

Privacy Policy for the Provision of MAXQDA

Date revised last: November 2023

§ 1 Introduction

The following provisions apply to VERBI GmbH and the provision of the Software MAXQDA ("the Software").

If you have any questions regarding this privacy policy, please contact us:

VERBI GmbH.

Invalidenstr. 74

10557 Berlin

Phone: +49 (0)30 206 33 59 22

e-mail: cs@maxqda.com

VERBI's data protection officer can be contacted at kontakt@datenschutzrechte.de VERBI GmbH's complete legal information is available here: <https://www.maxqda.com/legalinfo>

VERBI GmbH is the responsible entity within the meaning of the EU General Data Protection Regulation (Art. 4(7) GDPR) and further national data protection regulations of Germany.

§ 2 Third Parties

Your personal data will not be transferred or passed on to third parties in any circumstances other than those listed below. We will only disclose your personal data which we have collected to third parties if:

- you have given your express consent pursuant to Art. 6(1)(a) GDPR,
- it is legally permissible and is necessary for the processing of a contractual relationship with you in accordance with Art. 6(1)(b) GDPR,
- in the event that a legal obligation exists for the transfer pursuant to Art. 6(1)(c) GDPR, or
- the disclosure pursuant to Art. 6(1)(f) GDPR is necessary to assert, exercise or defend legal claims and there is no reason to assume that there are overriding interests or fundamental rights and freedoms of the data subject which require the protection of their personal data.

§ 3 Activation and Provision of the Software

1. When purchasing a MAXQDA license, you will receive a serial number. This represents the key to use the Software according to the license terms.

2. To use the Software, you must activate it with the serial number. VERBI expressly points out that the activation process

requires an internet connection. If you do not have an internet connection, VERBI will undertake an alternative activation option for the Software in cooperation with you. The activation requires the transmission of a variety of information about your computer and the system environment in which the Software is to be operated. This information may also contain personal data, as described in detail below.

3. During the online activation process VERBI will collect the following data for the verification and system-compatible activation of the license and then store it for the duration of the license: the registered serial number, the name you enter, the e-mail address you register, the date of the activation process, the MAXQDA version used, the name and hostname of the computer, the user name, the installation code, the operating system used, and the serial number and IP address of the computer used. For portable licenses, the USB serial number, USB vendor ID, and USB product ID are stored. The IP address is not stored in this case.

When using the trial license, an internet connection is required once during the activation process. The following data is collected and stored by VERBI: computer name, user name, MAC address, UUID, AppleSerial, machine GUID, hard disk ID, operating system, and date of activation. VERBI stores and uses the information for the purpose of providing MAXQDA during the contract term and for processing support requests. This data processing is necessary for the preparation and performance of the contract which you are party to pursuant to Art. 6(1)(b) GDPR. VERBI does not transfer said data to third parties. The data will be stored for the contract term. In the case of the use of a trial license, the data will be stored until the release of a new license version (approximately every 2 years).

4. In addition, VERBI processes the aforementioned information for the purpose of verifying compliance with the license terms. VERBI will periodically check the validity of your license by using online checks on the VERBI Activation Server. This process takes place automatically, whereby the same information sent during the activation process is transmitted. If an online check shows that the license is invalid, VERBI will exercise its rights in accordance with the applicable license terms. With regard to this data processing, VERBI has an overriding legitimate interest in verifying compliance with the license conditions in order to prevent misuse and conduct in breach of contract. This data processing is therefore justified in accordance with Art. 6(1)(f) GDPR. The data will not be transferred to third parties.

5. If you want to transfer the Software to a new computer, you must first deactivate the installation on the old computer in the case of a Single User License. In this process, the abovementioned data is transmitted again and processed for the aforementioned purposes. You can then start the activation process on your new hardware. The data will be stored for the duration of the contract.

§ 4 Feedback Function

If you use the feedback function in MAXQDA, a window will open in your standard browser. The following information is then transmitted to VERBI:

- information about the MAXQDA version used
- information about your operating system

The feedback you provide is anonymous. However, in the feedback form may optionally enter your e-mail address and upload an image file.

This data will be sent to the VERBI team by e-mail and stored on our server so that your feedback can be forwarded to the appropriate team member and, if necessary, responded to.

This data collection and processing is carried out in accordance with Art. 6(1)(b) GDPR as it is necessary in order to be

able to respond to your request via the feedback function. .

§ 5 Crash Reports

If the Software crashes, you may send VERBI a crash report. These reports are text files that describe where and how the Software crashed.

The following data is also sent:

- Information about the used MAXQDA version
- Your computer name
- Your username

This data is collected, sent to the IT team by e-mail and stored on our server and used exclusively for quality control purposes and the further development of the Software. This data processing is carried out in accordance with Art. 6(1)(f) GDPR. We have a legitimate interest in analyzing and rectifying problems in the use of the Software and in improving the Software. .

§ 6 Web Shop

The web shop of our e-sales partner cleverbridge AG, Gereonstr. 43-65, 50670 Cologne, Germany (cleverbridge) is accessible via our website. You can purchase MAXQDA products via the web shop. Data processing in connection with the web shop is carried out by cleverbridge as an independent data controller. Information on data processing by cleverbridge can be found in cleverbridge's privacy policy.

§ 7 Payment and Invoice

If you have purchased usage rights via the web shop (§ 6), payments will be carried out by our e-sales partner cleverbridge as an independent data controller. In this case, cleverbridge will provide us with the following data:

- [please add]
- Surname
- First name
- E-mail address
- Postal address
- Institution, if applicable
- Selected MAXQDA product(s)
- Address

If the payment is processed directly by VERBI (outside of the web shop), we process the following payment data for billing the provision of the service as well as invoicing:

- Name
- First name
- E-mail address

- Postal address
- Institution, if applicable
- Selected MAXQDA product(s)
- E-mail address

This data processing is based on Art. 6(1)(b) GDPR as it is necessary for the performance of the contractual relationship with you. If you pay by credit card, your data will be transmitted to PAYONE GmbH, Lyoner Straße 9, 60528 Frankfurt am Main, Germany, which will carry out the corresponding payment. This is based on Art. 6(1)(f) GDPR, as we have an overriding legitimate interest in providing you with extended payment options through the integration of external providers. The data will not be transferred to third parties in other cases.

§ 8 Use of the MAXQDA TeamCloud

You have the option to use the MAXQDA TeamCloud in addition to the Software. This allows you to save projects in the cloud instead of locally in order to simplify collaboration within the project by inviting other participants to work on them.

8.1 Creating an Account

To use MAXQDA TeamCloud, you must create an online account. The following personal data is required to create the account:

- First name and surname
- E-mail address
- Password
- Optional: telephone number for two-factor authentication
- Optional: photo

This data processing is necessary for the creation of the account according to Art. 6(1)(b) GDPR. The aforementioned data as well as the creation date of the account will be transferred to AWS (see § 8.6 below).

8.2 Provision of the MAXQDA TeamCloud

When you use our MAXQDA TeamCloud, we process your personal data to enable the processing of projects in the TeamCloud. This includes the following categories of data:

- Account data (see § 8.1))
- Information about the operating system

This data processing is necessary for the provision of TeamCloud according to Art. 6(1)(b) GDPR. The data is transferred to AWS (see § 8.6 below). For the processing of project data, the information in § 8.5 applies.

8.3 Inviting other Members

You have the option of inviting other members to work on projects stored in TeamCloud. The invitation is sent via e-mail. The following personal data of the members will be processed:

- Name of the member
- E-mail address
- Name and, if applicable, description of the project to which the invitation refers

- Your name

This data processing is necessary pursuant to Art. 6(1)(b) GDPR for the provision of the service, including the corresponding accesses by members. The data is transferred to our mail provider Sendinblue GmbH, Köpenicker Str. 126, 10179 Berlin and to AWS (see § 8.5 below). If you invite other members to work on the projects, you remain the sole controller within the meaning of the GDPR for the processing of the personal data and our Data Processing Agreement applies to the provision of the MAXQDA TeamCloud. We have concluded a Sub-Data Processing Agreement with Sendinblue.

8.4 Data Retention

The data we process for the use of MAXQDA TeamCloud will be deleted as soon as there is no further obligation to retain it and there is no legal basis for further processing. Project data will be deleted within 3 months after the expiry of the license.

8.5 Processing of Project Data

If you upload projects to MAXQDA TeamCloud that contain personal data, you remain the sole controller within the meaning of the GDPR for the processing of the personal data. In particular, you are obliged to ensure that there is a legal basis for the processing of the data and that the data subjects are informed about the data processing in an appropriate manner. In this respect, our Data Processing Agreement applies to the provision of MAXQDA TeamCloud by us.

The TeamCloud is hosted at Amazon Web Services, 38 Avenue John F. Kennedy, L-1855, Luxembourg ("AWS"). We have entered into a corresponding Sub-Data Processing Agreement with AWS. The data is stored by AWS exclusively on servers within the EEA. Where AWS processes personal data in countries outside the EEA for which the European Commission has not adopted an adequacy decision, we will enter into Standard Contractual Clauses with AWS.

8.6 Processing of Usage Data

During the term of the contract, we process data about your use of MAXQDA TeamCloud (time of login, IP address, E-mail address). We need this data to be able to provide you with MAXQDA TeamCloud, in particular to provide support in the event of problems with the use of MAXQDA TeamCloud. We therefore only access the data if problems occur during use. The legal basis is Art. 6(1)(b) GDPR. The data processing is necessary for the performance of the contractual relationship, in particular for the uninterrupted use of MAXQDA TeamCloud.

In addition, we process data generated by your use of MAXQDA TeamCloud in aggregated form in the context of reports on the use of MAXQDA TeamCloud for product development. The legal basis for the processing of usage data is Art. 6(1)(f) GDPR, as we have an overriding legitimate interest in obtaining aggregated data for the aforementioned purposes.

This data is not transferred to third parties other than AWS (see § 8.5 above). AWS processes this data on our behalf and on the basis of the Data Processing Agreement concluded between AWS and us.

§ 9 Use of the MAXQDA AI Assist

VERBI offers customers the option of supplementing the standard "MAXQDA" software with additional functions through MAXQDA AI Assist. MAXQDA AI Assist offers the customer the possibility for text revision and analysis as well as automatic transcription.

9.1 Creating an Account

To use MAXQDA AI Assist, customers must create a MAXQDA account. The following personal data will be required when registering:

- First name, last name
- E-mail address

The processing is necessary to create the account and, thus, to perform the user contract in accordance with Art. 6(1)(b) GDPR.

9.2 Use of MAXQDA AI Assist

When you use MAXQDA AI Assist, we process your personal data to provide AI Assist. The specific data categories vary according to the individual modules. For all modules, the following data categories are processed:

- Account data
- Information about the operating system and the hardware used
- UserID
- Information about the version used of the MAXQDA standard software
- Date and time of use
- Selected language

In addition, when using data analytics with AI integration, the following categories of data are processed for each use:

- AI Assist function and options
- Text length
- Used Tokens
- OS version

When using MAXQDA Transcription, the following data categories are also processed for each file:

- Duration of the audio
- Filename (reduced to the first three letters)
- File type
- Own vocabulary (yes/no)
- Date and time of the completed transcript
- Date and time of the download

The processing is necessary for the provision of MAXQDA AI Assist, including the display of usage volume and provision of support, in accordance with Art. 6(1)(b) GDPR. The information in § 9.3 applies to the processing of project data.

9.3 Processing of project data

With regard to the content of the transmitted files (in particular texts and audio files) containing personal data, you remain solely responsible for the processing of the personal data as the controller within the meaning of the GDPR. In particular, you have the obligation to ensure that there is a legal basis for the processing of the data and that the data subjects are informed about the data processing in an appropriate form. In this respect, our data processing agreement applies to the processing of this project data when we provide MAXQDA AI Assist.

9.4 Processing of Usage Data

We generally process data about your use of the beta version of MAXQDA AI Add-On (time of login, IP address, email address) in an aggregated form as part of reports about the use of the beta version of MAXQDA AI Add-On for product development. The legal basis for the processing of usage data is Art. 6(1)(f) GDPR, as we have an overriding legitimate interest in generating aggregated data for the aforementioned purposes.

9.5 Retention of data

The data required to provide you with the use of MAXQDA AI Assist will be stored for the entire duration of the existence of the user relationship and then deleted, unless there are obligations or justifications for further processing.

Data uploaded in connection with the use of MAXQDA AI Assist will be deleted as soon as the customer has been provided with the result. The specific deletion periods vary between the individual modules of MAXQDA AI Assist. The deletion usually takes place after 30 days at the latest.

9.6 Data Transfers

For the individual modules within MAXQDA AI Assist, we use third-party services. Your data will therefore be shared with the following service providers, depending on which module within MAXQDA AI Assist you use:

Data analytics with AI integration: OpenAI, L.L.C., 3180 18th St, San Francisco, CA 94110, USA. OpenAI does not use your data for training purposes of the artificial intelligence used. Open AI may process personal data in the US.

MAXQDA Transcription: Cantab Research Limited, 296 Cambridge Science Park, Milton Road, Cambridge, CB4 0WD, United Kingdom. Cantab Research Limited currently processes personal data exclusively in the EEA.

The service providers process your data as data processors on our behalf. We have concluded a contract with the service providers for this purpose. If the service providers process personal data in a third country for which the EU Commission has not issued an adequacy decision, we conclude standard contractual clauses with the respective service provider. Currently we have concluded the SCC with OpenAI.

Furthermore, we share your data with our cloud provider Amazon Web Services EMEA SARL, address: 38 avenue John F. Kennedy, L-1855, Luxembourg. We also concluded a data processing agreement with AWS.

§ 10 Storage Periods

Unless otherwise stated in this Privacy Policy, we will retain your personal data for as long as it is necessary for the purpose for which it was collected. Your personal data will then be deleted unless we are obliged or entitled to retain it for a further period.

§ 11 Data Transfers

Except in the cases mentioned herein, we will only transfer your personal data to recipients if we are legally obliged to do so (e.g. to authorities). The legal basis in these cases is Art. 6(1)(c) GDPR.

§ 12 Transfer of personal Data to Third Countries

It is possible that some of your personal data may be transferred to recipients in so-called third countries, i.e. countries

outside the EU/EEA. Please note that data processed in other countries may be subject to foreign laws and may be accessible to local governments, courts, law enforcement and supervisory authorities. However, when transferring your personal data to third countries, we will take appropriate measures to adequately secure your data.

If there is no EU Commission adequacy decision for the recipient country, the transfer of your data to a third country is protected by concluding EU Standard Contractual Clauses (https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en) with the recipient or by the existence of Binding Corporate Rules. Otherwise, your data will only be transferred if an exception according to Art. 49 GDPR is met.

§ 13 Your Rights

You have the right:

- to request information about your personal data processed by us in accordance with Art. 15 GDPR. In particular, you may request information about the purposes of processing, the categories of personal data, the recipients or categories of recipients to whom your data has been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, restriction of processing or objection thereto, the existence of a right of complaint, the origin of your data if it was not collected by us, and the existence of automated decision-making including profiling and, if applicable, meaningful information on the logic involved;

We may only refuse to disclose information to you if and to the extent that such information would reveal information which must be kept secret in accordance with a legal provision or because of the overriding legitimate interests of a third party (§ 29 Abs. 1 Satz 2 BDSG [German Federal Data Protection Act]), the responsible public authority has established to us that the disclosure of the data would endanger public security or order or otherwise adversely affect the welfare of the federal government or a federal state (§ 34 Abs. 1 Nr. 1 BDSG in conjunction with § 33 Abs. 1 Nr. 2 lit. b BDSG), or the data is stored only because it cannot be deleted due to legal or statutory storage regulations, or exclusively serves purposes of data backup or data protection control and the provision of information would require a disproportionate effort and the processing for other purposes is excluded by technical and organizational measures (§ 34 Abs. 1 Nr. 2 BDSG).

- to immediately request the correction or inaccurate personal data or to complete incomplete personal data stored by us in accordance with Art. 16 GDPR;

- to request the erasure of your personal data stored with us in accordance with Art. 17 GDPR, unless the processing is necessary to exercise the right to freedom of expression and information, to fulfill a legal obligation, for reasons of public interest or to assert, exercise or defend legal claims;

- to restrict the processing of your personal data, in accordance with Art. 18 GDPR, if you dispute the accuracy of the data, or if the processing is unlawful but you oppose the erasure of the data, or if we no longer need the data but you need it for the establishment, exercise or defense of legal claims; or if you have filed an objection to the processing in accordance with Art. 21 GDPR;

- to receive your personal data, which you have provided to us, in a structured, current and machine-readable format or to request the transmission to another person responsible, in accordance with Art. 20 GDPR;

- to withdraw your consent to us at any time pursuant to Art. 7(3) GDPR. As a result, we will no longer be able to continue processing your data from this point forward,

• **if your personal data is processed on the basis of our legitimate interests pursuant to Art. 6(1)(f) GDPR, to object to the processing of your personal data, in accordance with Art. 21 GDPR, provided that there are reasons for this which arise from your particular situation or the objection is directed against direct advertising. In the latter case, you have a general right of objection, which we will implement without specifying a particular situation.**

In addition, you have a general right of appeal to the data protection supervisory authority responsible for you. The authority responsible for VERBI GmbH is the "Berlin Commissioner for Data Protection and Freedom of Information" ("Berliner Beauftragte für Datenschutz und Informationsfreiheit").

If you wish to exercise your right of revocation or objection, simply send an e-mail to kontakt@datenschutzrechte.de

§ 14 Changes to this Privacy Policy

We reserve the right to update this privacy policy at any time.