



# Realeyes Privacy Policy for Experience Platform

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## 1. Privacy Overview

Realeyes OÜ (Vahe 15, Tallinn 11615, Estonia, registry code: 11730664) and its affiliates (hereinafter jointly referred to as “**Realeyes**”, “**we**”, “**us**” or “**our**”) offers technology infrastructure components that enable software solutions to understand diverse human reactions via AI-enabled facial coding capabilities. Those components range from camera-enabled measurement facial measurement capabilities typically available in the shape of SDK integrations; data infrastructure components that are optionally accessible as additional service elements to store, process and activate your collected data; and other miscellaneous services. This service is called Experience Platform (XP), which is built on our patented facial feature tracking technology (hereinafter ‘**Service**’).

Service comprises of three, separately available service components each of which results different level of integration and enables different features of the Service. These service components are the following: Measurement, Data Platform and Other services (e.g. support) (individually referred to as ‘**Service Component**’). The distinct privacy implications of each Service Component are detailed under Section 2.1 below.

This Privacy Policy (“**Policy**”) describes how we process personal data in relation to our Service with respect to the privacy of all individuals whose personal data is processed related to the performance of the Services (i.e., users and participants as defined below).

Please read our Policy carefully to make sure that you understand our processing activities. When you engage with the Service, you agree to this Policy and also to the applicable Terms of Use (available on our dedicated website). We cannot provide our clients the Service without (i) collecting some personal data from registered users of any Experience Platform user account (hereinafter ‘**user(s)**’) required to access the Service, and (ii) processing some personal data as a data processor on behalf of our clients relating to individuals using the tested client application or service into which our Service is integrated (hereinafter ‘**participant(s)**’) therefore, for you to be able to use the Service, it is important that you understand and agree to the terms of this Policy and the Terms of Use.

Throughout this Policy, ‘**you**’, ‘**your**’ may mean either user or participant as the context requires.

Please note that Realeyes does not knowingly obtain personal data from any of our services, products, study data, or survey responses from users and participants who are under the age of 16. By registering an Experience Platform user account and accepting this Policy, you confirm that you are 16 years of age or older. Should we discover that any personal data has been collected from any user under the age of 16, we will immediately delete such user’s personal data and registered Experience Platform user account.

Realeyes is the data controller for the personal data that we collect from users. Our contact details are provided under Section 10 below.

With regard to the personal data of participants, we are acting as data processors on behalf of our clients.

## 2. Service

This part of the Policy explains the personal data processing activities associated with our Service.

Upon registering an Experience Platform user account, you are required to accept this Policy and the Terms of Use.

You may at any time withdraw your consent from us to process your personal information by following the instructions in Sections 2.3 and 8 below.

## 2.1. Personal data categories

### a) Personal data related to Measurement Service Component

If you are a user registering an Experience Platform account and consenting to our processing activities, then we will collect the following personal data about you:

- your e-mail address used for registering your Experience Platform account (in case of using certain Service Components we will ask you to authenticate your e-mail address via Google authentication tools (Cloud Identity) in accordance with our technical documentation, so you can access data securely collected by your measurement and related business intelligence dashboards);
- your first and last name;
- the company with which you are associated with in case you are registering a corporate account (optional);

All personal data categories listed above and relating to a user are hereinafter jointly referred to as '**platform user personal data**'. Realeyes processes platform user personal data as a data controller.

### b) Personal data related to Data Service Component

If any of our clients upgraded their Service with the Data Component, then besides the platform user personal data we typically process – depending on our client's business requirements – the following personal data relating to participants as a data processor:

- - device telemetry data;
- - location data;
- - data for device or participant identification;
- - behavioral data;
- - demographic data;
- - self-reported preference data.

For detailed description on the data categories and processing purposes of the personal data processing activities carried out by our clients, please refer to and read carefully the privacy policies of the respective clients whose application or service you use as part of the media measurement tests.

All personal data categories listed above and relating to a participant are hereinafter jointly referred to as '**measurement participant personal data**'. Realeyes processes measurement participant personal data as a data processor.

Please note that as Realeyes acts as a data processor in terms of measurement participant personal data, we are not, but our clients, as data controllers, are responsible for meeting most of the data protection related requirements per applicable data protection laws. Realeyes processes your measurement participant personal data in line with our clients' documented instructions.

## 2.2. Personal data use

### a) Platform user personal data

We may use your platform user personal data for the following purposes and based on the following legal bases:

- **To provide you the Service.** If you are using our Service on your own behalf, then the legal basis of our personal data processing activity is the performance of contract between you and us. Otherwise – in case you are using our Service on behalf of any of our clients – then the legal basis of our processing is legitimate interest to provide our services to our clients.
- **For Service-related communications.** We may send you service, technical and other administrative emails (e.g. account verification), messages, and other types of communications. We may also contact you to inform you about changes in our Services, our offerings and important Services-related notices, such as security notices, changes in the privacy policy and terms of the Services. These communications are considered part of the Service and you may not unsubscribe from them. If you are using our Service on your own behalf, then the legal basis of our personal data processing activity is the performance of contract between you and us. Otherwise – in case you are using our Service on behalf of any of our clients – then the legal basis of our processing is legitimate interest to do business and commercialize our products.
- **To facilitate contractual business relationships.** We use personal data to perform the contractual obligations under the contracts that we have with existing clients. For example, we may use your personal data to schedule calls and meetings in relation to your use of the Service and performing certain accounting, auditing and billing activities. The legal basis for such processing is legitimate interest to do business and commercialize our products.
- **For customer support.** We process platform user personal data submitted to us to provide you customer support (e.g. to answer questions you have submitted to us). Your emails, calls and other correspondence to and from us may be recorded for the purpose of improving our customer service, including monitoring customer service quality or compliance, checking the accuracy of the information you provide us or providing training for our personnel or customer service representatives only upon your preliminary consent. Any information obtained from you through customer support will be treated according to the provisions of this Policy. Where required by applicable law, we will obtain your consent before processing your information for improving our customer service. If you are using our Service on your own behalf, then the legal basis of our personal data processing activity is the performance of contract between you and us. Otherwise – in case you are using our Service on behalf of any of our clients – then the legal basis of our processing is legitimate interest to do business and commercialize our products.
- **To prevent fraud or abuse and to ensure security,** in which case the legal basis for processing is our legitimate interest to prevent fraud and ensure security of our Service;
- **To protect our legal rights,** including file claims or protect us against claims, in which case the legal basis for processing is our legitimate interest to protect our rights;
- **For research and analysis.** We conduct aggregate analysis, market research and planning, develop business intelligence, generate statistical studies that enable us to operate, protect, make informed decisions and report on the performance of our business.

- **To comply with our regulatory or other legal obligations** arising from legal acts applicable to us. In this case the legal basis of our processing is compliance with a legal obligation.

If we want to use your platform user personal data for specific purposes materially different from those specified above, we will request your consent.

If the legal basis for processing is your consent, you have the right to withdraw the consent at any time. Please note that the withdrawal of your consent does not affect the lawfulness of the processing carried out under the consent prior to the withdrawal and therefore does not apply retroactively.

If the legal basis for processing is our legitimate interest, we have, as a result of weighing the relevant interests, come to the conclusion that in the particular case our legitimate interests override your interests, fundamental rights and freedoms which require protection of personal data. You have the right to file an objection at any time against such processing. If you object, we will refrain from further processing of your personal data, except if we prove that the personal data is being processed due to a compelling lawful reason which overrides your interests, rights and freedoms, or if we process your personal data for the purpose of preparing and filing legal claims or protecting against claims filed against us.

#### **b) Measurement participant personal data**

Realeyes specializes in market research and measures how people feel when they view on-screen media. As part of our Service, we provide our clients with insights on how different advertisements or other creative materials affect participant's emotions and awareness. If you as a participant have provided your consent to any of our client for such personal data processing, we also analyze these reactions to help our clients to improve their application user experience, creative contents and advertising. Upon such request from any of our clients, we may also process your personal data as a data processor for troubleshooting purposes. We process your measurement participant personal data only based on the instructions of our clients as a data processor.

### **2.3. Your Controls**

You can control our processing of your platform user personal data in the following ways:

- You can terminate your Experience Platform user account by reaching out to us via any of the contact details specified under Section 10. However, any information collected will continue to be stored until the six-month inactivity period is reached as described in detail in Section 7 of this Policy.

## **3. Information Sharing**

We may share your personal information with vendors or service providers where this is necessary to provide services to us, such as tasks that support us in providing the Service. These tasks include website hosting, content management services, technology and communications platform services, website analytics, authentication services (Google), metering cloud services (Amberflo) and customer relationship management platforms (HubSpot). Such vendors and service providers act as data processors and process your personal information on behalf of us. In each such case, we will have a data processing contract in

place with the vendor or service provider which protects your personal information against unauthorized use or disclosure and limits use in accordance with our instructions. We only use data processors that have provided us with a sufficient guarantee that they implement relevant technical and organizational measures to ensure the protection of your personal information. We remain liable for ensuring the protection of your personal information processed by our processors.

If we have a legal basis, we may share your personal data with third parties who act as independent data controllers. We may share your personal information with third parties to fulfil our obligation arising from legal acts. We may also share your information with affiliated companies or divisions of Realeyes, or if any of our business is purchased or otherwise transferred to another entity. In such an acquisition or transfer event, we will endeavor to require the transferee to continue to process it in accordance with this Policy, unless you provide consent for another use.

## 4. International Transfer of Personal Information

We may choose to host or transfer your personal data to countries outside of the European Economic Area (EEA). If these transfers are to a country for which the European Commission has not issued an adequacy decision (such as the US at the time of the latest review of this Policy), Realeyes will conclude contracts with the recipients including the EU standard contractual clauses adopted by the European Commission.

## 5. Data Security

We use industry standard technical and organizational security measures designed to protect your personal data against unauthorized disclosure or processing. These measures vary depending on the sensitivity of the information we have collected from you. However, no method of transmission over the Internet or via mobile device, or method of electronic storage is absolutely secure. Therefore, while we strive to use commercially acceptable means to protect your personal data, we cannot guarantee its absolute security.

## 6. Cookies and similar technologies

As further described in our Cookie Policy, we use cookies and similar technologies (e.g., web beacons, pixels, ad tags and device identifiers) to allow us to store information or gain access to information stored on your device to enable certain features and distinguish your device from others (i.e. recognizing that a device is the same as one used previously). Such technologies also help us understanding some of its characteristics so that we can deliver products and service features, and generally improve your experience.

## 7. Data Retention

We will delete the platform user personal data we collect from you during your use of our Services following six months from the later of (i) the last date on which you access your Experience Platform user account or (ii) the date on which you or your associated company have terminated the service agreement with us and stopped using our Service. If you choose to terminate your Experience Platform user account,

please note we will continue to retain any information collected until the six months inactivity period is reached.

If you exercise your right to delete your personal information, we will do so as expeditiously as possible following your verification, unless otherwise stated here.

In all circumstances, we will not store your platform user personal data for longer than necessary to fulfill the measurement or other purposes we collected it for, unless we are required to retain it to satisfy a legal, regulatory, tax, or accounting requirements.

## 8. Rights of Data Subjects

You are entitled to exercise the following rights with regards to your personal data to the extent prescribed in applicable law:

- Access your personal data: Any request to access your information shall be subject to providing the acceptable proof of identification. Once we have identified you, you will be provided with the copy of your personal data. If a person's request for information or measures are clearly unjustified or excessive, a reasonable fee may be asked, or the action taken may be refused.
- Right of rectification/modification: You can have your personal data corrected at any time in case it is inaccurate or incomplete.
- Right of erasure/deletion: You can request to delete your personal data at any time.
- Right to restrict processing/object/opt-out: In certain circumstances, you have a right to restrict or block us from processing your personal data. You can object to the use of your personal data for marketing purposes at any time. You can restrict our use of your personal data (e.g., if you contest the accuracy of your personal data or if you oppose to the erasure of your unlawfully held personal data).
- Right to withdraw your consent: If the processing is done based on your consent, you have the right to withdraw your consent to processing of your personal data at any time. We have referenced some of these options in the 'Your Controls' sections.
- Right to data portability: You have a right to request the personal data from us and reuse this data for other services. However, at this time, personal information processed through the Realeyes Service are proprietary in nature, and unavailable for portability.
- Right to lodge a complaint: If you think that the rights regarding your personal data have been breached, we ask you to notify us thereof using the contact details below. You also have the right to lodge a complaint with the competent supervisory authority or turn to the courts.

You may exercise any of these rights at any time by emailing us at [dpo@realeyesit.com](mailto:dpo@realeyesit.com). If you feel that you have not received a satisfactory response from us, you may consult with the data protection authority in your country.

**Verification Procedure.** For your protection, we may need to verify your identity before responding to your request, such as by verifying that the email address from which you sent the request matches the email address that we have on file for you. If we no longer need to process personal data about you to provide our Service, we will not maintain, acquire or additionally process information to identify you in order to respond to your request.

## 9. How to contact the appropriate authorities

If you are a resident of the EEA and believe we process your personal data within the scope of the GDPR, you also have the right to lodge a complaint with your local data protection authority.

A current list of National Data Protection Authorities, members of the European Data Protection Board can be found [here](#).

## 10. Contacting us

Please contact us if you have any comments or questions about our Privacy Policy or about personal data that we hold about you.

- For European residents, send an email to [dpo@realeyesit.com](mailto:dpo@realeyesit.com) under the subject heading “Privacy Policy”.
- For non-European residents, send an email to [privacy@realeyesit.com](mailto:privacy@realeyesit.com) under the subject heading “Privacy Policy”.
- Write to us at Realeyes, Brook House, 19 Langham Street, London, W1W 6BP

**Name and contact details of data protection officer:** dr. Gergő Ruisz, LL.M. (address: Realeyes Kft., Tölgyfa street 24, Budapest 1027, Hungary, e-mail address: [dpo@realeyesit.com](mailto:dpo@realeyesit.com))

## 11. Changes to Privacy Policy

We may update our Privacy Policy from time to time. We will notify you of changes by posting an announcement on our Website or sending out an e-mail communication thereof. You are bound by any changes to our Privacy Policy when you use our Service after you are notified of these changes.

## 12. Disputes

The Privacy Policy is governed by legislation of Republic of Estonia. Any disputes in connection with this Policy shall be settled through negotiations. If the Parties fail to resolve the dispute through negotiation, the disputes shall be settled by Harju Maakohus (Harju County Court), pursuant to the procedure provided by the law of the Republic of Estonia.

## 13. Illinois Consumer Statement

In the course of providing our Service, Realeyes may collect and process “biometric information” as defined in the Illinois Biometric Information Privacy Act (BIPA). As defined under BIPA, “Biometric identifier” includes a scan of face geometry, but may not include photographs, demographic data, or physical descriptions. In addition, BIPA defines “Biometric information” as any information, regardless of how it is captured, converted, stored, or shared, based on an individual’s biometric identifier used to identify an individual.

If and to the extent that Realeyes may collect or otherwise process Illinois consumers biometric information, Realeyes will:



- Inform users in writing, either through our own Privacy Policy or as contractually required with our enterprise customers, that biometric information may be processed;
- Inform users in writing of the specific purposes and retention periods in which the users biometric information may be processed; and
- Receive express consent authorizing Realeyes or our enterprise customers to process or disclose biometric information for the specific purposes disclosed in the Privacy Policy.

Any biometric information processed by Realeyes related to Illinois consumers is rendered anonymous or otherwise disclosed exclusively in the aggregate. Realeyes does not sell, lease, trade, or profit from Illinois consumers biometric identifiers or biometric information.

## 14. California Consumer Statement

### 14.1. Definitions

The terms “Business Purpose(s)”, “Personal Information”, “Sell” (or “Sale”), “Service Provider(s)” and “Third Parties” have the meanings given in the California Consumer Privacy Act of 2018 (CCPA). These term references and disclosures are limited to this section of the Privacy Policy and designated exclusively for California Consumers.

### 14.2. Categories of Personal Information

We use Personal Information for the purposes as specified under 2.1 of this Policy above.

### 14.3. Purposes for collection and use of Personal Information

We use Personal Information for the purposes as specified under 2.2 of this Policy above.

### 14.4. Categories of sources from which Personal Information is collected

Experience Platform account registration, and our clients in case of certain Service Components.

### 14.5. Categories of Personal Information we sell

We do not sell Personal Information.

### 14.6. Purposes of selling Personal Information

We do not sell Personal Information.

### 14.7. Categories of Third Parties to whom Personal Information is sold

We do not sell Personal Information.

### 14.8. Categories of third parties with whom information is shared for a business purpose

Technology platform providers, our clients.

### 14.9. California Consumer Rights & Options

You can access or delete your personal data by sending an email to us at [privacy@realeyesit.com](mailto:privacy@realeyesit.com). Please note we may not accept a request to access or delete your Personal Information where we cannot verify your Personal Information, where we require the Personal Information to comply with legal obligations or in case it is subject to any legal claim.

#### 14.10. Protection Against Discrimination.

You have the right to not be discriminated against by us because you exercised any of your rights under the CCPA. This means we cannot, among other things:

- Deny goods or services to you;
- Charge different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties;
- Provide a different level or quality of goods or services to you; or
- Suggest that you will receive a different price or rate for goods or services or a different level or quality of goods or services.

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