

## **PRIVACY POLICY – TOPLITZ PRODUCTIONS GMBH**

**Last updated: 2022-04-07**

### **1. An overview of data protection**

#### General information

The following information will provide you with an easy to navigate overview of what will happen with your personal data when you visit our website. The term “personal data” comprises all data that can be used to personally identify you. For detailed information about the subject matter of data protection, please read carefully the following privacy policy.

#### Data recording on this website

Who is the responsible party for the recording of data on this website (i.e., the “controller”)?

The data on this website is processed by the operator of the website, whose contact information is available under section “Information about the responsible party (referred to as the “controller” in the GDPR)” in this Privacy Policy.

#### How do we record your data?

We collect your data as a result of your sharing of your data with us. This may, for instance be information you enter into our contact form.

Other data shall be recorded by our IT systems automatically or after you consent to its recording during your website visit. This data comprises primarily technical information (e.g., web browser, operating system, or time the site was accessed). This information is recorded automatically when you access this website.

#### What are the purposes we use your data for?

A portion of the information is generated to guarantee the error free provision of the website. Other data may be used to analyze your user patterns.

#### What rights do you have as far as your information is concerned?

You have the right to receive information about the source, recipients, and purposes of your archived personal data at any time without having to pay a fee for such disclosures. You also have the right to demand that your data are rectified or eradicated. If you have consented to data processing, you have the option to revoke this consent at any time, which shall affect all future data processing. Moreover, you have the right to demand that the processing of your data be restricted under certain circumstances. Furthermore, you have the right to log a complaint with the competent supervising agency.

Please do not hesitate to contact us at any time if you have questions about this or any other data protection related issues.

#### Analysis tools and tools provided by third parties

There is a possibility that your browsing patterns will be statistically analyzed when you visit this website. Such analyses are performed primarily with what we refer to as analysis programs.

For detailed information about these analysis programs please read section 5.

## **2. Hosting**

This website is hosted by an external service provider (host). Personal data collected on this website are stored on the servers of the host. These may include, but are not limited to, IP addresses, contact requests, metadata and communications, contract information, contact information, names, web page access, and other data generated through a web site.

The host is used for the purpose of fulfilling the contract with our potential and existing customers (Art. 6(1)(b) GDPR) and in the interest of secure, fast, and efficient provision of our online services by a professional provider (Art. 6(1)(f) GDPR). If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6 (1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

Our host will only process your data to the extent necessary to fulfil its performance obligations and to follow our instructions with respect to such data.

We are using the following host:

IONOS SE  
Elgendorfer Str. 57  
56410 Montabaur  
Germany

We have concluded a data processing agreement (DPA) with the above-mentioned provider. This is a contract mandated by data privacy laws that guarantees that they process personal data of our website visitors only based on our instructions and in compliance with the GDPR.

## **3. General Information for the data processing on this website**

Controller

The operators of this website and its pages take the protection of your personal data very seriously. Hence, we handle your personal data as confidential information and in compliance with the statutory data protection regulations and this Data Protection Declaration.

Whenever you use this website, a variety of personal information will be collected. Personal data comprises data that can be used to personally identify you. This Data Protection Declaration explains which data we collect as well as the purposes we use this data for. It also explains how, and for which purpose the information is collected.

We herewith advise you that the transmission of data via the Internet (i.e., through e-mail communications) may be prone to security gaps. It is not possible to completely protect data against third-party access.

Information about the responsible party (referred to as the “controller” in the GDPR)

The data processing controller on this website is:

Toplitz Productions GmbH  
Raiffeisenallee 5  
82041 Oberhaching  
Germany

Managing Director: Matthias Wünsche

Phone: +49-89-32791970

E-mail: [info@toplitz-productions.com](mailto:info@toplitz-productions.com)

The controller is the natural person or legal entity that single-handedly or jointly with others makes decisions as to the purposes of and resources for the processing of personal data (e.g., names, e-mail addresses, etc.).

#### Storage duration

Unless a more specific storage period has been specified in this privacy policy, your personal data will remain with us until the purpose for which it was collected no longer applies. If you assert a justified request for deletion or revoke your consent to data processing, your data will be deleted, unless we have other legally permissible reasons for storing your personal data (e.g., tax or commercial law retention periods); in the latter case, the deletion will take place after these reasons cease to apply.

#### General information on the legal basis for the data processing on this website

If you have consented to data processing, we process your personal data on the basis of Art. 6(1)(a) GDPR or Art. 9 (2)(a) GDPR, if special categories of data are processed according to Art. 9 (1) DSGVO. In the case of explicit consent to the transfer of personal data to third countries, the data processing is also based on Art. 49 (1)(a) GDPR. If you have consented to the storage of cookies or to the access to information in your end device (e.g., via device fingerprinting), the data processing is additionally based on § 25 (1) TTDSG. The consent can be revoked at any time. If your data is required for the fulfillment of a contract or for the implementation of pre-contractual measures, we process your data on the basis of Art. 6(1)(b) GDPR. Furthermore, if your data is required for the fulfillment of a legal obligation, we process it on the basis of Art. 6(1)(c) GDPR. Furthermore, the data processing may be carried out on the basis of our legitimate interest according to Art. 6(1)(f) GDPR. Information on the relevant legal basis in each individual case is provided in the following paragraphs of this privacy policy.

#### Information on data transfer to the USA and other non-EU countries

Among other things, we use tools of companies domiciled in the United States or other from a data protection perspective non-secure non-EU countries. If these tools are active, your personal data may potentially be transferred to these non-EU countries and may be processed there. We must point out that in these countries, a data protection level that is comparable to that in the EU cannot be guaranteed. For instance, U.S. enterprises are under a mandate to release personal data to the security agencies and you as the data subject do not have any litigation options to defend yourself in court. Hence, it cannot be ruled out that U.S. agencies

(e.g., the Secret Service) may process, analyze, and permanently archive your personal data for surveillance purposes. We have no control over these processing activities.

#### SSL and/or TLS encryption

For security reasons and to protect the transmission of confidential content, such as purchase orders or inquiries you submit to us as the website operator, this website uses either an SSL or a TLS encryption program. You can recognize an encrypted connection by checking whether the address line of the browser switches from “http://” to “https://” and also by the appearance of the lock icon in the browser line.

If the SSL or TLS encryption is activated, data you transmit to us cannot be read by third parties.

#### **4. User Rights**

To enforce your rights, please use the contact details listed in section 3 under “Controller”.

##### Revocation of your consent to the processing of data

A wide range of data processing transactions are possible only subject to your express consent. You can also revoke at any time any consent you have already given us. This shall be without prejudice to the lawfulness of any data collection that occurred prior to your revocation.

Right to object to the collection of data in special cases; right to object to direct advertising (Art. 21 GDPR)

IN THE EVENT THAT DATA ARE PROCESSED ON THE BASIS OF ART. 6(1)(E) OR (F) GDPR, YOU HAVE THE RIGHT TO AT ANY TIME OBJECT TO THE PROCESSING OF YOUR PERSONAL DATA BASED ON GROUNDS ARISING FROM YOUR UNIQUE SITUATION. THIS ALSO APPLIES TO ANY PROFILING BASED ON THESE PROVISIONS. TO DETERMINE THE LEGAL BASIS, ON WHICH ANY PROCESSING OF DATA IS BASED, PLEASE CONSULT THIS PRIVACY POLICY. IF YOU LOG AN OBJECTION, WE WILL NO LONGER PROCESS YOUR AFFECTED PERSONAL DATA, UNLESS WE ARE IN A POSITION TO PRESENT COMPELLING PROTECTION WORTHY GROUNDS FOR THE PROCESSING OF YOUR DATA, THAT OUTWEIGH YOUR INTERESTS, RIGHTS AND FREEDOMS OR IF THE PURPOSE OF THE PROCESSING IS THE CLAIMING, EXERCISING OR DEFENCE OF LEGAL ENTITLEMENTS (OBJECTION PURSUANT TO ART. 21(1) GDPR).

IF YOUR PERSONAL DATA IS BEING PROCESSED IN ORDER TO ENGAGE IN DIRECT ADVERTISING, YOU HAVE THE RIGHT TO OBJECT TO THE PROCESSING OF YOUR AFFECTED PERSONAL DATA FOR THE PURPOSES OF SUCH ADVERTISING AT ANY TIME. THIS ALSO APPLIES TO PROFILING TO THE EXTENT THAT IT IS AFFILIATED WITH SUCH DIRECT ADVERTISING. IF YOU OBJECT, YOUR PERSONAL DATA WILL SUBSEQUENTLY NO LONGER BE USED FOR DIRECT ADVERTISING PURPOSES (OBJECTION PURSUANT TO ART. 21(2) GDPR).

##### Right to log a complaint with the competent supervisory agency

You have the right to lodge a complaint with a supervisory authority. You can appeal to the supervisory authority which is responsible for your place of residence or your state of residency or to the supervisory authority responsible for us. This is: Bayerisches Landesamt für Datenschutzaufsicht (BayLDA), Promenade 27, 91522 Ansbach, Tel: +49 (0) 981 53 1300, Fax: +49 (0) 981 53 98 1300, E-Mail: [poststelle@lda.bayern.de](mailto:poststelle@lda.bayern.de).

## Right to data portability

You have the right to demand that we hand over any data we automatically process on the basis of your consent or in order to fulfil a contract be handed over to you or a third party in a commonly used, machine readable format. If you should demand the direct transfer of the data to another controller, this will be done only if it is technically feasible.

## Right to demand processing restrictions

You have the right to demand the imposition of restrictions as far as the processing of your personal data is concerned. To do so, you may contact us at any time. The right to demand restriction of processing applies in the following cases:

In the event that you should dispute the correctness of your data archived by us, we will usually need some time to verify this claim. During the time that this investigation is ongoing, you have the right to demand that we restrict the processing of your personal data.

If the processing of your personal data was/is conducted in an unlawful manner, you have the option to demand the restriction of the processing of your data in lieu of demanding the eradication of this data.

If we do not need your personal data any longer and you need it to exercise, defend or claim legal entitlements, you have the right to demand the restriction of the processing of your personal data instead of its eradication.

If you have raised an objection pursuant to Art. 21(1) GDPR, your rights and our rights will have to be weighed against each other. As long as it has not been determined whose interests prevail, you have the right to demand a restriction of the processing of your personal data.

If you have restricted the processing of your personal data, these data – with the exception of their archiving – may be processed only subject to your consent or to claim, exercise or defend legal entitlements or to protect the rights of other natural persons or legal entities or for important public interest reasons cited by the European Union or a member state of the EU.

## **4. Recording of data on this website**

### Cookies

Our websites and pages use what the industry refers to as “cookies.” Cookies are small text files that do not cause any damage to your device. They are either stored temporarily for the duration of a session (session cookies) or they are permanently archived on your device (permanent cookies). Session cookies are automatically deleted once you terminate your visit. Permanent cookies remain archived on your device until you actively delete them, or they are automatically eradicated by your web browser.

In some cases, it is possible that third-party cookies are stored on your device once you enter our site (third-party cookies). These cookies enable you or us to take advantage of certain services offered by the third party (e.g., cookies for the processing of payment services).

Cookies have a variety of functions. Many cookies are technically essential since certain website functions would not work in the absence of the cookies (e.g., the shopping cart function or the

display of videos). The purpose of other cookies may be the analysis of user patterns or the display of promotional messages.

Cookies, which are required for the performance of electronic communication transactions, or for the provision of certain functions you want to use (e.g., for a shopping cart function) or those that are necessary for the optimization (required cookies) of the website (e.g., cookies that provide measurable insights into the web audience), shall be stored on the basis of Art. 6(1)(f) GDPR, unless a different legal basis is cited. The operator of the website has a legitimate interest in the storage of required cookies to ensure the technically error free and optimized provision of the operator's services. If your consent to the storage of the cookies and similar recognition technologies has been requested, processing occurs exclusively on the basis of the consent obtained (Art. 6(1)(a) GDPR and § 25 (1) TTDSG); this consent may be revoked at any time.

You have the option to set up your browser in such a manner that you will be notified any time cookies are placed and to permit the acceptance of cookies only in specific cases. You may also exclude the acceptance of cookies in certain cases or in general or activate the delete function for the automatic eradication of cookies when the browser closes. If cookies are deactivated, the functions of this website may be limited.

In the event that third-party cookies are used or if cookies are used for analytical purposes, we will separately notify you in conjunction with this Privacy Policy and, if applicable, ask for your consent.

#### Consent with Cookie Notice [&] Compliance

Our website uses the consent technology of Cookie Notice [&] Compliance for GDPR to obtain your consent for the archiving of certain cookies on your device or for the use of certain technologies and for the data protection compliant documentation of the former.

Cookie Notice [&] Compliance for GDPR is installed locally on our servers so that a connection with third party servers does not occur. Cookie Notice [&] Compliance for GDPR stores a cookie in your browser to be able to allocate the granted consent and their revocation to you. The cookie stays active for 1 month. Your data is stored until you ask us to delete it, delete the consent cookie yourself or the purpose of data archiving is no longer valid. This does not affect mandatory statutory retention periods.

Cookie Notice [&] Compliance for GDPR is being used to obtain the consent for the use of cookies required by law. The legal basis is Art. 6(1)(c) GDPR.

#### Server log files

The provider of this website and its pages automatically collects and stores information in so-called server log files, which your browser communicates to us automatically. The information comprises:

- The type and version of browser used
- The used operating system
- Referrer URL
- The hostname of the accessing computer

- The time of the server inquiry
- The IP address

This data is not merged with other data sources.

This data is recorded on the basis of Art. 6(1)(f) GDPR. The operator of the website has a legitimate interest in the technically error free depiction and the optimization of the operator's website. In order to achieve this, server log files must be recorded.

#### Contact form

If you submit inquiries to us via our contact form, the information provided in the contact form as well as any contact information provided therein will be stored by us in order to handle your inquiry and in the event that we have further questions. We will not share this information without your consent.

The processing of these data is based on Art. 6(1)(b) GDPR, if your request is related to the execution of a contract or if it is necessary to carry out pre-contractual measures. In all other cases the processing is based on our legitimate interest in the effective processing of the requests addressed to us (Art. 6(1)(f) GDPR) or on your agreement (Art. 6(1)(a) GDPR) if this has been requested; the consent can be revoked at any time.

The information you have entered into the contact form shall remain with us until you ask us to eradicate the data, revoke your consent to the archiving of data or if the purpose for which the information is being archived no longer exists (e.g., after we have concluded our response to your inquiry). This shall be without prejudice to any mandatory legal provisions, in particular retention periods.

#### Request by e-mail, telephone, or fax

If you contact us by e-mail, telephone or fax, your request, including all resulting personal data (name, request) will be stored and processed by us for the purpose of processing your request. We do not pass these data on without your consent.

These data are processed on the basis of Art. 6(1)(b) GDPR if your inquiry is related to the fulfillment of a contract or is required for the performance of pre-contractual measures. In all other cases, the data are processed on the basis of our legitimate interest in the effective handling of inquiries submitted to us (Art. 6(1)(f) GDPR) or on the basis of your consent (Art. 6(1)(a) GDPR) if it has been obtained; the consent can be revoked at any time.

The data sent by you to us via contact requests remain with us until you request us to delete, revoke your consent to the storage or the purpose for the data storage lapses (e.g. after completion of your request). Mandatory statutory provisions - in particular statutory retention periods - remain unaffected.

### **5. Analysis tools and advertising**

#### Google Tag Manager

We use the Google Tag Manager. The provider is Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland

The Google Tag Manager is a tool that allows us to integrate tracking or statistical tools and other technologies on our website. The Google Tag Manager itself does not create any user profiles, does not store cookies, and does not carry out any independent analyses. It only manages and runs the tools integrated via it. However, the Google Tag Manager does collect your IP address, which may also be transferred to Google's parent company in the United States.

The Google Tag Manager is used on the basis of Art. 6(1)(f) GDPR. The website operator has a legitimate interest in the quick and uncomplicated integration and administration of various tools on his website. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

### Google Analytics

This website uses functions of the web analysis service Google Analytics. The provider of this service is Google Ireland Limited ("Google"), Gordon House, Barrow Street, Dublin 4, Ireland.

Google Analytics enables the website operator to analyze the behavior patterns of website visitors. To that end, the website operator receives a variety of user data, such as pages accessed, time spent on the page, the utilized operating system and the user's origin. This data is assigned to the respective end device of the user. An assignment to a device-ID does not take place.

Google Analytics uses technologies that make the recognition of the user for the purpose of analyzing the user behavior patterns (e.g., cookies or device fingerprinting). The website use information recorded by Google is, as a rule transferred to a Google server in the United States, where it is stored.

The use of these services occurs on the basis of your consent pursuant to Art. 6(1)(a) GDPR and § 25(1) TTDSG. You may revoke your consent at any time.

Data transmission to the US is based on the Standard Contractual Clauses (SCC) of the European Commission. Details can be found here:  
<https://privacy.google.com/businesses/controllerterms/mccs/>.

### IP anonymization

On this website, we have activated the IP anonymization function. As a result, your IP address will be abbreviated by Google within the member states of the European Union or in other states that have ratified the Convention on the European Economic Area prior to its transmission to the United States. The full IP address will be transmitted to one of Google's servers in the United States and abbreviated there only in exceptional cases. On behalf of the operator of this website, Google shall use this information to analyze your use of this website to generate reports on website activities and to render other services to the operator of this website that are related to the use of the website and the Internet. The IP address transmitted in conjunction with Google Analytics from your browser shall not be merged with other data in Google's possession.

## Browser plug-in

You can prevent the recording and processing of your data by Google by downloading and installing the browser plugin available under the following link:

<https://tools.google.com/dlpage/gaoptout?hl=en>.

For more information about the handling of user data by Google Analytics, please consult Google's Data Privacy Declaration at:

<https://support.google.com/analytics/answer/6004245?hl=en>.

## Demographic parameters provided by Google Analytics

This website uses the "demographic characteristics" function of Google Analytics, to be able to display to the website visitor compatible ads within the Google advertising network. This allows reports to be created that contain information about the age, gender, and interests of the website visitors. The sources of this information are interest-related advertising by Google as well as visitor data obtained from third-party providers. This data cannot be allocated to a specific individual. You have the option to deactivate this function at any time by making pertinent settings changes for advertising in your Google account or you can generally prohibit the recording of your data by Google Analytics as explained in section "Objection to the recording of data".

## Contract data processing

We have executed a contract data processing agreement with Google and are implementing the stringent provisions of the German data protection agencies to the fullest when using Google Analytics.

## **6. Plug-ins and Tools**

### YouTube

Our website embeds videos of the website YouTube. The website operator is Google Ireland Limited ("Google"), Gordon House, Barrow Street, Dublin 4, Ireland.

We use YouTube in the expanded data protection mode. According to YouTube, this mode ensures that YouTube does not store any information about visitors to this website before they watch the video. Nevertheless, this does not necessarily mean that the sharing of data with YouTube partners can be ruled out as a result of the expanded data protection mode. For instance, regardless of whether you are watching a video, YouTube will always establish a connection with the Google DoubleClick network.

As soon as you start to play a YouTube video on this website, a connection to YouTube's servers will be established. As a result, the YouTube server will be notified, which of our pages you have visited. If you are logged into your YouTube account while you visit our site, you enable YouTube to directly allocate your browsing patterns to your personal profile. You have the option to prevent this by logging out of your YouTube account.

Furthermore, after you have started to play a video, YouTube will be able to place various cookies on your device or comparable technologies for recognition (e.g. device fingerprinting). In

this way YouTube will be able to obtain information about this website's visitors. Among other things, this information will be used to generate video statistics with the aim of improving the user friendliness of the site and to prevent attempts to commit fraud.

Under certain circumstances, additional data processing transactions may be triggered after you have started to play a YouTube video, which are beyond our control.

The use of YouTube is based on our interest in presenting our online content in an appealing manner. Pursuant to Art. 6(1)(f) GDPR, this is a legitimate interest. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

For more information on how YouTube handles user data, please consult the YouTube Data Privacy Policy under: <https://policies.google.com/privacy?hl=en>.

### Google Web Fonts

To ensure that fonts used on this website are uniform, this website uses so-called Web Fonts provided by Google. When you access a page on our website, your browser will load the required web fonts into your browser cache to correctly display text and fonts.

To do this, the browser you use will have to establish a connection with Google's servers. As a result, Google will learn that your IP address was used to access this website. The use of Google Web Fonts is based on Art. 6(1)(f) GDPR. The website operator has a legitimate interest in a uniform presentation of the font on the operator's website. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

If your browser should not support Web Fonts, a standard font installed on your computer will be used.

For more information on Google Web Fonts, please follow this link:

<https://developers.google.com/fonts/faq> and consult Google's Data Privacy Declaration under: <https://policies.google.com/privacy?hl=en>.

### Font Awesome

This page uses Font Awesome for the uniform representation of fonts and symbols. Provider is Fonticons, Inc. 6 Porter Road Apartment 3R, Cambridge, Massachusetts, USA.

When you call up a page, your browser loads the required fonts into its browser cache to display texts, fonts, and symbols correctly. For this purpose, the browser you use must connect to the servers of Font Awesome. This allows Font Awesome to know that your IP address has been used to access this website. The use of Font Awesome is based on Art. 6(1)(f) GDPR. We have a legitimate interest in the uniform presentation of the typeface on our website. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to

information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

If your browser does not support Font Awesome, a standard font from your computer will be used.

Further information about Font Awesome can be found in the Font Awesome privacy policy at: <https://fontawesome.com/privacy>.

## **7. Social Plug-Ins**

On our Website we use so-called social plugins from various social networks. They are individually described in this section.

When using plugins, your internet browser creates a direct connection to the respective social networks' server. This way, the respective provider receives the information that your internet browser accessed from the respective site of our Website - even if you do not have a user account with this provider or are currently not logged into your account. Log files (including the IP address) are, in this case, directly transmitted from your internet browser to a server of the respective provider and might be stored there. The provider or its server may be located outside the EU or the EEA (e.g. in the USA).

The plugins are standalone extensions by social network providers. For this reason, we are unable to influence the scope of data collected and stored by them.

Purpose and scope of the collection, the continued processing and usage of data by the social network as well as your respective rights and setting options to protect your privacy can be found by consulting the respective social network's data protection notices.

IN CASE YOU DO NOT WISH SOCIAL NETWORK PROVIDERS TO RECEIVE AND, IF APPLICABLE, STORE OR USE DATA, YOU SHOULD NOT USE THE RESPECTIVE PLUGINS.

### Facebook plugins

Facebook is operated by Facebook Ireland Limited, 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland ("Facebook"). Find an overview over Facebook's plugins and their appearance here: <https://developers.facebook.com/docs/plugins> , find information on data protection at Facebook here: <http://www.facebook.com/policy.php> .

### Twitter plugins

Twitter is operated by Twitter Inc., 1355 Market St, Suite 900, San Francisco, CA 94103, USA and Twitter International Company, One Cumberland Place, Fenian Street Dublin 2, D02 AX07 Ireland ("Twitter"). Find an overview over Twitter's plugins and their appearance here: <https://developer.twitter.com/en/docs/twitter-for-websites/overview.html> , find information on data protection at Twitter here: <https://twitter.com/privacy> .

### Instagram plugins

Instagram is operated by Facebook Ireland Limited, 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland ("Instagram"). Find an overview over Instagram's plugins and their

appearance here: <http://blog.instagram.com/post/36222022872/introducing-instagram-badges>, find information on data protection at Instagram here: <https://help.instagram.com/155833707900388/>.

#### Twitch plugins

Twitch is operated by Twitch Interactive, Inc, 350 Bush Street, Second Floor, San Francisco, CA 94104 USA ("Twitch"). Find information on data protection at Twitch here: <https://www.twitch.tv/p/en/legal/privacy-notice/> .

### **8. Third-Party Services and Websites**

Our Website may link to third-party websites or services. The privacy practices of those third parties are not governed by this Privacy Notice. We encourage you to review the privacy policies of these third-party websites and services to understand their practices.

If you connect to a third-party service (such as Nintendo, Steam, Playstation Store) through our Website, you are requesting and authorizing us to share or grant access to information on your behalf (such as your username, the fact that your connection originated from our Website, and other relevant usage and diagnostic information) with such third party. We may also send information about the content you watch or your activities on our Website to such third parties. For example, we may make information available to app developers, game developers, game publishers or gaming platforms to facilitate purchases and awards of digital goods, such as games and in-game items.

Data is stored and analyzed on the basis of Art. 6(1)(f) GDPR. The website operator has a legitimate interest in the optimization and the efficient operation of our website. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

### **9. Online marketing and partner programs**

We participate in affiliate partner programs. In conjunction with affiliate partner programs, ads of businesses (advertisers) are placed on websites of other enterprises within the affiliate partner network (publisher). If you click on one of these affiliate ads, you will be transferred to the promoted offer. If you should subsequently engage in a certain transaction (conversion), the publisher will receive a respective commission in exchange for the service. To be able to compute the commission amount, the affiliate network operator must be in a position to track the ad that has resulted in you seeing the offer and in you completing the predefined transaction. To make this possible, cookies or comparable recognition technologies are deployed (e.g., device fingerprinting).

Data is stored and analyzed on the basis of Art. 6(1)(f) GDPR. The website operator has a legitimate interest in the correct computation of its affiliate compensation. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TTDSG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TTDSG. This consent can be revoked at any time.

We participate in the following affiliate programs:

Steam Reseller Portal: Valve Cooperation, a Washington Cooperation, with offices located at 10900 NE 4th Street, Bellevue, WA 98004, USA. Find information on data protection at Steam here: [https://store.steampowered.com/privacy\\_agreement/?l=english\[&\]snr=1\\_44\\_44\\_](https://store.steampowered.com/privacy_agreement/?l=english[&]snr=1_44_44_).

## **10. Participation in sweepstakes**

If you register for sweepstakes organized by us, we use the data you provided during the respective registration for the purpose of carrying out your participation in our sweepstakes, in particular for prize notification and, if applicable, advertising for our offers and/or offers of our sweepstakes partners.

Detailed information can be found in the respective conditions of participation for the respective sweepstakes. The legal basis for this data processing is Article 6(1)(a) GDPR, Article 6(1)(b) GDPR and Article 6(1)(f) GDPR.

## **11. Changes to this Privacy Policy**

We reserve the right to change our security and data protection measures, if this is required due to technical development. In such cases, we will amend our privacy policy accordingly. Please, therefore, notice the current version of our privacy policy, as this is subject to change.

## **12. Contact**

If you want to contact us, please contact us under the contact details stated under section 3.

# **Toplitz Productions Gaming Content Guidelines**

We are passionate about allowing our streamers the freedom to express themselves whilst enjoying the games we create. To ensure that you do so fairly, and in line with intellectual property and specifically copyright rules, we have set out the following guidelines for the use of gameplay and screenshots from our games (“Gaming Content”).

1. You may create, upload, livestream and monetise videos on online live streaming websites using our Gaming Content, but only using the authorised Monetization Methods (including advertising and partner programs of live streaming services and available to the public for free). Other forms of monetization of our intellectual property for commercial purposes are not permitted (including limiting access to our content for payment of any kind) or licensing our content to another company for a fee of any kind.

2. You may only use our Gaming Content which has been officially released to the public, or from promotional materials officially released (such as product trailers) and please do not post spoilers which ruin the experience for others.

3. You should include your own creative input and commentary on our Gaming Content. It is not permitted to make videos and images that just contain mere copies of our Gaming Content without any of your creative input or commentary.

4. If you want to use the intellectual property of a third party (e.g music) together with our Gaming Content, you are responsible for obtaining any necessary third-party permissions. Please note that some game soundtracks or songs may not be owned by us, but instead are licensed from an artist. As this varies from game to game, please be aware that music may trigger content flags and potential removal of the video. Game soundtracks may not be posted or distributed separately and apart from game footage.

5. You are not permitted to imply or state that your videos are officially affiliated with, sponsored, endorsed or approved by us.

6. We reserve the right to remove any content that we believe is unlawful, infringing, inappropriate, or not in line with these Guidelines at any time.

We will update these Guidelines from time to time. Please refer to the latest version before sharing your content.

We hope that the above Guidelines are set out clearly. However, please understand that we will not be able to respond to individual enquiries regarding these Guidelines. If you still have questions, please refer to the **Frequently Asked Questions** set out below:

### **1. What content is acceptable under the Guidelines? Additionally, what content is not acceptable?**

We encourage you to use our Gaming Content in videos and images that feature your creative input and commentary. However, you may not simply upload or livestream an existing video, gameplay footage without your own creative input, or a copy of content created by someone else without their express permission and please do not post spoilers.

### **2. Do the Guidelines cover video uploads or livestreams as well?**

These Guidelines cover both uploads and livestreams.

### **3. What exactly are the "Monetization Methods" as referred to in the Guidelines?**

Streamers can monetise their streams through partner programs and/or advertising from YouTube, Twitch, Facebook, or other video sharing services. Collecting voluntary contribution, such as through SuperChat on YouTube and Bits on Twitch, is permitted as long as your video is also available for free to the public on YouTube, Twitch, Facebook, Twitter or other video sharing services.

### **4. Can I sell content that I create and upload or livestream on a sharing service if it includes your content or other creator content?**

No, you may not sell any videos, music or images that you have created using our content or any other unauthorised IP content of a third party.

**5. What about corporate entities, do the Guidelines apply to them?**

The Guidelines are only applicable to individual streamers.

**6. Will there be cases where we will remove content from sharing services?**

Yes, we reserve the right to remove any content that we believe is unlawful, infringing, inappropriate, or not in line with these Guidelines. In some cases, we may take down videos on behalf of our third-party partners and in line with our End User License Agreement and Terms of Service.

**7. What do you mean by content that is "unlawful, infringing, or inappropriate"?**

Examples of unlawful, infringing, or inappropriate content includes some of the following, although these are given for guidance only and there may be others as set out in more detail in our **ToS**:

- a. Content that infringes any of our intellectual property rights, our developers, or any other third-party intellectual property rights.
- b. Content that violates any applicable laws or regulations.
- c. Content that features pirated software.