

## **Privacy Policy for The Pending**

### **I. Data Controller**

Great that you want to be part of our platform The Pending! In the following, we inform you about the processing of your personal data that takes place via this app.

The controller according to Article 4 (7) of the General Data Protection Regulation ("GDPR") is

Tim Kriegler (hereinafter: "The Pending" or "we").

Gleimstraße 18, 10437 Berlin

+49 17647268780

E-mail: [info@thepending.app](mailto:info@thepending.app)

### **II. Data protection officer**

We will be happy to assist you with any questions you may have on the subject of data protection. You can reach our data protection officer as follows:

Tim Kriegler

Arthur-Müller-Straße 24, 12487 Berlin (DE)

+49 17647268780

E-mail: [info@thepending.app](mailto:info@thepending.app)

### **III. Processing of personal data**

This app allows you to get in touch with other artists and creatives, to exchange, network and support each other.

By downloading and using this app, various data processing operations are triggered. These are described in detail below.

#### **1. App download**

When you download our app, certain required information is transmitted to the app store you have selected (e.g. Google Play or Apple App Store); in particular, user name, email address, time of download, payment information (if applicable) and the individual device identification number may be processed. Upon your consent the app store may also track your use of The Pending app. The processing of this data is carried out exclusively by Google Play or Apple App Store and is beyond our control.

## **2. App registration**

To create an account you need to provide specific personal data including your email address, username and a password of your choice.

Mandatory data:

- First name
- Last name
- Artist name
- Email address (will not be displayed on your profile)
- Genre

This personal data will be displayed on your profile. To prevent misuse, participation under a pseudonym is not allowed.

After registration is completed, you can edit the information on your profile at any time. You have control over your profile and can change your profile information (except email address, phone number) at any time by logging into The Pending.

The legal basis for this data processing is the performance of our contract pursuant to Article 6 (1) (b) GDPR.

## **3. App Usage**

Through the app, you can communicate with others, create groups, post and more. All posts, photos, videos and messages will be saved to your account until further notice. The legal basis is the existing contractual relationship (Article 6 (1) (b) GDPR).

### **Viewable personal information**

The following personal information can be viewed by everyone:

- First Name
- Last name
- Genre
- If applicable "PRO" label

### **Information that is collected**

When you use our app, we automatically collect certain data for technical reasons or in order to improve the app. This includes:

- IP address
- date and time of access
- operating system used by your end device

- currently installed version of our app
- your time zone and country
- last login
- connections with other users
- number of posts in The Pending feed and content (e.g. photos, videos)
- comments in feed and content
- duration of app usage
- user behavior (clicks, popular threads, activities) and

This data is processed in order to

- Provide you with the service and related features,
- improve functions and performance of the app, and
- prevent and eliminate misuse and malfunctions.

This data processing is thus carried out for the execution of the contract in accordance with Article 6 (1) (b) GDPR or due to our legitimate interest in accordance with Article 6 (1) (f) GDPR.

#### **4. Compliance with legal requirements**

We also process your personal data to comply with legal obligations. These may affect us in connection with the processing of the order or business communication, among other things. These include, in particular, retention periods under commercial, trade or tax law. We process your personal data in order to fulfill a legal obligation to which we are subject in accordance with Article 6 (1) (c) GDPR in connection with commercial, trade or tax law, insofar as we are obliged to record and store your data.

#### **5. Legal enforcement**

We also process your personal data in order to assert our rights and enforce our legal claims. Furthermore, we process your personal data in order to be able to defend ourselves against legal claims. Finally, we process your personal data to the extent necessary to prevent or prosecute criminal offences. We process your personal data for this purpose on the basis of our legitimate interests pursuant to Art. 6 (1) (f) GDPR, insofar as we assert legal claims or defend ourselves in legal disputes or we prevent or investigate criminal acts.

#### **IV. Disclosure and transfer of data**

Within The Pending, only those persons who need to access your data in order to perform their tasks, to safeguard our legitimate interests or to fulfill contractual and legal obligations will have access to your data.

We also share your data to the extent necessary with the service providers we use to provide our services. We limit the transfer of data to the amount necessary to provide our services. In some cases, our service providers receive your data as processors and are then strictly bound by our instructions when handling your data. In some cases, the recipients act independently concerning the transmitted personal.

Below we list the categories of recipients of your data:

- IT service providers who, among other things, store data, assist in the administration and maintenance of systems;
- Public authorities  
We may transfer personal data to courts, authorities and other governmental institutions due to legal requirements.
- Payment service providers, if you choose The Pending+ premium membership;
- Auditors, tax advisors and other liberal professions  
We transfer personal data to auditors, tax advisors, lawyers or other liberal professions engaged by us, to the extent legally permissible and necessary to comply with applicable law or to assert, exercise and/or defend legal claims.

In addition, we transfer data to the following service providers who are not based in the European Union:

- Mapbox

We use services of Mapbox Inc. (Mapbox) to display interactive maps. By using this service, information about your use, including your IP address, may be transmitted to Mapbox in the USA. When you access a page that contains Mapbox maps, a direct connection is established with Mapbox's servers. The map content is transmitted by Mapbox directly to your browser, which then integrates it into the website. Therefore, we have no influence on the scope of data collected by Mapbox.

For more information about the purpose and scope of data processing by Mapbox, your rights in this regard and setting options for protecting your privacy, please refer to the privacy policy of Mapbox at: <https://www.mapbox.com/privacy/>.

- Google Firebase

We use the technology Google Firebase of the company Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA for push messages. Google Firebase uses servers located in Europe for its services wherever possible. However, it cannot be ruled out that data may also be transferred to the USA.

More information about Google Firebase and data protection can be found here:

<https://firebase.google.com/terms/data-processing-terms>

<https://firebase.google.com/terms/>

<https://firebase.google.com/support/privacy/>

The processing of your data is based on your consent (Art. 6 (1) (a) GDPR).

## **V. Data transfer to third countries**

For the processing of your data, we also use service providers located in third countries outside the European Union (EU) (see section IV). Countries outside the EU handle protection of personal data differently than countries within the EU. There is currently no decision by the EU Commission that these third countries generally offer an adequate level of protection. We have therefore taken special measures to ensure that your data is processed in third countries as securely as within the EU. With service providers in third countries, we conclude the data protection contract provided by the EU Commission for the processing of personal data in third countries (so-called EU standard contractual clauses). This provides appropriate safeguards for the protection of your data. You can request a copy of each contract at the contact details set out above.

## **VI. Data retention period and deletion of data**

We will retain your personal data until your membership is terminated.

In case of termination, we will irrevocably delete your user account including all personal data from our servers within five working days, unless deletion is contrary to mandatory statutory retention obligations (for example, from the German Commercial Code or the German Fiscal Code) or further retention is necessary for the defense and enforcement of possible legal claims until the end of period of time ("Verjährung").

In addition, we delete or anonymize your personal data as soon as it is no longer required for the purposes for which we have collected or used it in accordance with the above paragraphs. The log files for the app are stored for security reasons and for support inquiries for 7 days as follows and then deleted:

- ImageProxy logs: 7 days;
- Image verification function: 14 days;
- Database API service: 1 month;
- Error logs: 1 year.

You can also delete individual content. Unless we are obligated to retain your data (e.g. if we suspect misuse of the platform), we will also irrevocably delete your data from our servers within five business days.

Finally, you can delete your user account at any time and uninstall the app from your device. Please note, however, that all data relating to your user account will be stored until you terminate your account.

**VII. Your rights (to object, to withdraw, to request access to your personal data, rectification, restriction of processing, erasure, data portability and to lodge a complaint)**

**1. Right to object**

**Right to object Article 21 GDPR**

**You have the right to object at any time to the processing of your data based on Article 6 (1) (f) GDPR (data processing based on a legitimate interest).**

**If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate interests for the processing that override your interests, fundamental rights and freedoms, or the processing serves to assert, exercise or defend legal claims.**

**The objection can be made without observing any formal requirement.**

**2. Right to withdraw**

Furthermore, you have the right to withdraw your consent with effect for the future. The lawfulness of the data processing based on your consent remains unaffected until the exercise of the withdrawal.

**3. Other rights**

You have the right of access to your personal data stored by us at any time free of charge, to rectify incorrect data and to block or delete data. Furthermore, you have the right to receive your data in a structured, commonly used and machine-readable format and to have your data transferred by us to someone else. Finally, you have the right to lodge a complaint to a supervisory authority. The supervisory authority responsible for us is

Berliner Beauftragte für Datenschutz und Informationsfreiheit  
Friedrichstrasse 219  
10969 Berlin  
Phone: +49 (0)30 13889-0  
Fax: +49 (0)30 2155050  
Email: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de).

**VIII. Legal and contractual obligations to provide data**

In principle, you are not obliged to provide us with your personal data. However, without providing the mandatory data and enabling certain services or functions, the app cannot be used or cannot

be used to its full extent. Also, not giving consent regarding the use of third party services may cause our service to become unavailable to you or only available in a limited capacity.

## **IX. Changes to this privacy policy**

We keep this privacy policy up to date. Therefore, we reserve the right to change it from time to time and to update any changes in the collection, processing or use of your data. The current version is always available under "Privacy Policy" within the app.