

Data Protection Statement

Welcome to our website and thank you for your interest in our company. We care about protecting your private information and would like to explain how we handle your personal data when you use our website and apps.

You will find the following explanations summarised in this data protection guideline:

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General information

As a company, we (“Feelplex”, “we” and “us”) adhere to the legal data protection regulations and appreciate our customers’ and visitors’ privacy. We believe it is important to protect the identity of our customers and to avoid using technical possibilities in such a way that our users’ personal data can be recorded or used for profiling. Even in the design of our online offer we consider “privacy by design” and the worst- case scenarios of a possible data leak, e.g. through hacking or the mandatory submission of customer data, and look for the best options for protecting our users’ identities.

Scope of application

This data protection statement applies to all online offers on the “Feelplex” platform, including all apps (mobile apps, widgets, APIs, player and other services offered by Feelplex).

Definitions

The following terms adopted from Article 4 of the GDPR are used in this data protection statement:

“Personal data” means any information relating to an identified or identifiable person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“Processing” means any operation or set of operations which is performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

“Restriction of processing” means the marking of stored personal data with the aim of limiting their processing in the future.

“Profiling” means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

“Controller” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller of the specific criteria for its nomination may be provided for by Union or Member State law.

“Processor” means a natural or legal person, public authority, agency or another body which processes personal data on behalf of the controller.

“Recipient” means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of such data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of processing.

“Third party” means a natural or legal person, public authority, agency or other body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

“Consent” of the data subject means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

“International organisation” means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement by two or more countries.

Purposes of processing data

- Presentation of online offers
- Presentation of individual functions
- Initiating contact and communication with users
- Technical support and technical evaluation (e.g. availability of bandwidth)
- Security measures
- Marketing

Party responsible

BYTSCH Technology UG (limited liability)

Geestbogen 16

24941 Flensburg

Germany

Phone: +49 461 50 56 58 1

Fax: +49 461 50 56 58 0

Email: info@feelplex.de

Represented by CEO: Alexander Rommel

Legal basis for processing personal data

We duly refer to the legal basis of our data processing in all sections of this data protection statement. The following principles of the General Data Protection Regulations (GDPR) apply in any cases where a statement is provided without reference to the legal basis:

- Article 6 (1) (a) and 7 GDPR
 - Legitimacy of our consents
- Article 6 (1) (b) GDPR
 - Processing is necessary due to the pre/contractual obligation between us and the data subject
 - Processing is necessary for the purpose of processing queries from the data subject to fulfil contractually agreed services
- Article 6 (1) (c) GDPR
 - Processing is necessary due to our legal obligations
- Article 6 (1) (d) GDPR
 - Processing is necessary due to the vital interests of the data subject
- Article 6 (1) (e) GDPR
 - Processing is necessary due to the public interest in completing a public-interest task
- Article 6 (1) (f) GDPR
 - Processing is necessary due to our legitimate interests

Hosting services

The presentation of our online services and the operation of our website takes place on the servers of a third-party provider, who bears responsibility for the hosting, server management, security measures and connection on our behalf based on our legitimate interest and in compliance with the corresponding guarantees in accordance with Article 28 GDPR.

Our hosting service provider and their servers are located in the EU or the European Economic Area.

Viewing and using our online offers

You can visit our website without providing any personal information. Only information of a general nature will be stored in our server log files when you visit our website, such as:

- name and URL of the file requested
- data and time of access
- data volume transmitted
- IP address of the requesting computer
- browser type
- website from which you were referred (referrer URL)
- user's operating system and
- provider from which request is received

This data is evaluated exclusively to ensure smooth operation of our platform and to improve our online offers and does not enable us to identify you as a person. This information is required for technical reasons and is processed based on our legitimate interest in accordance with Article 6 (1) (f) GDPR. The user does not have the option to object to this.

Access data is stored by us/our hosting provider in our log files exclusively for security reasons, e.g. to clear up any cases of misuse or attacks and for a maximum of 12 months after which time period it is deleted.

Registration and use of services

Upon registering you are able to log in, manage your existing data and view orders made in the shop with just your email address and password without having to provide contact details once again.

Another benefit of registering is the unrestricted use of digital content provided on the platform and our online services pursuant to our [terms of use](#).

While registering, logging in and using our online offers we collect the following data:

- title, first name, surname
- date of birth

- valid email address
- password
- IP address and point in time of user actions
- name and URL of file called up

These data sets enable us

- to identify you as a customer
- to process your queries, commissions and orders
- to invoice and correspond with you
- to contact you and provide notifications regarding digital content you have provided (images, texts, sound and videos)
- to technically maintain our platform
- and to manage your online service orders in your user account

Registration requires that you consent to us processing this data and authorises us to collect this data during the registration process in accordance with Article 6 (1) (a) and (b) GDPR.

Assigning commissions and support tickets

You can send us a commission or support ticket through your user account. The commissions or requests sent initially remain non-binding until you contractually agree to a certain service.

In addition to the information provided and the documents voluntarily sent with the commission form, we collect the following data:

- IP address and point in time of user actions

When contracts are effectively concluded the following mandatory information is collected:

- title, first name, surname
- shipping and invoice address
- email address and phone number
- contract data (information about services agreed)
- name of person to be contacted
- and payment details (bank details, payment plan, etc.)

Personal data is exclusively processed to fulfil contractual obligations, to coordinate the offer with you precontractually and to invoice the corresponding fee.

We are legally required to store service contracts over the term of the contract and beyond to comply with legal retention obligations. The documents submitted are stored with your commission for the duration of your membership and made available for you to view in your user account.

Data submitted by you is processed in accordance with Article 6 (1) (b) GDPR for the purposes of fulfilling the contract and processing your requests.

Your comments and posts

You can submit reviews, opinions and even posts on our website, and when providing digital media content, you can add text descriptions and images. Please be aware, however, that this content is publicly available and the information contained within may not feature personal data under any circumstances. We are expressly not responsible for whatever information you make public. We are also not responsible for the consequences resulting from the use of this information. But you do have the option of contacting us to request the information is corrected or deleted.

Your search and search history

We do not retain/store any user search histories, regardless of where your search takes place on our servers.

Providing digital media content

The majority of our online offer constitutes the provision of digital media content. We make this content available for sale, download and other services on our site in accordance with our [licensing terms for uploaders](#).

To make digital media content available we collect the following data:

- IP address and point in time content is transmitted
- name and metadata of data transmitted
- purpose of use of content or type of availability (e.g. sale, donation or free download)
- price, date of recording and location with geolocalisation of content
- identification and description in text and image for content
- information regarding recording equipment
- comment text for internal communication (info for Feelplex)
- services wanted for content (e.g. audio processing, translation, etc.)

When you upload your sound recording, you must provide the information above regarding your recording equipment in our upload form for media content. In order to facilitate providing information for new uploads, we offer a help function that can prefill certain fields (e.g. recording device used). The information shown in these fields is taken over from the last time you used the upload form.

The comments transmitted with the upload form are only used for internal communication and are not publicly available.

Along with your existing customer data, which you sent us during the registration process, we processing the following data in uploading digital content from you:

- first and surname of the licensor
- email address

We process the data named above in accordance with Article 6 (1) (b) GDPR in order to feature your content on our website for the requested purpose, calculate any fees, show you the status of your digital content in your user account and to inform you of any changes to the status of your digital content (e.g. deletion, sale, suspension). This information is stored in electronic form for the duration of your membership or the duration of the contract for individual media content and the duration of legal retention obligations.

When you cancel your contract or end your membership, the data is blocked and the content and other changes on the server are inaccessible.

Online orders in the shop

You can order products for shipping, downloadable content and other services in our shop. If your order only contains products for shipping you can complete your purchase as a guest without having to register.

Your personal data is submitted voluntarily during the order process and transmitted to us. However, mandatory information must be supplied to complete the purchase contract. These are marked out for you during the order process.

For both a guest order and order with registration we collect the following personal data:

- title, first name, surname
- shipping and invoice address
- email address and phone number
- name of person to be contacted
- and payment details (bank details, payment plan, etc.)

During the order you must consent to the processing of this personal data that is used solely to process the contract and your requests.

The legal basis is the conclusion and processing of a purchase contract in accordance with Article 6 (1) (b) GDPR.

Various payment providers are available to process payments and these can be selected during the order process. You will be forwarded to the payment provider where you can enter your details directly with the selected payment provider. The payment provider selected is the recipient of the information you provide. The connection to payment providers for processing the order is based on Article 6 (1) (b) GDPR.

Payments via PayPal or PayPal Plus are processed by PayPal (Europe) S.à r.l. et Cie, S.C.A., 22-24 Boulevard Royal, L-2449 Luxembourg ("PayPal").

You can access PayPal's data protection information by following the link below:

https://www.paypal.com/en/webapps/mpp/ua/privacy-prev?locale.x=en_US

Your data is stored for the duration of the purchase contract and legal retention obligations.

The personal data collected in relation to the payment transaction is stored for the duration of the payment process.

Paying out credit

If you have generated proceeds from the sale of media content provided by you and wish to have your credit paid out, you can request a payout in your user account.

The following information is mandatory to pay out credit:

- first and surname
- invoicing address
- phone number
- account holder (first and surname)
- and bank details

The recipient of the payment, or holder of the bank account, must be identical to the holder of the Feelplex account. We must also ensure that the recipient of the invoice and the name of the person to receive the credit match. We will therefore use the existing data to check identities and use this for any follow-up communications for queries.

The legal basis for collecting and processing this data is based on Article 6 (1) (b) and (c) GDPR.

Your data will remain stored on the server until the requested payout has been successfully completed and entered into our accounts.

In accordance with tax and commerce regulations we reserve the right to retain your data until the legal retention obligations have expired. Data is regularly deleted following the end of this time period.

Using our mobile app

Our apps require access to:

- **Location data (GPS and network based)**
Your location is required to optimally adapt search results to your position and to correctly display other location-dependent digital content in your location. These local results, information and content are displayed in a user-friendly manner, e.g. a map. Your location will never be transmitted without your consent.

- **Internet connection**

The services provided in our apps require an internet connection. This is technically necessary and forms the basis of the functions.

- **System status**

Individual function of our apps such as alarm clock, timer, player etc. will keep your device active, in and out of the stand-by mode, changing its status.

- **Photos/media/files**

The corresponding authorisation must be granted so that you can transmit content through our apps to Feelplex. Download and offline use of content is only possible with access to your storage location.

You have full control over authorisations granted to apps on your end device. Authorisation can be granted during installation of our apps and revoked in system settings. Our apps only use the authorisations granted for the purposes listed above.

Registering for the email newsletter

If you subscribe to our newsletter, we will send you emails with advertising material, information on our services, products, customer opinions and new posts and possibly even press releases.

Registration is voluntary, with consent as outlined in Article 6 (1) (a) GDPR, which can be given during the registration process or through your user account.

We use the double-opt-in process for email newsletter subscription. You will receive an email asking you to confirm that you would like to receive newsletter mails. This enables us to ensure that the registration was intentional and not a mistake or due to the misuse of your email address.

During registration for the email newsletter we collect the following data:

- IP address
- data and time of the user action

Together with your existing customer data, which you will have shared with us during registration, we process the following data to complete the newsletter registration and enable delivery:

- first and surname
- email address

The legal basis for data processing, storage and logging is our legitimate interest in accordance with Article 6 (1) (f) GDPR.

You can unsubscribe from the newsletter at any time by either sending a message to the contact details below or by following a link in the newsletter. If you consent to receiving our newsletter, we reserve the right to send you news relating to Feelplex offers and related topics regularly per

email in accordance with Article 6 (1) (f) GDPR and Section 7 (3) of the Law on Unfair Competition [Gesetz gegen den unlauteren Wettbewerb (UWG)].

Contact

If you have any questions regarding the functions of the Feelplex platform, or wish to contact us for any other reason you can contact us via:

- email
- phone
- fax
- contact form
- problem notification form
- social media

Regardless of how you contact us, personal data such as the following may be collected:

- first and surname
- email address to determine the source of the request and for further communication
- IP address
- data and time of the request
- name and URL of the digital content concerned
- information provided in the text box from the person contacting us

Data collection is very important to us as it allows us to answer your queries and fulfil our duties in accordance with Article 6 (1) (b) GDPR (contractual obligations) and to safeguard our legitimate interests in accordance with Article 6 (1) (f) GDPR.

Data is exclusively submitted on a voluntary basis. Personal data is only processed in order to contact people, in accordance with Article 6 (1) (a) GDPR.

Data security

Our users' data is protected, not made public or discoverable via search engines.

Access to your user account is protected by password.

Access to personal information is restricted and only certain staff who explicitly require this information have access to it. Everybody who processes data on our behalf (including our staff) must sign a confidentiality agreement to protect our users.

In accordance with Article 28 GDPR, external contract processors act exclusively on the basis of a contract processing agreement.

Your visit to our website is encrypted using the latest SSL technology.

We synchronise data and back up our existing data base at regular intervals. We safeguard our data from unauthorised access and use through the constant synchronisation and DNA checks of our file systems.

Data transfer

If data is processed on our behalf by a contract processor or a third party (e.g. hosting provider), processing will only be performed under sufficient guarantees and compliance with legal permission (e.g. payment service providers for contract fulfilment pursuant to Article 6 (1) (b) GDPR) or based on our legitimate interest.

Processing performed by a contract processor is based on an agreement (contract processing agreement) in accordance with Article 28 GDPR.

Where necessary for the delivery of goods, we will pass your personal data on to the shipping company hired for delivery in order to fulfil our contract.

Depending on which payment service provider you select during the order process, we will pass on the payment data collected to process payments to the credit institute tasked with performing the transaction, or, where necessary, payment service providers hired by us or payment services selected. Certain payment service providers also collect this data themselves if you set up an account with them. In this case you have to provide the payment service provider with your log in data during the order process, and the data protection statement of the payment service provider then applies.

We transmit your data to our tax advisor/auditor to fulfil administration tasks. This is based on Article 6 (1) (c) and (f) GDPR.

We or our contract processors will look at customer data in the case of problem notifications, support requests or update or maintenance work on the system or parts of the system, e.g. to rectify errors.

If functions are deployed on our website that are offered/managed by contracted service providers, you will be informed separately and given details regarding the purpose and justification of transmitting your data to service providers and duration of the storage.

Every type of transmission to a third country (i.e. outside of the European Union or the European Economic Area) or an international organisation occurs exclusively under confidentiality agreements. This provides a guarantee that your data will be treated confidentially and only used for authorised purposes.

Data deletion

Once your contract has been fully processed or your customer account/membership is deleted/terminated, your data is blocked for further processing and following the end of the tax and commercial retention periods, deleted in accordance with the applicable [terms of use](#),

unless you have specifically consented to the further use of your data or we reserve the right to use the data beyond this and it is legally permissible as outlined below.

You can delete your customer/member account or individual media content at any time by sending a message to the contact provided below or using the function for this in the customer account.

When you delete your customer/member account additional conditions from the [terms of use](#) apply.

Personal data submitted when you contact us is automatically deleted from our servers once the query has been dealt with, unless they are subject to legal archiving obligations.

Your rights are important to us!

Our customers can view and amend personal data at any time through their user account.

You have the right to receive information free of charge in accordance with Article 15 GDPR regarding the data we store about you, as well as the right to have data corrected where necessary pursuant to Article 16 GDPR, blocking pursuant to Article 18 GDPR or deletion of this data pursuant to Article 17 GDPR.

You can object to your data being processed at any time pursuant to Article 21 GDPR. If you make use of your right to object, none of your data will be processed any more, unless it is necessary for assertion, legal defence or to fulfil other legal obligations.

The right to collect and process your data based on consent granted in accordance with Article 7 (3) GDPR and can be withdrawn at any time.

You have the right to make a complaint to the regulatory authorities in accordance with Article 77 GDPR.

Analysis and tracking tools

Our website does not use any plugins to analyse or track your data.

We process and analyse the existing data of our customers, contracts, queries and other business transactions for the purposes of evaluation, management and improvement of our operation based on our legitimate interest pursuant to Article 6 (1) (f) GDPR.

Cookies, beacons and similar tools

We use cookies on a number of our web pages in order to make the appearance and use of our website more attractive and to provide certain functions. Cookies are text files that are stored on your end device.

Some of the cookies that we use are deleted at the end of the browser session (when you close your browser). These are called session cookies. Other cookies remain on your end device and enable us to recognise your browser when you visit our website (persistent cookies).

The legal basis for the use of cookies for analysis purposes is outlined in Article 6 (1) (a) GDPR.

We use cookies to make our website more user friendly, to ensure the quality of the pages and to recognise the browser after it changes to another page. The use of cookies is especially necessary for logging in and the shopping cart and streaming functions, and is based on Article 6 (1) (f) GDPR.

When you visit our website you will be informed that we use cookies and you will receive a link to this data protection statement. If you do not wish to accept cookies you will be asked to change the settings in your browser so that you are informed about the placement of cookies and can decide whether to accept them on an individual basis, in certain cases or reject generally. If you reject the use of cookies, the functionality of our website may be restricted.

Cookies are stored on your computer and can be deleted at any time. You can use the settings in your browser to deactivate storage altogether or to restrict storage and force deletion automatically.

Below is some information on how to change the cookie settings in your browser:

Internet Explorer™: <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies>

Chrome™: <https://support.google.com/chrome/answer/95647?hl=en&hlrm=en>

Firefox™: <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>

Safari™: <https://www.apple.com/legal/privacy/en-ww/cookies/>

Opera™: <https://help.opera.com/en/latest/web-preferences/#cookies>

Social media plugins

We do not use any social media plugins on our site.

Geolocalisation (Google Maps)

We use location data from your end device to present our location-dependent products. Location data is transferred to the map available (e.g. Google maps, Apple maps) using an interface (API). Your location can also be transmitted with your consent (usually dependent on the settings on your end device). Your IP address is used in addition to your location data. Please be aware that the data collected is assigned to your user account if you use the map function when logged into your Google user account. You can withdraw your consent at any time by disabling location transmission. If you do not wish to have location data collected from your end device please disable location data transmission on your end device. Our apps do not collect or transmit location data without your consent.

For map functions we use the services of external provider “Google Maps”, based at Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

Data processing is therefore done in a third country (Google Maps in the USA). You can find their data protection statement by following this link: <https://www.google.com/policies/privacy/>, and terms of use for Google Maps/Google Earth: https://www.google.com/intl/en_US/help/terms_maps.html.

The use of maps on our website and our apps is necessary as our offer contains location-dependent content and thus means we have a legitimate interest in the correct representation of our online offer in accordance with Section 6 (1) (f) GDPR.

Amendments to data protection conditions

We reserve the right to check for necessary changes, amend and, where necessary, add to this data protection statement to keep it up to date and to comply with current legal requirements.

Contact

Please contact us directly using the information provided in our legal notice if you have any questions regarding the collection, processing or use of your personal data, for information, your rights, suspension or deletion of data or the withdrawal of consent granted or objection to a certain type of data processing.