

## **Privacy Policy for the “Keytrac Service”**

TM3 Software GmbH, Prüfeninger Strasse 20, 93049 Regensburg, Germany (hereinafter “**TM3**”) provides a keyboard biometrics service to Customers which provides an algorithm for identifying users (hereinafter “**Users**”) based on keystroke dynamics (hereinafter “**Keytrac Service**”) as further specified in the License Terms and Terms of Use for the Keytrac Service.

Personal data of the Customer and of Users will be collected, processed and used by TM3 in accordance with the German Federal Data Protection Act (BDSG) as set forth below:

### **I. Personal data of the Customer**

TM3 collects, processes and uses personal data of the Customer necessary for registering with TM3 for a Keytrac Service account, for creating, modifying, amending or terminating the contract with the Customer, to fulfill the contractual obligations of TM3 with respect to the Customer, in order to enable the Customer to use the Keytrac Service, for contacting and for billing the Customer. This includes the following personal data of the Customer:

- Company name and company data (such as registration number)
- Name of contact person of the Customer
- Complete address
- E-Mail address
- Password for registration
- Branch of trade
- Country where the Keytrac Service shall be used
- Bank account or credit card details

### **II. Personal data of users**

1. It is neither intended nor necessary for the Keytrac Service to collect and process personal data of Users who shall be identified by the Keytrac Service. Instead, the keystrokes of each User will be collected and processed under a randomly assigned anonymous User-ID.
2. The Keytrac Service will be offered in two different operation modes and the Customer can chose which operation mode he wishes to apply for his application in which the Keytrac Service shall be integrated:
  - When using the “password hardening” operation mode the text typed by a User will not be transferred to TM3;

- When using the “any text” operation mode the keycodes of the keystrokes typed by a User will be transferred to and stored by TM3 and TM3 is able to reconstruct the text typed by a User.
3. It is solely Customer’s responsibility to ensure with respect to the Users of his applications in which the Keytrac Service is integrated that he is entitled to utilize the Keytrac Service and the operation mode chosen by the Customer. The Customer shall be solely responsible for complying with all applicable data protection law and telecommunications law, in particular regarding informing the Users of the application of the Keytrac Service, requesting prior consent from the User if so required under applicable law, the transfer of personal data to TM3 and the processing of personal data of Users by the Keytrac Service.
  4. If the Customer utilizes the Keytrac Service in a way that personal data of Users will be collected and processed by means of the Keytrac Service and transferred to TM3 as keycodes of the keystrokes typed by Users when applying the “any text” operation mode, such personal data shall only belong to the Customer and TM3 holds no rights in such personal data. TM3 will collect, process and use such personal data only on behalf and on instruction of the Customer. If required, the parties will enter into an additional agreement on commissioned data processing pursuant to section 11 BDSG.

### **III. Restrictions of use**

1. All personal data collected by TM3 will be stored by TM3 and its sub-contractors in Germany only.
2. TM3 will neither process and use personal data nor transfer personal data to third parties (except its sub-contractors) other than explained in this privacy policy unless allowed to do so under applicable data protection law or with express consent of the data subject.

### **IV. Sub-contractors**

TM3 is entitled to use sub-contractors to provide the Keytrac Service. Currently, TM3 engages the following sub-contractors:

- Braintree, a division of PayPal, Inc. as payment service provider (see <https://www.braintreepayments.com/>)
- Amazon Web Services, Inc. as hosting provider (see <https://aws.amazon.com/>)

## **V. Data security**

1. TM3 has taken appropriate technical and organizational measures to adequately protect personal data collected in connection with the Keytrac Service against misuse and loss in accordance with the requirements of sec. 9 BDSG.
2. All personnel of TM3 are bound to abide by the applicable data protection laws and to maintain the data secrecy.

## **VI. Data controller / Right of information, correction, deletion and blocking of personal data**

1. Data controller pursuant to sec. 3 para. 7 BDSG is TM3 Software GmbH, Prüfeninger Strasse 20, 93049 Regensburg, Germany.
2. Any right of information, correction, deletion or blocking of personal data shall be addressed to TM3.

## **VII. Amendment of this privacy policy**

From time to time it is necessary to update this privacy policy. TM3 reserves the right to amend this privacy policy at any time by posting an amended privacy policy on its website under <https://www.keytrac.net/legal>.

Regensburg 25 April 2016