

# Data Protection Declaration

## 1) Information on the Collection of Personal Data and Contact Details of the Controller

**1.1** We are pleased that you are visiting our website and thank you for your interest. On the following pages, we inform you about the handling of your personal data when using our website. Personal data is all data with which you can be personally identified.

**1.2** The controller in charge of data processing on this website, within the meaning of the General Data Protection Regulation (GDPR), is Anna Meidert, Valentinstraße 19a, 84543 Winhöring, Deutschland, Tel.: 015771568712, E-Mail: shop@createdbygabe.com. The controller in charge of the processing of personal data is the natural or legal person who alone or jointly with others determines the purposes and means of the processing of personal data.

**1.3** This website uses SSL or TLS encryption for security reasons and to protect the transmission of personal data and other confidential content (e.g. orders or inquiries to the controller). You can recognize an encrypted connection by the character string https:// and the lock symbol in your browser line.

## 2) Data Collection When You Visit Our Website

When using our website for information only, i.e. if you do not register or otherwise provide us with information, we only collect data that your browser transmits to our server (so-called "server log files"). When you visit our website, we collect the following data that is technically necessary for us to display the website to you:

- Our visited website
- Date and time at the moment of access
- Amount of data sent in bytes
- Source/reference from which you came to the page
- Browser used
- Operating system used
- IP address used (if applicable: in anonymized form)

Data processing is carried out in accordance with Art. 6 (1) point f GDPR on the basis of our legitimate interest in improving the stability and functionality of our website. The data will not be passed on or used in any other way. However, we reserve the right to check the server log files subsequently, if there are any concrete indications of illegal use.

## 3) Cookies

In order to make your visit to our website attractive and to enable the use of certain functions, we use so-called cookies on various pages. These are small text files that are stored on your end device. Some of the cookies we use are deleted after the end of the

browser session, i.e. after closing your browser (so-called session cookies). Other cookies remain on your terminal and enable us or our partner companies (third-party cookies) to recognize your browser on your next visit (persistent cookies). If cookies are set, they collect and process specific user information such as browser and location data as well as IP address values according to individual requirements. Persistent cookies are automatically deleted after a specified period, which may vary depending on the cookie. You can check the duration of the respective cookie storage in the overview of the cookie settings of your web browser.

In some cases, cookies are used to simplify the ordering process by saving settings (e.g. remembering the content of a virtual shopping basket for a later visit to the website). If personal data are also processed by individual cookies set by us, the processing is carried out in accordance with Art. 6 (1) point b GDPR either for the execution of the contract or in accordance with Art. 6 (1) point f GDPR to safeguard our legitimate interests in the best possible functionality of the website and a customer-friendly and effective design of the page visit.

We work together with advertising partners who help us to make our website more interesting for you. For this purpose, cookies from partner companies are also stored on your hard drive when you visit our website (third-party cookies). You will be informed individually and separately about the use of such cookies and the scope of the information collected in each case within the following sections.

Please note that you can set your browser in such a way that you are informed about the setting of cookies and you can decide individually about their acceptance or exclude the acceptance of cookies for certain cases or generally. Each browser differs in the way it manages the cookie settings. This is described in the help menu of each browser, which explains how you can change your cookie settings. You will find these for the respective browsers under the following links:

- Internet Explorer:

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

- Firefox: <https://www.mozilla.org/en-US/privacy/websites/#cookies>

- Chrome:

<https://support.google.com/accounts/answer/61416?co=GENIE.Platform%3DDesktop&hl=en>

- Safari:

<https://support.apple.com/en-gb/guide/safari/manage-cookies-and-website-data-sfri11471/mac>

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

Please note that the functionality of our website may be limited if cookies are not accepted.

#### **4) Contacting Us**

When you contact us (e.g. via contact form or e-mail), personal data is collected. Which data is collected in the case of a contact form can be seen from the respective contact form. This data is stored and used exclusively for the purpose of responding to your request or for establishing contact and for the associated technical administration. The legal basis for processing data is our legitimate interest in responding to your request in accordance with Art. 6 (1) point f GDPR. If your contact is aimed at concluding a contract, the additional legal basis for the processing is Art. 6 (1) point b GDPR. Your data will be deleted after final processing of your enquiry; this is the case if it can be inferred from the circumstances that the facts in question have been finally clarified, provided there are no legal storage obligations to the contrary.

#### **5) Data Processing When Opening a Customer Account and for Contract Processing**

Pursuant to Art. 6 (1) point b GDPR, personal data will continue to be collected and processed if you provide it to us for the execution of a contract or when opening a customer account. Which data is collected can be seen from the respective input forms. It is possible to delete your customer account at any time. This can be done by sending a message to the above-mentioned address of the controller. We store and use the data provided by you for contract processing. After complete processing of the contract or deletion of your customer account, your data will be blocked in consideration of tax and commercial retention periods and deleted after expiry of these periods, unless you have expressly consented to further use of your data or a legally permitted further use of data has been reserved by our site, about which we will inform you accordingly below.

#### **6) Use of Client Data for Direct Advertising**

**6.1** If you subscribe to our e-mail newsletter, we will send you regular information about our offers. The only mandatory information for sending the newsletter is your e-mail address. The indication of additional possible data is voluntary and is used to allow us to address you personally. We use the so-called double opt-in procedure for sending newsletters. This means that we will not send you an e-mail newsletter, unless you have expressly confirmed to us that you agree to the sending of such a newsletter. We will then send you a confirmation e-mail asking you to confirm that you wish to receive future newsletters by clicking on an appropriate link.

By activating the confirmation link, you give us your consent to the use of your personal data in accordance with Art. 6 (1) point a GDPR. When you register for the newsletter, we store your IP address entered by the Internet Service Provider (ISP) as well as the date and time of registration so that we can trace any possible misuse of your e-mail address at a later time. The data collected by us when you register for the newsletter will be used exclusively for the purpose of advertising by means of the newsletter. You can unsubscribe from the newsletter at any time via the link provided in the newsletter or by sending a message to the responsible person named above. After your cancellation, your e-mail address will immediately be deleted from our newsletter

distribution list, unless you have expressly consented to further use of your data or we reserve the right to use data in excess thereof, which is permitted by law and about which we inform you in this declaration.

**6.2** Our e-mail newsletters are sent via the technical service provider, The Rocket Science Group, LLC d/b/a MailChimp, 675 Ponce de Leon Ave NE, Suite 5000, Atlanta, GA 30308, USA (<https://mailchimp.com>), to whom we pass on the data you provided when registering for the newsletter. This disclosure is made in accordance with Art. 6 (1) point f GDPR and serves our legitimate interest in the use of an effective, secure and user-friendly newsletter system. Please note that your data is usually transferred to a MailChimp server in the USA and stored there.

MailChimp uses this information to send and statistically evaluate the newsletter on our behalf. For evaluation purposes, the e-mails sent contain so-called web beacons or tracking pixels, which represent single-pixel image files stored on our website. This allows us to determine whether a newsletter message has been opened and which links have been clicked on. In addition, technical information is recorded (e.g. time of retrieval, IP address, browser type and operating system). The data is raised exclusively in a pseudonymized format and is not linked with other personal data from you. A direct personal relationship is excluded. This data is used exclusively for statistical analysis of newsletter campaigns. The results of these analyses can be used to better adapt future newsletters to the interests of the recipients.

If you wish to object to the data analysis for statistical evaluation purposes, you must unsubscribe from the newsletter.

Furthermore, MailChimp can use this data according to Art. 6 (1) point f GDPR even on the basis of its own legitimate interest in the demand-oriented design and optimization of the service as well as for market research purposes, for example to determine from which countries recipients come. However, MailChimp does not use the data of our newsletter recipients to address those recipients or pass that data on to third parties.

To protect your data in the USA, we have concluded a data processing agreement ("Data-Processing-Agreement") with MailChimp on the basis of the standard contractual clauses of the European Commission to enable the transmission of your personal data to MailChimp. If you are interested in viewing this data processing agreement, you can do so at the following Internet link: <https://mailchimp.com/legal/data-processing-addendum/>

MailChimp's privacy policy can be viewed at: <https://mailchimp.com/legal/privacy/>

## **7) Processing of Data for the Purpose of Order Handling**

Insofar as necessary for the processing of the contract for delivery and payment purposes, the personal data collected by us will be passed on to the commissioned transport company and the commissioned credit institution in accordance with Art. 6 (1) lit. b GDPR.

If we owe you updates for goods with digital elements or for digital products on the basis

of a corresponding contract, we will process the contact data (name, address, e-mail address) provided by you when placing the order in order to inform you personally by suitable means of communication (e.g. by post or e-mail) about upcoming updates within the legally stipulated period of time within the framework of our statutory duty to inform pursuant to Art. 6 (1) lit. c GDPR. Your contact details will be used strictly for the purpose of informing you about updates owed by us and will only be processed by us for this purpose to the extent necessary for the respective information.

In order to process your order, we also work together with the following service provider(s), who support us in whole or in part in the execution of concluded contracts. Certain personal data is transmitted to these service providers in accordance with the following information.

## **8) Rights of the Data Subject**

**8.1** The applicable data protection law grants you the following comprehensive rights of data subjects (rights of information and intervention) vis-à-vis the data controller with regard to the processing of your personal data:

- Right of access by the data subject pursuant to Art. 15 GDPR: You shall have the right to receive the following information: The personal data processed by us; the purposes of the processing; the categories of processed personal data; the recipients or categories of recipients to whom the personal data have been or will be disclosed; the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing personal data concerning the data subject or to object to such processing; the right to lodge a complaint with a supervisory authority; where the personal are not collected from the data subject, any available information as to their source; the existence of automated decision-making, including profiling and at least in those cases, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject; the appropriate safeguards pursuant to Article 46 when personal data is transferred to a third country.
- Right to rectification pursuant to Art. 16 GDPR: You have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning you and/or the right to have incomplete personal data completed which are stored by us.
- Right to erasure (“right to be forgotten”) pursuant to Art. 17 GDPR: You have the right to obtain from the controller the erasure of personal data concerning you if the conditions of Art. 17 (2) GDPR are fulfilled. However, this right will not apply for exercising the freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the establishment, exercise or defense of legal claims.
- Right to restriction of processing pursuant to Art. 18 GDPR: You have the right to obtain

from the controller restriction of processing your personal data for the following reasons: As long as the accuracy of your personal data contested by you will be verified. If you oppose the erasure of your personal data because of unlawful processing and you request the restriction of their use instead. If you require the personal data for the establishment, exercise or defense of legal claims, once we no longer need those data for the purposes of the processing. If you have objected to processing on grounds relating to your personal situation pending the verification whether our legitimate grounds override your grounds.

- Right to be informed pursuant to Art. 19 GDPR: If you have asserted the right of rectification, erasure or restriction of processing against the controller, he is obliged to communicate to each recipient to whom the personal data has been disclosed any rectification or erasure of personal data or restriction of processing, unless this proves impossible or involves disproportionate effort. You have the right to be informed about those recipients.

- Right to data portability pursuant to Art. 20 GDPR: You shall 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 or to require that those data be transmitted to another controller, where technically feasible.

- Right to withdraw a given consent pursuant to Art. 7 (3) GDPR: You have the right to withdraw your consent for the processing of personal data at any time with effect for the future. In the event of withdrawal, we will immediately erase the data concerned, unless further processing can be based on a legal basis for processing without consent. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

- Right to lodge a complaint pursuant to Art. 77 GDPR: Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the GDPR.

## **8.2 RIGHT TO OBJECT**

IF, WITHIN THE FRAMEWORK OF A CONSIDERATION OF INTERESTS, WE PROCESS YOUR PERSONAL DATA ON THE BASIS OF OUR PREDOMINANT LEGITIMATE INTEREST, YOU HAVE THE RIGHT AT ANY TIME TO OBJECT TO THIS PROCESSING WITH EFFECT FOR THE FUTURE ON THE GROUNDS THAT ARISE FROM YOUR PARTICULAR SITUATION.

IF YOU EXERCISE YOUR RIGHT TO OBJECT, WE WILL STOP PROCESSING THE DATA CONCERNED. HOWEVER, WE RESERVE THE RIGHT TO FURTHER PROCESSING IF WE CAN PROVE COMPELLING REASONS WORTHY OF PROTECTION FOR PROCESSING WHICH OUTWEIGH YOUR INTERESTS, FUNDAMENTAL RIGHTS AND FREEDOMS, OR IF THE PROCESSING SERVES TO ASSERT, EXERCISE OR DEFEND LEGAL CLAIMS.

IF WE PROCESS YOUR PERSONAL DATA FOR DIRECT MARKETING PURPOSES, YOU HAVE THE RIGHT TO OBJECT AT ANY TIME TO THE PROCESSING OF YOUR PERSONAL DATA

WHICH ARE USED FOR DIRECT MARKETING PURPOSES. YOU MAY EXERCISE THE OBJECTION AS DESCRIBED ABOVE.

IF YOU EXERCISE YOUR RIGHT TO OBJECT, WE WILL STOP PROCESSING THE DATA CONCERNED FOR DIRECT ADVERTISING PURPOSES.

### **9) Duration of Storage of Personal Data**

The duration of the storage of personal data is based on the respective legal basis, the purpose of processing and - if relevant - on the respective legal retention period (e.g. commercial and tax retention periods).

If personal data is processed on the basis of an express consent pursuant to Art. 6 (1) point a GDPR, this data is stored until the data subject revokes his consent.

If there are legal storage periods for data that is processed within the framework of legal or similar obligations on the basis of Art. 6 (1) point b GDPR, this data will be routinely deleted after expiry of the storage periods if it is no longer necessary for the fulfillment of the contract or the initiation of the contract and/or if we no longer have a justified interest in further storage.

When processing personal data on the basis of Art. 6 (1) point f GDPR, this data is stored until the data subject exercises his right of objection in accordance with Art. 21 (1) GDPR, unless we can provide compelling grounds for processing worthy of protection which outweigh the interests, rights and freedoms of the data subject, or the processing serves to assert, exercise or defend legal claims.

If personal data is processed for the purpose of direct marketing on the basis of Art. 6 (1) point f GDPR, this data is stored until the data subject exercises his right of objection pursuant to Art. 21 (2) GDPR.

Unless otherwise stated in the information contained in this declaration on specific processing situations, stored personal data will be deleted if it is no longer necessary for the purposes for which it was collected or otherwise processed.