

Privacy policy

Effective date: 19th August 2020

This Privacy Statement (the "Privacy Statement") is provided by:

Deeplink Sarl-S ("CleverYak"/"we"), 7 Rue du Laboratoire, Luxembourg, L-1911, Luxembourg

Introduction

This policy describes what information we collect when you use CleverYak's sites, services, mobile applications, products, and content ("Services"). It also provides information about how we store, transfer, use, and delete that information, and what choices you have with respect to the information.

This policy applies to CleverYak's online interviewing tool, including the website and mobile applications, and other CleverYak websites (collectively "the Websites"), as well as other interaction (e.g. customer support conversations, user surveys and interviews etc.) you may have with CleverYak.

This policy applies where we are acting as a Data Controller with respect to the personal data of users of our Services; in other words, where we determine the purposes and means of the processing of that personal data. For content and data that you upload to or make available through the Service ("User Content"), you are responsible for ensuring this content is in accordance with our Terms of Service, and that the content is not violating other users' privacy.

How we collect, process and store information

We in CleverYak are committed to safeguarding the privacy of our users. Our business model is to provide a paid service to users and does not rely on widespread collection of general user data. We will only collect information that we need to deliver the service to you, and continue to maintain and develop the service.

CleverYak may collect, store and process various kinds of data, with different legal grounds, as listed below. For the categories of data that require your consent, we will actively ask you for consent before collecting any data. If you are a registered customer you can give and revoke your consents at any time by signing in to your account page on cleveryak.com.

The following is a list of data we collect, process or store, with the purpose and legal ground listed for each item or group of items having the same purpose and legal ground:

- **User account information.** Users that choose to register on cleveryak.com, will have to provide a valid full name, email address or phone number. The user can also

choose to enter a display name that will be used to represent them in conversations.

The information may be used for the purposes of operating our website, providing our services, ensuring the security of our website and services, maintaining back-ups of our databases and communicating with you. This is required to deliver the Service to you as user, by taking steps, at your request, to enter into such a contract (Terms of Service) cf. GDPR art. 6 (1) b.

- **Transaction information.** Customers that choose to purchase a paid version of the Services provide CleverYak (and our payment processors) with billing details such as credit card information, billing email, banking information, location at the time of transaction and/or a billing address.

The transaction data may be processed for the purpose of supplying the purchased services and keeping proper records of those transactions. This data may be used for the purpose of delivering the Services to you. Collecting this information is required for performing the contract we entered into with you, at your request (our Terms of Service) cf. GDPR art. 6 (1) b. Additionally, this information needs to be retained in order to comply with accounting and tax regulation cf. GDPR art. 6 (1) c.

- **Usage information.** When you as a user interact with the Services, we collect metadata to provide additional context about the way the Service is being used. The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is our server software and our analytics tracking system.
 - **Media Data.** Please refer to the section below on how CleverYak uses, processes and stored content generated during an interview.
 - **Product Analytics data.** CleverYak logs clicks when you as a user interact with our websites or apps, when you visit a page, room or have a conversation.
 - **Technical log data.** Like most digital services, our servers automatically collect information when you access or use our Websites or Services and record it in log files. This log data may include the Internet Protocol (IP) address, the address of the web page visited within the Services, browser type and settings, the date and time the Services were used, information about browser configuration and plugins, language preferences and cookie data.
 - **Device information.** CleverYak may collect information about devices used to access the Services, including type of device, what operating system is used, device settings, application IDs, unique device identifiers and crash data. Whether we collect some or all of this information depends on the type of device used and its settings.
 - **Location information.** We receive information from you and other third-parties that helps us approximate your location. We may, for example, use a business address submitted by your employer, or an IP address received from your browser or device to determine approximate location. CleverYak

may also collect location information from devices in accordance with the consent process provided by your device.

The legal basis for this processing is our legitimate interests cf. GDPR art. 6 (1) f, namely using this data for the purpose of ensuring the proper administration of our website and business, analyzing the use of the website and services, monitoring and improving our website and services, improving the user experience, preventing abuse, and assisting users with support inquiries. For information about cookies and how to opt out of cookies, see our Cookie Policy.

- **Customer Support Information.** We may process information that you send to us, should you choose to submit a ticket to our support email. If you contact us, we may use your Account, Transaction or Usage Information to respond.

Collecting this information it is required for performing the contract we entered into with you, at your request (our Terms of Service), as well as our legitimate interest of handling your requests cf. GDPR art. 6 (1) f.

- **Product & Marketing communication.** We may process information that you provide to us for the purpose of subscribing to our email newsletters. You can opt out of emails using the 'unsubscribe' link at the bottom of any of our marketing emails.

The notification data may be processed for the purposes of sending you relevant product information or newsletters. The legal basis for this processing is your consent cf. GDPR art. 6 (1) a.

- **Service and transactional notifications.** Sometimes we'll send you emails about your account, service changes or new policies. You can't opt out of this type of "service or transactional" emails (unless you delete your account).

The legal grounds for collecting this information is that it is required for performing our commitment about communicating changes in plans and pricing to you in the contract we entered into with you, at your request (our Terms of Service) cf. GDPR art. 6 (1) b, and our legitimate interest of communicating important information about your account to you, cf. GDPR art. 6 (1) f.

- **Correspondence information.** We may process information that you choose to share with us if you participate in a focus group, contest, activity or event, apply for a job, interact with our social media accounts or otherwise communicate with CleverYak.

The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests cf. GDPR art. 6 (1) f, namely the proper administration of our website and business and communications with users.

How we process media (audio/video and other artefacts)

The CleverYak Service is designed as a tool for interviewing candidates online. As such, media that is generated or shared by participants during the course of an interview is stored and made available in an **interview summary** which can be accessed after the interview has ended. This summary includes the following:

- Instant Messages which may be exchanged between participants before or during the interview.
- Electronic Files (e.g. documents, presentations, pictures etc.) which may be shared between participants before or during the interview.
- Whiteboard snapshots which may be captured during a white boarding session.
- Code snippets which may be captured during a coding session.
- Recording: A recording of the interview (audio and video) which can be optionally enabled at the request of any interviewer participating on the live call. An interviewer who initiates the recording of a call should inform all participants at the start of the interview, or when recording is started. CleverYak will also alert each user on-screen when recording is taking place. Recording implies the collection of personal data, and therefore requires opted-in consent from each participant. For candidates, this consent is given before joining the call. For interviewers, consent is granted through signing up for a CleverYak account and agreeing to the Terms of Use, which grants permission for that user's data to be captured and stored for each recorded interview in which they participate.
- Recording Analysis: The interviewer who set up the interview may optionally submit a recording (if available) for analysis using the CleverYak service. This analysis produces a searchable transcript (speech-to-text) of the recording, as well as identification of keywords, topics, brand references etc. based on audio recorded from the interview. These references are shown as part of the interview summary, and are intended to help interviewers quickly review key segments of the interview without having to watch it from start to end.
- Any of the above media which is generated during an interview is stored securely by the CleverYak Service and can be only accessed by participants who have been granted access to it. The media can be downloaded to a local computer, in which case it is the responsibility of the person downloading to ensure that its continued storage and processing is in compliance with regulations after downloading it from CleverYak.

Security

Data in Transit:

Audio and video communication between participants is sent through peer-to-peer connections, meaning audio and video streams are encrypted, sent directly between

participants and do not pass through any of our servers. In cases where a user is behind a strict firewall or NAT, video and audio need to be relayed via a TURN server, but end-to-end encryption is still maintained.

All other content (recording data, chat messages, whiteboard data, code editor data) is processed by our servers and encrypted in transit with TLS.

Data at Rest:

All of the data which forms the interview summary detailed above is encrypted at rest on our servers.

All of our infrastructure is hosted in the Microsoft Azure Cloud and adheres to strict security measures, preventing any eavesdropping or interruption of the content.

Providing your personal data to others

We may share information about you with third parties in some circumstances, including: (1) with your consent; (2) to a service provider or partner who meets our data protection standards; (3) with academic or non-profit researchers, with aggregation, anonymization, or pseudonomization; (4) when we have a good faith belief it is required by law, such as pursuant to a subpoena or other legal process; (5) to protect the vital interest of others, when we have reason to believe that doing so will prevent harm to someone or illegal activities.

Our categories of service providers and partners are:

- Hosting/infrastructure/storage providers
- Payment processors
- Analysis tools providers
- Customer Support tools providers
- Marketing and email providers
- Recruiting tools providers
- Internal communication tools providers

Business Transfers

We may disclose your personal data to any member of our group of companies (this means our subsidiaries, our ultimate holding company and all its subsidiaries) insofar as reasonably necessary for the purposes, and on the legal bases, set out in this policy.

In the case where we are involved in a merger, acquisition, bankruptcy, reorganization or sale of assets such that your information would be transferred or become subject to a different privacy policy, we will notify you.

International transfers of your personal data

In some circumstances your personal data may be transferred to countries outside the European Economic Area (EEA). You acknowledge that personal data that you submit for publication through our website or services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

Our company has offices and facilities in Luxembourg. The hosting facilities for Account information and Usage information stored by CleverYak are situated in the Microsoft Azure West and North Europe Regions (The Netherlands and Ireland).

Transfers to the United States will be protected by appropriate safeguards, namely the use of standard data protection clauses adopted or approved by the European Commission, a copy of which can be obtained from [EU Data Transfers](#).

Retaining and deleting personal data

Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

We will retain your personal data as follows:

- Transaction information will be retained for a minimum period of 5 years following date of the transaction, and for a maximum period of 10 years following the date of the transaction.

In some cases it is not possible for us to specify in advance the periods for which your personal data will be retained. In such cases, we will determine the period of retention based on the following criteria:

1. Content information (any content that is generated or shared during a live interview) will be retained for a period that is defined by the product tier you are using. You can request this content to be deleted at any time.
2. Account information (information related to you or to interviews which you have set up) will be retained until you decide to delete your account or manually delete specific interview events in CleverYak.
3. Information about you used for Product & Marketing communication will be retained as long as you have given us consent to use this information
4. The period of retention of usage information will be determined based on the need for historical data to determine statistical validity and relevance for product decisions and technical monitoring.

Regardless of the provisions above, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

Changes to this policy

We can change these Terms at any time. We keep a historical record of all changes to our Terms. If a change is material, we'll let you know before it takes effect. By using CleverYak on or after that effective date, you agree to the new Terms. If you don't agree to them, you

should delete your account before they take effect, otherwise your use of the Service and Content will be subject to the new Terms.

Managing and deleting your personal information

If you have an CleverYak account, you can access, modify or export your personal information, or delete your account by signing in to your account at www.cleveryak.com or by contacting us at hello@cleveryak.com. If you delete your account, your information and content will be unrecoverable after that time. You may instruct us at any time not to process your personal information for marketing purposes, by unsubscribing using the link at the bottom of our marketing emails. We may withhold personal information that you request to the extent permitted by law.

Your rights

As an individual you are granted rights according to the applicable data protection law:

- The right to access to your personal data
- The right to rectification of your personal data
- The right to object to and restriction of our processing of your personal data
- The also right to be forgotten; erasure of your data.
- The right to data portability.

The rights are not absolute, and you may read more about your rights in the EU general data protection regulation Chapter III, or at https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens_en

To exercise your rights or if you otherwise have any questions regarding our processing of your personal data, we encourage you to contact us as described below. However, we also notify you that you may raise complaint to a data protection authority, e.g the supervisory authority where you live or the National Commission for Data Protection in Luxembourg. You may find further information on their website: <https://cnpd.public.lu/en.html>

Data protection officer

Our data protection officer can be contacted at hello@cleveryak.com

To learn more, visit the [Privacy section in our FAQs](#).

For any questions about this privacy policy, please contact hello@cleveryak.com.