"). This is the case for visitors and users of our Services located in the European Union, European Economic Area and other users who provide us with personal information subject to the GDPR. Personal information covers all personal data as defined under Art. 4(1) GDPR.

This Privacy Policy does not describe the processing of personal information

(i) to all visitors/users located outside the European Union or Economic Area, and

(ii) where Chatfuel processes personal information on behalf of other data controllers, for example, when we process personal information when rendering services to customers located in the EU on behalf of a data processing agreement in the capacity of a data processor. If you have any questions relating to our processing of personal information described under (i), please have a look at [LINK to main PP], or under (ii), please consult with the EU entity who is responsible for the processing of your personal information.

#### **1. Who is the data controller of your personal information?**

We, that is 200 Labs, Inc., d/b/a Chatfuel, 555 De Haro Street, Suite 280, San Francisco, CA 94107 USA, ("**Chatfuel**" or "**we**") is the data controller. We are responsible for, and control, the processing of your personal information.

If you wish to contact us, you can find our contact details at the end of this Privacy Policy.

#### **2. What personal information do we collect?**

In the context of rendering our Services, we may collect information about you. This information regularly includes the following:

- **If you create an account:** Your name, email address, time zone and a list of Facebook Pages you own (page names, IDs, categories, number of likes).
- **If you use our Products or Services:** Your name, gender, language settings, time zone and avatar picture as long as your privacy settings permit access to these pieces of information.
- **If you use third-party account credentials to log in to our Services:** We may collect some information associate with your third-party account such as your name, email address, time zone and a list of Facebook Pages you own (page names, IDs, categories, number of likes).

- **If you contact us (via our Website or via phone, email or letter), e.g. for a support request, respond to a survey, or send us an inquiry:** Name, e-mail address, IP address, information on our communication with you and any additional information you provide us with.
- **If you merely use our Website:** Our server logs from your browser or device, which may include any chatbots you have created using our Services, your conversation history with the chatbots, IP address, geolocation data, device identification, browser data, browser type (user agent, browser version, etc), device type, device model, operating system version, screen resolution, information on your usage of our Website (list visited pages, etc) and online activities and information obtained with the use of cookies (*see section 9 below*).

Please note that this Privacy Policy does not cover personal information you provide to our clients when using chatbots created with the use of our Services that are located on our clients' websites, as we do not control the means and purposes of such personal data processing as defined in Article 4(7) of the GDPR. Typically, our clients, who are owners of chatbots created through our Service will be able to collect your conversation history with the client's chatbot, and information contained in your public social media profile, such as your name, your avatar photo, your time zone, your gender, your language settings, and any other information you provide through the said chatbot. Our clients may also use third party product integration to receive and process personal information you have provided. Please consult our clients' privacy policies for such data processing activities.

### 3. How do we collect your information?

This personal information is collected in many ways and may include:

- **personal information you provide to us:** Most of the personal information we receive comes to us voluntarily from our users in the course of using our Services, such as when visiting our Website, communicating with us or in the process of requesting our Services.

You are free to choose which information you want to provide to us or whether you want to provide us with information at all. However, some information, such as your name, email address, Facebook ID, and information on your requested Services may be necessary for the performance of our contractual obligations. Without providing this information, you will not be able to order certain Services or enter into a contract with us.

- **personal information collected via technology:** As you use our Website, we may collect passive information through the use of cookies. Please see section 9 below for more information.
- **personal information we receive from others:** We may receive personal information about users from third parties such as social media sites, law enforcement agencies, providers of denied party screening and marketing consultants.

### 4. Why and on which legal basis do we collect and use your personal information?

Please note, the notice on the legal grounds refers to the legal justifications under the GDPR which only applies to our operations to the extent we service or monitor EU residents.

The reasons for using your personal information may differ depending on the purpose of the collection. Regularly we use your information for the following purposes and on the following legal grounds:

- **We use your information in order to perform our contractual services or prior to entering into a contract with you.** If you order Services from Chatfuel or if you contact us to request our Services, we use your information to provide you with these Services. Information we use includes: information we need to contact you or otherwise communicate with you; if you are a registered user: information to manage your account; information to enable the usage of Services; information for invoicing and payment follow up.

- **We use your information if justified by our legitimate interests.** The usage of your information may also be necessary for our own business interests. For example, we may use some of your information to evaluate and review our business performance, create financial statements; improve our Services or to identify potential cyber security threats. If necessary we may also use your information to pursue or defend ourselves against legal claims. We may use your email address and names for our email marketing campaigns. You can object to this use at any time by following the link to unsubscribe at the bottom of our marketing emails.
- **We use your information after obtaining your consent.** In some cases, we may ask you to grant us separate consent to use your information. You are free to deny your consent and the denial will have no negative consequences for you. You are free to withdraw your consent at any time with effect for the future. If you have granted us consent to use your information, we will use it only for the purposes specified in the consent form.

This also includes our **marketing campaigns**. If you sign up to our email newsletter or when providing us with your email address to allow us to use this email address for email marketing, we will use your personal information in our email marketing campaigns. You may unsubscribe from our email newsletter at any time by following the link to unsubscribe at the bottom of our marketing emails. You may also contact us via email address provided at the end of this Privacy Policy to request that we remove you from our email list.

- **We use your information to comply with legal obligations.** We are obligated to retain certain information because of legal requirements, for example, tax or commercial laws.

We will only use your information for the purposes for which we have collected them. We will not use your information for other purposes. We do not use your personal information for automated individual decision-making.

## 5. With whom do we share your personal information?

We will share your personal information with the following third parties:

- **Service providers and advisors:** Third party vendors and other service providers that perform services for us or on our behalf, which may include marketing campaign services, providing mailing or email services, tax and accounting services, product fulfilment, payment processing, data enhancement services, fraud prevention, web hosting, or providing analytics services; These third parties include: Google Cloud, Microsoft Azure, MailChimp, Intercom, Stripe, Facebook, etc. Any such service providers will by appropriate data processing agreements be bound to only process the data on Chatfuel's behalf and under its instructions.
- **Promotional partners:** Third parties with whom we partner to provide promotional activities, which will be identified by name in the context of these activities. Chatfuel has partnered with third parties who provide promotional activities in the past and intends to partner with them in the future. However, Chatfuel does not partner with any such third party at the moment. These partners will be identified by name in the context of these activities.
- **Purchasers and third parties in connection with a business transaction:** Personal information may be disclosed to third parties in connection with a Chatfuel-related transaction, such as a merger, sale of Chatfuel's assets or shares, reorganization, financing, change of control or acquisition of all or a portion of our business, or in the event of a bankruptcy or similar proceedings.
- **Law enforcement, regulators and other parties for legal reasons:** Third parties as required by law or subpoena or if we reasonably believe that such action is necessary to (a) comply with the law and the

reasonable requests of law enforcement; (b) to enforce our legal claims or to protect the security or integrity of our Services; and/or (c) to exercise or protect the rights, property, or personal safety of Chatfuel, our visitors, or others.

#### **6. How long do we keep your information?**

We will store personal information for as long as necessary to fulfil the purposes for which we collect the personal information, in accordance with our legal obligations and legitimate business interests. In general, information obtained in the course of providing our Service will be blocked from general access within a few days and deleted latest within 3 years after the end of us providing our Service, unless an earlier deletion is requested or has been agreed upon, or statutory retention requirements require a longer retention or we need to retain such data for own legitimate interests, for example, the defense against IT security threats. For example, national commercial or financial codes may require to retain certain information for up to 10 years.

#### **7. How do we protect your information?**

We implement a variety of security measures to maintain the safety of your personal information when you use our Services. In the event that any information under our control is compromised as a result of a breach of security, we will take reasonable steps to investigate the situation and, where appropriate, notify those individuals whose information may have been compromised and take other steps, in accordance with any applicable laws and regulations.

#### **8. How do we safeguard your personal information when there is an international transfer?**

As we are located in the USA, any information you provide, will be processed and stored in the USA. If you are in the European Union or European Economic Area, this may mean that your personal information will be stored in a jurisdiction that offers a level of protection that may, in certain instances, be less protective of your personal information than the jurisdiction you are typically a resident in.

If we transfer information from the European Union to third parties outside the European Union and to countries not subject to schemes which are considered as providing an adequate data protection standard, we will either enter into contracts which are based on the EU Standard Contractual Clauses with these parties or transfer information under the scope of the EU/US Privacy Shield.

If you wish to inquire further about the safeguards we use, please contact us using the details set out at the end of this Privacy Policy. We will take reasonable steps to ensure that your personal information is treated securely and in accordance with applicable law and this Privacy Policy.

#### **9. Cookies and other tracking technologies.**

The Services use cookies, web beacons, file information and similar technologies to distinguish you from other users of the Services. This helps us to provide you with a good experience when you browse the Services and also allows us to improve the Services.

Cookies are pieces of code that allow for personalization of the Services experience by saving your information such as user ID and other preferences. A cookie is a small data file that we transfer to your device's hard disk (such as your computer or smartphone) for record-keeping purposes.

We use or may use the data collected through tracking technologies to: (a) remember information so that you will not have to re-enter it during your visit or the next time you visit the site; (b) provide custom, personalized content and information, including targeted content and advertising; (c) identify you across multiple devices; (d) provide and monitor the effectiveness of our Services; (e) monitor aggregate metrics such as total number of visitors, traffic, usage, and demographic patterns on our Website; (f) diagnose or fix technology problems; and (g) otherwise to plan for and enhance our Services.

#### **We use the following types of cookies:**

- **Strictly necessary cookies.** These are cookies that are required for the essential operation of the Services such as to authenticate users and prevent fraudulent use.
- **Analytical/performance cookies.** These allow us to recognize and count the number of visitors and to see how visitors move around the Services when they are using it. This helps us to improve the way the Services work, for example, by ensuring that users are finding what they are looking for easily.
- **Functionality cookies.** These are used to recognize you when you return to the Services. This enables us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Targeting cookies.** These cookies record your visit to our Website, the pages you have visited, the links you have followed and may also gather information about your online activity after you leave our Website. We will use this information to make our Website, the advertising displayed on it, and the marketing messages we send to you more relevant to your interests. We may also share this information with third parties who provide a service to us for this purpose.
- **Third party cookies.** Please be aware that advertisers and other third parties may use their own cookies tags when you click on an advertisement or link on our Website. These third parties are responsible for setting out their own cookie and privacy policies.

#### **How to manage cookies?**

The cookies we use are designed to help you get the most from the Services but if you do not wish to receive cookies, most browsers allow you to change your cookie settings. Please note that if you choose to refuse cookies you may not be able to use the full functionality of the Services. These settings will typically be found in the "options" or "preferences" menu of your browser. In order to understand these settings, the following links may be helpful, otherwise you should use the "Help" option in your browser for more details.

- [Cookie settings in Internet Explorer](#)
- [Cookie settings in Firefox](#)
- [Cookie settings in Chrome](#)
- [Cookie settings in Safari web](#) and [https://support.apple.com/kb/ph21411?locale=en\\_US](https://support.apple.com/kb/ph21411?locale=en_US).

#### **Other Tools**

We may collect analytics data or use third-party analytics tools, such as Yandex Metrika , Google Tag Manager, Fullstory, Appcues and Intercom, to help us measure traffic and usage trends for the Service and to understand more about the demographics of our users.

#### **10. Your California Privacy Rights.**

If you are a California resident, California Civil Code Section 1798.83 permits you to request information regarding the disclosure of personal information to third parties for their direct marketing purposes during the immediately preceding calendar year. You may make one request each year by emailing us at [tos@chatfuel.com](mailto:tos@chatfuel.com).

#### **11. What rights and choices do you have?**

We want you to understand your rights and choices regarding how we may use your personal information. Depending on how you use your information, these rights and choices may include the following:

- **Individual Rights.** You have specific rights under applicable privacy law in respect to your personal information that we hold, including a right of access and erasure and a right to prevent certain processing activities.

If you are a resident in the European Union, you have the following rights in respect to your personal information that we hold:

- **Right of access.** The right to obtain access to your personal information.
- **Right to rectification.** The right to obtain rectification of your personal information without undue delay where that personal information is inaccurate or incomplete.
- **Right to erasure.** The right to obtain the erasure of your personal information without undue delay in certain circumstances, such as where the personal information is no longer necessary in relation to the purposes for which it was collected or processed.
- **Right to restriction.** The right to obtain restriction of the processing undertaken by us on your personal information in certain circumstances, such as, where the accuracy of the personal information is contested by you, for a period of time enabling us to verify the accuracy of that personal information.
- **Right to portability.** The right to portability allows you to move, copy or transfer personal information easily from one organization to another.
- **Right to object.** You have a right to object to any processing based on our legitimate interests where there are grounds relating to your particular situation. You can object to marketing activities for any reason whatsoever.

If you wish to exercise one of these rights, please contact us using the contact details below. For cookies or e-mail marketing, we provide the following easily usable option:

- **Cookies Settings and Preferences.** You may disable cookies and other tracking technologies through the settings in your browser.
- **E-Mail Settings and Preferences.** If you no longer want to receive marketing e-mails from us, you may choose to unsubscribe at any time by following this link:

<https://chatfuel.us11.list-manage.com/unsubscribe?u=171c0dbd24c16e440bdce3ac0&id=8182c79410&e=ce36addfce&c=fafabe6ff9>

In addition to the afore listed rights, as an EU resident, you have the right to **lodge a complaint** with your local data protection authority. Further information about how to contact your local data protection authority is available at

[http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm).

## **12. How to contact us?**

If you have any questions or concerns about our Privacy Policy or if you want to exercise your rights, please send an email to [tos@chatfuel.com](mailto:tos@chatfuel.com) or write to us at 200 Labs, Inc., d/b/a Chatfuel, 555 De Haro Street, Suite 280, San Francisco, CA 94107 USA.

You may also contact our EU representative, Mr. Alexander Viedge, GDPR AV Services UG, at [viedge@gdprav.com](mailto:viedge@gdprav.com) or Gerstkamp 10, 48153 Münster, Germany.

## **13. Online Privacy Policy Updates**

We may make changes to our Privacy Policy from time to time. Please review our policies regularly as updated policies will apply to your future use of our Services.