

DATAKALAB - PRIVACY POLICY

Datakalab is committed to protect your privacy because we know that the trust you place in us is the cornerstone of our growth.

This Privacy policy intends to explain to you in a simple and transparent manner our processing of your personal data and the rights you have in this respect.

The processing of personal data is henceforth governed by EU Regulation n° 2016/679 on the protection of personal data, or more commonly known as the "GDPR". The GDPR has come into force on May 25th 2018 and considerably strengthen European residents' rights bearing on their personal data.

1. DATAKALAB - WHO ARE WE?

Datakalab is a French company, having its registered office located at 7 Passage du Puits Bertin - 92110 CLICHY and is identified at the Commercial and Companies Registry under the number 818 830 275.

Datakalab is a Brain Tech start-up that measures consumers' emotions through neuroscientific tools to optimize customer knowledge and fuel brands' transformation and innovation strategies.

2. WHEN DOES DATAKALAB COLLECT YOUR DATA?

When you are visiting our website <http://www.datakalab.com> or are interacting with our teams, Datakalab may collect at these occasions your personal data.

Datakalab may also collect your personal data when it performs its neuromarketing consulting services, as described below (hereinafter referred to as the "Datakalab Experiments").

2.1. DATAKALAB CONTENT

During the Datakalab Content experiment, we film you while showing you an advertisement, a poster or another content (hereinafter the "Content"), to measure and analyze your emotions felt using our technology based on the detection of facial micro-expressions.

You thereof authorize Datakalab to have access to your device's camera for the duration of the experiment.

Please note that during the experiment, we might film you several times, in particular when the study involves several Contents.

Datakalab reminds you that you must close your browser window to stop the video recording. As long as the page of your web browser is open, the video recording will continue, even if you browse on another page

2.2. DATAKALAB WEBSITE

During the Datakalab Website experiment, we film you while you browse on a website to measure and analyze your emotions during your browse on the site through facial coding and eye-tracking tools.

You therefore authorize Datakalab to have access to your device's camera for the duration of the experiment.

Again, we remind you that it is necessary to close your browser page to stop the video recording.

2.3. DATAKALAB EVENT

During the Datakalab Event experiment, we film the audience of a conference or an event to measure and analyze the audience's level of engagement and determine emotional peaks using facial-coding tool.

In this form of experiment, the speakers are filmed, and so is a part of the audience. Therefore, we suggest that people who do not want to be filmed move outside the camera field.

By sitting in the recording area, you agree that your data may be processed, and you hereby authorize us to process and store such data in order to carry out this Datakalab Experience and to improve the marketing strategies of Datakalab's customers.

2.4. DATAKALAB EXPERIENCE

During the Datakalab Experience experiment, you are equipped with a connected bracelet while strolling in a determined area (e.g. train station, store etc.). We measure and analyze the moments that generate the most emotions, positive or negative, in this area.

By volunteering to participate in this experience, you authorize us to process your data.

3. THE DATA WE COLLECT

We make responsible use of your data. Datakalab embraces and applies the principles of minimization as well as the principle of privacy by design and privacy by default.

Thus, Datakalab only collects relevant, adequate and limited data with regard to the purposes for which it is processed.

As part of the Datakalab Experiments, we collect pictures and videos of you, as well as physiological data through the connected bracelet (in particular heart rate or micro-sweating).

We do not collect nor process other categories of personal data, such as personal or identification data, such as your name, address, email or telephone number.

4. HOW DO WE USE YOUR DATA

Your personal data are collected for specific, explicit and legitimate purposes.

Your pictures, videos and physiological data are processed and stored by Datakalab to measure and analyze your emotions using our facial coding technologies and measurements-technology for connected bracelet experiments.

The purposes of processing are twofold:

- i. provide neuromarketing consulting services to Datakalab's clients;
- ii. carry out scientific research to improve our technological tools.

The use of your data is limited to these two purposes.

In addition, when you contact our teams or in the course of our business relationship only, Datakalab may process your personal data (identification data and contact details) for business and commercial prospecting purposes only.

5. COOKIES

When you browse on our website, cookies may be stored on your device (computer, smartphone, and tablet). This is subject to the settings of your device and you can change them at any time.

A cookie is a small text file containing information related to your browsing activity, whose main purpose is to improve user's experience by personalizing the services provided and therefore increase the flux.

On your computer, cookies are managed by your web browser.

These cookies can be either temporary cookies (in this case, the cookie will be automatically deleted when the browser is closed) or persistent cookies (in this case, the cookie will remain stored in the device until its expiration date).

Our site does not use cookies, except to store your consent to this study. Cookies will be kept for a period of 30 days from insertion in your browser.

How to accept or reject cookies?

You can set up your web browser so that cookies are stored in the device or rejected, either systematically or according to their cookies editor, or to be informed when a cookie is stored in the device, in order to allow it to be accepted or rejected.

However, the deletion of all cookies used by the browser, including those provided by other websites, may lead to the alteration or loss of certain settings or information.

6. DATA SHARING

We know that your privacy matters.

For this reason, Datakalab does not share your personnel data with third parties.

Only persons duly authorized by Datakalab due to their position may access your personal data, without prejudice to their possible sharing to the extent required by applicable regulations.

Some of our technical service providers may also process your personal data, within the limits strictly necessary for the performance of the services we entrust to them. In particular, they are technical service providers in charge of hosting your data or transmitting it.

As part of its services, Datakalab only provides its clients with aggregated and anonymized statistical data.

7. HOW LONG DO WE STORE YOUR PERSONAL DATA

Datakalab will keep your personal data no longer than strictly necessary for the fulfilment of the purposes for which it was originally collected, subject to legal possibilities of archiving, obligations to store certain data and/or anonymisation.

In accordance with Article 5 of the GDPR, your data may be stored for a maximum period of 5 years from the collection date, when they are processed for scientific research purposes.

At the end of this period, they will either be deleted or completely anonymized.

8. SECURITY MEASURES

Datakalab takes all necessary measures to protect and secure your personal data, so as to ensure their confidentiality and to prevent them from being distorted, damaged, destroyed or disclosed to unauthorized third-parties.

When Datakalab must disclose its personal data to third-parties, it ensures that these third-parties guarantee the same level of protection for the data concerned as those offered by Datakalab, by requiring contractual guarantees providing that the data may be processed exclusively for the authorized purposes, with all the required confidentiality and security. In particular, Datakalab uses technical hosting providers whose servers are all located within the European Union.

Datakalab implements technical and organizational measures to ensure that personal data are stored in the most secure way possible and for as long as necessary to achieve the purposes for which they are intended, in accordance with applicable law.

Although Datakalab takes all reasonable measures to protect your personal data, there is no risk zero and a data breach can occur.

In accordance with applicable law, in the event of a proven breach of personal data that may present a high risk to the rights and freedoms of the data subjects, Datakalab undertakes to communicate this breach to the competent supervisory authority and, where required by the said regulations, to the data subjects (individually or generally as the case may be).

Without prejudice to the foregoing, it is your responsibility to exercise caution to prevent any unauthorized access to your personal data and terminals (computer, smartphone, tablet,...), in particular by choosing a strong password.

9. RESPONSIBILITY FOR DATA PROCESSING

In the course of its activities, Datakalab either acts as an autonomous controller or as a joint-controller.

9.1. DATAKALAB AS A JOINT-CONTROLLER

When performing its Datakalab Experiments, Datakalab acts as a joint-controller together with its clients and, where applicable, with its partners with whom Datakalab collaborates. If need be, information relating to the identity and mission of the partners will be brought to your attention as soon as your personal data are collected.

A joint-controller relationship arises when several entities, in this case Datakalab and its clients and, where applicable, its partners, jointly determine the purposes and means of the processing, i.e. the "why" and "how" of the processing activities. Joint-controller responsibility is the most protective solution for your rights under the GDPR, since it allows you to exercise your rights in a simplified way against each of the co-responsible for processing.

In accordance with Article 26 of the GDPR, Datakalab and its clients and, where applicable, its partners, have allocated each other's obligations under the GDPR. Thus, it is the co-controller which is at the origin of the data collection which is responsible for informing you while everyone is required to facilitate the exercise of your rights. Datakalab undertakes the obligations with respect to security of processing and data deletion. For more information about the provisions of this agreement, please contact our DPO at this email address [insert DPO email].

9.2. DATAKALAB - AUTONOMOUS DATA CONTROLLER

When Datakalab processes personal data for research purposes, it acts as an autonomous controller.

10. WHICH RIGHTS CAN YOU EXERCISE?

10.1. YOUR RIGHTS

Subject to the conditions provided for by applicable law, you have the following rights with respect to the processing of your personal data:

➤ Right to information on the processing of your personal data

Datakalab tries to provide you with concise, transparent, understandable and easily accessible information, in clear and simple terms, on the conditions under which your personal data are processed.

➤ Right to access, rectify and delete (or "right to forget") your personal data

The right to access allows you to obtain confirmation from Datakalab that your personal data are being processed by us or not, and the conditions of such processing, as well as to receive a copy of it. Please note that Datakalab is entitled to ask for payment of reasonable fees based on the administrative costs involved. When this request is made electronically, the information is provided in an electronic form, unless you request otherwise.

You also have the right to obtain from Datakalab, as soon as possible, the rectification of your personal data proven to be inaccurate or incomplete.

Finally, subject to the exceptions provided for by applicable law, you have the right to request the deletion of your personal data when one of the following reasons is satisfied:

- your personal data are no longer necessary for the purposes for which they were collected or otherwise processed;
- you wish to withdraw your consent on which the processing of your personal data was based, if any, and there is no other basis for such processing;
- you consider and can prove that your personal data have been unlawfully processed;
- your personal data must be deleted under a legal obligation.

➤ **Right to restrict the processing**

The applicable regulations provide that this right may be invoked in certain cases, in particular the following:

- when you dispute the accuracy of your personal data, these data processing operations may be limited for the time necessary to verify their accuracy;
- when you consider and can prove that the processing of personal data is unlawful but you object to the deletion of personal data, in this situation you can instead demand that the processing be limited;
- when Datakalab no longer needs your personal data but it is still necessary for you to prove, exercise or defend your rights in court;
- when you object to the processing operation which would be based on the legitimate interest of the controller, during the check as to whether the legitimate grounds pursued by the controller prevail over your own.

➤ **Right to object processing**

You may object at any time to the processing of your personal data, including profiling, for reasons related to your particular situation. Your data will no longer be processed unless there are legitimate and compelling reasons for such processing, which prevail over your interests and rights and freedoms or reasons related to the establishment, exercise, defense of legal rights. When the processing is for prospecting purposes, you may object at any time.

In this case, you will no longer receive personalized offers.

➤ **Right to data portability**

Where the processing is based on your consent or based on the performance of the contract, this right to portability allows you to receive the personal data you have provided to Datakalab in a structured, commonly used and machine-readable format, and to transmit this personal data to another controller without Datakalab hindering it.

Whenever technically possible, you may request that this personal data be directly transmitted to another controller by Datakalab.

➤ **Right to withdraw consent**

When Datakalab processes your personal data on the basis of your consent, it may be withdrawn at any time. On the other hand, and in accordance with applicable law, the withdrawal of your consent is only valid for the future and cannot therefore affect the lawfulness of the processing carried out before such withdrawal.

➤ **Right to lodge a complaint to a supervisory authority**

If, despite Datakalab's efforts to protect your personal data, you believe that your rights are being violated, you have the right to introduce a complaint before the competent supervisory authority, i.e. the French Data Protection Authority (the "CNIL").

A list of the data protection authorities in the EU is available on the [website of the EU Commission](#).

➤ **Right with regard to post-mortem data**

Lastly, you have a right to define directives for retention, erasure or deletion of your personal data, applicable after your death. Datakalab is committed to respect those directives.

In the absence of such directives, Datakalab entitles the heirs to exercise those rights, in particular the right to access, if it is necessary for the administration of the estate; and the right to object to close the accounts of the deceased and object to the processing of his personal data.

10.2 THE EXERCISE OF YOUR RIGHTS

For requests or questions with regard to our Privacy Policy or to exercise your above-mentioned rights, you can contact Datakalab, electronically or by post, by sending a letter with a copy of an identity document to:

M. Xavier Fischer, DPO Datakalab
xf@datakalab.com

Datakalab undertakes to reply to you as soon as possible, and in any event within one month of receipt of your request.

If necessary, this deadline may be extended by two months, taking into account the complexity and number of requests sent to Datakalab. In this case, you will be informed of the extension and the reasons for the postponement.

If your request is submitted in electronic form, the information will also be provided to you electronically where possible, unless you expressly request otherwise.

If Datakalab does not comply with your request, it will inform you of the reasons for its inaction and you will have the possibility to lodge a complaint with a supervisory authority and/or to take legal action.

11. CAN THIS PRIVACY POLICY BE UPDATED?

Datakalab might modify its processing and will have to update its privacy policy accordingly. We recommend you to check from time to time our updates, accessible at this URL address: <https://s3-euwest-1.amazonaws.com/static.datakalab/conf.pdf>

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