

# PRIVACY NOTICE

Last modified April 11, 2024

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## ABOUT US

AppMachine B.V. and our subsidiaries (“we,” “us” or “AppMachine”) are a leading provider of online tools for small businesses to establish and build their web presence, mobile App store presence, and

connect with customers. This privacy notice applies to our brands AppMachine, Impressly and others.

We care about protecting the personal information of our customers and visitors who use our website(s), products or services (collectively, our “Users”). This privacy notice provides details about how your personal information is collected, shared and used by us.

For the purposes of the European Union’s General Data Protection Regulation 2016/679, or GDPR, and the United Kingdom (UK) Data Protection Act 2018, you can contact us as follows:

AppMachine B.V.  
Sophialaan 32  
8911 AE Leeuwarden  
Nederland  
EU: +31 58 700 97 22  
[privacy@appmachine.com](mailto:privacy@appmachine.com)

## **INFORMATION COVERED BY THIS PRIVACY NOTICE**

This privacy notice, which may also be referred to as a “privacy policy” on some of our websites, covers personal information, including any information we collect, use and share from you, as described further below. This privacy notice applies to all AppMachine websites and brands, products and services, and mobile applications (collectively, the “Services”). This privacy notice does not cover how our Users may use or share data that they collect using our services.

When you purchase a Service from us, your personal information will be collected, used, and shared consistent with the provisions of this privacy notice.

## **INFORMATION WE COLLECT FROM YOU**

In the course of your use of the Services, we obtain the following information about you as described below. We collect this data for the purposes described under “How We Use Your Information”.

## **INFORMATION YOU VOLUNTARILY PROVIDE TO US**

We collect the following information from you when you provide it to us:

- Information you provide prior to any registration process, such as your email when you provide it to us;
- Information that you provide during any registration process, including in connection with a co-branded offer (such as your name, company name, email address, phone number, billing address geographic location and industry);
- Information you provide, when you call or email us (for support or otherwise) or when you use our products or services; and
- Payment information, including credit card data that you provide to us (by way of our Services or otherwise) when you purchase some of our products and services.

## **INFORMATION WE COLLECT ABOUT YOUR USAGE AND DEVICES**

We collect data relating to your online activity on our websites, including the following:

- IP address;
- Browser type and version;
- Type of device you use, operating system version, and device identifier;
- Geographic location;
- Pages you view;
- How you got to our Services and any links you click on to leave our Services;
- When you update your information, communicate with us, or order new Services;
- Metadata about your use of our Services and emails we send to you (including clicks and opens);
- Metadata about how your customers, contacts, and users interact with the Services we provide you;
- Your interactions with any videos we offer;
- Issues you encounter requiring our support or assistance; and
- Any device or other method of communication you use to interact with the Services.

We store the data we collect in a variety of places within our infrastructure, including system log files, back end databases and analytics systems.

## **INFORMATION WE ACQUIRE FROM SOCIAL MEDIA**

- We collect information from third party social networking sites, including information that they provide to us if you use your credentials at such social networking sites to log into some of our Services (such as your name, social media account name and email address to pre-populate our sign-up form).
- The information you allow us to access varies by social networking site, and depends on the level of privacy settings you have in place at the social networking site. You can control and find out more about these privacy settings at the applicable social networking site.

## **INFORMATION WE ACQUIRE FROM OTHER SOURCES**

We also collect the following information from other sources:

- Information you provide to us at seminars or to our partners;
- Information you provide to us in surveys;
- Information that is publicly available; and
- Information you consent to us receiving from third parties.

We also collect information that you may provide during your telephone conversations with us, which we may monitor or record.

We may combine any information we collect about you with other information we have about you to help us update, expand and analyze our records, identify new customers, and provide products and services that may be of interest to you. If you provide us personal information about others, or if others give us your information, we will only use that information for the specific reason for which it was provided to us.

## HOW WE USE YOUR INFORMATION

We use the information we collect, both on its own and combined with any other information we collect about you, for the following business and commercial purposes:

- To provide the requested Services to you;
- To provide you with useful content;
- To ensure the proper functioning of our Services
- To offer and improve our Services;
- To provide you with requested information or technical support
- To facilitate your movement through our websites or your use of our Services;
- To do a better job of advertising and marketing our Services (subject to your consent where required by applicable law);
- To advertise and market third party products and services (subject to your consent where required by applicable law)
- To diagnose problems with our servers or our Services;
- In connection with our security and compliance programs;
- To administer our websites;
- To communicate with you;
- To target current or prospective customers with our products or services through online advertisements served on third-party sites by third-party vendors, such as Google (subject to your consent where required by applicable law);
- To assist us in offering you a personalized experience or otherwise tailor our Services to you; and
- As otherwise described in this privacy notice.

We also use the information we receive to produce reports on trends and statistics, such as mobile search trends, email open rates by industry, campaign best practices or the number of users that have been exposed to, or clicked on, our websites or evaluated or purchased our products or services.

## SHARING OF INFORMATION

We share your personal information according to this privacy notice, with your consent or as necessary to provide you the Services you request, as well as to operate our business. As further described below, we will only share certain personal information with:

- Our partners;
- Third party service providers and vendors;
- In connection with a sale, merger, acquisition or corporate reorganization;
- Authorized users within your organization; and
- For legal reasons.

Further information about the third parties with whom we share personal information is available [here](#).

## SHARING WITH PARTNERS

When we share your personal information with certain third-party partners, including marketing and advertising partners, that information includes your name, email address and other information enabling partners to:

- Assist you in using our Services,
- Contact you with offers, services or products that may be of interest to you, and
- Provide you with their products or services.

Our partners may use cookies, web beacons, pixels, tags, scripts, device recognition and similar technologies in order to provide you advertising based upon your browsing activities and interests. If you wish to opt out of interest-based advertising click [here](#), or if you are located in the European Union, click [here](#). Click [here](#) to opt out of interest-based advertising on your mobile device(s). Please note you will continue to receive generic ads.

If you are located in a jurisdiction where such sharing requires your permission, we will only do so with your consent. Please note that if you access our services through a tool that hides your location, such as through a virtual private network, you may not receive our request for permission because we were not able to identify you as being located in a jurisdiction where your permission is required.

Further, our partners are prohibited from using your contact information for any purpose beyond those set forth above without your consent. We will not provide our partners with your credit card information.

In the event we collect information from you in connection with an offer that is jointly presented by us and a partner, we will let you know who is collecting the information and whose privacy notice applies, as well as any options you may have regarding use of your information.

## SHARING WITH THIRD PARTY SERVICE PROVIDERS AND VENDORS

Occasionally, we enter into contracts with carefully selected third parties to assist us in servicing you (for example, providing you with customer service, fraud detection and deterrence or access to advertising assets and providing us with information technology and storage services) or to assist us in our own marketing and advertising activities (including providing us with analytic information and search engine optimization services). Our contracts with such third parties prohibit them from using any of your personal information for any purpose beyond the purpose for which it was shared.

If you purchase a product or service from a third party through one of our brands, we will pass your personal information to such third party in order for them to fulfill your order.

We also share non-personal information with certain third parties, including the media, industry observers, marketing and advertising partners, vendors, customers, potential customers or partners. For example, we disclose mobile search trends, email open rates by industry, campaign best practices

or the number of users that have been exposed to, or clicked on, our websites or evaluated or purchased our products and services.

Our third party service providers and vendors may use cookies, web beacons, pixels, tags, scripts and similar technologies in order to provide you advertising based upon your browsing activities and interests. If you wish to opt out of interest-based advertising click [here](#), or if you are located in the European Union, click [here](#). Click [here](#) to opt out of interest-based advertising on your mobile device(s). Please note you will continue to receive generic ads.

## **CORPORATE REORGANIZATIONS**

If we are involved in a merger, acquisition, a sale of all or a substantial portion of our assets, or other similar sale transaction, your information will be transferred as part of that transaction. We will notify you by email and/or a prominent notice on our website of any such transfer and any choices you may have regarding your information.

## **AUTHORIZED USERS**

All users authorized by you to have access to your account can view personal information stored in the account. A primary account holder can view personal information saved in subaccounts to which they have authorized access. We share information about authorized users only for legitimate purposes consistent with this privacy notice, including servicing your account and marketing products and services to you.

## **LEGAL PROCESS**

If legally required to do so, or if we have a good faith belief that such disclosure is reasonably necessary, we may disclose your personal information to courts of law, public authorities (including to meet national security or law enforcement requirements), and other relevant third parties, such as internet service providers, to conduct an investigation, respond to a third party or law enforcement subpoena or court order, to bring legal action, prevent harm to others or pursue other relief when you or a third party are or may be:

- Violating our terms and conditions of use;
- Causing injury or other harm to, or otherwise violating the property or other legal rights, of us, other users, or third parties; or
- Violating federal, state, local, or other applicable law.

This disclosure can include transferring your information to the U.S. and other countries outside the European Economic Area. To the extent we are legally permitted to do so, we will notify you in the event that we are required to provide your personal information to third parties in connection with a subpoena.

## **SECURITY**

The transmission of information via the internet, email or text message is not completely secure. Although we will do our best to protect your personal information, we cannot guarantee the security of your information transmitted through the Services or over email; any transmission is at your own risk. Once we have received your information, we will take appropriate technical and organizational measures to safeguard your personal information against loss, theft and unauthorized use, access or modification.

When we collect financial account information, such as credit card numbers, we protect its transmission through the use of encryption such as the Transport Layer Security (TLS) protocol.

## **TRACKING TECHNOLOGIES AND ONLINE ADVERTISING**

We use cookies, web beacons, pixels, tags, scripts and other similar technologies in the course of our business.

## **CHOICE/OPT-OUT**

### **MARKETING COMMUNICATIONS FROM US**

#### **EMAIL**

You always have the opportunity to opt out of our marketing communications with you or change your preferences by following a link in the footer of all non-transactional email messages from us or by emailing us at [privacy@appmachine.com](mailto:privacy@appmachine.com). Some communications from us are considered transactional or service communications (for example, important account notifications and billing information). You agree to receive these transactional and service communications as a condition of the Services that we provide to you. You must cancel your accounts for all Services, if you do not wish to receive any transactional or service communications from us. You may still receive marketing communications from us even after you cancel your account unless you also opt-out of our marketing communications, as described above.

### **INFORMATION FROM THIRD PARTIES**

To manage the information we receive about you from a social networking site or other third party (if applicable), you will need to follow the instructions from that party for updating your information and changing your privacy settings, where available. The information we collect is covered by this privacy notice and the information the third party collects is subject to such third party's privacy practices. Privacy choices you have made on any third party site will not apply to our use of the information we have collected directly through our Services.

## **UNAUTHORIZED ACCOUNTS**

If an account or profile was created without your knowledge or authorization, please contact customer support at the brand on which the account or profile is located to request removal of the account or profile.

## **RETENTION OF PERSONAL INFORMATION**

We retain your personal information to provide services to you and as otherwise necessary to comply with our legal obligations, resolve disputes, and enforce our agreements. We will retain your personal information for no more than seven years following the later of (i) the date on which you terminate your use of the Services or (ii) May 25, 2018, unless we are otherwise required by law or regulation to retain your personal information for longer.

## **LEGAL BASIS FOR PROCESSING YOUR INFORMATION**

Depending on what information we collect from you and how we collect it, we rely on various grounds for processing your information under the GDPR, including the following:

- In order to administer our contractual relationship, including setting up your requested Services, payments, renewals and processes;
- Because it is in our legitimate interest to run a successful and efficient business and provide you with the Services and other useful content;
- In order to fulfill any legal obligations we may have to collect this information from you; and/or
- Because you have provided your consent for us to do so.

## **YOUR RIGHT TO CONTROL HOW YOUR PERSONAL INFORMATION IS USED**

You have the right to make requests regarding your personal information. You can:

- Ask us to access, update, remove or correct personal information if it is inaccurate;
- Request that we transfer some or all of your personal information to you or a third party (whenever it is technically feasible to do so);
- Make choices about receiving marketing communications;
- Withdraw your consent to process your personal information in circumstances where we are relying on your consent as our basis for processing.

To exercise any of your rights, please send an email to [privacy@appmachine.com](mailto:privacy@appmachine.com).

In addition to the rights above, residents of the European Union have further rights which are detailed below. Please note that some rights only apply in certain circumstances or to certain information and some exceptions may apply. We will require you to verify your identity before responding to any requests to exercise your rights.



## **RESIDENTS OF THE EUROPEAN UNION OR UNITED KINGDOM**

In addition to the rights outlined above, where the GDPR or UK Data Protection Act or related data protection laws apply, you may:

- Ask whether we process personal information about you, and if we do, to access data we hold about you and certain information about how we use it and who we share it with.
- Request that we delete the personal information we hold about you in certain limited circumstances.
- Request that we stop processing the personal information we hold about you.
- Object to our processing of data about you.

## **THIRD-PARTY LINKS AND INFORMATION COLLECTION AND USE BY OUR USERS**

Some of our Services provide links to other websites. Because we do not control the information policies or practices of these third-party sites, you should review their privacy policies to learn about how they collect and use personal information.

You may also log in to some of our Services using sign-in services such as Facebook Connect or an Open ID provider. These services will authenticate your identity and provide you with the option to share certain personal information with us, such as your name and email address to pre-populate our sign-up form. For example, if you take advantage of certain of our social media features, such as the Facebook Like button, and widgets, such as the “Share This” button or interactive mini-programs that run on our site, the applicable social networking sites may collect your IP address, which page you are visiting on our websites, and may set a cookie to enable it to function properly.

You may use our service to connect to and display videos from YouTube, the API Client uses YouTube API Services. By doing so, you agree to be bound by the YouTube Terms of Service (<https://www.youtube.com/t/terms>).

## **CHILDREN**

Our Services are not directed to persons under 18. We do not knowingly collect personal information from children under 18. If you are a parent or guardian of such a child and become aware that your child has provided personal information to us, please contact us as described in this Privacy Notice and we will take reasonable steps immediately to remove any such information.

## **INTERNATIONAL DATA TRANSFER**

In order for us to fulfill your request or provide the Services to you, your personal information will be transferred to, stored at, and processed in jurisdictions other than where you live, including in the United States. Laws in these countries may differ from the laws applicable to your country of residence. If you are a European Economic Area (EEA) data subject and your personal information is

shared with our affiliates, partners, or third-party service providers acting on our behalf outside of the EEA, it is done so pursuant to necessary means to ensure an adequate level of protection. We will take all steps reasonably necessary to ensure that your personal data is treated securely and in accordance with this notice.

For transfers of personal information within the AppMachine corporate family, such transfer will be under the Commission's model contracts for the transfer of personal data to third countries (i.e., the standard contractual clauses), pursuant to Decision 2004/915/EC and 2010/87/EU.

For transfers of data to third parties, such transfers will be under the Commission's model contracts for the transfer of personal data to third countries (i.e., the standard contractual clauses), pursuant to Decision 2004/915/EC and 2010/87/EU.

## **NOTIFICATION OF CHANGES**

We reserve the right to modify this privacy notice at any time, so please review it frequently. If we decide to change this privacy notice in any material way, we will notify you here, by email, or by means of a notice on <https://www.appmachine.com/> or the website of the AppMachine product or service you use prior to the change becoming effective. In all cases, your continued use of any Services constitutes acceptance to any such changes.

## **COMPLAINTS**

If you have any questions about this privacy notice or our data handling practices, or you wish to make a complaint, you may contact our Data Protection Officer at [privacy@appmachine.com](mailto:privacy@appmachine.com) or by regular mail at:

Data Protection Officer  
AppMachine B.V.  
Sophialaan 32  
8911 AE Leeuwarden  
Nederland

We will address your request. In addition, you may raise a complaint with the Dutch Supervisory Authority (Autoriteit Persoonsgegevens) by contacting:

Autoriteit Persoonsgegevens  
Postbus 93374  
2509 AJ DEN HAAG  
THE NETHERLANDS  
Telephone: (+31) – (0)70 – 888 85 00  
Fax: (+31) – (0)70 – 888 85 01