

Last update: 4 december 2023

NearBY's Privacy Policy

Why and who?

NearBY cares about privacy and protecting the Personal Data handled by us. This means that we care about your personal integrity and actively work to protect it.

In this Policy we overall describe how and the purposes for which we use your Personal Data as well as what lawful basis we use and what measures we take to protect Personal Data. We also provide information on how you exercise the rights you have linked to our Processing of Personal data.

NearBY AB, registration number 559377-0307, ("**NearBY**", "**we**", "**us**", "**our**") is the Controller of all Personal Data listed in this Privacy Policy (the "**Policy**").

This Policy provides information on how we handle Personal Data when you communicate with us, use the Services or visit our website www.nby.app (together the "**Functions**").

Definitions

"**Applicable Law**" refers to the legislation applicable to the Processing of Personal Data, including the GDPR, supplementary national legislation, as well as practices, guidelines and recommendations issued by a national or EU supervisory authority.

"**Controller**" is the company/organisation that decides for what purposes and in what way personal data is to be processed and is responsible for the Processing of Personal Data in accordance with Applicable Law.

"**Data Subject**" is the living, natural person whose Personal Data is being processed.

"**Personal Data**" is all information relating, directly or indirectly, to an identifiable natural person.

"**Processing**" means any operation or set of operations which is performed on Personal data, e.g. storage, modification, reading, handover and similar.

"**Processor**" is the company/organisation that processes Personal Data on behalf of the Controller and can therefore only process the Personal Data according to the instructions of the Controller and the Applicable Law.

"**The Services**" NearBY offers the users to connect with other users live. Check in at NearBY and be seen. Use the map on the home screen to see where people have checked in. Communicate with friends and new contacts and see where other users are located. Add your profile and tell more about yourself. Create public or private events that other users can attend. Check in at events to let other know where you are.

"Special Category of Personal Data" or **"Sensitive Personal Data"** means any information that reveals ethnic origin, political views, religious or philosophical beliefs, trade union membership, genetic data, biometric data to uniquely identify a natural person, health information or information about a physical person's sexual life or sexual orientation.

The definitions above shall apply in the Policy regardless if they are capitalised or not.

NearBY's role as a Controller

The information in this Policy covers Personal Data Processing for which NearBY is the Controller. As a Controller we are responsible for the Processing for which we decide the purpose of ("the why") and the means for the Processing (what methods, what Personal Data and for how long it is stored). The Policy does not describe how we Process Personal Data in the role of a Processor - i.e. when we process Personal Data on behalf of our customers.

To be able to connect the users with each other at NearBY we need valid information about you. With basic profile details and information about your interest we can arrange better understanding for users who you are.

We also collect information about your use of our services such as access logs. If you sign in with help of google to complete your profile we will receive that information from third companies.

If you want additional info, see below:

NearBY's Processing of Personal Data

We have a responsibility to describe and demonstrate how we fulfill the requirements that are imposed on us when we Process your Personal Data. This section aims to give you an understanding of what type of Personal Data we Process and on what reasons.

Data subjects and storage time:

The intended recipients of this Policy are the following groups, whose data we store in accordance with the criteria set out below.

- **Users of the Services**
Personal data of the users will be stored during the period that they use the Service and to comply with legal obligations, such as handling alleged errors in the Service.
- **Potential customers**
Personal data of potential customers will be stored during the period required to determine whether or not they wish to enter into an agreement.

Processings and purposes

The main purpose of the data processing undertaken by us is to provide, carry out and improve our services to you. There are several different reasons why we may need to collect, manage and save your data.

We mainly Process Personal Data for the following purposes:

- Contact details to be able to confirm your identity, to verify your personal and contact details and to be able to communicate with you
- Information on your usage of the service or product to improve our services provided to you
- IP-adress to perform customer analysis and for content on our site to be presented effectively to you and the device you use
- Consumption patterns to be able to provide you with specific offers
- When you complete your profile, you are able to share with us additional information, such as details about yourself, interests and other details about you, as well as content such as photos. To add certain content, like pictures, you may allow us to access your camera or photo album.
- When you choose to participate in an events, we collect the information that you use to register.
- If you contact us regarding questions or feedback, we collect the information you give us during the communication.
- We also process your chats with other users as well as the content you publish, as necessary for the operation of the services.

Condition for Processing Special Category of Personal Data: The Processing is necessary to protect the vital interests of the data subject or of another natural person (art 9.2.c GDPR)

How do we get access to your Personal Data?

We collect your Personal Data in a number of different ways. We mainly get access to your Personal Data:

- By you providing your Personal Data to us
- By your employer providing your Personal Data to us
- By socialmedia e.g. Facebook or other media
- Through third-party analysis technology ex. cookies

- Through our logs

Lawful basis

In order for us to be able to process your Personal Data, it is required that we have so-called legal basis for each process. In our business, we process your personal data mainly on the following grounds:

Consent - NearBY may process your personal data after you have given your consent to the Processing. Information regarding the processing is always provided in connection to the request of consent.

Performance of a contract - The Processing is necessary for the performance of a contract entered between us and the Data Subject, or to prepare for entering into an agreement with the Data Subject.

Legitimate interest - NearBY may process Personal Data if we have assessed that a legitimate interest overrides the interest of fundamental rights and freedoms of the Data Subject, and if the processing is necessary for the purpose in question.

Legal obligation - We are required by laws and regulations to process Personal Data as a result of our business.

Your rights

You are the one in control of your Personal Data and we always strive to ensure that you can exercise your rights as efficiently and smoothly as possible.

Access - You always have the right to receive information about the Processing of data that concerns you. We only provide information if we have been able to verify that it is you that are requesting the information.

Rectification - If you find that the Personal Data we process about you is incorrect, let us know and we will fix it!

Erase - Do you want us to completely forget about you? You have the right to be forgotten and request deletion of your Personal Data when the Processing is no longer necessary for the purpose for which it was collected. If we are required to retain your information under applicable law or a contract that we have entered with you, we will ensure that it is processed only for the specific purpose set forth in such applicable law or contract. We will thereafter erase the information as soon as possible.

Objections - Do you disagree with our assessment that a legitimate interest for Processing your Personal Data overrides your interest in protecting your privacy? Don't worry - in such case, we will review our legitimate interest assessment. Of course, we add your objection to the balance and make a new assessment to see if we can still justify our Processing of your Personal Data. If you object to direct marketing, we will immediately delete your personal information without making an assessment.

Restriction - You can also ask us to restrict our Processing of your Personal Data

- Whilst we are Processing a request from you for any of your other rights;
- If, instead of requesting erasure, you want us to limit the Processing of Personal Data for a specific purpose. For example, if you do not want us to send advertising to you in the future, we still need to save your name in order to know that we should not contact you; or
- In cases where we no longer need the information in relation to the purpose for which it was collected, provided that you do not have an interest in retaining it to make a legal claim.

Data portability - We may provide you with the data that you have submitted to us or that we have received from you in connection with a contract that we have entered with you. You will receive your information in a commonly used and machine-readable format that you can transfer to another personal data manager.

Withdraw consent - If you have given consent to one or several specific Processing(s) of your Personal Data, you have the right to withdraw your consent at any time and thus ask us to terminate the Processing immediately. Please note that you can only withdraw your consent for future Processing of Personal Data and not for Processing that has already taken place.

How you use your rights

Access / Update tools in the service. Tools and account settings can help you access, rectify or remove information that you provided to us and that's associated with your account directly within the service.

Device permissions. Mobile platforms can have permission systems for specific types of device data and notifications, such as phone contacts, pictures, location services, push notifications and advertising identifiers. You can change your settings on your device to either consent or oppose the collection or processing of the corresponding information or the display of the corresponding notifications. Of course, if you do that, certain services may lose functionality.

Uninstall. You can stop all information collection by an app by uninstalling it using the standard uninstall process for your device. Remember that uninstalling an app does NOT close your account. To close your account, please use the corresponding functionality on the service.

Account closure. You can close your account by using the corresponding functionality directly on the service.

Transfer of personal data

In order to run our business, we may need help from others who will process Personal Data on our behalf, so-called Processors.

We process all our personal data within the EU/EEA.

We have entered into Data Processing Agreements (DPA) with all our Processors. The DPA sets out, among other things, how the Processor may process the Personal Data and what security measures are required for the Processing.

We may also need to disclose your personal information to certain designated authorities in order to fulfill obligations under applicable law or legally binding judgements.

Our categories of data processors

To follow are categories of recipients with whom we may share your data.

- Advertising agencies and suppliers of print and advertising.
- IT suppliers for e.g. business systems and case management. In order to be able to carry out our assignments and services, we store your Personal Data in our business systems (a system that administers our customers and contacts).
- Statistics to contribute to industry statistics and to improve the customer experience.

Security measures

NearBY has taken technical and organisational measures to ensure that your Personal Data is processed securely and protected from loss, abuse and unauthorised access.

Our security measures

Organisational security measures are measures that are implemented in work methods and routines within the organisation.

- Login and password management
- Information security policy

Technical security measures are measures implemented through technical solutions.

- Access control level
- Access log

If we don't keep our promise

If you think that we are not Processing your Personal Data correctly, even after you have notified us of this, you are always entitled to submit your complaint to the Swedish Authority for Privacy Protection.

More information about our obligations and your rights can be found at <https://www.nearby.app>

You can contact the authority via e-mail at: joel@nby.app

Changes to this policy

We reserve the rights to make changes to this Policy. In the event that the change affects our obligations or your rights, we will inform you about the changes in advance so that you are given the opportunity to take a position on the updated policy.

Contact

Please contact us if you have questions about your rights or if you have any other questions about how we process your personal information:

joel@nby.app