

Privacy Policy

UPcloud GmbH

We, the company UPcloud GmbH, located at Sanderstraße 28, 12047 Berlin, Germany, are the operator of the website www.upcloud.com. We are also responsible for the measurement application of the same name. We consider the protection of your data very important and focus on proper handling of your personal data. All data will be collected and used solely within the statutory provisions of the applicable data protection laws. In the following, we will state and explain what data we collect, how it is handled by us and the rights granted to you regarding our use of your data:

Personal information means any information concerning the personal or material circumstances of an identified or identifiable person. This includes name and e-mail address, for example also age, gender, height and body measurements of a person.

Regarding both the site and the measurement application, we are responsible for the collection, processing and use of personal data in terms of the German Federal Data Protection Act (Bundesdatenschutzgesetz - *BDSG*) and the German Teleservices Act (Telemediengesetz - *TMG*).

1. Collection of personal data

a. When visiting our website

When visiting our website, our servers temporarily store each access in a log file. Unless otherwise indicated by you, the following data is collected and stored by us until automatic deletion after a maximum of four weeks.

- IP address of the requesting computer;
- Date and time of access;
- Name and URL of retrieved file;
- Website from which the access originated;
- Operating system of your computer and your browser;
- Name of your Internet access provider.

The stored IP addresses of users are deleted after cessation of use or shortened so that details of personal or material information are no longer recognizable or are only recognizable through a disproportionate investment of time, cost and labor of a specific or identifiable real human being.

Collection and processing of such data takes place with the purpose of facilitating use of our website (connection build-up), ensuring continuous system safety and stability, enabling technical administration of network infrastructure and optimization of our Internet offer and for internal statistical purposes.

UPcloud uses cookies, web analytics tools, and social-plugins. To learn more about how we use these, please refer to sections 5, 6, and 7.

b. UPcloud user account

The use of the UPcloud application for measurement of body dimensions requires a user account. Generation of a user account only requires entry of your e-mail address and a personal password (in the following referred to as the "login data"). We will use the login data to identify you as a registered user. Furthermore, we require this data for gaining information on our contractual partner as well as for any possible contacting.

c. Storage of body dimensions

You can use the UPcloud application to measure and store your body dimensions by using a webcam. For this purpose, we require the following data to be able to verify reasonability of the stored body dimensions. We further use the stored data to optimize and develop our measuring process and to test new versions of the application.

We will store image files for your user account as part of the measurement process. Storage of image files by UPcloud takes place solely to generate your body dimensions, as well as to optimize and develop the measurement process and to test new versions of the application. If we analyse your data for statistical purposes, this will be done only in an anonymised manner. Forwarding to third parties, as well as publication or distribution of the image files, will not take place. The user is entitled to request the deletion of the stored image files from UPcloud at any time without stating any reasons. For this purpose, please send an e-mail to contact@upcloud.com.

If you confirm the successful completion of the measurement process, we store your body measurements in your personal user account. You can at any time view the stored body measurements by visiting your user account. By repeating the measurement process, the stored body measurements will automatically be updated.

d. Forwarding of your body dimensions to an UPcloud partner

When ordering items at one of our UPcloud partners that requires your body dimensions for customized products (e.g. custom-tailored clothing), we will forward your stored body dimensions to such UPcloud partner upon your explicit request. By checking the appropriate checkbox in the consent form, you give consent to the transfer of your body dimensions to the UPcloud partner. In this case, we will forward your data to our UPcloud partner only for the purpose of performing and processing a certain order. Your body measurements will be anonymous for this purpose in each case as far as possible. Before authorizing the transfer of your data, we will ask you to inform yourself about the applicable data protection regulations available on the website of the UPcloud partners.

2. Usage of personal data

The use of your personal data takes place for the purpose of performance of the existing contractual relationship. We use your data in the following ways: to store your body dimensions on your personal user account, for recommendation of product sizes, and, if requested by you, for forwarding to one of your selected UPcloud partners.

We also use the stored data to optimize our measurement process and to develop new test versions of the application. If evaluating data for statistical purposes, all data is anonymous.

3. Forwarding of personal data to third parties

We will not sell or otherwise forward your personal data to third parties unless you have explicitly agreed to such sale or forwarding. Contrary regulations will only apply in case of corresponding legal requirements or if this is required for assertion of our rights, in particular with regard to assertion of claims which result from our contractual relationship.

4. Newsletter

If you would like to receive e-mail information on our services, you may subscribe to our newsletter. The newsletter will be sent to your e-mail address entered during online registration.

You can unsubscribe from the newsletter at any time by sending a corresponding e-mail or cancelling the newsletter by clicking the link at the end of the newsletter.

5. Cookies

Cookies simplify a variety of processes, one of which is to make your visit to the website easier, more pleasant and more meaningful. Cookies are alphanumerical information files that are automatically stored by your browser on the hard drive of your computer when visiting our Internet page.

Cookies will neither damage your computer's hard drive nor forward personal data to us when enabling them.

For example, we will use cookies to be able to identify you as a customer without making it necessary for you to log in again. The use of cookies does not mean that we receive new personal data from your online visit. Most Internet browsers automatically accept cookies. However, you may also configure your computer in such a way that no cookies are stored on your computer or that a note is displayed every time you receive a new cookie.

Deactivation of cookies may also deactivate some functions of our website.

The anonymous and encrypted data gathered by cookies is, as according to § 3 paragraph 1 of the Federal Data Protection Act (BDSG), not intended for gathering personal data. Furthermore the data collected from cookies will not be passed to third parties.

Below is an overview of the cookies used on our website:

Connect_sid: Session cookie from UPcloud to improve the functionality and identification of the user
nid, _utma, _utmb_, _utmc, ...: a cookie from Google Analytics, contains pseudonymous tracking information for statistical analysis and site optimization

6. Web analysis services

For purposes of need-based design and continuous optimization of our pages, we use web analysis services ("Google Analytics"). In this context, pseudonymized user profiles are created and cookies are used (see section 6). The cookie-created information on your use of this website such as

- Browser type/version
- Operating system used

- Referrer URL (previously visited page)
- Host name of the accessing computer (IP address) and
- Time of server request

is forwarded to and stored on servers located in the USA. The information is used to analyse use of the website, to compile reports on website activities, and to perform further services connected with website use and Internet use for purposes of market research and need-based design of these Internet pages. Such information will also be forwarded to third parties if this is required by law or such information is processed by such third party by order.

In no case will the IP address be combined with other data corresponding to the customer. The IP addresses will be anonymized so that allocation is not possible (IP masking).

The customer may prevent installation of cookies by making the corresponding settings in the browser software (see section 6); however, we expressly point out that this will prevent comprehensive use of all functions of this website.

The customer may object to creation of user profiles at any time. The contact data stated in section 9 can be used for notification of objection. As an alternative, please follow the instructions given at: <http://tools.google.com/dlpage/gaoptout?hl=en>.

7. Safety and Security

We use suitable technical and organizational safety measures to protect your data from accidental or intentional manipulation, partial or complete loss and/or destruction as well as unauthorized access. Our security measures are subject to continuous improvement in accordance with current technological developments.

8. Provision of information, as well as correction and deletion of data

You are entitled to receive information on your stored personal data as well as to have incorrect data corrected and to block and/or delete data. To receive information on your personal data or to request correction of incorrect data, including blocking or deletion of such data, or for further questions on the use of your personal data, please contact:

Phone: +49 30 6162 1417

E-Mail: datenschutz@upcloud.com

As a registered user, you can also view and change your stored data at any time by logging in at our portal using your login data.

You may delete your data and/or user account at any time. We point out that usage of our services will be no longer, or only partially, possible after deletion of your data. If, together with deletion of your user account, you also wish to delete your stored body dimensions and the generated image files created as part of the measurement process, please send an email with your request to datenschutz@upcloud.com.

Verfahrensverzeichnis

UPcloud GmbH

Öffentliches Verfahrensverzeichnis gemäß §4e BDSG

1. Name und Anschrift der verantwortlichen Stelle

UPcloud GmbH
Sanderstraße 28
12047 Berlin
Deutschland

2. Geschäftsführung

Herr Sebastian Schulze, Geschäftsführer, Berlin

3. Leiter der Datenverarbeitung der verantwortlichen Stelle

Herr Steffen Poralla, Berlin

4. Zweckbestimmung der Datenerhebung, -verarbeitung oder -nutzung

Die UPcloud GmbH ist ein Softwareunternehmen, welches personenbezogene Daten zur Erfassung von individuellen Körpermaßen erhebt. Die Körpermaße und weitere personenbezogene Informationen (namentlich Alter, Größe, Geschlecht und Gewicht) können in einem persönlichen Nutzer-Profil zum Zwecke der Größenempfehlung für Nutzer beim Kauf von Kleidung im Internet gespeichert werden. Durchführung der Speicherung und Datenverarbeitung von personenbezogenen Daten erfolgt gemäß den Dienstleistungsvereinbarungen, den Allgemeinen Geschäftsbedingungen und der Datenschutzbestimmungen der UPcloud GmbH.

5. Beschreibung der betroffenen Personengruppen

- Personengruppe Kunden
Daten/Datenkategorie: Ansprechpartner, Adress-, Vertrags- und Zahlungsdaten
- Personengruppe Mitarbeiter
Daten/Datenkategorie: Vertragsstamm-, Planungs- und Abrechnungsdaten
- Personengruppe Geschäftspartner, Lieferanten, Partner, Dienstleister
Daten/Datenkategorie: Vertragsstamm- und Abrechnungsdaten
- Personengruppe Interessenten
Daten/Datenkategorie: Ansprechpartner, Produktinteresse, Adressdaten
- Personengruppe Probanden
Daten/Datenkategorie: Adress- und Abrechnungsdaten
- Personengruppe Nutzer
Daten/Datenkategorie: Adressdaten (eMail-Adressen), ggf. körperliche Daten

6. Empfänger, denen die Daten mitgeteilt werden

- Empfänger ist jede Person oder Stelle, die Daten erhält. Dies sind Kunden, Mitarbeiter, Geschäftspartner, öffentliche Stellen, Vertragspartner und Lieferanten, soweit es die gesetzlichen Bestimmungen erfordern bzw. zulassen.
- Anbieter von Kleidung nach Maß zwecks Anfertigung von Kleidungsprodukten basierend auf den individuellen Körpermaßen der Nutzer (geschieht nur auf ausdrücklichen Wunsch und Einwilligung des Nutzers, die eigens bestätigt werden muss).

7. Regelfristen für die Löschung der Daten

Der Gesetzgeber hat vielfältige Aufbewahrungspflichten und -fristen erlassen. Nach Ablauf dieser Fristen, z.B. 10 Jahre nach § 257 HGB und § 147 AO werden die entsprechenden Daten routinemäßig gelöscht, wenn sie nicht mehr zur Vertragserfüllung erforderlich sind. Sofern Daten hiervon nicht betroffen sind, werden sie gelöscht, sobald ihre Kenntnis für die Erfüllung des Zweckes der Speicherung nicht mehr erforderlich ist.

Gespeicherte Daten der Personengruppe Nutzer werden automatisch gelöscht, sobald das Nutzungsverhältnis beendet wird.

8. Geplante Datenübermittlung in Drittstaaten

Eine Übermittlung der Daten in Drittstaaten wird nur dann vollzogen, wenn der Nutzer dies ausdrücklich wünscht und einwilligt sowie der Partner von UPcloud – etwa ein Anbieter von Kleidung nach Maß – aus einem Drittland stammt. Andernfalls findet eine Datenübermittlung an Drittstaaten ausdrücklich nicht statt und ist z.Zt. auch nicht geplant.