

# Privacy Policy of DISH Plus GmbH

DISH takes the protection its Users' personal data seriously. The following Privacy Policy is therefore intended to inform you about the processing of your personal data in accordance with the European General Data Protection Regulation ("GDPR"). In particular, we explain which personal data DISH collects, for what purposes DISH processes these data, which technologies DISH uses, to whom DISH transfers these data and what rights you are entitled to under the GDPR.

## 1. General Information.

- 1.1 Controller within the meaning of the GDPR of this website is DISH Digital Plus GmbH, Metro-Straße 1, 40235 Düsseldorf ("DISH", "we" or "us").
- 1.2 If you have any questions regarding the protection of personal data, you may contact our Data Protection Officer using the following contact details: DISH Plus GmbH, Data Protection Officer, Metro-Straße 1, 40235 Düsseldorf, email: [privacy@dish.co](mailto:privacy@dish.co).
- 1.3 You can download our Privacy Policy as a PDF file or download and print it at any time at [www.DISH.co](http://www.DISH.co).
- 1.4 Terms used in this Privacy Policy have the same meaning as defined in our Terms of Use, unless explicitly stated otherwise herein. When using DISH App extra regulations apply and can be found at the end of this privacy policy.

## 2. Automated Processing of Personal Data when Accessing our Website.

- 2.1 When you access and use our website via the terminal device you use when you access the website (this may be your computer, your mobile phone or a comparable internet-enabled terminal device), we process personal data automatically. This includes
  - the IP address currently used by your terminal device,
  - date and time when the website was accessed,
  - the browser type and the operating system of your terminal device;
  - the initial website from which you accessed our website and
  - the sub-pages visited on our website.
- 2.2 Processing the IP address of your terminal device is necessary for us to make the website available to you and thus serves the functionality of the website. The processing of the other data mentioned in section 2.1 of this Privacy Policy takes place for the purposes of data security and the security of our IT systems as well as for the optimization of our services and for the improvement of our website. The data mentioned in section 2.1 of this Privacy Policy are stored in a separate log file and are not linked to any other stored personal data. An evaluation of these data, with the exception of statistical purposes and then generally in anonymous form, is only carried out within the scope of this Privacy Policy. The data mentioned in section 2.1 of this Privacy Policy will not be used for marketing or advertising purposes. The processing is carried out on the basis of Article 6

para. 1 sentence 1 letter f) GDPR. Protecting our website and optimizing our services is a legitimate interest on our part.

- 2.3 The data mentioned under 2.1 of this Privacy Policy will be stored until the purpose of the processing has ceased to apply. The data required for the provision of the website (your IP address) will be deleted after the end of the respective browser session, i.e. when you leave the website or close your browser. The deletion of the log files in which this data is stored is done automatically and usually within fourteen (14) days after creation of the log file. If the other data mentioned in section 2.1 of this Privacy Policy are also processed by us for evaluation purposes, this is done without reference to the IP address, so that we can no longer establish a personal reference.

### **3. Cookies.**

In order to make our services and our website as User-friendly as possible and to enable the use of certain functions of the website, we use so-called Cookies. These are small text files that are stored on your terminal device by your browser. A text file of this type contains a characteristic character string that allows the browser to be uniquely identified when the website is accessed again. For example, Cookies can be used to automatically recognize certain website settings you have selected for your next visit. Some of the Cookies we use are required in order to provide you with the website (technically necessary Cookies). Other Cookies are used to analyse your usage behaviour (analysis Cookies) or for advertising purposes (advertising Cookies). Some of the Cookies we use are deleted after the end of a session, i.e. after closing your browser (session Cookies). Other Cookies remain on your terminal device and enable us to recognize your browser the next time you visit our website (persistent Cookies). You can set your browser in such a way that you are informed about the placing of Cookies and can decide individually about their acceptance or exclude the acceptance of Cookies for certain cases or generally. Please refer to your browser's help function for more information. Your browser also contains settings that prevent Cookies from being placed. As a user, you therefore have full control over the use of Cookies. By changing the settings in your browser, you can deactivate or restrict the transmission of cookies (and thus object to the creation of pseudonyms in accordance with § 15 Para. 3 TMG). Cookies that have already been saved can be deleted at any time. This can also be done automatically by setting your browser accordingly. Certain Cookies also offer further technical options (such as setting an "opt-out Cookie") in order to object to the use of the Cookie. Information on this can be found in the respective detailed description of the Cookie further down below. However, the functionality of our website may be limited if Cookies are prevented from being placed. In detail:

- 3.1 To enable the website to function properly, we use technically necessary Cookies, for example to store language settings and log-in information. The legal basis for the processing of technically necessary Cookies is Article 6 para. 1 sentence 1 letter f) GDPR. The functionality of our website is a legitimate interest.
- 3.2 We use analysis Cookies that allow us to track your use of our website, e.g. which third-party website you came from, which sub-pages of our website you visit and which links you clicked on and how often. The data collected about you in this way is pseudonymised by us through technical precautions. After pseudonymization, direct assignment of the data to the User is no longer possible. The data will not be stored together with other

personal data. The use of analysis Cookies serves to improve our website and the content offered there. By accepting our "Cookie banner", you consent to the processing of your personal data through analysis Cookies. These personal data are processed on the basis of Article 6 para. 1 sentence 1 letter a) GDPR. We use the following analysis Cookies:

- We use **Adobe Analytics**, a service of Adobe Systems Software Ireland Limited (4-6 Riverwalk Citywest Business Campus, Dublin 24, Republic of Ireland; "Adobe"). This service uses Cookies which are stored on your terminal device and which enable an analysis of your website usage. The information generated by the Cookie about your use of this website (including your IP address) will be transmitted to Adobe servers in Ireland, where it will be made anonymous and then transmitted to and stored on servers in the USA for further processing. Adobe uses this information to evaluate your use of the website for us, to compile reports on website activity for us and to provide other services relating to website and Internet use. Where required to do so by law, or where such information is processed on Adobe's behalf, such information may be transferred to third parties. Under no circumstances will your IP address be matched with other Adobe data. You may refuse the use of Cookies by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of this website. The data processing by Adobe can be contradicted at any time with effect for the future. You can find out more at <http://www.adobe.com/privacy/opt-out.html>.
- We also use **Google Analytics**, a web analysis service provided by Google Inc. (1600 Amphitheatre Parkway, Mountain View, CA 94043, USA; "Google"). Google Analytics also uses Cookies. The information generated by the Cookies about your use of this website is usually transferred to a Google server in the USA and stored there. However, prior to that Google will shorten your IP address within member states of the European Union or in other states party to the Agreement on the European Economic Area. Only in exceptional cases will the full IP address be transmitted to a Google server in the USA and shortened there. On our behalf, Google will use this information to evaluate your use of the website, to compile reports on website activity and to provide us with other services relating to website and Internet use. The IP address transmitted by your browser in the context of Google Analytics is not merged with other Google data. You may refuse the use of Cookies by selecting the appropriate settings on your browser. You can also prevent Google from collecting the data generated by the Cookies and relating to your use of the website (including your IP address) and from processing this data by Google by downloading and installing the browser plug-in available under the following link: <https://tools.google.com/dlpage/gaoptout?hl=en>.

3.3 For advertising purposes we use advertising Cookies of third parties. These Cookies enable us to tailor advertisements displayed in your browser to your interests on the basis of your browsing behavior.

- We use **Google AdWords with Google Conversion Tracking**. This is a service provided by Google Inc. (1600 Amphitheatre Parkway, Mountain View, CA 94043, USA; "Google"). Google AdWords is used to display DISH pages on Google in the advertising space area. When you access our website via a Google ad, Google Adwords places a cookie on your device ("Conversion Cookie"). This cookie expires after 30 days. It will not be used for

personal identification. If the cookie has not expired when you visit certain pages, we and Google can see that someone clicked on the ad and was directed to our site. Each AdWords customer receives a different cookie. As a result, cookies cannot be traced through the websites of AdWords customers. The information collected by the conversion cookie is used to generate conversion statistics for AdWords customers who have opted for conversion tracking. AdWords customers see the total number of users who clicked on their ad and were directed to a page with a conversion tracking tag. However, we will not receive any information that personally identifies you. If you do not wish to participate in the tracking process, you can decline to set a required cookie - for example, with a browser setting that generally disables the automatic setting of cookies. You can also deactivate cookies by setting your browser to block cookies from the "googleadservices.com" domain.

The data collected about you through advertising Cookies is pseudonymised by us through technical precautions. After pseudonymization, direct assignment of the data to the User is no longer possible. By accepting our "Cookie banner", you consent to the processing of your personal data through advertising Cookies. These personal data are processed on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.

#### **4. Registration for the DISH Platform and User Account; Use of Digital Tools.**

- 4.1 Accessing the DISH website (not DISH App) is initially possible without a User Account.
- 4.2 However, if you wish to use the full range of DISH Platform functions and access the Digital Tools and further Goods and Services of Providers (see in detail our Terms of Use), registration as a User is mandatory. Upon successful registration, a User Contract is concluded between you and DISH regarding the use of the DISH platform. To create a User Account and register as a User, you must first press the "Sign up here" button. From there you can proceed to the further steps of the registration process.
- 4.3 Registration requires the completion of an input mask. It is obligatory to provide the following information:
  - Your mobile number and a self-chosen password;
  - Your professional role in the company (e.g. owner, cook, waiter).
- 4.4 After filling in the input mask and clicking on the "Sign Up" button, your IP address and the time of registration will be saved. The provision of the following information in the next step is optional:
  - First and last name;
  - email address;
  - Name of your restaurant;
  - METRO-/MAKRO ID (see Section 4.13);
  - VAT number.

- 4.5 After clicking on the "Sign Up" button, you will receive a sms from us to the mobile number you have provided. The sms will contain a code. To confirm the registration, you have to confirm the registration by entering this code in the registration form. Your IP address and the time of registration confirmation will then be saved.
- 4.6 The User Account has a self-administration option. You can therefore change the data you entered during registration at any time in the "Profile" section.
- 4.7 By default, your user profile is visible to other DISH users. You may therefore be found by other users via the search function of the DISH platform if they search for publicly accessible profile information. Other users can also see which events you have registered for via the DISH Platform. The self-administration option of the user account allows you to determine at any time whether and to what extent your user profile should continue to be visible to other users of the DISH Platform. The decision as to which information you wish to make accessible to other users on your profile page is therefore entirely up to you. You can set your profile page to "Private" at any time so that other users cannot find you in the search or receive any other information.
- 4.8 You may publish articles in forums on the DISH Platform. These articles can be viewed by all Users. Furthermore, there is the possibility to publish articles in groups that are only accessible to a certain circle of Users. In this case, your article is only visible to these Users.
- 4.9 If you have created a User Account and use the DISH Platform, we will also process and store the following data in connection with your User Account:
- Information on which Digital Tools of which Providers you use and which Goods and Services you have acquired;
  - Information on the events you have registered for and in which events you took part.
- 4.10 We also process your data in order to send you contract-relevant information by sms, e-mail or by post (Notifications) When using the DISH App the application will separately ask for permissions for use of IOS: contacts, photos and camera; Android: contacts, camera, storage and SMS – phone state.
- 4.11 If you register for one of the Digital Tools or acquire a Good or Service offered via the DISH Platform, the privacy policy of the respective Provider applies to the processing of your personal data when using the Digital Tool, Good or Service. DISH does not receive any information about the content and scope of your use of the Digital Tool, Good or Service. However, DISH receives the information if you are using a specific Digital Tool, Good or Service from a Provider. This is particularly useful in order to provide you with recommendations on other Digital Tools, Good or Services of interest to you, for example because they have similar or complementary functions to the Digital Tool, Goods or Services you are using. This serves our legitimate interest in improving the User experience and providing you with the right Digital Tools, Goods or Services. The legal basis in this respect is Article 6 para. 1 letter f) GDPR. Some Providers do not offer their services directly on the DISH Platform. In this case, however, you have the option of

entering your contact details on the DISH Platform, which will then be passed on by DISH to the respective Provider. This is only done with your consent. In this respect, your personal data will be transferred on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.

- 4.12 We use the "Eventbrite" platform, operated by Eventbrite, Inc., a Delaware based company, 155 5th Street, Floor 7, San Francisco, CA 94103, USA, to invite you to selected events. For more information about Eventbrite, please visit [www.eventbrite.com](http://www.eventbrite.com). Information on how Eventbrite processes personal data can be found in Eventbrite's privacy policy. Apart from that, we only provide information on where and when an event takes place. Registration will then take place on the website of the respective event organizer.
- 4.13 You can enter your METRO/MAKRO customer card number on the DISH Platform if you are a METRO/MAKRO customer. If you provide us with this customer card number, we will send the information as to whether you are using a specific Digital Tool to the METRO/MAKRO company with which you are a customer. An overview of the METRO/MAKRO companies is available on request. The METRO/MAKRO company will use this information to assist you in using the Digital Tool at your request and to improve your customer experience and customer service. The METRO/MAKRO company does not receive any further data from us. The data will not be transmitted to METRO/MAKRO companies for which you are not a customer. Information on how your METRO/MAKRO company processes personal data is contained in the data protection information of the respective company. In this respect, your personal data will be transferred on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.
- 4.14 If you have registered on the DISH Platform but are not a METRO-/MAKRO customer, you can inform us that you are interested in becoming a METRO-/MAKRO customer. In this case, we will forward your personal data requested in the corresponding input mask to the METRO-/MAKRO company in your country of residence. Your METRO-/MAKRO company will then contact you by phone to discuss the further process with you. In this respect, your personal data will be transferred on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.
- 4.15 You may use your DISH login data (mobile number and password) to log in for Digital Tools you use (Single-Sign-On), although Single-Sign-On is not available for all Digital Tools. With Single-Sign-On, it is no longer necessary to select separate login data for each individual Digital Tool. The Provider of a Digital Tool only receives from DISH the data required to provide the Single-Sign-On. DISH does not receive any further information from the Provider as to how you use the Digital Tool. Also, the Provider will not receive any information from DISH on how you use DISH.
- 4.16 When you visit the DISH platform as a registered User and your login is active, we communicate your internally assigned User ID to certain Providers. These Providers can then display personalized notices on the DISH Platform through so-called inline frames or advertising containers. These personalized notices can contain information about Digital Tools that you are already using or can draw your attention to Digital Tools that might be

of interest to you. Some of the recommendations are based on your previous use of the DISH Platform.

- 4.17 The data collected in connection with your User Account will be stored by us until the User Contract between you and us is terminated (see our terms of use in detail). After termination of the User Contract your customer account will be deleted automatically. If we are legally obliged to keep certain data collected in connection with your User Account even after termination of the User Contract, we will only delete this data as soon as the retention periods have expired.
- 4.18 The processing of data in connection with your User Account serves the performance of the User Contract between you and DISH. The legal basis is Article 6 para. 1 sentence 1 letter. b) GDPR. We also use this data to analyze your usage behavior. This enables us to determine which Digital Tools or events are of particular interest to you. The analysis of your usage behaviour can lead to you receiving personalised advertising messages from us if you have given your consent or if this is permitted under the legal requirements (see the following section 5 of this data protection declaration). This serves to improve our services. In this respect, the legal basis is Article 6 para. 1 sentence 1 letter f) GDPR.

## **5. Newsletter and E-Mail/PushMarketing.**

- 5.1 You can subscribe to our free newsletter on our website by filling out the registration form provided there. If you fill out the registration form, after clicking on "Subscribe to newsletter now" and agree to this Privacy Policy, you will receive an e-mail from us to the e-mail address you have provided. Your IP address and the time of registration will also be saved. You will also receive the newsletter if you agree to receive electronic advertising when registering or when managing your user Account.
- 5.2 To complete the newsletter subscription, you must click on the link "Confirm newsletter subscription" in the confirmation e-mail sent by us. Your IP address and the time of registration confirmation will then be saved.
- 5.3 After registration we will then inform you regularly by e-mail, via push notifications (DISH App) and/or SMS about current offers, products and promotions. This marketing communication might also contain offers, products and promotions which have been provided to us by our Marketing Partners from the digitization and hospitality industry. However, your e-mail address, mobile number or other personal information will not be transferred to our Marketing Partners in this context. The personal data collected during registration will only be used for the purpose of sending newsletters/push notifications to your e-mail/SMS address and will only be processed if you have given your consent to this data processing. Processing is carried out on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.
- 5.4 Under the conditions of Section 7 para. 3 of the German Act Against Unfair Competition (UWG), we also use your mobile number, which you provided to us when registering for a User Account, for purposes of electronic advertising. You can object to the use of your mobile number at any time by sending an e-mail to [privacy@dish.co](mailto:privacy@dish.co). There are no other costs for the revocation than the transmission costs according to the basic tariffs.

- 5.5 Links in our e-mails contain tracking information that enables us to determine which links were of particular interest to you and when you clicked on them. The following data is stored via the tracking link: e-mail address, newsletter, link, date and time of opening. This serves our legitimate interest in improving our advertising. The processing of your personal data for these purposes is based on Article 6 para. 1 sentence 1 letter f) GDPR.
- 5.6 Where personal data are processed for the purposes of direct marketing, you have the right to object to such processing, including profiling to the extent that it is related to such direct marketing, whether with regard to initial or further processing, at any time and free of charge.
- 5.7 If you do not wish to receive any more marketing communications as described in this section from us, you can deactivate this service at any time. Regarding e-mails, please see Section 5.4 on how to deactivate this service. If you do not want to receive push notifications via the DISH App anymore, you may reactive this in the general settings of the DISH App. If you do not want to receive SMS notifications anymore, please write an e-mail to [privacy@dish.co](mailto:privacy@dish.co).

## **6. Contact.**

You can contact us through various channels:

- 6.1 You can use the contact form on our website to contact us for a request. The personal data you enter in the contact form (your first and last name, your e-mail address and details of the nature of your request are required) will only be processed for the purpose of responding to your enquiry and only if you have clicked on the "Send" button. Your IP address and the time of sending your request will also be stored. Processing is carried out on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.
- 6.2 You can also contact us by telephone or e-mail. In this respect, too, only the personal data required to respond to your enquiry will be processed. Processing is carried out on the basis of Article 6 para. 1 sentence 1 letter a) GDPR.
- 6.3 You can object to the storage of your data at any time, for example by e-mail to [privacy@dish.co](mailto:privacy@dish.co). In this case, however, further processing of your request is not possible. Furthermore, the revocation has no effect on the legality of the processing of your data until then.

## **7. Social Media.**

7.1 We use social plugins from the following social networks:

- Facebook; Instagram (operated by: Facebook Inc., 1601 S. California Ave, Palo Alto, CA 94304, USA and Facebook Ireland Limited, 4 Grand Canal Square, Dublin 2, Ireland);
- Twitter (operator: Twitter Inc., 795 Folsom St., Suite 600, San Francisco, CA 94107, USA);
- Youtube (operated by: Google Inc, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA).



- 7.2 To protect your personal data, we use the so-called "two-click solution", which ensures that the data transfer via the social plugins to the corresponding operator of the social network only takes place after you have activated the social plugin beforehand. Social plugins are initially disabled and do not connect to social networking sites without activation. If you activate one of these plugins, you agree that your personal data described in this section will be transferred to the social network. In this case, the transfer of personal data is based on Article 6 paragraph 1 sentence 1 letter a) GDPR.
- 7.3 If you activate the deactivated social plugins by default, a connection to the servers of the social network is established. Each social plugin then transfers data to the respective social network. We have no influence on the amount of data that the respective social network collects with the help of the social plugin. As far as we know, social networks receive information about which of our websites you have visited currently and earlier. With each activated social plugin, a Cookie with a unique identifier is set each time the respective website is accessed. In this way, the social network can create a profile of your usage behavior. It cannot be ruled out that such a profile can be assigned to you, even if you log on to the social network for the first time at a later time.
- 7.4 If you are already logged into a social network when you visit our websites, the operator of this social network can assign the visit to your personal account as soon as you activate the social plug-ins. When using social plugin functions (e.g. "Like" button, comment or "Tweets"), the information is transmitted directly from your browser to the corresponding social network and stored there. The same applies to calling up a website of a social network by clicking on the corresponding icon button.
- 7.5 If you are not a member of a social network, social networks may obtain and store your IP address and information about the browser and operating system you are using even after you activate the social plug-ins. The scope and purpose of the collection, processing and use of data by social networks as well as information on rights and setting options for the protection of your privacy can be found in the data protection information of the respective social network.
- 7.6 Our website also contains simple links to Facebook, YouTube and Twitter. In this case a data transfer to the mentioned social networks only takes place if the corresponding icon button (e.g. the "f" of Facebook or the bird symbol of Twitter) is clicked. Clicking on such a button opens a page of the corresponding social network in a popup window.

## 8. Payment.

- 8.1 Payments can be made by advance payment, credit card (Visa, MasterCard, American Express), Maestro, instant bank transfer, direct debit and PayPal. For the processing of payments from Users to Providers for the use of Digital Tools, DISH has commissioned Wirecard AG, Einsteinring 35, 85609 Aschheim and Stripe Payments Europe Ltd., The One Building, 1 Grand Canal Street Lower, Dublin 2, Ireland (each a "**Payment Service Provider**"). The Payment Service Provider accepts the payments of the Users for the Provider on a dedicated account at a credit institution and pays out the funds from the sale of Digital Tools, Goods or Services to the Provider.

- 8.2 The data that you enter for the purpose of payment in the checkout process will be processed in the context of payment processing and, if necessary, passed on to third parties, in particular the Payment Service Providers. This processing is carried out legally on the basis of Article 6 para 1 sentence 1 letter a), b) and f) GDPR. The privacy notices of the Payment Service Providers contain further information.
- 8.3 When paying via **Paypal**, we will pass on the collected information about the transaction, such as the purchase price sent or requested, the amount paid for Digital Tools, Goods or Services, Provider information, including details of payment instruments used for the transaction, device information, technical usage data and location data to PayPal (Europe) S.à r.l. et Cie, S.C.A., 22-24 Boulevard Royal, L-2449 Luxembourg, e-mail: [impressum@paypal.com](mailto:impressum@paypal.com) This requires that you have created an account there or have agreed to the processing of your personal data there as a guest. This processing is carried out legally on the basis of Article 6 para 1 sentence 1 letter a), b) and f) GDPR Please also read Paypal (Europe) S.à r.l. et Cie, S.C.A's privacy policy.
- 8.4 When paying by credit card, you must enter your credit card number, the expiry date and, if applicable, the CVC number of your credit card in the corresponding input fields of the input window provided. This is a plug-in of the respective Payment Service Provider. DISH has no access to this data. The data will also be forwarded to your credit card company as part of the payment process. The processing of payment data is necessary for the processing of payments on our website. It serves the performance of the contract with the User. The legal basis for data processing is Article 6 para 1 sentence 1 letter b) GDPR.
- 8.5 In the case of payment by direct debit or instant bank transfer, the data that you provide during the transfer process at your account-holding bank will be processed.
- 8.6 The data will be deleted as soon as they are no longer necessary to achieve the purpose for which they were collected. With regard to data collected for the performance of a contract, this is the case when the data is no longer required for the execution of the contract. Even after termination of the contract, it may be necessary to store the User's personal data in order to comply with contractual or statutory obligations, such as those arising, for example, from the limitation periods for warranty claims or from tax law obligations to retain data.

## **9. Transfer of Personal Data to Third Parties.**

- 9.1 In order to enable you to register for Digital Tools, to acquire Goods or Services of Providers via DISH (see in detail our Terms of Use) it is necessary that we pass on your personal data required to carry out the registration to the respective Provider. DISH only acts as an intermediary between you and the Provider. For the processing of personal data carried out by the Provider, the Provider's privacy policy applies. Legal basis for passing on personal data to the Provider in this respect is Article 6 para. 1 sentence 1 letter b) GDPR, since the mediation of contracts between User and Provider is part of the contract between the User and DISH.
- 9.2 To process personal data, we use service Providers with whom we have concluded an agreement for order processing in accordance with the legal requirements of Article 28

GDPR, provided that they act as processors. Such service Providers support us, for example, in sending e-mails or in the technical operation and hosting of the website. These service Providers can be based both inside and outside the European Union or the European Economic Area. Through contractual agreements with the service Providers, we ensure that these personal data are processed in accordance with the requirements of the GDPR, even if the data processing takes place outside the European Union or the European Economic Area in countries where an appropriate level of data protection is otherwise not guaranteed and for which no adequacy decision of the European Commission exists. For further information on the existence of a European Commission adequacy decision and appropriate guarantees and to obtain a copy of these guarantees, please contact our Data Protection Officer at [privacy@dish.co](mailto:privacy@dish.co).

- 9.3 If necessary to find out if the DISH Platform has been abused and a legal prosecution might be necessary or a legal obligation for disclosure exists, personal data are passed on to authorities (in particular prosecution authorities and tax authorities), our legal defense as well as, if necessary, to damaged third parties. A disclosure may also take place if this serves to enforce our Terms of Use or other agreements or is required by a legal or official order or a court order. The legal basis for processing is Article. 6 para. 1 sentence 1 letter f) GDPR, for example if the disclosure is necessary for a legal dispute, or Article 6 para. 1 sentence 1 letter c) GDPR, insofar as a statutory obligation exists. The data will be deleted as soon as they are no longer necessary to achieve the purpose for which they were collected.

## **10. Data Security.**

We use technical and organisational measures to ensure that User's personal data are protected against loss, incorrect changes or unauthorised access by third parties. To ensure secure data transmission, the transmission of data is done exclusively via "Secure Socket Layer (SSL)".

## **11. Your Rights.**

As a data subject within the meaning of the GDPR, you are entitled to the following rights:

- The right to obtain information on data processing and a copy of the data processed (right of access, Article 15 GDPR),
- the right to request the rectification of inaccurate data or the completion of incomplete data (right of rectification, Article 16 GDPR),
- the right to request the deletion of personal data and, if the personal data have been published, the information to other data controllers on the request for deletion (right of erasure, Article 17 GDPR),
- the right to request the restriction of data processing (right to restriction of processing, Art. 18 GDPR),
- the right to receive personal data in a structured, commonly used and machine-readable format and to request the transfer of such data to another controller (right to data portability, Article 20 GDPR),
- the right to object to data processing in order to prevent it (right of objection, Article 21 GDPR),

- the right to withdraw your consent at any time in order to prevent the processing of data based on your consent. The withdrawal has no influence on the legality of the processing on the basis of the consent before the withdrawal (right of revocation, Article 7 GDPR) as well as
- the right to object to certain data processing measures (Article 21 GDPR).

You also have the right to lodge a complaint with a supervisory authority if you believe that data processing infringes the GDPR (right of appeal to a supervisory authority, Article 77 GDPR).

## **12. Additional Privacy for DISH App.**

### **12.1 What data will be transferred to the App Store when you download the App?**

When you download the App, the information necessary for this shall be transferred to the respective App Store, i.e. in particular your user name, your email address, the customer details relating to your account, the time of the downloading, any payment information and the individual identifiers of your terminal device. However, we have no influence over this data processing and are not responsible for it. In this respect, only the data protection policy for use of the respective App Store, which you can access there, shall be applicable.

### **12.2 What data will be gathered by DISH when you download the app?**

No personal data shall be gathered by DISH or be transmitted by the respective App Store to DISH merely as a result of downloading of the App from the respective App Store to your smartphone. No data shall be gathered by DISH or transmitted to DISH before the App is first used.

### **12.3 What data from you will be processed when you use the App?**

Regardless of whether you log into the country-specific features of the App with your customer details, certain data will need to be gathered when you use the App so that it is technically possible to provide the App service to you. This concerns the following data or data processing activities:

- the language set on the device

These data are processed for the App language preselection and country selection in the App.

The processing of these data shall take place on the legal basis of Art. 6 (1), sentence 1, letter b GDPR in order to enable you to use the App.

### **12.4 What data will DISH process on the basis of your consent?**

If you have declared your consent hereto by setting the DISH App accordingly or by means of the system settings of your terminal device, the App shall access the following data in order to be able to display individual services of the App (e.g. camera-based scanning of cards) or to optimize these services:

- camera data (for scanning barcodes and adding images to profile pictures, adding establishment graphics)
- images from your terminal device's picture gallery (for adding images to profile pictures, adding establishment graphics)
- phone contacts of your address book (for adding members of your team to your DISH team)

Subject to your consent, we may additionally send you customized messages to the lock screen (push messages). In this respect, we shall use the device ID in order to be able to send the messages.

You shall not be obliged to give your consent. However, we shall not use these data if you do not give your consent. You may then be unable to use all features of our App.

The legal basis of this processing lies in Art. 6 (1), sentence 1, letter a GDPR insofar as you have given us your consent. You may revoke this consent at any time by means of the corresponding settings in the App or in the system settings of your terminal device.

#### **12.5 Are there further purposes of data processing?**

Beyond the foregoing, we may, insofar as necessary, also possibly process your data for the following purposes:

- for compliance with statutory obligations and
- for enforcing legal claims and for clearing up and preventing criminal offences.

The legal basis for this processing lies in Art. 6 (1), sentence 1, letter c GDPR insofar as this is necessary for compliance with a legal obligation concerning us, and in Art. 6 (1), sentence 1, letter f GDPR in cases where we enforce legal claims; our legitimate interest lies in legally asserting our claims or defending ourselves in the event of legal disputes or clearing up or preventing criminal offence or breaches of our terms of use or in protecting us and our users.

#### **12.6 To whom will data gathered from you be transmitted?**

Beyond the transmission of data to service providers as outlined above, we shall transmit your data to third parties only if such transmission is necessary for legal reasons in order to meet the requirements of judicial or official proceedings or conform to the statutory provisions.

The legal basis of this transmission lies in Art. 6 (1), sentence 1, letter c GDPR for compliance with a legal obligation applicable to us.

#### **12.7 For how long will your data be stored?**

Your device ID shall be used only as long as the App is being used. Your country selection shall be stored locally on your terminal device only as long as you have the App installed. The system language retrieved by us for the country preselection shall not be stored. The duration of storage of other data used in the context of the customer account shall be governed by the data protection

statement presented to you when you registered as a customer beforehand.

#### **12.8 How can you monitor the use of your data?**

You may revoke at any time with effect for the future any consent that you have given us. You can do so by contacting the contacts laid down in this Data Protection Statement or - insofar as your smartphone has this technical capability - by means of direct settings in your terminal device offering such capabilities.