

# Privacy Notice for Customer Controllers Data Subjects

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## 1. Introduction

This Privacy Notice sets out information about processing of personal data carried out by Zebrain (“**Zebrain**”, or “**we**” in any form) in our role as Processor, to a Controller (our Customer), under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“**GDPR**”), including what personal data we collect about you, for which purposes the personal data is processed and with whom we may share your personal data.

In particular, this Privacy Notice describes processing of personal data in the context of our people development services, including digital coaching.

**"Applicable Data Protection Laws"** means all legislation and regulations, including regulations issued by relevant supervisory authorities, protecting the fundamental rights and freedoms of individuals and, in particular, their right to privacy with respect to the processing of personal data that from time to time applies to this Privacy Notice, including the GDPR, as well as laws and regulations supplementing the GDPR.

Unless otherwise stated, terms defined in the GDPR, such as "**personal data**" and "**processing**", shall have the same meaning in this Privacy Notice.

Accordingly, "**personal data**" means any information relating to an identified or identifiable natural person (“**data subject**”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The term "**processing**" means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

A "**customer**" is the business or organization with which we contract to provide people development services.

A "**Client User**" is a customer employee who has created a user account and registered as a user in our platform.

A "**coach**" is an individual who uses our platform to communicate with, and coach, Client Users. Coaches act under Zebrain’s responsibility and in accordance with Zebrain’s data-protection policies.

A "**customer administrator**" is an individual appointed by a customer to administer a customer's account and licenses.

A "**feedback user**" is an individual that is requested to provide feedback regarding a Client User.

## 2. FROM WHERE DO WE COLLECT YOUR PERSONAL DATA?

We collect personal data from

- (i) **You**, the Client User, when you register in our platform, as made available to you by our Customer, and further in your use of our coaching service, either on our website or via our application (e.g. chat messages, feedback and self-assessments), or otherwise are in contact with us, as applicable.
- (ii) **Our customer**, when a Client User is added to the platform, basic information is provided, either automatically via integrations from customers' systems or manually.
- (iii) **Our website and/or applications** where personal data is automatically generated

## Legal basis for processing

The Customer (as Controller) is responsible for determining the legal basis for the processing of your personal data. Typically, the Customer will rely on one or more of the following legal bases, as applicable under national law:

- Legal obligation (where applicable): the employer's duty to provide competence development; and/or
- Legitimate interest: the employer's legitimate interest in developing employee skills and performance.

Zebrain processes your personal data solely on behalf of, and in accordance with, the documented instructions of the Customer as set out in the applicable Data Processing Agreement between Zebrain AB and the Customer.

## Duration of processing

Personal data shall be processed for as long as a Client User remains active on the platform.

Upon termination of use, the data shall be deleted or anonymized in accordance with the retention procedures stipulated in our Data Processing Agreement with Customer. (*The standard retention period is 12 months, unless otherwise agreed.*)

## 3. WHEN AND WHY DO WE PROCESS PERSONAL DATA?

### 3.1 Client user

This section applies to the processing of Client Users' personal data when we provide our services.

#### 3.1.1 Create and manage your user account, including platform administration

We process personal data that we have collected from you or your employer (i.e. our customer) to create and manage your Client User account. This includes i.a. to administer login details and authorizations, close / deactivate and activate Client User accounts and otherwise ensure that information uploaded to the service is not misleading, inappropriate or otherwise in violation of our terms of use and internal guidelines.

##### (a) Categories of personal data

- Contact information
- Organizational information
- Feedback
- Your development plan

### **3.1.2 Provide the services**

We process personal data when providing our services, such as information that you have provided when making use of our services. This includes i.a. information about goals, activities, feedback, coaching session notes and communication with your coach. Where you are assigned a human coach, the personal data you choose to provide in the platform that is relevant for the coaching (such as your development plan, goals, activities, self-assessments, feedback and communication in the platform) will be accessible to your coach for the purpose of providing the coaching services to you.

#### (a) Categories of personal data

- Contact information
- Organizational information
- Feedback
- Communication
- Your development plan
- Special categories of personal data - We do not actively request or require that you provide any special categories of personal data. If you voluntarily include such information, for example in chat messages or feedback, it will be processed only to the extent strictly necessary for the provision of the services and always in accordance with Applicable Data Protection Laws and the Customer's documented instructions.
- Language settings for coaching
- Self-assessments

### **3.1.3 Evaluate and track your progress**

We process personal data in order to evaluate and follow up on your progress and the use of our platform. The statistics regarding your progress can only be accessed by you and, where applicable, your human coach.

#### (a) Categories of personal data

- All information relevant to produce the evaluations and reports of your progress

### **3.1.4 Production of reports and statistics and improvement and development of our services**

We process your personal data in order to produce reports on trends and statistics based on information submitted in the platform (e.g. the number of coach / Client User meetings, the extent to which different individual needs and coaching orientations are handled in the service) in order to improve and develop our services. The processing itself consists of us anonymizing the now mentioned personal data, i.e. the reports on trends and statistics will not be attributable to you as an individual.

#### (a) Categories of personal data

- All information relevant to produce the evaluations and reports

## **3.2 Customer administrator**

This section applies to the processing of customer administrators' personal data.

### **3.2.1 Create and manage your customer administrator account, including platform administration.**

We process personal data that we have collected from you to create and manage your customer administrator account. This includes i.a. to administer login details and authorizations, close /

deactivate and activate accounts and otherwise ensure that information uploaded to the service is not misleading, inappropriate or otherwise in violation of our terms of use and internal guidelines.

(a) Categories of personal data

- Contact information
- Organizational information

### **3.2.2 Administer the customer account**

We process personal data when you administer the customer account that you are the customer administrator for.

(a) Categories of personal data

- Contact information
- Organizational information
- User-generated data

## **4. RECIPIENTS WHO WE SHARE PERSONAL DATA WITH**

For the purposes set out in this Privacy Notice, we may transfer your personal data to our sub-processors in the European Union and the United States, such as IT providers (e.g. for operations, technical support and maintenance of IT systems and provider of video solution in our platform) and others who provides services on our behalf. These parties will generally act as sub-processors relating to the processing of personal data, which means that they are contractually obliged to process your personal data only on behalf of and in accordance with our Customers instructions. They are also required by law and agreement to take appropriate technical and organizational security measures to protect your data. For full list of Sub-Processors, see Appendix 2 – Sub-Processors.

In addition, where you are assigned a human coach, your personal data that is relevant for the coaching will be accessible to that coach within the Zebrain platform. Coaches do not act as independent Controllers for this data but process it under Zebrain's responsibility and in accordance with Zebrain's data-protection policies and the Customer's documented instructions.

## **5. WHERE DO WE PROCESS YOUR PERSONAL DATA?**

We always strive to store and process your personal data within the EU / EEA area. Should your personal data be transferred to and processed in a country outside the EU / EEA area by our service providers/business partners, we will ensure that there are safeguards in place, e.g. data transfer agreements and that other necessary measures have been taken to protect personal data.

If you have questions about which countries we, where applicable, transfer your personal data to and the safeguards taken, or if you would like to request a copy of such safeguards and information, please contact us at the contact details below.

## **6. Your Rights**

### **Rights in relation to your personal data**

As Zebrain acts as a Processor, most of your data protection rights under Applicable Data Protection Laws (such as access, rectification, erasure, etc.) shall primarily be exercised towards the Customer acting as Controller. The description below summarises these rights. Please contact your relevant Controller to exercise them in practice (see section 7).

In connection with our processing of your personal data, you may, under the conditions set out below, exercise the following rights:

### **Access**

You can request confirmation of whether or not your personal data is being processed and, if it is being processed, request access to your Personal data and additional information such as the purpose of the processing. You also have the right to receive a copy of the personal data that is processed. If the request is submitted electronically, the information will also be obtained in a commonly used electronic form unless you request otherwise.

### **Rectification**

If you notice that personal data about you is inaccurate or incomplete, you have the right to have your personal data rectified or completed.

#### **Object to specific processing**

You can object to processing of your personal data if it is based on a legitimate interest, on grounds relating to your particular situation or if the processing takes place for direct marketing purposes. Upon such an objection, we are obliged to cease the processing, unless we can demonstrate compelling legitimate grounds to continue processing and those grounds override your interests. We may also continue processing that is necessary to establish, exercise or defend legal claims. Processing for the purpose of direct marketing will, however, always be ceased upon your objection.

If you object to processing of your personal data, you have the right to request restriction of the processing pending our verification of whether we may continue to process it, in accordance with the below (see **Restrict processing**).

If, upon your objection, we no longer have a right to process your personal data, you have a right to have the personal data erased in accordance with the below (see **Erasure**).

### **Erasure**

You can have your personal data erased under the following circumstances;

- If the personal data is no longer necessary in relation to the purposes for which it were collected or otherwise is processed;
- If our processing of the personal data can only be carried out based on your consent; if you withdraw such consent;
- If our processing is based on legitimate interest, you object to the processing and there are no overriding legitimate grounds for the processing, and if you object to the processing for direct marketing purposes;
- If your personal data has been unlawfully processed; and
- If your personal data has to be erased for compliance with a legal obligation in Union or Member State law to which we are subject.

The right to erasure does not apply when our processing of your personal data is necessary for compliance with a legal obligation which requires the processing; or for the establishment, exercise or defense of legal claims.

## **Restrict processing**

Under the following circumstances, you can request that we restrict the processing of your personal data to only involve the storage of your personal data;

- If you contest the accuracy of the personal data, we will restrict processing for the time required to verify its accuracy.
- If the processing is unlawful, you may oppose the erasure of the personal data and request that its use is instead restricted.
- If we no longer need the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defense of legal claims, you have the right for the processing to be restricted.
- If you have objected to processing, you have a right to restriction pending the verification of whether our legitimate grounds override your interests.

We may, however, still use your personal data for the establishment, exercise or defense of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

## **Withdraw consent**

To the extent that the processing of personal data is based on your consent, you always have the right to withdraw your consent. If there is no other legal ground for the processing, you have the right to have the relevant personal data erased in accordance with the above (see above **Erasure**).

## **Data portability**

Unless it adversely would affect the rights and freedoms of others, you have the right to request a machine-readable copy of the personal data processed based on your consent or when the processing is necessary to fulfil an agreement with you as well as when personal data has been obtained from you (data portability), and to request that the information be transferred to another data controller or processor (where technically feasible).

## **Complaints to the supervisory authority**

You are welcome to contact us with questions or complaints regarding the processing of your personal data on the contact details set out below. However, you also have the right to lodge a complaint regarding the processing of your personal data to the Swedish Authority for Privacy Protection.

## **7. Contact Us**

If you have any questions regarding the processing of your personal data or if you wish to exercise any of your rights pursuant to applicable data protection legislation, please contact your relevant Controller as a first measure.

If you're unsure of who your Controller is in this context, please contact us by using the contact details below. And we will help you reach relevant Controller with your question or request.

Processor:

Zebrain AB

Linnégatan 2

114 47 Stockholm

E-mail: potential@zebrain.se

Tel: 0768-936265

## 8. Description of categories of personal data

Please see the table below for detailed information regarding which personal data we process.

Categories of personal data	Examples of personal data
Contact information	Name, email address, phone number, postal address
Communication	Personal data that is included in your communication between the Client User and the coach, such as information created / entered in the service by the Client User (e.g. in "whiteboard" notes, the chat function with coaches and the client card).
Special categories of personal data	Special medical or access assistance, which may provide us with health information about you, or your specific dietary requirements in connection with your attendance at an event, which may indicate your religious beliefs, e.g. halal or kosher meal selections.
User-generated data	Click and visit history, technical data regarding used devices and their settings (e.g. language setting, IP address, browser settings, time zone, operating system, screen resolution and platform), information about how you interacted with us or a coach, login method, which pages and how long different pages have been visited, response times, download errors, how to access and leave the service, etc.
Organizational information	Title, position, employer, employment time
Development plan	Development areas, goals, self-assessments, feedback provided to the client user, activities and other development tools
Language for coaching	

Certifications and experience as a coach	
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