

## **PRIVACY POLICY**

Wikitude GmbH

For Wikitude GmbH (“Wikitude”), a subsidiary of Qualcomm Technologies, Inc, data protection and respect of customer and user privacy is a core value. This privacy policy serves to inform our customers, as well as end users of applications including, or communicating with, Wikitude technology, in compliance with applicable law, including the EU General Data Protection Regulation (GDPR), about which data we collect, why we collect it, and what we do with it.

### **Below you will find detailed information about**

- who we are and how you can contact us;
- to which products and services this privacy policy refers;
- which categories of personal data we process, the sources from which we obtain personal data, the purposes for which we process personal data and on which legal basis we conduct such processing;
- to whom we transfer personal data;
- for how long we store personal data; and
- your data subject rights in relation to the personal data we process.

## 1. Contact

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### Who we are and how to contact us

Responsible for this privacy policy and for any processing of personal data in relation to our products and services is

**Wikitude GmbH**  
Schrannengasse 6  
5020 Salzburg  
Austria

You can contact us as follows:

**By telephone:** +43 662 243310 (during business hours, that is Monday to Friday 9 am to 5 pm CET)  
**by E-Mail:** [gdpr@wikitude.com](mailto:gdpr@wikitude.com)

## 2. Scope of Application

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### The products and services to which this privacy policy applies

This privacy policy applies to the following products and services: [Wikitude SDK](#), [Wikitude Studio](#), [Wikitude Cloud Recognition](#), and Wikitude App (a testing tool for application developers).

In addition, from time to time, we send information about our own products to our customers. Additionally, we offer subscription to our newsletter service – our newsletter covers augmented reality news, product updates and offers, including offers of our partners. We also collect data from our job applicants (check [Qualcomm's Careers](#)).

## 3. Data categories and purpose

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### Which data categories we process for which purpose

#### 3.1 The categories of personal data we process, the respective purpose(s) and legal basis and the sources from which we obtain personal data

##### 3.1.1 *Information we collect and process during registration for one of our Services (applies for SDK, Studio and Cloud Recognition)*

<b>Data category</b>	<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Source</b>
Name	We process your name in order to be able to get in contact with you.	This information is necessary for the performance of the contract (Art. 6 no. 1 b GDPR).	Your entry in the registration form.
E-mail address	Contact for electronic information and user name for login profile.	Necessary for the performance of the contract (Art. 6 no. 1 b GDPR)	Your entry in the registration form.
Address	We need your address for billing purposes.	Necessary for the performance of the contract (Art. 6 no. 1 b GDPR).	Your entry in the registration form (only collected upon purchase of a commercial license, not collected upon registration for a trial license).
Country	We need the information about the country you live in and/or operate from for billing purposes.	Necessary for the performance of the contract (Art. 6 no. 1 b GDPR).	Your entry in the registration form (only collected upon purchase of a commercial license, not collected upon registration for a trial license).
Town / City / Postcode	We need the information about the town you live in and/or operate from for billing purposes.	Necessary for the performance of the contract (Art. 6 no. 1 b GDPR).	Your entry in the registration form (only collected upon purchase of a commercial license, not collected upon registration for a trial license).

### 3.1.2 Information we process during usage of one of our Services (applies for SDK, Studio and Cloud Recognition)

<b>Data category</b>	<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Source</b>
Device and service usage specific Information (Operating System, SDK Version)	Non-personally identified device information and service usage data (e.g., operation system, license type, development platform, app version, app start and close timestamp, error reports) is collected for program evaluation, maintenance, and performance monitoring. We do not collect or store such information in connection with personal data.	The device and service usage specific information we collect does not include personal data, therefore it does not require a specific legal justification.	The information is transmitted to us, when a registered software developer uses the Wikitude SDK/Studio or when an end user uses an application that includes the Wikitude SDK/Studio.
Internet protocol (IP) addresses	Wikitude logs the IP addresses on the servers of the service being used mainly to ensure that the services run smoothly and to detect minuses of our services and for error detection/investigation. These log files are not used for any other purpose and will automatically be deleted 30 days after the IP address was transmitted.	It is necessary for performance of the contract you concluded with us that we track functionality and errors to ensure a smooth AR experience (Art. 6 no. 1 b GDPR).	The transmission of your IP address is a technical requirement, when you use our cloud based services (Wikitude Studio and Wikitude Cloud Recognition).
Analysis of page visits	For reasons of product improvement, for statistical analysis of the use of our services, or for advertising, we may collect statistical information about page visits by use of cookies and/or by counting of logins. See our <a href="#">Cookie Declaration</a> for more details.	Your consent, Art. 6 no. 1 a GDPR.	Whenever you use our services, we automatically collect and store this information.

### 3.1.3 Information we process during usage of the SDK trial version

<b>Data category</b>	<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Source</b>
E-mail address	During a trial usage of our SDK, we process data about how often your trial key was used as well as the app-id. We receive the e-mail address so that we can observe (i) how, (ii) how often and (iii) when the free-trial version was used by you as a potential customer for the purpose to inform you about technical details, and – when the program was not used as expected – to ask about your reasons for not using the program. In case a trial-user doesnot buy a commercial license of the SDK product after the end of a free-trial period, we might send additional personalized e-mails for direct marketing reasons.	The purpose of the data processing is based on the legitimate interests of product improvement and direct advertising for promoting our own products and addressing potential customers directly (Art. 6 no. 1 f GDPR).	Every time you use the trial version of SDK, the e-mail address of your account under which you downloaded the trial license will be processed by us. We request you to provide your e-mail address to us during the registration process. In exchange we offer you a trial license.
Device and service specific information (Operating System, SDK-Version used, SDK Version)	Non-personal device information is collected for program evaluation and maintenance. We do not collect or store such information in connection with personal data.	The device and service specific information we collect does not include personal data, therefore it does not require a specific legal justification.	We collect this information automatically whenever you log on to the SDK trial version.
Target assets	The functionality of the SDK may allow users to process and store personal data (eg pictures of natural persons or documents) as target objects or target images. Such use is enabled by the technology of Wikitude but not	A user that intends to store target images or target objects on servers hosted by Wikitude needs to seek approval of Wikitude and may be required to conclude a data processing agreement with Wikitude. If such data is processed by use	Target assets are uploaded by the user.

conducted under the control of Wikitude.

of our technology without being stored on servers hosted by us, we are not involved in the processing within the meaning of Art. 4 no. 8 GDPR.

### 3.1.4 Information we process during the payment/procurement process (applies to SDK, Studio and Cloud Recognition)

<b>Data category</b>	<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Source</b>
Address	Your address helps us to stay in contact with you as our customer. We further need your address for individualization reasons.	The storage of addresses is necessary in order to fulfill our contractual obligations (Art. 6 no. 1 b GDPR).	You share your Address with us when signing up for one of our services
VAT-ID	If applicable we need your VAT-ID for tax purposes.	If you provide us your VAT-ID we are required by law to process this information in connection with our invoicing. (Art. 6 no. 1 c GDPR).	If applicable, you enter your VAT-ID during registration for the service
Credit Card Information	Your Credit Card information will only be used during the payment process. Only the last four digits of the credit card information will be stored.	Processing of credit card information may be necessary for conducting your payment (Art. 6 no. 1 b GDPR).	When you use Credit Card as a payment method, you disclose your Credit Card Information to us and/or our payment provider(s).
Contracts and non-disclosure-Agreements	We process and store information about contract conclusion to fulfill our legal obligations and for evidence purposes.	Legal requirement for accounting purposes (Art. 6 no. 1 c GDPR); legitimate interest of preserving evidence for the case of dispute and/or default of payment.	Your entry during the registration and/or payment process.

Please note that all payment related data will be forwarded to the payment provider chosen by you.

### 3.1.5 Information we process with our e-mail and newsletter services

#### (a) Product information e-mails

<b>Data category</b>	<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Source</b>
E-mail address	Information about our own products, including advertising for our own products.	Our legitimate interest in advertising (Art. 6 no. 1 c GDPR) and sec. 107 para 3 of the Austrian Telecoms Act	E-mail address(es) you entered during registration for one or several of our services.

#### (b) Newsletter services

<b>Data category</b>	<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Source</b>
E-mail-address	Provide you with augmented reality news, product updates and offers – including advertising for our own products as well as for products of our partners.	Your request and your consent to receive our newsletter (Art. 6 no. 1 a, b GDPR)	E-mail address(es) you entered when you subscribed for our newsletter.

## 4. Data recipients

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### Information about when we share personal data with others

We will not share your personal data with any third party companies, organizations or individuals for their own purposes unless we do have your active (meaning: *opt-in*) consent or other legal justification under Art. 6 GDPR. We usually share your personal data only as described below in this section 4 or in our [Cookie Declaration](#). We will inform you separately in accordance with art. 12 to 14 GDPR should we require to share personal data otherwise).

Note that we do not “sell” personal data as that term is defined by the California Consumer Protection Act (“CCPA”) and similar legislation, and have not done so in the previous 12 months.

#### 4.1 Transmission within the group

Wikitude GmbH is owned by Qualcomm Technologies, Inc., headquartered in the United States, and may transfer the personal data we collect within the Qualcomm Incorporated group of companies throughout the world. To ensure an appropriate level of data protection when transmitting data within the Qualcomm Incorporated group of companies located in countries that are not subject to an adequacy decision by the European Commission, we use the standard contractual clauses of the European Commission (download and copy available on the [https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection\\_en](https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection_en)).

Qualcomm Technologies, Inc. and its affiliates may act as “data controller” over the transmitted data in certain scenario, such as, to de-identify the data for the future development of services and products, or to fulfill legal obligations as the parent company.

#### 4.2 Transmission to third party recipients

We only transfer personal data to external processors if we have concluded a data processing agreement with them that meets the legal requirements under art. 28 GDPR. This means Wikitude may transfer or disclose personal data to a third party that agrees to process personal data strictly limited to our respective instructions and to provide appropriate technical and organizational data security measures. We will only transfer personal data to processors outside the European Union if an appropriate level of data protection is guaranteed. To ensure an appropriate level of data protection when transmitting data to external processors in countries that are not subject to an adequacy decision by the European Commission we use the standard contractual clauses of the European Commission (download and copy available on the [https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection\\_en](https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection_en))  
Wikitude Privacy Policy



protection\_en). Furthermore, we cooperate with several payment providers that you may choose when buying a product in our web shop ([wikitude.com/store](http://wikitude.com/store)); those payment providers may require you to submit personal data during the payment process, such data is processed by the respective payment provider as a controller (for details see sec. 4.2.4 below). The third party recipients to which we may transfer personal data include:

#### 4.2.1 *Customer.io*

*Customer.io* is a messaging tool that helps us to send you the right messages at the right time. The provider of this service is Peaberry Software Inc., a company located in the United States. Whenever we use *customer.io* we process your e-mail address and your name. The transmission of personal data to Peaberry Software Inc. is subject to the controller to processor standard contractual clauses approved by the European Commission for the transfer of personal data to processors established in third countries.

#### 4.2.2 *Segment.io*

*Segment.io* is a customer data management tool that helps us to optimize our services. The provider of this service is Segment.io, Inc. a company located in the United States. Segment.io, Inc. may, as a processor mandated by us, process personal data as your e-mail address, the purchased product and/or how often you visited our pages. We process these data so that you can use our services more efficiently and to ensure that the services run smoothly and to detect minuses of our services and for error detection or investigation. The transmission of personal data to Segment.io, Inc. is subject to the controller to processor standard contractual clauses approved by the European Commission for the transfer of personal data to processors established in third countries.

#### 4.2.3 *Xero*

*Xero* is an online accounting software for businesses. The service provider, Xero Limited, is located in New Zealand. The transmission of personal data to controllers or processors in New Zealand is subject to an adequacy decision of the European Commission (Commission Implementing Decision of 19 December 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand (notified under document C(2012) 9557) (2013/65/EU)). Xero also uses Amazon Web Services with servers located in the U.S., to host their online and mobile services. Any transmission of personal data to servers in the U.S., if applicable, will be subject to the standard contractual clauses approved by the European Commission for the transfer of personal data to processors established in third countries. For more information about Xero's approach to compliance with the GDPR see <https://www.xero.com/about/legal/privacy/>. For more information about AWS's approach to compliance with the GDPR, see <https://aws.amazon.com/compliance/gdpr-center/>. Your name, payment details, payment method and/or other personal information will be shared with our accounting platform Xero.

#### 4.2.4 *Payment providers*

Depending on the payment method you chose, payment data will be processed by *PayPal* (a service by PayPal (Europe) S.a.r.l. et Cie, S.C.A., a company registered with the commercial register of Luxembourg under R.C.S. Luxembourg B 118 349), *Sofort* (a service by Sofort GmbH, a limited liability company under German law registered with the local court of Munich under HRB 218675), or directly by your credit card provider as a payment service provider. Payment service providers process personal data self-responsibly and not on behalf of Wikitude, Wikitude does not determine the purpose and means of the processing of personal data by payment providers.

#### 4.2.5 *Freshworks*

We use the tool *Freshdesk* to manage customer requests. Freshworks is a service by Freshworks, Inc., a corporation under the laws of Delaware, USA. If you use our support platform accessible via <https://support.wikitude.com/support/home> as a registered user, *Freshdesk* will, acting as a processor on our behalf, save the data you enter in the support form, including your e-mail address, your account name and the further information you enter in your support request. We also use Freshdesk to handle individual support e-mails sent to us directly. We transmit your e-mail address and name to *Freshdesk* to handle technical support requests. The transmission of personal data to Freshworks, Inc. is subject to the controller to processor standard contractual clauses approved by the European Commission for the transfer of personal data to processors established in third countries.

#### 4.2.6 *Amazon EU or US*

We use Amazon EU or US (depending on which region you choose) cloud services to store assets (ie target images and AR experience that you upload via studio or via the cloud API. To be able to offer you these services, we need to share your personal e-mail address with Amazon. For more information about Amazon's approach to compliance with the GDPR in respect of the Amazon Web Services, see <https://aws.amazon.com/compliance/gdpr-center/>.

#### 4.2.7 *Transfer in relation to change of control and/or ownership structure*

We may disclose personal data to a third party if required in relation to a change of control and/or ownership structure by merger, sale of shares or other business transaction. Unless we have obtained your active consent for such disclosure we will only disclose personal data to the extent justified by legitimate interests of Wikitude and/or a prospective owner or shareholder of Wikitude (or the assets of Wikitude); we will not disclose personal data to a prospective owner without the data subject's consent where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

## **5. Storage period**

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### **How long we store collected data**

#### **5.1 General storage period**

Our storage of personal data is always limited to the period necessary to achieve the purpose of the storage. Where a storage period prescribed by European regulations and directives and/or any other relevant legislation has expired, the personal data will be routinely blocked or deleted in accordance with the statutory provisions.

If you have purchased a product from Wikitude (SDK, Cloud Recognition or Studio), your data will be stored for as long as their use is required for the execution of the contract (e.g. for payment and contract handling) and, moreover, for the fulfillment of legal obligations (retention or accounting obligation). Your data will be deleted as soon as they are no longer needed to fulfill the contract and, moreover, all legal obligations for storage have expired.

#### **5.2 Personal data of trial users**

Your personal data will be stored at least for as long as necessary for you to access the trial products. During this period we may send you e-mails about products corresponding to your trial license (similar products). If you have not used your trial license in six months we will consider you as a “non-active” user. Unless you object we will continue to send you follow up-e-mails after you have become a non-active user. If you do not react to any of our follow-up emails within two years from when you have become a non-active user, we will delete all personal data related to your trial license (unless the same data is required for fulfilment regarding another product license we have granted to you).

## 6. Rights of the Data Subject

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### Your rights under the applicable data protection law

Wikitude is a company located in the European Union. Under the GDPR and ancillary data protection law, as a person affected by data processing you have the following rights:

- **Right of access:** Upon request, we will inform you about the scope, the origin and the recipients of your personal data processed by us as well as of the purpose(s) of such processing. In case of excessive Requests for Access (more often than 4 times a year), we reserve the right to charge an expense reimbursement.
- **Right to rectification:** Should any personal data related to you as processed by us be incorrect or incomplete despite our efforts to ensure that the data is accurate and up to date, we will correct it at your request.
- **Erasure:** Under certain circumstances, you have a right to erasure, for example, in connection with a contradiction or when data was collected illegally. If the legal prerequisites for an erasure are present (meaning that there are no legal obligations or predominant interests against the request), we will carry out the requested erasure immediately.
- **Restriction:** You may also request a restriction of the data processing for the same reasons that justify an erasure. In that case, the stored data must remain stored (i.e. for evidence purposes) but may no longer be used otherwise by us.
- **Right to object and withdrawal of consent:** You are entitled to object against any data processing conducted by us based on a legitimate interest. Upon objection we will cease to process the respective personal data except for exceptional cases where we have compelling legitimate grounds for the processing which override your interests; as regards data processing for direct advertising purposes, this right of objection has an absolute nature, we will thus never invoke compelling legitimate grounds overriding your legitimate interests if you object to use of your data for advertising purposes. Any consent you have given to processing of your personal data can be revoked at any time in writing and free of charge (for contact see sec. 1 above).
- **Data portability:** If you wish to transfer provided data to another controller, we will provide the data in an electronically transferable format.
- **Right of appeal to the Data Protection Authority:** We also remind you of your right of appeal to the Data Protection Authority. You have the right to complain to a supervisory authority, in particular in the Member State of your place of residence, your place of work or the place of the alleged infringement, if the data subject considers that the processing of the personal data is in breach of applicable law. You may also contact us directly at any time.

Depending on your jurisdiction, you may have other or additional rights with respect to your personal data.

To exercise these rights, please use the contact information under point 1. Please note that we may request submission of documents and/or information to verify your identity when treating your request. We do so in order to make sure that your personal data is never disclosed to a third party not entitled to receive your personal data. Where permitted by applicable law, you may designate an authorized

agent to make requests on your behalf to exercise your rights; before accepting such a request from an agent, we will require the agent to provide proof you have authorized it to act on your behalf, and we may need you to verify your identity directly with us. We will not discriminate against you for exercising your rights.

## **7. Modification of this privacy policy**

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We may revise this privacy policy from time to time as appropriate. The use of your data is subject to the latest version, which can be accessed under <https://www.wikitude.com/legal/privacy-policy/>. We will post changes to this privacy policy via <https://www.wikitude.com/legal/privacy-policy/>, as part of our business relationship with you. We will also keep prior versions of this Privacy Policy in an archive for your review.

Valid from: Feb 28, 2023

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