

Last update: October 20, 2021

This Privacy Notice applies to residents of the European Economic Area (hereinafter “**EEA**”) only. If you are not a resident in these jurisdictions, our regular Privacy Notice applies to you.

Chatfuel’s EU/EEA-Specific Privacy Notice

We appreciate your interest in our services, products, and website ([https:// chatfuel.com/](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 Notice sets out information about how we collect, store, process, transfer and use data that identifies or is relates to you, as a natural person (hereinafter “**personal information**”) and which is subject to the General Data Protection Regulation (the “**GDPR**”) of the European Union (“**EU**”). This is the case for visitors and users of our Services who are located in the European Economic Area (“**EEA**”) as well as other users who provide us with personal information subject to the GDPR. Personal information covers all personal data as defined under Art. 4 No 1 GDPR.

This Privacy Notice does not describe the processing of personal information

(i) of all visitors/users located outside of the EEA, and

(ii) where Chatfuel processes personal information on behalf and at the direction of other data controllers, for example, when we process personal information when rendering services to customers located in the EEA in the capacity of a data processor based on a data processing agreement.

If you have any questions relating to our processing of personal information described under (i), please have a look at [Privacy Policy](#), or under (ii), please consult with the respective entity (i.e., in most cases the data controller located in the EEA) which 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, 490 Post Street, Suite 526, San Francisco, CA 94102 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 Notice.

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/Instagram/Shopify Pages you own (page names, IDs, categories, number of likes).
- **If you use our 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 sign up to the Pro Plan:** In addition to the above account data we collect payment information for invoicing and payment follow up (e.g., your credit card number). In connection with the payment process, we also create payment logs in which we store your User ID for a maximum of one year. Storing your user ID is necessary for us to ensure a proper continuous functioning of the payment system.
- **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/Instagram/Shopify 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, content of and 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 tracking technologies such as cookies (*see section 9 below*).

Please note that this Privacy Notice does not cover personal information you provide to our clients when using chatbots which have been created with the use of our Services that are integrated on our clients' websites. In such cases, we process personal information solely on behalf and at the direction of one of our clients who, as a data controller, is responsible for the processing of your personal information. Typically, our clients, who are owners of chatbots created with the use of our Services 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 aforementioned 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 as to 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 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. In many cases, 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/Instagram/Shopify 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 use 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 following information on the legal grounds refers to the legal justifications under the GDPR and only applies to our operations to the extent we service or monitor EEA 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 obligations 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 our 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 or to ensure the proper continuous functioning of our

payment system; 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 or to comply with request from a governmental authority, e.g., in the U.S. We may use your email address and names for our email marketing campaigns. However, you can object to the lastly mentioned use for email marketing 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 separately ask you to grant us 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 order to facilitate 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 our email address provided at the end of this Privacy Notice 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, based on tax or commercial law or to provide information to governmental authorities in the EEA.

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 and 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 but are not limited to Google Cloud, Microsoft Azure, MailChimp, Intercom, Stripe, Facebook, Instagram and Shopify. 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 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.

- **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, courts or tribunals, 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 or regulators; (b) to enforce our legal claims; (c) or to protect the security or integrity of our Services; and/or (d) to exercise or protect the rights, property, or personal safety of Chatfuel, our visitors, or others. Courts or (arbitration) tribunals in case of litigation or arbitration proceedings in order to pursue or defend ourselves against legal claims.

6. How long do we keep your information?

We will store personal information for as long as necessary in relation to the purposes for which we collect or otherwise process the personal information. In general, information obtained in the course of providing our Services will be blocked from general access within a few days and deleted at the latest within 3 years after the end of us providing our Services, unless an earlier deletion has been requested and is not precluded by legal reasons or has been agreed upon. A longer retention period may apply where we need to retain the personal information in order to (a) comply with a legal obligation such as a statutory retention requirement (e.g., national tax or commercial law may require us to retain certain information for up to 10 years) , (b) in order to pursue or defend ourselves against legal claims, or (c) for own legitimate interests, for example, the defense against IT security threats..

7. 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 EEA, this may mean that your personal information will be stored in a jurisdiction that offers a level of protection that may be less protective of your personal information than your own jurisdiction.

If we transfer information from the EEA to third parties which are located in countries outside the EEA that have not been recognized as providing an adequate data protection standard by the European Commission, yet, we will enter into contracts which are based on the EU Standard Contractual Clauses with these parties. We may further implemented additional contractual, technical and organizational measures to ensure the protection of your personal information.

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 Notice. We will take reasonable steps to ensure that your personal information is treated securely and in accordance with applicable law and this Privacy Notice.

8. Cookies and other tracking technologies.

When using our Services, we and our third-party partners may collect certain types of usage information. For this purpose, we often rely on tracking technologies, including cookies, web beacons, embedded scripts and similar technology (collectively, “**Tracking Technologies**”) in accordance with this Privacy Notice. Where legally required, we will obtain your consent to use such Tracking Technology, e.g., through the “cookie banner” on our Website.

- **How do these Tracking Technologies work?** Cookies are pieces of code that allow for personalization of the Services experience by saving your information such as your user ID and other preferences. A cookie is a small data file that we transfer to the hard drive and/or working memory of your device (such as your computer or smartphone) for record-keeping purposes. Cookies store certain settings and data for exchange with our system via your browser. A cookie usually contains the name of the domain from which the cookie has been placed, as well as information about the age of the cookie and a random alphanumeric identifier, the so-called cookie-ID. They help to recognize the device and make any pre-settings immediately available. Web beacons are small graphical images that may be included on our Website and typically work in conjunction with cookies to identify our users and user behaviour. An embedded script is programming code that is designed to collect information about your interactions with the Website, such as the links you click on. The code is temporarily downloaded onto your device from our web server or a third-party service provider and is active only while you are connected to the Website and is deactivated or deleted thereafter.
- **What information do these Tracking Technologies collect?** These tracking technologies collect information about your browser and online usage patterns (e.g., IP address, pages you view, the links you click and other actions you take on the Services such as opening an email, log files, browser type, browser language, referring/exit pages and URLs, etc.), and information about the device(s) you use to access the Services (e.g., unique identification numbers associated with your device or our mobile application (including, for example, a UDID, Unique ID for Advertisers (IDFA), Google AdID or Windows Advertising ID), device type, model and manufacturer, operating system brand and model and, depending on your mobile device settings, your geographical location data). We, or our third party partners, may link your various devices so that content you see on one device can result in relevant advertising and content displayed on another device so that we may recognize and contact you on the various devices you may use.
- **What are Cookies and other Tracking Technologies used for?** Tracking Technologies do lots of different jobs, like helping us understand how our Website is being used, helping us analyze trends, administering the Websites, tracking

users' movements around the Websites, gathering demographic information about our user base as a whole, letting you navigate between pages efficiently, remembering your preferences and generally improving your browsing experience. Tracking Technology can also help ensure that you see marketing content that is more relevant to you and your interests. Therefore, generally speaking, we 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 our Website; (b) provide customized and personalized content as well as information, including targeted content and advertising; (c) provide and monitor the effectiveness of our Services; (d) monitor aggregate metrics such as total number of visitors, traffic, usage and demographic patterns on our Website; (e) diagnose or fix technology problems; and (f) otherwise plan for and enhance our Services.

What types of cookies and other Tracking Technologies are used by Chatfuel? The types of cookies and other Tracking Technologies used on our Website can generally be put into one of the following categories: Strictly necessary / essential, functional and advertising. You can find out more about each of these categories in the following.

- **Strictly necessary / essential.** These cookies and Tracking Technologies are essential to make our Website work as error-free and securely as possible and to allow you to move around the different sites and parts of our Website and use its functionalities. Without them, you would not be able to properly use our Website and all of its functions. This also includes the tracking of your decision as to our "cookie banner" in order to respect your choice when you use our Website.
- **Functional.** These cookies and other Tracking Technologies allow us to recognize you and tailor our Website to **provide** enhanced features and content to you. For example, they can be used to remember your IP address, country selection and previously requested and/or utilized Services.
- **Advertising and analytics.** These cookies and other Tracking Technologies are used to deliver advertisements that are more relevant to you and your interests. They are also used to limit the number of times you see an advertisement as well as help measure the effectiveness of the advertising campaign. They remember that you have visited a website and may track you on other websites. This information may be shared with other organizations such as advertising partners.

How long will cookies stay on your browsing device? The length of time a cookie will stay on your browsing device depends on whether it is a "persistent" or "session" cookie. Session cookies will only stay on your device until you stop browsing the website that has set the cookie. Persistent cookies stay on your browsing device after you have finished browsing a particular website, until they are deleted or until they expire. The actual period of validity of each persistent cookie depends on each cookie. You can view your cookie settings as well as more specific information on each cookie by clicking [here](#).

Cookies and other Tracking Technologies by third parties. Apart from the Tracking Technologies which belong to us and the cookies or similar files that are placed on your device by us, other Tracking Technologies may be implemented on our Website which come

from third parties and cookies or similar files placed on your browsing device by third parties when you visit our Website. Tracking Technologies from third parties on our Website will be providing a service to us (such as allowing us to analyze the usage on our Website) or a function of the Website. In particular, we participate in interest-based advertising and use third party advertising companies to serve you targeted advertisements based on your online browsing history and your interests. To do this, we or our advertising partners may collect information about how you use or connect to our Services, or the types of other websites, social media services, content and ads that you (or others using your device) visit or view or connect to our Services. Typically, this information is collected through cookies and similar Tracking Technologies.

Please note that we do not always control how third-party Tracking Technologies are used. Some third parties may use advertising cookies to help gather information about your browsing activity so that they can deliver website advertising to you that is relevant to your interests. You should check the third party's website for more information about how they use cookies.

The third-party Tracking Technologies on our Website include Facebook Pixel, Google Analytics, Intercom, Yandex Metrika, CustomerIO, Smartlook, Optinmonster and Stripe.

If you only want to limit third-party advertising cookies, you may visit the following links (please bear in mind that there are many more companies listed on these sites than those that place cookies via our website):

- Your Online Choices (<http://www.youonlinechoices.com/>)
- Network Advertising Initiative (<http://www.networkadvertising.org/>)
- Digital Advertising Alliance (<http://www.aboutads.info/consumers>)
- TRUSTe's Opt-out Tool (<http://preferences-mgr.truste.com>)

How can you manage cookies and other Tracking Technologies on our Website? The cookies and other Tracking Technology we use on our Website are designed to help you get the most from our Services. However, you can avoid Cookies and other Tracking Technology on our Website, which are not strictly necessary / essential, by clicking on the button "*Decline non-essential*" in the "cookie banner" on our Website.

Apart from that and as to cookies, , most browsers also allow you to: (i) change your browser settings to notify you when you receive a cookie, which lets you choose whether or not to accept it; (ii) disable existing cookies; or (iii) set your browser to automatically reject cookies. Please check your browser and browser settings to determine where cookies are stored and whether and how they may be deleted on your device. The help option of the toolbar on your browser may include more information. However, depending on your mobile device and operating system, you may not be able to delete or block all Tracking Technologies. Please note that in the case you delete existing cookies, your chosen pre-settings will be deleted as

well. This means that the next time you access our Website, we may ask for your consent again (to the extent required by law) and set new cookies. The period of validity of those cookies will then start from the beginning. You may also set your email options to prevent the automatic downloading of images which may contain technologies that would allow us to know whether you have accessed our email and performed certain functions with it. 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](#)

Please note that if you choose to refuse cookies, you may not be able to use the full functionality of the Services.

Google Analytics. We use Google Analytics and have implemented the following Google Advertising Feature: Google AdWords Conversion. Google uses cookies to help the Website analyze how users use the site. The information generated by the cookie about your use of the Website will generally be transmitted to and stored by Google on servers in the United States. However, if IP anonymization is activated on this website, your IP address will be shortened by Google in advance within the EEA if data is collected from within the Member States of the EEA. Only in exceptional cases is the full IP address transmitted to a Google server in the USA and shortened there. We use Google Analytics to recognize you and link the devices you use when you visit our Website on your browser or mobile device, login to your account on our Website, or otherwise engage with us. Google Analytics allows us to better understand how our users interact with our Services and to tailor our advertisements and content to you. For information on how Google Analytics collects and processes data, as well as how you can control information sent to Google, review Google's site "How Google uses data when you use our partners' sites or apps" located at www.google.com/policies/privacy/partners/. You can learn about Google Analytics' currently available opt outs, including the Google Analytics Browser Add-On here: <https://tools.google.com/dlpage/gaoptout/>.

10. What rights and choices do you have?

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

- **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 and the deletion is not precluded by legal reasons.
- **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 which you have provided to us in a structured, commonly used and machine-readable format from us to another organization under certain circumstances.
- **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.** In this case, we will no longer process the personal data unless (a) we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or (b) for the establishment, exercise or defence of legal claims.
 - **Furthermore, you can object to the processing of your personal data for direct marketing purposes for any reason whatsoever.**

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

Cookies Settings and Preferences. You may disable cookies and other Tracking Technologies through the “cookie banner” on our Website.**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 a resident in the EEA, you have the right to **lodge a complaint** with a data protection authority. Further information about how to contact your local or another data protection authority is available at https://edpb.europa.eu/about-edpb/about-edpb/members_en#member-de .

12. How to contact us?

If you have any questions or concerns in relation to our Privacy Notice or if you want to exercise your rights, please send an email to tos@chatfuel.com or write to us at 200 Labs, Inc., d/b/a Chatfuel, 490 Post Street, Suite 526, San Francisco, CA 94102 USA.

You may also contact our EEA representative, Mr. Alexander Viedge, GDPR AV Services UG, at viedge@gdprav.com or Fraunhoferstraße 8a, 48161 Münster, Germany.

13. Online Privacy Notice Updates

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