

## DATA PROTECTION INFORMATION" Online services"

### SPARK

1)	<b>Data Processing activity</b>	<b>Promoting and selling SPARK's services to interested parties and customers<sup>1</sup> as a trader <sup>2</sup></b>	
2)	<b>Data Controller</b>	<b>SPARK FlexCo ("SPARK")</b>  Am Kabelwerk 5 / Top 0.01  1120 Vienna  FN 622782g  Tel: + 43 1 361 3737  E-mail: hello@spark.co.at	
3)	<b>Purposes of data processing on the</b>  <b>• Legal basis for the <u>fulfilment or of the contract</u></b>	a)	Distribution of online information offers about SPARK's products and services to customers and interested parties (consumers/consumers and entrepreneurs)
		b)	Retention and distribution of own and third-party advertising in the online information offerings and products
		c)	Provision of SPARK communication channels for servicing the contractual relationship
		d)	Survey of user numbers to document the reach of the website
•	<b>Legal basis of the (overriding) <u>legitimate interests of SPARK: Direct advertising</u></b>	a)	Winning back and acquiring new customers
		b)	Distribution/playout of advertising for (other goods) and services of SPARK and other companies by way of direct advertising ("marketing purposes") to the extent permitted by law.
		c)	Survey of user numbers to document the reach of the website and market observation
4)	<b>Legal basis for data processing</b>	<b>1.) Online information: Contract fulfilment.</b> The use of the controller's online media is based on a contract within the meaning of Article 6(1)(b) of the GDPR <sup>3</sup> ; in the event of registration, a registration relationship is established. The controller discloses that it integrates third-party content (such as links, pixels, plug-ins) when providing the contractual services. Separate information on this can be found in the cookie information that appears the first time the website	

<sup>1</sup> If terms referring to natural persons in this data protection information are only given in the masculine form, they refer to women and men in the same way. When applying the term to certain natural persons, the respective gender-specific form must be used. Customers are understood to include both consumers and entrepreneurs.

<sup>2</sup> Currently primarily at [www.spark.co.at](http://www.spark.co.at).

<sup>3</sup> Kühling/Buchner GDPR 2017, Art 6 para.

		<p>is accessed. Due to the technical conditions when accessing the content or the Internet, electronic identification data, in particular the IP address and the user's browser settings, are automatically transmitted to third parties who process them under their own responsibility when the page is opened. When using the controller's social media channels, the primary contractual relationship is with the respective service provider.</p> <p><b>2.) Direct advertising: Overriding legitimate interests (see point 5.)</b></p>
5)	<p><b>Description of the (overriding) legitimate interests for the purposes of</b></p> <ul style="list-style-type: none"> <li><b>direct advertising:</b></li> </ul>	<p>SPARK also processes customer data (but not those of children or special categories of personal data within the meaning of Art 9 GDPR<sup>4</sup> ("sensitive data")) in order to use them for the purposes of direct marketing for (other) SPARK products (see also point 3.). SPARK has a legitimate interest in the processing of personal data for the purpose of direct marketing (Recital 47, last sentence of the GDPR). Only customer data that SPARK has from the contractual relationship and for which the retention period is still running will be processed. This does not result in an extension of the retention period. The primary objective of data processing is customer acquisition and customer retention with the aim of re-entering into a (pre-)contractual relationship. In doing so, SPARK relies on its conventionally and constitutionally protected freedom of acquisition (Art. 6 StGG) and freedom of communication (ins. Art. 10 ECHR, which also protects advertising measures) and on the rights</p> <ul style="list-style-type: none"> <li>for the transmission of postal advertising;</li> <li>to make advertising calls following consent;</li> <li>for the transmission of electronic mail after consent;</li> <li>for the transmission of electronic mail pursuant to § 107 para. 3 TKG;</li> </ul> <p><b>When using this data, SPARK complies with the provisions of communications law, in particular Section 107 TKG.</b></p>
	<ul style="list-style-type: none"> <li><b>IT security</b></li> </ul>	<p>SPARK stores the IP addresses of users for a period of 7 days in order to be able to defend against targeted attacks in the form of server overload ("denial of service" attacks) and other damage to the systems. The controller has an overriding legitimate interest in this data processing for the purpose of maintaining the functionality of its online services (Recital 49 of the GDPR).</p>
6)	<b>Changes of purpose (forwarding)</b>	The controller <u>does not</u> change the purpose of the processing of personal data.
7)	<b>Obligation to provide data</b>	The customer is under no obligation to provide data.
8)	<b>Automated decision</b>	The customer is <u>not</u> subject to <u>any</u> automated decision that has any legal effect

<sup>4</sup> General Data Protection Regulation, available at

	<b>making</b>	on them.												
9)	<b>Processed data types</b>	<p><b>Data collected by SPARK</b></p> <table border="1"> <tr><td>IP addresses (log files)</td></tr> <tr><td>Data on the end device</td></tr> <tr><td>Browser used</td></tr> <tr><td>Communication protocol</td></tr> <tr><td>Information on account usage (e.g. creation date, number of logins, date of last query)</td></tr> <tr><td>Time stamp: Date and time initial and recurring (update)</td></tr> <tr><td>Session ID</td></tr> <tr><td>Login data (e-mail and encrypted password as specified)</td></tr> <tr><td>Login checks - successful and failed logins</td></tr> <tr><td>Interface information feature (APIToken)</td></tr> <tr><td>Information from APP: device version, free device memory for issues to be loaded, APP version used, software version of the APP and device, publication date, regional issue, PushToken and device ID)</td></tr> <tr><td>LoginPerFacebook, Instagram, LinkedIn: YES/NO, IP address, website title, browser-specific information, e-mail, website usage)</td></tr> </table>	IP addresses (log files)	Data on the end device	Browser used	Communication protocol	Information on account usage (e.g. creation date, number of logins, date of last query)	Time stamp: Date and time initial and recurring (update)	Session ID	Login data (e-mail and encrypted password as specified)	Login checks - successful and failed logins	Interface information feature (APIToken)	Information from APP: device version, free device memory for issues to be loaded, APP version used, software version of the APP and device, publication date, regional issue, PushToken and device ID)	LoginPerFacebook, Instagram, LinkedIn: YES/NO, IP address, website title, browser-specific information, e-mail, website usage)
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10)	<b>External recipients of data</b>	<p><b>Transmission of electronic identification data to data controllers:</b></p> <table border="1"> <tr> <td> <p><b>Google Analytics,</b> services of Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA ("Google")</p> </td> <td> <p><u>anonymised</u> IP address, website title, browser-specific information, information on website use</p> </td> </tr> </table> <p><b>"Social plug-ins" ("plugins"):</b></p> <p>SPARK itself does not collect any personal data via these "social plug-ins" or their use. However, it is possible that personal data about visitors to the SPARK website may be collected via the plug-ins, transmitted to the respective service and linked to the visitor's respective service. To prevent data from being transferred to the service providers in the USA without the user's knowledge, SPARK uses the so-called "Shariff solution" on its website. This means that the plugins are initially only integrated as graphics. The graphic contains a link to the website of the respective provider; the user is only redirected to the provider's service when they click on it. This prevents personal data from being automatically forwarded to the plugin provider when the SPARK website is visited. Data can only be transferred by clicking on the graphic. By clicking, the respective service provider receives the information that the user has visited the respective page of SPARK's online offering. You do not need to be logged in to the respective provider or have a user account. If you do have such an account, the data collected by the plug-in provider can be directly assigned to your account there. We have no influence on whether and to what extent the service provider collects personal data. We are not aware of the scope, purpose and storage periods or the further processing and use of the data there. This information and information on your data protection rights and setting options</p>	<p><b>Google Analytics,</b> services of Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA ("Google")</p>	<p><u>anonymised</u> IP address, website title, browser-specific information, information on website use</p>										
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		can be found in the data protection information directly from the website of the respective service.	
		<b>Data types:</b>	IP address, URLs, cookies and data on browser settings
		<b>"Social plug-ins"</b>  <b>Facebook</b> Inc, 1 Hacker Way, 94025 Menlo Park, USA; <b>Instagram</b> Inc, 1601 Willow Road, Menlo Park, CA, 94025, USA; <b>LinkedIn Ireland UC;</b> Wilton Place, Dublin 2, Ireland	Data protection information under:  <a href="https://www.facebook.com/help/186325668085084">https://www.facebook.com/help/186325668085084</a>  <a href="https://help.instagram.com/155833707900388">https://help.instagram.com/155833707900388</a>  <a href="https://de.linkedin.com/legal/privacy-policy">https://de.linkedin.com/legal/privacy-policy</a>
11)	<b>External recipients of data</b>	<b>Processor -</b> <b>Categories of external economic service providers:</b>	
		Tax consultant/auditor	
		Lawyers	
		Banks and payment service providers	
		IT service provider	
		Postal service provider	
		Print shops	
		Communication service provider	
		Logistics company	
		<b>All external recipients of data can be addressed and contacted in a standardised manner via SPARK with regard to data protection issues.</b>	
12)	<b>Third country transfer</b>	The following data is transferred to countries outside the EU in the course of data processing:	
		<b>Country</b>	<b>Application</b> <b>Data types</b>
		USA EU-US Data Privacy Framework)	Google Analytics  <b>anonymised</b> IP address, website title, browser-specific information, information on website use
		USA (EU-US Data Privacy Framework)	Facebook, Instagram, LinkedIn  <b>Social plug-ins and pixels:</b> IP address, website title, browser-specific information, information on website use with opt-in see point 11.

13)	<b>Storage duration</b>	<u>Non-registered users</u> : The personal data (in particular IP address) of (non-registered) website visitors is stored for 7 days for the purpose of IT security.	
14)	<b>Rights of the customer</b>	<b>Basis</b>	<b>Contents</b>
		Art 15 GDPR "Information"	The customer has the right to request information as to whether personal data relating to them is being processed.
		Art 16 GDPR "Corrigendum"	The customer has the right to demand the immediate correction of incorrect personal data or its completion.
		Art 17 GDPR "Cancellation"	The customer has the right to demand that the personal data be deleted immediately, provided that the reasons stated in Art. 17 para. 1 GDPR are fulfilled.
		Art 18 GDPR "Restriction"	The customer has the right to request that the processing of personal data be restricted if the reasons stated in Art. 18 para. 1 GDPR are fulfilled.
		Art 21 GDPR "Contradiction"	The customer has the right to object at any time to the processing of their personal data on the basis of legitimate interest.
		Art 20 GDPR "Data portability"	The customer has the right to receive their personal data in a structured, commonly used and machine-readable format.
15)	<b>Right of appeal</b>	Art 77 GDPR	Every customer has the right to lodge a complaint with the supervisory authority if they believe that the processing of their personal data violates this regulation.
16)	<b>Supervisory authority</b>	Austrian Data Protection Authority Barichgasse 40-42, 1030 Vienna Phone: +43 1 52 152-0 E-Mail: dsb@dsb.gv.at	

**Status: January 2025**