

## Matchday Pro Privacy Policy

The Matchday Pro website and app are operated by SPOXX B.V. trading as AXXS Gaming, a limited liability company incorporated in The Netherlands with company number 76836258 with its registered address at Veemarktkade 8, 5222 AE, 's-Hertogenbosch, Netherlands.

Matchday Pro respects your privacy and is committed to protecting your personal data. This privacy policy sets out how we look after your personal data when you visit our website (regardless of where you are located) or use our app and tell you about your privacy rights and how the law protects you. Please also use the Glossary to understand the meaning of some of the terms used in this privacy policy.

### 1. Important information and who we are

#### Purpose of this privacy policy

This privacy policy sets out how Matchday Pro collects and processes personal data, including any data you may provide to us through this website or on the app when you create an account and use the app.

It is important that you read this privacy policy and any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

#### Controller

AXXS Gaming is the controller and is responsible for your personal data (referred to as "AXXS", "we", "us" or "our" in this privacy policy).

We have appointed a data protection officer (DPO), Niels Kieviet, who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise *your legal rights*, please contact our DPO by email to [privacy@axxs.sport](mailto:privacy@axxs.sport).

You have the right to make a complaint at any time to the personal data regulator in your country. We would, however, appreciate the chance to deal with your concerns before you approach your regulator so please contact us in the first instance.

#### Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review. This version is dated 1 September 2023. Historic versions can be obtained by contacting our DPO.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

#### Third-party links

Our website and app may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and we are not responsible for their privacy statements.

### 2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, date of birth and gender.
- **Contact Data** includes email address and telephone numbers.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and geo-location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this app.
- **Profile Data** includes your username and password, your interests, your survey responses, preferences, feedback, the football clubs that you support, records of any contests you have participated in on our app and your winnings, your activities during those contents, the details of your interactions with our in-app sporting news articles, your history of using our app and any other users that you have added as friends on the app.
- **Usage Data** includes information about how you use our app, website, products and services and how you play our games.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data**, such as statistical or demographic data, for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website or app feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data, which will be used in accordance with this privacy policy.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). We do not collect any information about criminal convictions and offences.

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.

### **3. How is your personal data collected?**

We use different methods to collect data from and about you, including through:

- **Direct interactions.** You may give us your Identity, Contact and Profile when you fill in forms on our website or app or when you correspond with us by post, phone, email or otherwise. We will not require you to give us any financial data. Personal data may be collected when you:
  - use our mobile app;
  - create an account on our website or app;
  - enter a contest on the app;
  - subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a league, promotion or survey; or
  - give us feedback or contact us.
- **Automated technologies or interactions.** When you interact with our website and our app, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites that employ our cookies. Please see our cookie policy for further details.
- **Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below

Technical Data from the following parties:

- (a) analytics providers such as Google;
  - (b) advertising networks such as Google and other search engine providers and social media platforms; and
  - (c) search information providers such as Google
  - (d) hosting service providers (including for our back-ups and anti-virus), such as Amazon Webservices based in the EEA (European Economic Area).
- Identity and Contact Data from football clubs.
  - Identity and Contact Data where you interact with us on social media.

#### 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights, do not override those interests.
- Where we need to comply with a legal obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data, although we will get your consent before sending third-party direct marketing communications to you via email or text message or before we share your details with any football clubs. You have the right to withdraw consent to marketing at any time by contacting us.

#### Purposes for which we will use your personal data

We have set out below in a table format a description of how we plan to use your personal data and which legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground, depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we rely on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new customer	(a) Identity (b) Contact	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers play our games)
To enable you to partake in a prize draw, league or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services and play our games, to develop them and grow our business)
To administer and protect our business, our website and our app (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To develop and deliver relevant website and app content, games and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services and interact with our games, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, app, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage (c) Profile	Necessary for our legitimate interests (to define types of customers for our games, products and services, to keep our website and app updated and relevant, to develop our business and to inform our marketing strategy)

To make suggestions and recommendations to you about goods or services that may be of interest to you, including any relevant news stories, new games or potential friends	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile (f) Marketing and Communications	Necessary for our legitimate interests (to develop our products/services and grow our business)
To send your details to professional football clubs in order to assist them in communicating with their fanbase, merchandising, or any activity within their stated privacy policies.	(a) Identity (b) Contact (c) Profile	With your consent only

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

- **Promotional offers from us:** We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services, new games and offers may be relevant for you (we call this marketing).
- **Not opting out:** You will receive marketing communications from us if you have requested information from us or entered a contest on our app and you have not opted out of receiving that marketing.
- **Third-party marketing:** We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.
- **Opting out:** You can ask us or third parties to stop sending you marketing messages at any time by emailing us or by following the opt-out links on any marketing message sent to you or by contacting us at any time. Where you opt out of receiving our marketing messages, this will not apply to personal data provided to us as a result of you entering a contest on the app, providing details of your product/service experience or other transactions.

## Cookies

When you visit our website, we will ask for your consent to place any non-essential cookies on your device. We also offer you the option to adjust your cookie settings on our website. By clicking the "Cookies" button, you can choose which non-essential cookies you want to activate on our website and which you want to deactivate. Only technically necessary cookies are switched to "always on," as these are essential to provide functionality and operate our app or website.

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or malfunction. For more information about the cookies we use, please see our Cookie Policy.

## Change of purpose

We will only use your personal data for the purposes for which we collected it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to receive an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent in compliance with the above rules, where this is required or permitted by law.

## 5. Disclosures of your personal data

We may share your personal data with the parties set out below for the purposes set out in the table *Purposes for which we will use your personal data* above.

- Internal Third Parties as set out in the *Glossary*.
- External Third Parties as set out in the *Glossary*.
- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and treat it according to the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 6. International transfers

Our external third-party service providers are primarily based in the EU.

Whenever we transfer your personal data to any third-party provider we assure that at least one of the following safeguards is implemented:

- The third-party service provider is based in the EU and adheres to GDPR.
- The third-party service provider is based outside the EU, but has a data processing agreement that adheres to GDPR and keeps the data inside EU.
- In the case of the UK, we will rely on the EU-UK agreements on personal data processing.

## **7. Data security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

Access to our personal data databases is restricted and only individuals with validated queries and a business reason may gain access. Neither our developers nor service managers have direct instances to our personal data databases. All actions are logged. Data is not kept at any personal devices, nor can it be copied to a USB stick or remote storage drive.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. Data retention**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements. We utilise automated database scripts to delete the majority of the personal data that we hold. Typically speaking:

- We retain Technical Data for a maximum of one year and Usage Data for an extended duration;
- Transaction Data and some Financial data, such as fraud, we will retain for six years; and
- Most other data we will retain for as long you have the AXXS app installed for, plus two years.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us.

In some circumstances you can ask us to delete your data: see “Your legal rights” below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## **9. Your legal rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

- *Request access to your personal data.*



- *Request correction of your personal data.*
- *Request erasure of your personal data.*
- *Object to processing of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Right to withdraw consent.*

If you wish to exercise any of the rights set out above, please contact us.

### **Usually no fee required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **10. Glossary**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

### **THIRD PARTIES**

#### **External Third Parties**

- Service providers acting as processors based in the EU who provide IT, system administration services and marketing services.
- Professional advisers based in the EU or UK acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
- Professional football clubs to whom we will only transfer your personal data with your consent.
- Any subsidiaries or holding companies who need to receive your personal data in order to allow us to fulfil our obligations under this privacy policy or any agreement that we may have with you.

## YOUR LEGAL RIGHTS

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful, but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.