Privacy Policy for the use of the MergeBoard Cloud Service

Sysmagine GmbH

August 24, 2021

At Sysmagine GmbH ("**Sysmagine**"), we put particular emphasis on the protection and confidential treatment of your data. The processing of personal data (hereinafter mostly referred to as "data") is carried out exclusively within the framework of the legal provisions of data protection law, in particular the General Data Protection Regulation (GDPR). In this privacy policy, we inform you about the type, scope, purpose, duration and legal basis of the processing of personal data within the scope of our services and about your rights as a data subject.

Disclaimer: This English translation is for information purposes only. The German text below is the legally binding version.

1 Controller of the processing

The responsible provider of this service for the purposes of data protection law is:

Sysmagine GmbH
Hans-Bunte-Str. 8-10
69123 Heidelberg
Germany

Contact person: Sebastian Lackner

Email: info@sysmagine.com
Phone: +49 6221 41646-00
Registry Court: Amtsgericht Mannheim
Register number: HRB 738427
Managing Directors:

- Michael Müller
- Sebastian D. Lackner
- Johannes S. J. Haux

2 Scope and general principles

This Privacy Policy applies to the processing of personal data when using the *MergeBoard Cloud* Service ("**Service**") operated by Sysmagine. The definitions of the GDPR apply to this privacy policy.

3 Data protection officer

According to the provisions of the GDPR and the Federal Data Protection Act (BDSG), in particular Art. 37 GDPR and Art. 38 BDSG, there is no need to appoint a separate data protection officer for Sysmagine.

4 Rights of users and data subjects

With regard to the data processing to be described in more detail below, users and data subjects have the right

- to revoke their consent at any time (cf. also Art. 7 Para. 3 GDPR);

- to confirmation of whether data concerning them is being processed, information about the data being processed, further information about the nature of the data processing, and copies of the data (cf. also Art. 15 GDPR);

- to correct or complete incorrect or incomplete data (cf. also Art. 16 GDPR);

- to the immediate deletion of data concerning them (cf. also Art. 17 GDPR), or, alternatively, if further processing is necessary as stipulated in Art. 17 Para. 3 GDPR, to restrict said processing per Art. 18 GDPR;

- to receive copies of the data concerning them and/or provided by them and to have the same transmitted to other providers/controllers (cf. also Art. 20 GDPR);

- to object to the processing of personal data concerning them (cf. also Art. 21 GDPR);

- to file complaints with the supervisory authority if they believe that data concerning them is being processed by the controller in breach of data protection provisions (see also Art. 77 GDPR).

In addition, the controller is obliged to inform all recipients to whom it discloses data of any such corrections, deletions, or restrictions placed on processing the same per Art. 16, 17 Para. 1, 18 GDPR. However, this obligation does not apply if such notification is impossible or involves a disproportionate effort. Nevertheless, users have a right to information about these recipients.

Likewise, under Art. 21 GDPR, users and data subjects have the right to object to the controller's future processing of their data pursuant to Art. 6 Para. 1 lit. f) GDPR. In particular, an objection to data processing for the purpose of direct advertising is permissible.

5 Information about the data processing

Your data processed when using our services will be deleted or blocked as soon as the purpose for its storage ceases to apply, provided the deletion of the same is not in breach of any statutory storage obligations or unless otherwise stipulated below.

5.1 Server data

For technical reasons, data is sent by your Internet browser to us or to our servers, in particular to ensure a secure and stable service. These server log files record the type and version of your browser, operating system, the website from which you came (referrer URL), the webpages on our site visited, the date and time of your visit, as well as the IP address from which you visited our site. If you are logged into our service, your username will also be logged.

The data thus collected will be temporarily stored, but not in association with any other of your data.

The basis for this storage is Art. 6 Para. 1 lit. f) GDPR. Our legitimate interest lies in the improvement, stability, functionality, and security of our service.

The data will be deleted within no more than seven days, unless continued storage is required for evidentiary purposes. In which case, all or part of the data will be excluded from deletion until the investigation of the relevant incident is finally resolved.

5.2 Cookies

We use cookies as part of our service. Cookies are small text files or other storage technologies stored on your computer by your browser. We use these cookies to uniquely identify you after or during login to our service and to save your settings.

The legal basis for such processing is Art. 6 Para. 1 lit. b) GDPR, insofar as these cookies are used to collect data to initiate or process contractual relationships.

If the processing does not serve to initiate or process a contract, our legitimate interest lies in improving the functionality of our service. The legal basis is then Art. 6 Para. 1 lit. f) GDPR.
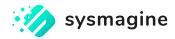
You can refuse the use of cookies by changing the settings in your browser. Likewise, you can use the browser to delete cookies that have already been stored. However, the steps and measures required vary, depending on the browser you use. If you have any questions, please use the help function or consult the documentation for your browser or contact its maker for support.

If you prevent or restrict the installation of cookies, many functions of our service (including the login function) will no longer be usable.

5.3 Registration

In order to use parts of our service, you must register as a user. The personal data required for registration is collected and stored to enable secure access to our service and so that we have the information about you required for contractual purposes.

The following personal data are processed:

- User name

- Email address of the user

- IP address of the user

The legal basis for the processing of personal data is Art. 6 Para. 1 lit. b) GDPR. The processing is necessary for the business relationship between the user and Sysmagine and for the provision of the service.

5.4 Code Review

We enable you to perform code reviews as part of our service. For this purpose, you can create projects, create merge requests, write comments, submit responses to merge requests and perform similar review-related operations. The data to be submitted depends on the respective input mask. After submission, this data is saved with a reference to your user account.

The legal basis for this processing is Art. 6 Para. 1 lit. b) GDPR. The processing is necessary for the provision of the service.

Keep in mind that the visibility of the submitted data depends on the respective settings of the project, which can be freely configured by the owner of the project. If a project, now or at a later time, allows completely public read access, this data can also be collected and displayed by search engines. Therefore, before publishing, consider whether this data is intended for the public.

5.5 Integration of external source code hosting providers

As part of the code review functionality, projects can integrate external source code hosting providers and synchronize content with them.

When you press the *merge* button in a merge request, an entry with your name and email address is first created in the version control system of the respective project. This entry is then transferred to the external source code hosting provider that was specified as the target of the merge request.

If the external server is located within the EU or a country for which an adequacy decision pursuant to Art. 45 Para. 3 of the GDPR exists, Art. 6 Para. 1 lit. b) GDPR is the legal basis for this transfer. Otherwise, the transfer is made in accordance with

Art. 49 Para. 1 lit. b) GDPR. Since this is the fundamental functioning of a version management system, this transfer is necessary for the fulfillment of the contract.

Please note that the source code hosting providers can be freely configured by the owner of the respective project, and Sysmagine can therefore not assume any liability for compliance with data protection on these external servers. For questions regarding the privacy of specific source code hosting providers, please contact the owner of the respective project or the source code hosting provider directly.

5.6 Integration of external issue tracking systems

As part of the code review functionality, projects can integrate external issue tracking systems to create an internal link between merge requests and bug reports.

For this purpose, search queries entered in the issue input masks are transmitted to these external services. However, no personal data is transmitted, so it is not possible, for example, for the external service to determine which user made the query.

Please note that the issue tracking systems can be freely configured by the owner of the respective project, and Sysmagine can therefore not assume any liability for compliance with data protection on these external servers. We generally advise you not to enter personal data into these input masks. If you have any questions regarding the data protection of specific issue tracking systems, please contact the owner of the respective project or the provider of the issue tracking system directly.

5.7 Embedded YouTube Videos

We embed YouTube videos as part of the help feature of our software. This is a video portal operated by YouTube LLC, 901 Cherry Ave, 94066 San Bruno, CA, USA, hereinafter referred to as "YouTube".

YouTube is a subsidiary of Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland, hereinafter referred to as "Google".

We use YouTube in its advanced privacy mode to show you videos. The legal basis is Art. 6 Para.

1 lit. f) GDPR. Our legitimate interest lies in improving the quality of our services. According to YouTube, the advanced privacy mode means that the data specified below will only be transmitted to the YouTube server if you actually start a video.

This connection is required in order to be able to display the respective video on our website within your browser. YouTube will record and process at a minimum your IP address, the date and time the video was displayed, as well as the website you visited. In addition, a connection to the DoubleClick advertising network of Google is established.

If you are logged in to YouTube when you access our site, YouTube will assign the connection information to your YouTube account. To prevent this, you must either log out of YouTube before visiting our site or make the appropriate settings in your YouTube account.

For the purpose of functionality and analysis of usage behavior, YouTube permanently stores cookies on your device via your browser. If you do not agree to this processing, you have the option of preventing the installation of cookies by making the appropriate settings in your browser. Likewise, you can use the browser to delete cookies that have already been stored. However, the steps and measures required vary, depending on the browser you use. If you have any questions, please use the help function or consult the documentation for your browser or contact its maker for support. Browser settings cannot prevent so-called flash cookies from being set. Instead, you will need to change the setting of your Flash player. The steps and measures required for this also depend on the Flash player you are using. If you have any questions, please use the help function or consult the documentation for your Flash player or contact its maker for support.

If you prevent or restrict the installation of cookies, not all of the functions of our services may be fully usable.

Further information about the collection and use of data as well as your rights and protection options in Google's privacy policy found at policies.google.com/privacy.

5.8 Recipients of the personal data

With the exception of the following service providers, the personal data will only be processed by Sysmagine.

- Transfer of personal data takes place for the purpose of server use to Hetzner Online GmbH, Industriestr. 25, 91710 Gunzenhausen, Germany.

- Transfer of personal data takes place for the purpose of sending emails to Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland.

- Transfer of personal data takes place for the purpose of sending emails to Sendinblue GmbH, Köpenicker Str. 126, 10179 Berlin, Germany.

The legal basis for these transfers is Art. 6 Para. 1) b) and f) GDPR. Contractual data processing agreements have been concluded with all service providers to ensure the protection of your personal data.

The processing is necessary both to protect the legitimate interests of Sysmagine and to protect the legitimate interests of the Business Partner. Only in this way, Sysmagine can ensure the usability of the service. Furthermore, the disclosure of the data is necessary to enable the Business Partner to use the Service as agreed.

6 Protection of personal data through technical and organizational measures

Sysmagine takes appropriate technical and organizational measures in the sense of Art. 32 GDPR to protect the User's personal data, which ensure a level of protection appropriate to the risk. These include, in particular, the encryption of the communication channels, a robust password protection as well as measures for data separation and data backup.

7 Changes to the privacy policy

Sysmagine reserves the right to change this privacy policy. This privacy policy is current as of August 24, 2021.

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8 Translations of the privacy policy

The German version of the privacy policy set forth in this document shall also apply to business relations with foreign customers. Translated versions of the privacy policy are for information purposes only. In the event of differing interpretations, the German version of the privacy policy shall take precedence over the translated version.