

MUDDLES DATA PROTECTION POLICY

Updated policy of 12 January 2021

The purpose of this personal data protection policy for the MUDDLES application is to inform users of the application and the online services offered of their rights and obligations regarding the collection of their data.

This protection policy also answers legitimate questions that users of our services may have during the use of the application.

It is thus recalled that, in particular, the French Data Protection Act (« *Loi Informatique et Libertés* »), as well as European Regulation 2016/679 of 27 April 2016 ("GDPR"), which came into force on 25 May 2018, provide for a specific system for the management and protection of Personal Data.

In this context, this policy aims to provide clear, complete, and true information on the means and methods used by the MUDDLES application in order to protect the data of its users and respect their rights.

In order that you may benefit from our services in complete security and confidence, this policy presents in a single document clear, simple, and truthful information regarding the processing of Personal Data carried out by MUDDLES.

Indeed, regarding our activities, we collect, process, and store a certain amount of Data concerning visitors to the application.

The purpose of this Personal Data protection policy is to inform Users of their rights, as well as the means used by MUDDLES to guarantee the security of your Data and compliance with the relevant legal and regulatory requirements.

It is within this framework that this Personal Data Protection Policy is set out.

This Policy is complemented by :

- Our legal mentions ;
- Our General Conditions of Use (GCU) ;

By taking advantage of the Online Services provided by MUDDLES, Users agree to respect and be bound by this Policy.

DEFINITIONS

Application	The MUDDLES Application, called MUDDLES, allowing the User to access the Services ;
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Account	Access system reserved for Users requiring an e-mail address and a password;
Account	Refers to an online Account on the Application ;
Data	Any element (information, texts, photographs, messages, etc.) collected by the User and implemented by him within the Application and Services through its use;
Personal data	According to Article 4.1 of the GDPR, means any information relating to an identified or identifiable natural person; an "identifiable natural person" means a natural person who can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, identification number, location data, on-line identifier, or to one or more elements specific to his or her physical, physiological, genetic, mental, economic, cultural or social identity;
Functionality(ies)	Each element implemented, accessible and usable within the different Services;
Data Protection Act	Refers to Law No. 78-17 of 6 January 1978 relating to information technology, files and freedoms accessible on the Internet at the following address: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000886460
Means of access	Methods and/or functions by which the User can access one or more Services in order to use them for his/her own needs;
Operator	A company that operates various electronic telecommunications networks necessary to access and use the Services;
Policy	Refers to this Personal Data Protection Policy;
Processing Manager	According to Article 4.7 of the GDPR, means the natural or legal person, public authority, agency or other body which alone or jointly with others determines the purposes and means of the processing; where the purposes and means of such processing are determined by Union law or the law of a Member State, the controller may be designated or the specific criteria for its designation may be laid down by Union law or the law of a Member State;
GDPR	Refers to European Parliament Regulation (EU) 2016/679 and the Council of 27 April 2016 accessible online at the following address: https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32016R0679&from=FR
Services	All the services made available to the User by MUDDLES and accessible via the Means of Access;
MUDDLES	Refers to the publisher of the Application and/or the Application, depending on the circumstances;
Subcontractor	Refers, according to Article 4.8 of the GDPR, to the natural or legal person, public authority, service or other organisation which processes personal data on behalf of the Controller;

Treatment(s)	Means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, limitation, erasure or destruction;
Third parties	Refers to natural persons who are not related to MUDDLES or other individuals unrelated to MUDDLES and/or the User;
User(s)	Refers to any natural person accessing the Application as well as any person benefiting from the Services;

1. WHO COLLECTS YOUR DATA (IDENTIFICATION OF THE DATA CONTROLLER)?

The person in charge of processing personal data is Mr. Sid Ahmed FAHEM, who can be contacted:

- By post: 5 avenue André Malraux 54400 LONGWY, FRANCE
- By email: contact@muddles.fr

Thus, MUDDLES, through its representative, alone determines the means as well as the purpose of collecting the Personal Data Processing necessary for the use of the Services by the User, as well as other Data necessary for the establishment of the contractual relationship, its monitoring and improvement.

2. WHAT ARE MUDDLES' ACTIVITIES AND SERVICES OFFERED?

The MUDDLES Application is an application dedicated to the smartphone and tablet allowing access to the MUDDLES social network.

The purpose of this social network is to enable its users to participate, directly or indirectly, in online debates and discussions on various subjects. The Application also provides for a ranking system between debtors.

For more information, please consult the MUDDLES Application GCU.

All of these elements are referred to in this Policy as "**Services**".

In order to be able to offer you the Services best suited to your expectations, we need to collect and process a certain amount of Personal Data.

3. ON WHAT OCCASIONS IS PERSONAL DATA COLLECTED?

On the Application, Personal Data are collected by MUDDLES:

- During visits to our Application (login details);

- When filling in one or more forms on the Application;
- When creating and managing an online Account;
- When participating in a debate;
- When a User reports a problem;
- When clicking on hypertext links to our social networks;
- During our exchanges and your actions on our social network pages;
- When monitoring the relationship between MUDDLES and its Users.

4. THROUGH WHICH INTERMEDIARY IS PERSONAL DATA COLLECTED BY MUDDLES?

4.1. CHANNELS FOR COLLECTING PERSONAL DATA ON THE INTERNET

Personal Data are collected by MUDDLES through :

- The Application;
- Direct contacts (telephone, e-mail, visits, etc.) between the User and MUDDLES;

MUDDLES is co-responsible for processing the pages present on the social networks listed above.

For any difficulty in using the pages listed above, the User may contact the operator in question (Facebook, Twitter or other), or contact MUDDLES.

5. WHAT ARE THE PURPOSES OF MUDDLES TO COLLECT PERSONAL DATA?

- MUDDLES collects your Personal Data for the following purposes:
- Provision of the Services as described above;
- Establishment and monitoring of the contractual relationship;
- Management of requests for access, rectification, portability (if applicable) and opposition rights;
- Statistical analysis.

The collection of Data is strictly limited to the fulfilment and monitoring of the above-mentioned purposes.

6. WHAT ARE THE LEGAL BASES FOR THE COLLECTION OF PERSONAL DATA?

Article 6 of the GDPR states that a processing operation is lawful only if at least one of the following conditions is met:

"a) the data subject has consented to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) processing is necessary for the protection of the vital interests of the data subject or of another natural person;

(e) 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;

(f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, unless the interests or fundamental rights and freedoms of the data subject which require the protection of personal data prevail, in particular where the data subject is a child.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks. »

In this respect, MUDDLES recalls that the Treatments carried out are based on :

- **The necessity relative to the execution of the pre-contractual and contractual relationship ;**
- **The legitimate interest of the Data Controller;**

In any case, we make sure that we do not disregard your interests or your fundamental rights and freedoms by allowing you, at any time, to oppose all or part of the processing described in this Personal Data Protection Policy.

The details of your rights concerning the Personal Data collected by MUDDLES are set out below.

In this context, in the event of an objection, we will inform you of the consequences of this objection on the performance of the requested service.

7. WHAT DATA IS COLLECTED BY MUDDLES?

As part of our Services, we collect and process the following Personal Data:

- **Collection based on the establishment of a contractual or pre-contractual relationship:**
 - Contact details: surname, first name, e-mail address, date of birth, gender, profile photo, banner, description.;

- **Collection based on legitimate interest :**

- Data related to the use and control of computer equipment: Data related to the use of equipment provided through the Application;
- Data related to participation in debates;
- Data related to alerts;
- Data related to exchanges between Users;
- Monitoring and marketing data: IP address, Connection data (dates, number of connections);

8. HOW DOES MUDDLES ENSURE THE SECURITY OF MY DATA?

With regard to the Data processed, MUDDLES attaches fundamental importance to the security and confidentiality of the Data that you communicate to us.

This Policy results in the Selection of Sub-Contractors and partners who meet the standards set out in the regulations in force.

In addition, each MUDDLES employee undertakes to comply with a strict security and confidentiality policy.

In summary, MUDDLES implements legal and organisational elements to ensure the best possible protection with regard to the typology and purposes of the Personal Data collected in order to protect said Data against alteration, accidental or unlawful loss, unauthorised use, disclosure or access.

In this respect, MUDDLES attaches high importance to :

- Raising the awareness of its employees to the requirements of confidentiality
- Submitting its Subcontractors to respect their confidentiality obligations;
- Securing access to its premises and computer platforms;
- Securing access, sharing and transfer of Data;
- The implementation of a general IT security policy;
- The demanding selection of partners and service providers based on their compliance with the GDPR, as well as with other regulatory obligations applicable in France.

8.1. DATA STORAGE

The Personal Data is stored on servers benefiting from appropriate security and located in Europe and benefiting from adequate security standards regarding the Data processed.

8.2. OBLIGATION OF CONFIDENTIALITY

All MUDDLES employees are subject to a strict obligation of confidentiality and are made aware of the need to comply with the provisions of the regulations on the protection of Personal Data.

In addition, all the Subcontractors selected by MUDDLES have affirmed that they respect their obligations in this respect and are subject to an obligation of confidentiality.

8.3. LOGIN EMAIL ADDRESS

Any access to the Account requires the communication of a unique email address and a personal password.

The password is strictly personal and must under no circumstances be communicated to a Third Party.

We also remind you that MUDDLES or any of our partners will never ask you to access your personal password.

If you receive a request for a password renewal when you did not request it, we invite you to ignore this request and contact MUDDLES as soon as possible. You may be asked to provide proof of identity.

In the event of loss of the password, the User may request the renewal of his/her password by means of the procedure present on the Application.

9. FOR WHAT LENGTH OF TIME CAN MY DATA BE STORED BY MUDDLES?

Please find below a list of the main shelf lives applied by MUDDLES_:

Type of data	Shelf-life
Data used to create and update an Account	Duration of a personal space In the event of continuous inactivity for 24 months, MUDDLES may have to delete the Account after informing the User in advance.
Audience measurement statistics data and raw traffic data from the Application	13 months
Satisfaction survey data and opinions	36 months

As a matter of principle, MUDDLES deletes the Data collected at the end of the contractual relationship, i.e., as soon as the User closes his Account, if applicable.

In the event of inactivity of the User's Account (no connection to the Application, etc.) for a continuous period of 24 months, the Data collected will be securely deleted. Prior to such deletion, MUDDLES may seek the User's consent to continue to use the User's Account, which would imply the retention of the Data by MUDDLES.

In the absence of a positive response from the User, the Data will be automatically deleted permanently and securely, except for certain statistical Data which will be anonymised and may be used to improve the MUDDLES user experience.

It is specified that in the event of deletion of the Account, all the Data presents will be deleted, except for the Personal Data that may be kept by MUDDLES on the basis of the legal obligation and with regard to the standards applicable to the processing in question.

At the end of the aforementioned storage periods, MUDDLES will delete all Personal Data in a definitive and secure manner. Upon request, the User may also receive a copy of the Data collected by MUDDLES until the deletion of his/her Account.

Printed on paper, the Personal Data will be securely destroyed, by cross-shredding or incineration of paper documents or otherwise and, if saved in electronic form, will be destroyed.

MUDDLES also reserves the right to retain strictly anonymised Statistical Data for a period longer than the aforementioned periods for research and scientific publication purposes only.

10. DOES MUDDLES COLLECT "SENSITIVE" DATA AND/OR DATA RELATING TO CHILDREN?

It is reminded that "Sensitive" Data is defined as follows by the GDPR :

"Information concerning racial or ethnic origin, political, philosophical or religious opinions, trade union membership, health or sex life. In principle, Sensitive Data can only be collected and used with the explicit consent of individuals. »

In this respect, MUDDLES specifies that, in principle, it is not required to collect Sensitive Data transmitted by the User when providing Services.

With regard to Personal Data relating to minors, it is also recalled that Recital 38 of the GDPR states that :

"Children deserve specific protection with regard to their Personal Data because they may be less aware of the risks, consequences and guarantees involved and of their rights linked to the processing of Personal Data. This specific protection should apply to the use of Personal Data relating to children for marketing purposes or the creation of personality or user profiles and to the collection of Personal Data relating to children when using services offered directly to a child. The consent of the holder of parental responsibility should not be required in the context of prevention or counselling services offered directly to a child. »

It is thus recalled that Article 7-1 of the French Data Protection Act sets the age limit for the use of Personal Data at 15 years old.

In this respect, it should be noted that the creation of an Account is reserved for adults only. In this context, MUDDLES do not intend to collect Personal Data from minors under the age of 15.

11. WHAT ARE THE OBLIGATIONS OF USERS?

As a preliminary, the User must ensure that he uses recognised and up-to-date internet access programmes, including the various ancillary modules enabling access to the Services.

The User undertakes to provide MUDDLES with accurate and up-to-date information concerning him/her directly.

In this respect, each User undertakes, when transmitting Data on the Application or online, to comply with the MUDDLES General Conditions of Use.

Finally, the User undertakes not to communicate (by e-mail, for example) any information not expressly requested by MUDDLES and necessary for the provision of the Services.

12. OPTIONAL OR OBLIGATORY NATURE OF THE PERSONAL DATA COLLECTED

Only the Data provided in a form field marked with an asterisk (*) are mandatory in order to benefit from MUDDLES' Services.

All additional Data provided by the User is not mandatory and may be provided by the User on an optional basis, to improve the User's experience on the Application and to enable MUDDLES to personalise its experience.

13. WILL MY CONTACT DATA BE USED FOR ADVERTISING PURPOSES? WILL I RECEIVE SPAM FROM MUDDLES?

MUDDLES do not carry out commercial canvassing via the sending of emails without the prior agreement of the User concerned.

You are reminded that, in accordance with the applicable regulatory and legal provisions, MUDDLES may only send you marketing or commercial offers if you have given your clear, unequivocal, and explicit consent to receive such material.

In this respect, acceptance ticks are provided, where appropriate, on the Application to obtain your consent on this point. It is also possible, at any time, to withdraw this consent in order to no longer receive such offers.

14. AUTOMATION OF TRANSMISSIONS AND PROCESSING

The Personal Data collected by MUDDLES is not subject to decisions based exclusively on automation.

Automation of decision-making or processing may be carried out in an ancillary manner but will always remain under the control of a human being.

15. WHERE IS THE DATA COLLECTED BY MUDDLES PROCESSED?

MUDDLES processes most of the Data on internal servers located in Europe.

Our Subcontractors are mainly established within the European Economic Area. On a marginal basis and for certain specific Services, the Data collected by MUDDLES may be transmitted to Subcontractors established outside the European Union.

In this situation, MUDDLES ensures that the appropriate guarantees are provided by the Subcontractors in question to govern any transfer of Personal Data by entering specific contracts ensuring that Users' rights are respected.

16. WHO ARE THE RECIPIENTS OF THE DATA COLLECTED?

The Personal Data collected by MUDDLES may be transmitted to the Sub-Contractors selected by MUDDLES, provided that the said Data is necessary for the performance of their tasks.

Your Personal Data may also be disclosed to third parties. In this case, MUDDLES may only do so after having requested and obtained your prior and explicit authorisation.

Apart from these situations, MUDDLES do not transfer or assign any Data concerning its Users directly or indirectly to Third Parties.

If you wish to have access to the detailed list of our Subcontractors, you may contact MUDDLES directly by using a contact form or the contact details indicated in Article 21 of this Data Protection Policy.

17. WHAT ARE THE RIGHTS OF USERS?

In accordance with the general European regulations in force on data protection, each User has the right to obtain information free of charge concerning the Personal Data collected by MUDDLES.

Your rights and claims are notably as follows:

- Article 15 GDPR - Right to information on how Personal Data are processed by MUDDLES ;

- Article 16 GDPR - Right to rectify Personal Data collected by MUDDLES through the Account or by contacting MUDDLES directly;
- Article 17 GDPR - Right of deletion, this right does not concern all the Data collected;
- Article 20 GDPR - Right to data transfer (portability), this right only concerns Data collected on the basis of consent and the establishment of the contractual relationship;
- Article 21 GDPR - Right to object.

For any request in this context, the User may send his request to the contact details indicated in Article 21.

If necessary, MUDDLES may ask you for certain additional information (proof of identity, identification, etc.) to ensure your identity when exercising your rights.

18. WHAT HAPPENS TO MY DATA IN CASE OF DEATH? WHO WILL HAVE ACCESS TO THE TRANSMITTED DATA?

MUDDLES may be required to have Personal Data relating to a deceased person.

In this case, law n°2016-1321 of 7 October 2016 states as a principle that the personal rights of the deceased are extinguished upon the death of their holder.

However, the regulation provides for two exceptions in which these rights may be temporarily maintained:

- The deceased has issued directives to enable any person during his or her lifetime to organise the conditions for the storage, deletion and communication of his or her personal data after his or her death;
- In the absence of instructions or indications to the contrary from the deceased, it is provided that the heirs will be able to exercise the relative rights "to the extent necessary":
 - *In the absence of instructions or indications to the contrary from the deceased, it is provided that the heirs may "to the extent necessary" exercise the rights relating to: " the organisation and settlement of the deceased's succession. In this respect, the heirs may access the processing of personal data concerning them in order to identify and obtain communication of information useful for the liquidation and distribution of the estate. They may also receive communication of digital assets or data similar to family memories, which may be transmitted to the heirs.*

- *to the taking into account, by the data controllers, of his death. In this respect, the heirs may have the deceased's user accounts closed, oppose the continued processing of personal data concerning him or have them updated".*

In the event that you would like MUDDLES to collect your instructions regarding post-mortem transmissions of Personal Data, we invite you to contact us at the contact details indicated in Article 21 of this Policy.

19. HOW ARE USERS INFORMED OF CHANGES TO THIS DATA PROTECTION POLICY?

MUDDLES may amend this Data Protection Policy at any time.

MUDDLES will inform Users by any means of the changes made to this Policy.

MUDDLES invites Users to regularly review the Data Protection Policy in order to keep themselves fully informed of its provisions.

20. CONTROL AUTHORITY

Should you consider that MUDDLES do not comply with its obligations in terms of the protection of Personal Data, you may contact the competent supervisory authority, namely the "CNIL" (<https://www.cnil.fr/fr/agir> or 3 Place de Fontenoy - TSA 80715 - 75334 PARIS CEDEX 07).

21. HOW TO CONTACT MUDDLES?

Users may contact MUDDLES with any questions they may have about this Data Protection Policy at the following addresses:

- By post: 5 avenue André Malraux 54400 LONGWY, FRANCE
- By email: contact@muddles.fr

In this context, you may be asked to provide proof of identity before your request is processed.