

# DATA PROTECTION DECLARATION

Pursuant to Art 13 and 14 of Regulation (EU) 2016/679 (General Data Protection Regulation; "GDPR"), the controller must inform the data subject about the processing of personal data. With this document we inform you about the personal data processed.

## 1. Definitions

For better comprehensibility of this data protection declaration, you will find a brief explanation of the terms used below.

- 1.1. Personal data ("**data**") is any data containing information about the personal or material circumstances of natural persons, for example name, address, email address, telephone number, date of birth, age, gender, national insurance number, video recordings, photos etc. Data of legal persons are not subject to the provisions of the GDPR.
- 1.2. Processing means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, filing, storage, adaptation or change, selection, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, remove or destroy.
- 1.3. 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.
- 1.4. Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the Controller.
- 1.5. Recipient means a natural or legal person, public authority, agency or other body to whom personal data are disclosed, whether or not a third party.

## 2. Our contact details

If you have any further questions, please do not hesitate to contact us using the following contact details:

Blockshake GmbH  
Franz-Baumann-Weg 12/25  
6020 Innsbruck, Tyrol  
[info@blockshake.io](mailto:info@blockshake.io)

### 3. Purposes and legal basis of processing

3.1. Data may only be processed for a specific purpose and only if the processing can be based on an appropriate legal basis. Processing may be justified on the following grounds:

Justified if	Legal basis
based on your voluntary consent for a specific purpose	Sec. 6 par. 1 item a GDPR
for the performance of a contract, if you are a contractual partner, or for the initiation of the conclusion of a contract, if the processing is based on your enquiry	Sec. 6 par. 1 item b GDPR
based on a legal obligation to which we are subject	Sec. 6 par. 1 item c GDPR
to protect your vital interests or to protect those interests of another person	Sec. 6 par. 1 item d GDPR
for the performance of a task in the public interest or in the exercise of official authority vested in us	Sec. 6 par. 1 item e GDPR
On the basis of a balance of interests between our interest or the interest of a third party in the processing on the one hand and your interest or your fundamental rights and freedoms on the other hand.	Sec. 6 par. 1 item f GDPR

3.2. The processing of sensitive data ("**special categories**"), such as data regarding ones health or data on political opinions, is only permitted on the basis of Art 9 (2) of the GDPR.

3.3. We process your data for the following purposes based on the following legal grounds:

Categories of data collected	Purpose of processing	Legal basis
Algorand Address	Your Algorand address must be entered in the app for the app functions to be available. Please note that this address is pseudonymous but not anonymous. Based on your address, your transaction history can be publicly traced.	Sec. 6 par. 1 item b GDPR
Payment information (credit card number, SEPA direct debit or Paypal)	This data is necessary for payment and is processed by our payment service provider.	Sec. 6 par. 1 item b GDPR
Technical information (IP address, operating system)	This data is required so that the app opened via your initiative can be displayed to you in the correct form.	Sec. 6 par. 1 item f GDPR
E-Mail address	Your e-mail address may be processed to send you newsletters, notifications of price changes or other direct marketing if you have given your consent.	Sec. 6 par. 1 item a GDPR
Analysis tools	Analytics tools are used to record your interactions on the website and the app and thus collect statistics. This data is not personal. It is not possible to trace it back to you.	Sec. 6 par. 1 item f GDPR

## 4. Recipients

- 4.1. Recipients assist us in complying with statutory or legal obligations, in initiating and performing contracts, in providing services that require your consent or in carrying out processing operations that are in our legitimate interest, such as marketing activities in particular. We transfer or partially disclose the data in particular to the following recipients (processors or controllers):

Recipient categories	Description
IT service provider	Operation of our IT system, in particular e-mail services, hosting services etc.
Subcontractor	If and insofar as services are not provided by us and a justification exists
Tax consultant, accountant	Processing of data for tax or accounting reasons
Lawyer, Court	If necessary for the enforcement or defence of claims
VeraSafe Ireland Ltd. Unit 3D North Point House North Point Business Park New Mallow Road Cork T23AT2P Ireland	Provision of analytical tools for the website. The privacy policy of VeraSafe can be found <a href="#">here</a> .

- 4.2. We intend to transfer the data to the following third countries: United States of America. There is no adequacy decision for the following third countries United States of America. In the absence of an adequacy decision, we may transfer data only on the basis of appropriate safeguards, such as standard contractual clauses, binding internal data protection rules, approved codes of conduct, approved certification mechanisms, etc. Under the conditions of Art 49 GDPR, a transfer may nevertheless be permissible. We will be happy to provide you with a copy of these guarantees for your particular case upon request.

## 5. Duration of storage

- 5.1. As a matter of principle, data is only stored for as long as required by statutory retention obligations. In addition, data may be stored if this is necessary for the enforcement of or defence against claims by third parties. Important storage periods can be found below:

Obligation to store	Expected storage period
Obligation to retain records under company law pursuant to sections 190, 212 of the Austrian Commercial Code (UGB)	7 years
Obligation under VAT law to retain invoices in accordance with sec. 11 par. 2 3rd subparagraph of the Austrian Law on turnover tax (UStG)	7 years
Obligations under VAT law to retain export documents pursuant to sec. 7 par. 7 UStG	7 years

Warranty according to sec. 933 of the Austrian Civil Code (ABGB)	2 years
Purchase price claim for movable property under sec. 1062 in conjunction with sec. 1486 ABGB	3 years
Claims arising from a contract for work and services under sec. 1486 ABGB (if the service was rendered within the scope of a commercial or other business operation)	3 years
General damages according to sec. 1489 ABGB (actions for compensation)	3 years /30 years
Liability claims according to sec. 13 PHG	10 years

## 6. Legal information

### 6.1. Right of access

You have the right to request confirmation as to whether personal data is being processed; if this is the case, you have the right to obtain information about this personal data. The following information is covered: the purposes of processing; the categories of personal data; the recipients or categories of recipients; if possible, the planned duration for which the personal data will be stored or, if this is not possible, the criteria for determining this duration; the existence of a right to rectification or erasure of the personal data concerned or to restriction of processing by the controller or a right to object to such processing; the existence of a right to lodge a complaint with a supervisory authority; any available information on the origin of the data; the existence of automated decision-making, including profiling.

### 6.2. Right to rectification

You have the right to request the controller to correct inaccurate personal data and to complete incomplete personal data.

### 6.3. Right to erasure

You have the right to obtain from the controller the erasure of personal data without delay if one of the following reasons applies: The personal data is no longer necessary for the purposes for which it was collected. You withdraw your consent on which the processing was based in accordance with and there is no other legal basis for the processing. You object to the processing (Art 21(1) GDPR) and there are no legitimate grounds for the processing or you object to the processing pursuant to Art 21(2) GDPR. The personal data have been processed unlawfully. The erasure of the personal data is necessary for compliance with a legal obligation. The personal data have been collected in relation to information society services offered pursuant to Article 8(1). The right to erasure shall not apply to the extent that processing is necessary for the exercise of the right to freedom of expression and information; for compliance with a legal obligation; for the performance of a task carried out in the public interest; for reasons of public interest in the field of public health; for archiving purposes in the public interest; for scientific or historical research purposes; or for statistical purposes for the establishment, exercise or defence of legal claims.

#### **6.4. Right to restriction of processing**

You have the right to request the restriction of processing if one of the following conditions is met: the accuracy of the personal data is contested for a period enabling the controller to verify the accuracy of the personal data; the processing is unlawful and you object to the erasure of the personal data and request instead the restriction of the use of the personal data; the controller no longer needs the personal data but you need it for the assertion, exercise or defence of legal claims; you have objected to the processing pursuant to Article 21(1) as long as it is not yet clear whether the legitimate grounds of the controller prevail.

Where processing has been restricted, such personal data may — apart from being stored — only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of substantial public interest.

#### **6.5. Right to data portability**

You have the right to receive the personal data you have provided to a controller in a structured, commonly used and machine-readable format and you have the right to transfer this data to another controller without hindrance from the controller to whom the personal data was provided, provided that the processing is based on consent or on a contract and the processing is carried out with the help of automated procedures.

When exercising the right to data portability, you have the right to obtain that the personal data be transferred directly from one controller to another controller, where technically feasible.

#### **6.6. Right to object**

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data carried out on the basis of Art 6(1)(e) or (f) GDPR; this also applies to profiling based on these provisions. The controller shall no longer process the personal data unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of you, or the processing serves the purpose of asserting, exercising or defending legal claims.

If personal data are processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data for the purpose of such marketing; this also applies to profiling insofar as it is related to such direct marketing.

#### **6.7. Right to withdraw consent**

You have the right to withdraw consent based on Art 6(1)(a) or Art 9(2)(a) at any time without affecting the lawfulness of the processing until revocation.

**6.8. Right to lodge a complaint**

You have the right to lodge a complaint with the Austrian Data Protection Authority, Barichgasse 40-42, 1030 Vienna, T.: 00431521522569, E.: dsb@gsb.gv.at, if you believe that the processing violates applicable data protection law.

**7. Other information**

- 7.1. The provision of personal data is partly required by law or necessary for the conclusion of a contract. In principle, you are not obliged to provide the data. If you do not provide the data, it is not possible to conclude a contract.
- 7.2. There is no automated decision-making including profiling pursuant to Article 22(1) and (4).