

## Privacy Notice for the App

### Introduction

This Privacy Notice applies to the mobile service (hereinafter referred to as the “**App**”). In compliance with applicable legal requirements, the Privacy Notice set out below explains how our company (hereinafter referred to as “**we**” or “**us**”) processes personal data.

The controller responsible for data processing in relation to the App is:

Byterockers' Games GmbH & Co. KG  
Schivelbeiner Str. 1  
10439 Berlin

Tel.: +49 (0)30 – 232 573 380

Email: [info@byterockers.games](mailto:info@byterockers.games)

We will process personal data concerning you in relation to your use of the App. Personal data means any information relating to an identified or identifiable individual. Protecting your privacy is important to us. We therefore set out below what personal data we process when you use the App and how we process this data. We also explain the legal basis on which we process your data and, where data processing is necessary for the purposes of legitimate interests pursued by us, we also provide information on those legitimate interests.

You can access this Privacy Notice at any time by selecting “**i**” from the menu in the App.

### 1. Information regarding data processing

Certain information will be processed automatically on using the App. The following section informs you of exactly what personal data we process:

#### 1.1 Information collected on downloading the App

On downloading the App, certain types of information are transferred to the app store selected by you (e.g. Apple’s App Store, Google Play Store, PlayStation Store, Steam, Microsoft Store), for example your user name, email address, cus-

customer account number, the time of the download, payment details, and your device identification number. This list is illustrative only and not intended to be exhaustive. Such data processing is solely carried out by the app store concerned and is outside our control.

More information can be found here: <https://www.apple.com/legal/privacy/en-ww> and here: <https://policies.google.com/privacy?hl=de>

## **1.2 Information collected automatically**

When you use the App, we automatically collect certain data required for the purpose of using the App. This data may include: internal device ID, version of the operating system, time of access. The automatic collection of data does not allow users to be identified, as data is solely transmitted to us on an anonymous basis.

This data is transferred to us automatically, but not stored, (1) for statistical purposes, (2) to improve the functions and performance features of the App, and (3) to prevent abuse and rectify malfunctions. The processing of data is justified on the grounds that we have a legitimate interest in ensuring the functionality and error-free operation of the App and providing a service that meets market requirements and is suited to users' interests, which overrides your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

## **1.3 Use of the App**

In using the App, you have choices with regard to the data we collect and how this is used. We require you to give your consent, i.e. opt in, to allow this data to be accessed. You can give such consent on starting the App. Your personal data will be processed and used solely for the purposes of analysis. The processing of such data is justified on the grounds that (1) the user has consented to the processing of his or her data in accordance with Article 6(1)(a) GDPR, and/or (2) we have a legitimate interest in ensuring the functionality and proper operation of the App and providing a market and interest-based service and providing services that meet market requirements or are suited to users' interests, which overrides your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

The permissions required include the following:

### **Access to storage**

Any content selected by you will be stored on your device at the time of installing and using the App. The App thus requires access to media storage on your device. The media storage on your device cannot be accessed without your consent. Once users have given their consent to such processing, data may legitimately be processed in accordance with Article 6(1)(a) GDPR.

### **Access to WLAN/mobile data**

In starting and using the App, you give permission for the App to access your WLAN connection/mobile internet.

Such access is required in order to provide the selected game content when you use the App. We have a legitimate interest in ensuring that our App operates error free. WLAN/mobile internet access cannot be reversed in isolation. You can withdraw your consent at any time by uninstalling the App. Once users have given their consent to such processing, data may legitimately be processed in accordance with Article 6(1)(a) GDPR.

### **Information Collection and Use**

For a better experience, while using our Service, we may require you to provide us with certain personally identifiable information. The information that we request will be retained by us and used as described in this privacy policy.

The app does use third party services that may collect information used to identify you.

Link to privacy policy of third party service providers used by the app

[Google Play Services](#)

[Apple Pay](#)

## **1.4 Use of Unity Analytics**

This App uses Unity Analytics, an app analytics service operated by Unity Technologies (Unity Technologies, 30 3rd Street, San Francisco, CA 94103, USA), allowing

us to analyse App use and make enhancements on a regular basis. Compiling statistics allows us to improve and configure the services in line with your interests.

The processing of data is justified on the grounds that we have a legitimate interest in ensuring the functionality and error-free operation of the App and providing an App that meets market requirements and is suited to your interests, which overrides your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

### **1.5 Use of Facebook API:**

This App uses Facebook API, an app analytics service operated by Facebook Ireland Ltd. (Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland), allowing us to analyse and enhance our app as well as ensure game progression. Users sign in using their Facebook account. Once they have signed in, Facebook sends us a specific game ID enabling us to assign progress in the game to the right user. Your account data is solely processed by Facebook and such processing is outside our control.

The processing of data is justified on the grounds that we have a legitimate interest in ensuring the functionality and error-free operation of the App and providing an App that meets market requirements and is suited to your interests, which overrides your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

### **1.6 Use of Admob**

This App uses Admob, a company, which is specialized on mobile Ads. Our free Apps are ad-supported. The advertising partner of the apps is AdMob Google Inc. We have no control over the collection of personally identifiable information by AdMob Google Inc. The privacy policy of AdMob applies here: <http://de.admob.com/home/privacy>.

If you do not want to receive personal ads, follow those links:

Android: <https://adssettings.google.com/authenticated>

iOS: <https://support.apple.com/de-de/HT202074>

### **1.7 Use of Firebase**

This App uses Google Firebase (Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA, „Google“) for the analysis and categorization of user groups as well as for the delivery of push messages.

You can find more information and data protection on Google products [here](#) and on [Google](#).

The processing of data is justified on the grounds that we have a legitimate interest in ensuring the functionality and error-free operation of the App and providing an App that meets market requirements and is suited to your interests, which overrides your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

### **1.8 Use of Tv Smiles**

This App uses Tv Smiles (TVSMILES GmbH Friedrichstrasse 45, Berlin 10969, Deutschland) an ad-tech company.

More information about the privacy policy can be found at <https://www.tvsmiles.tv/AGB-datenschutz>

The processing of data is justified on the grounds that we have a legitimate interest in ensuring the functionality and error-free operation of the App and providing an App that meets market requirements and is suited to your interests, which overrides your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

### **1.9 Use of Stomt**

This App uses Stomt (STOMT GmbH, Amtsgericht Potsdam, HRB 29277, Feuerbachstraße 1, 14471 Potsdam, Deutschland), a feedback platform.

For more information about the Privacy Policy, see

<https://www.stomt.com/privacy>

### **1.10 Use of Vungle**

This App uses Vungle, a company, which is specialized on mobile Ads. Our free Apps are ad-supported. The advertising partner of the apps is Vungle Inc. We have no control over the collection of personally identifiable information by Vungle Inc.

The privacy policy of Vungle applies here: <https://vungle.com/privacy/>

If you do not want to receive personal ads, follow those links:

Android: <https://adssettings.google.com/authenticated>

iOS: <https://support.apple.com/de-de/HT202074>

### **1.11 Use of AdColony**

This App uses AdColony, a company, which is specialized on mobile Ads. Our free Apps are ad-supported. The advertising partner of the apps is AdColony Inc. We have no control over the collection of personally identifiable information by AdColony Inc. The privacy policy of AdColony applies here: <https://www.adcolony.com/privacy-policy/>.

If you do not want to receive personal ads, follow those links:

Android: <https://adssettings.google.com/authenticated>

iOS: <https://support.apple.com/de-de/HT202074>

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

Aside from the circumstances specifically indicated in this Privacy Notice, your personal data will be disclosed without your explicit prior consent only to the extent permitted and/or required by law. This may apply, for example, where processing is necessary in order to protect the vital interests of the user or of another individual.

2.1 Data that you provide in using the App may be disclosed within our company for the purposes of internal analysis, including, where required, for troubleshooting purposes. The disclosure of personal data, where applicable, is justified on the grounds that we have a legitimate interest in passing on such data within our company for the purposes referred to above which is not overridden by your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

2.2 Personal data may be disclosed to law enforcement agencies or other authorities and, where applicable, to affected third parties or legal advisors in the event that such data is required for the purpose of investigating unlawful or improper use of the App or for the purposes of bringing an action or prosecuting an offence. However, such disclosure will only be made where there is evidence of illegality or misuse. Data may also be disclosed for the purposes of enforcing any terms and conditions governing use or other legal rights. We are also required by law to provide information to certain public authorities upon request, including law enforcement agencies and other authorities prosecuting administrative offences, which attract fines, as well as the tax authorities.

The disclosure of personal data, where applicable, is justified on the grounds that (1) the processing is necessary for compliance with a legal obligation to which we are subject in accordance with Article 6(1)(c) GDPR in conjunction with national legal rules governing the disclosure of data to the law enforcement authorities, or (2) we have a legitimate interest in disclosing data to the third parties specified where there is evidence of abuse or for the purposes of enforcing our terms and conditions governing use, other terms and conditions, or legal rights, except where such grounds are overridden by your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

2.3 Any expansion of our business may require changes to the structure of our company, including changes to the legal form and the establishment, purchase or sale of subsidiaries, divisions or other parts of the business. In the event of such transactions, customer information may, in certain circumstances, be transferred together with the relevant part of the business. Where personal data is transferred to third parties to the extent described above, we will ensure that the transfer is undertaken in accordance with this Privacy Notice and applicable data protection legislation.

The disclosure of personal data, where applicable, is justified on the grounds that we have a legitimate interest in changing the form of our business, where necessary, in line with economic conditions and legal circumstances, which is not overridden by your rights and interests in relation to the protection of personal data in accordance with Article 6(1)(f) GDPR.

### **3. Data transfers to third countries**

We also process data in countries outside the European Economic Area (“**EEA**”). This concerns in particular:

Unity Technologies SF, 30 3rd Street, San Francisco, CA 94103, USA.

Facebook Ireland Ltd. (Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland)

Google Firebase (Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA, „Google“)

In relation to the United States, the European Commission determined on 12 July 2016 that the US ensures an adequate level of protection for data transferred under the EU-U.S. Privacy Shield (adequacy decision, Art. 45 GDPR). The following service providers are certified under the EU-U.S. Privacy Shield: Unity Technologies SF.

#### **4. Changes of purpose**

Your personal data will only be processed for purposes other than those specified to the extent permitted by law or if you have given your consent to any change in the purpose for which the data is processed. In the event of any further processing of data for purposes other than those for which the data was initially collected, we will advise you of such other purposes prior to processing and provide all relevant information.

#### **5. Data storage period**

We will erase or anonymise your personal data if this is no longer required for the purposes for which we collected or used the data, as specified in the sections above. As a general rule, we will store your personal data throughout the period of usage or for the duration of the contractual relationship in relation to the App and for an additional period of 7 days during which we will retain backup copies following the erasure of data, unless such data is required for a longer period for the purposes of law enforcement, backup, making claims or enforcing legal rights.

The foregoing is without prejudice to the specific information provided in this Privacy Notice or any legal requirements regarding the retention and erasure of personal data, including data that we are required to retain for tax reasons.

#### **6. Your rights as data subject**

##### **6.1 Right of access**

You have the right, to the extent set forth in Article 15 GDPR, to obtain information from us at any time, upon request, regarding any personal data concerning you which is processed by us. You may send any such request by post or email to the address indicated below.

##### **6.2 Right to rectification of inaccurate data**

You have the right to request the rectification of any inaccurate personal data concerning you without undue delay. Please send any such request to the contact addresses indicated below.

### **6.3 Right to erasure**

In any of the circumstances defined in Article 17 GDPR, you have the right to obtain the erasure of personal data concerning you. In particular, you have the right to erasure in circumstances in which your personal data is no longer required for the purposes for which it was collected or otherwise processed, is unlawfully processed, an objection has been raised or there is a duty to erase the data under EU law or the law of the member state applying to us. Further information on the storage period applying to data is set out in section 5 of this Privacy Notice. If you wish to exercise your right to erasure, please contact us at the addresses indicated below.

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

You have the right to obtain restriction of processing in accordance with Article 18 GDPR. This right applies, in particular, where there is disagreement between the user and us regarding the accuracy of the personal data, for the period required in order to verify the accuracy of such data, where the user has a right to erasure of the data, but requests restriction of processing instead of erasure, where the data is no longer required for the purposes pursued by us, but is required by the user for the establishment, exercise or defence of legal rights or claims, and where there is ongoing disagreement between us and the user as to whether the right to object has been effectively exercised. If you wish to exercise your right to restriction of processing, please contact us at the addresses indicated below.

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

You have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format in accordance with Article 20 GDPR. If you wish to exercise your right to data portability, please contact us at the addresses indicated below.

## **7. Right to object**

In accordance with Article 21 GDPR, you have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you which is, for example, undertaken on the basis of Article 6(1)(e) or (f) GDPR. We will suspend processing of your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing is required for the establishment, exercise or defence of legal claims.

## **8. Right to lodge a complaint**

You also have the right to lodge a complaint with the competent supervisory authority.

The competent supervisory authority is:

Landesbeauftragte für den Datenschutz Berlin (Berlin Data Protection Officer)

Friedrichstr. 219

10969 Berlin

## **9. Contact details**

If you have any questions or comments regarding the processing of your personal data by us or you wish to exercise any of your rights as data subject, as set out in sections 6 and 7 above, please contact us using the contact details provided below:

Byterockers' Games GmbH & Co. KG,

Schivelbeiner Str. 1

10439 Berlin

Tel: +49 (0)30 – 2325 733 80

E-Mail: [info@byterockers.games](mailto:info@byterockers.games)

You can contact our Data Protection Officer using the contact details provided above.

## **10. Amendments to this Privacy Notice**

We will update this Privacy Notice at regular intervals. We therefore reserve the right to amend this Privacy Notice from time to time to reflect any changes in the collection, processing or use of your data. The latest version of the Privacy Notice may be accessed at any time under “?” in the App.

**Latest version:** January 2019