

Privacy policy

Insofar as we decide either alone or jointly with others on the purposes and means of data processing, this includes above all the obligation to inform you transparently about the nature, scope, purpose, duration and legal basis of the processing (cf. Art. 13 and Art. 14 DS-GVO). The processing of personal data of our users regularly takes place only after the consent of the user. With this declaration (hereinafter: "data protection information"), we inform you about the way your personal data is processed by us.

I. Information about the processing of your data

1 The collection of personal data relating to you

1.1 When you use our app, we collect personal data about you.

1.2 Personal data is all data that relates to your person. We have listed below for you exactly which personal data is processed:

1.3 Information collected during downloading

1.3.1 When you download this app, certain personal data required for this purpose will be transmitted to the relevant app store (e.g. Apple App Store or Google Play).

1.3.2 In particular, the email address, user name, customer number of the downloading account, the individual device identification number, payment information and the time of the download are transmitted to the App Store during the download.

1.3.3 We have no influence on the collection and processing of this data, which is carried out exclusively by the App Store selected by you. Accordingly, we are not responsible for this collection and processing; the responsibility for this lies solely with the App Store.

1.4 Information that is collected automatically

As part of your use of the App, we automatically collect certain data that is required for the use of the App. This includes: internal device ID, version of your operating system, time of access.

This data is automatically transmitted to us (1) to provide you with the Service and related features; (2) to improve the functions and performance features of the App; and (3) to prevent and remedy misuse and malfunctions.

1.5 Using the App

1.5.1 To use the app, you need to enter the 6-digit verification code that you will find in the notification you received in advance by post or email (instructions are also included in the app). After entering the verification code, you will receive an overview of the recording devices in your home and where they can be found. To record the consumption readings, enter your meter readings in the respective field. This can be done manually or you can allow camera access and use the camera function to record the consumption readings. As soon as you have completed your meter reading, the details you have entered will be displayed in summary form. We need the data to be entered in order to transmit the meter reading data to your landlord / your property management / your basic supplier / your energy service provider or your municipality ("mandatory data").

Mandatory details within the scope of using the service are marked with an asterisk and are required for our service. If you do not provide this information, you will not be able to use our service. We use the mandatory information to provide our service. The data provided by your landlord/property management company/basic utility company/energy service provider or municipality and released after verification will be processed and used by us (1) to verify you as a user of the App; (2) to enforce the terms of use of the App and any rights and obligations related thereto; and (3) to contact you to send you technical or legal notices, updates, security messages or other messages related to the use of the Service.

1.5.2 We only collect this data if this is necessary for the performance of the contract between your landlord / property management company / your basic supplier / your energy service provider or your municipality and us (Art. 6 para. 1 lit. b DS-GVO). Furthermore, we collect this data if this is necessary for the app to function and your interest in protecting your personal data does not outweigh this (Art. 6 para. 1 lit. f DS-GVO).

1.5.3 We collect and process the following data from you:

- Device information: Access data includes the IP address, device ID, device type, device-specific settings and app settings as well as app properties, the date and time of the retrieval, time zone, the amount of data transferred and the message whether the data exchange was complete, app crash, browser type and operating system. This access data is processed to technically enable the operation of the app
- Data that you make available to us: for the further processing of your data, you provide us, for example, with the data of your meter reading; we store this data and further process and transmit it to you

- Contact form data: When contact forms are used, the data transmitted through them are processed (e.g. surname and first name, address, e-mail address, telephone number and the time of transmission).

1.5.4 The app also requires the following authorisations:

- Internet access: This is required in order to transfer the collected data to our servers via an encrypted connection. Here, a unique key is used as an identification feature that can only be assigned to the respective user on the server side. An automatic service is used for this purpose, which checks periodically during the app's runtime whether data needs to be transferred and transfers it if necessary.
- Camera access: This is required to record your meter readings with the camera; this service is voluntary. You can also enter the data manually without camera access.

Usage data is processed and used to provide the service.

1.6 No cookies are collected when using the app.

2 Legal basis of data processing

In principle, any processing of personal data is prohibited by law and only permitted if the data processing falls under one of the following justifications:

- Art. 6 para. 1 p. 1 lit. a DS-GVO ("consent"): if the data subject has voluntarily, in an informed manner and unambiguously indicated by a declaration or other unambiguous affirmative action that he or she consents to the processing of personal data relating to him or her for one or more specific purposes;
- Art. 6 para. 1 p. 1 lit. b DS-GVO: If the processing is necessary for the performance of a contract to which the data subject is party or for the performance of pre-contractual measures taken at the data subject's request;
- Art. 6 para. 1 sentence 1 lit. c DS-GVO: If the processing is necessary for compliance with a legal obligation to which the controller is subject (e.g. a legal obligation to keep records);
- Art. 5 para. 1 sentence 1 lit. d DS-GVO: If the processing is necessary to protect the vital interests of the data subject or another natural person;
- Art. 6 para. 1 p. 1 lit. e DS-GVO: If the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; or
- Art. 6 (1) p. 1 lit. f DS-GVO ("Legitimate Interests"): if the processing is necessary to protect the legitimate (in particular legal or economic) interests of the controller or a third party, unless the conflicting interests or rights of the data subject override (in particular if the data subject is a minor).

3. purposes of the processing

Personal data about the user is collected to enable us to provide our service in accordance with clause 1.5 and further to comply with our legal obligations, respond to enforcement requests, protect your rights and interests (or those of users or third parties), detect malicious or fraudulent activity. In addition, data is collected for the following purposes: Contacting you, device permissions to access personal data, infrastructure monitoring, login and verification, analytics and managing contacts and sending messages.

4. type and place of data processing

4.1 Processing methods

We process user data in a proper manner and take appropriate security measures to prevent unauthorised access and unauthorised disclosure, alteration or destruction of data. Data processing is carried out using computers or IT-based systems in accordance with organisational procedures and practices that are specific to the purposes stated. In addition to the data controller, other persons may operate this application internally (human resources, sales, marketing, legal, system administrators) or externally - and in that case, where necessary, designated by the data controller as processors (such as technical service providers, delivery companies, hosting providers, IT companies or communication agencies) - and thus have access to the data. An up-to-date list of these parties may be requested from us at any time.

4.2 Location

The data will be processed at the office of our company and at all other places where the entities involved in the data processing are located.

The transfer of data from you may include to a country other than your own. This may be the case in particular in the case of data processing by third parties. These are exclusively countries of the European Union. The regulations outlined here apply to data transfer and data processing. Data is not transferred to third countries. You can find more information about data processing by third parties under point 5.

5. Data processing by third parties

5.1 Commissioned data processing

5.1.1 It may happen that commissioned service providers are used for individual functions of our app. We use external domestic and foreign service providers for the service (e.g. for the areas of IT, logistics, telecommunications, sales and marketing). These service providers only act on our instructions and have been contractually obligated to comply with the provisions of data protection law within the meaning of Art. 28 DS-GVO.

5.1.2 The following categories of recipients, which are usually processors, may receive access to your personal data:

- Service providers for the operation of our app and the processing of data stored or transmitted by the systems (e.g. for data centre services, payment processing, IT security). The legal basis for the transfer is then Art. 6 para. 1 p. 1 lit. b or lit. f DS-GVO, insofar as these are not order processors;
- Government agencies/authorities, insofar as this is necessary for the fulfilment of a legal obligation. The legal basis for the transfer is then Art. 6 para. 1 p. 1 lit. c DS-GVO;
- Persons employed to carry out our business operations (e.g. auditors, banks, insurance companies, legal advisors, supervisory authorities, parties involved in company acquisitions or the establishment of joint ventures). The legal basis for the disclosure is then Art. 6 para. 1 sentence 1 lit. b or lit. f DS-GVO.

5.1.3 Furthermore, we will only disclose your personal data to third parties if you have given your express consent to do so in accordance with Art. 6 (1) sentence 1 lit. a DS-GVO.

5.2 Conditions for the disclosure of personal data to third parties

Within the scope of our business relationships, your personal data may be passed on or disclosed to third party companies. These are located exclusively in the European Union and are treated there in accordance with data protection law.

5.3 Legal obligations to transfer certain data

We may, under certain circumstances, be subject to a specific legal or statutory obligation to provide lawfully processed personal data to third parties, in particular public bodies (Art. 6 para. 1 p. 1 lit. c DS-GVO).

6. Period of data storage

6.1 We delete your personal data as soon as it is no longer required for the purposes for which we collected or used it according to the data protection laws (see section 2). As a rule, we store your personal data for the duration of the usage or contractual relationship via the app. In principle, your data will only be stored on our servers in the European Union, subject to any transfer that may take place in accordance with the provisions in sections 5.1 to 5.3.

6.2 However, storage may take place beyond the specified time in the event of a (threatened) legal dispute with you or other legal proceedings.

6.3 Third parties engaged by us (see clause 5. 5.1 to 5.3) will store your data on their system for as long as is necessary in connection with the provision of the service for us in accordance with the respective order.

6.4 Legal requirements for the storage and deletion of personal data remain unaffected by the above (e.g. § 257 HGB or § 147 AO). If the storage period prescribed by the legal regulations expires, the personal data will be blocked or deleted unless further storage by us is necessary and there is a legal basis for this.

7 Data security

7.1 We use appropriate technical and organisational security measures to protect your data against accidental or intentional manipulation, partial or complete loss, destruction or against unauthorised access by third parties, considering the state of the art, implementation costs and the nature, scope, context and purpose of the processing, as well as the existing risks of a data breach (including its probability and impact) for the data subject. Our security measures are continuously improved in line with technological developments.

7.2 We will be happy to provide you with more detailed information on request.

8 Change of purpose

8.1 Your personal data will only be processed for purposes other than those described if a legal provision permits this or you have consented to the changed purpose of the data processing.

8.2 In the event of further processing for purposes other than those for which the data was originally collected, we will inform you of those other purposes prior to further processing and provide you with any other relevant information.

II. Responsibility for your data and contacts

1. 1. Responsibility and contact details

1.1 The body responsible for the processing of your personal data within the meaning of Art. 4 No. 7 DS-GVO is us.

Mießen Jessica & Berger Jonas GbR

Schießstattstraße 14a

84072 Au in the Hallertau

E-mail address of the provider: info@messtex.de

1.2 Please contact this contact point if you wish to assert the rights to which you are entitled, which are explained in section III, against us.

1.3 If you have any further questions or comments about the collection and processing of your personal data, please also contact the former contacts.

2 Data collection when contacting us

2.1 If you contact us by e-mail or via a contact form, your e-mail address, name and all other personal data that you have provided in the course of contacting us will be stored by us so that we can contact you to answer your question.

2.2 We delete this data as soon as storage is no longer necessary. If there are legal retention periods, the data will remain stored, but we will restrict the processing.

III. Your rights

1. Right of access

1.1 You have the right vis-à-vis us within the scope of Art. 15 DS-GVO to obtain information about the personal data concerning you.

1.2 This requires a request from you, which must be sent either by e-mail or by post to the addresses given above (see II. 1. 1.1.).

2 Right to object to data processing and revocation of consent

2.1 In accordance with Art. 21 DS-GVO, you have the right to object at any time to the processing of personal data concerning you. We will stop processing your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing is for the purpose of asserting, exercising or defending legal claims.

2.2 Pursuant to Article 7(3) of the GDPR, you have the right to revoke your consent - i.e. your voluntary will, made understandable in an informed and unambiguous manner by a statement or other unambiguous affirmative act, that you agree to the processing of the personal data concerned for one or more specific purposes - given once (including before the GDPR applies, i.e. before 25.5.2018) to us at any time. This will have the effect that we may no longer continue the data processing based on this consent in the future.

2.3 In this regard, please contact the contact point indicated above (see II. 1. 1.1).

3 Right to rectification and deletion

3.1 Insofar as personal data concerning you is incorrect, you have the right pursuant to Art. 16 DS-GVO to demand that we correct it without delay. To make a request in this regard, please contact the contact point indicated above (see II. 1. 1.1).

3.2 Under the conditions set out in Article 17 of the GDPR, you have the right to request the deletion of personal data relating to you. To make a request in this regard, please contact the contact point indicated above (see II. 1. 1.1). In particular, you have the right to erasure if the data in question is no longer necessary for the collection or processing purposes, if the data storage period (see I. 5.) has elapsed, if there is an objection (see III. 2.), or if there is unlawful processing.

4. Right of restriction of processing

4.1 In accordance with Art. 18 DS-GVO, you have the right to request that we restrict the processing of your personal data.

4.2 With a request in this regard, please contact the contact point indicated above (see II. 1. 1.1).

4.3 You have the right to restrict processing if the accuracy of the personal data is disputed between you and us; in this case, you have the right for a period of time required to verify the accuracy. The same applies if the successful exercise of a right of objection (see III. 5.) is still disputed between you and us. You also have this right if you have a right to erasure (see III. 3.) and you request restricted processing instead of erasure.

5. Right of data portability

5.1 In accordance with Art. 20 DS-GVO, you have the right to receive from us the personal data concerning you that you have provided to us in a structured, common, machine-readable format as specified.

5.2 To make a request in this regard, please contact the contact point indicated above (see II. 1. 1.1).