

A. Yours and Our Responsibilities

Summary: This policy applies to all registered Brandly users and also visitors of our platform. When handling the data of end-customers of Brandly users, we act as a “data processor” and Brandly merchants are responsible for ensuring their data is protected and handled in accordance with all applicable laws.

Who Does This Policy Apply To?

If you are a Brandly customer or subscriber, or just visiting our website, this policy applies to you. For your customers who are just making a purchase of your goods through Brandly, but are not registered users, we act as the “data processor” for you, the merchant: this means we only process their data to help us provide our service to you, or in accordance with your instructions, or as required by law. You are responsible for making sure that their personal data is treated in accordance with applicable data protection laws. That includes informing them how service providers (like us) collect and use data on your behalf.

Our Responsibilities

If you are a registered Brandly customer or a visitor to our website, we act as the “data controller” of personal data. This means we determine how and why your data are processed.

Your Responsibilities

- **Read This Privacy Policy** If you provide us with personal information about other people (i.e., if you are registering on behalf of someone else, or you are transmitting data from your customers), or if others give us your information, we will only use that information for the specific reason for which it was provided to us. By submitting the information, you confirm that you have the right to authorize us to process it on your behalf in accordance with this Privacy Policy.

B. When Does Brandly Collect Your Data?

Summary: Brandly collects your data in all of our interactions from the moment you visit our website. Some data is collected automatically, and some data is only collected with your consent.

With Your Consent We Collect Your Data When:

- You register for an account
- You upload content to Brandly using our Product Designer tool
- You integrate Brandly through APIs (Ours, 3rd party storefronts, website builders, etc....)
- You publish products to 3rd party sales channels
- We email each other
- You contact our support and/or success team (we may also collect call audio, which we will disclose on the call)

- When you connect with us on social media
- You request a demo of Brandly
- You participate in a user research study
- You opt-in to marketing messages
- Enter a sweepstakes or contest, or register for a promotion
- Participate in our user referral program

Automatically We Collect Your Data When:

- You browse any part of our website
- You use Brandly to create products
- You read our help section
- You order products from Brandly

C. Categories of Data Collected

Summary: Brandly collects different kinds of data and we process that data for different purposes.

- **Contact Details and Basic Information** Your name, address, telephone number, email address...
- **Financial Information** Your Paypal account email, credit/debit card details...
- **Data From Your Content and Products** The products you have designed, the artwork you have uploaded...
- **Contractual Data** The sales you have made, your customers' data, store name, order details...
- **Data That Identifies You** Your IP address, login information, browser type and version, time zone setting, browser plug-in types, geolocation information about where you might be, operating system and version...
- **Data on How You Use Brandly** Your URL clickstreams (the path you take through our site), products/services viewed, page response times, download errors, how long you stay on our pages, what you do on those pages, how often, and other actions...

What About Really Sensitive Data?

We don't collect any "sensitive data" about you (like racial or ethnic origin, political opinions, religious/philosophical beliefs, trade union membership, genetic data, biometric data, health data, data about your sexual life or orientation, and offences or alleged offences).

What About Children's Data?

Brandly is a business-to-business service directed to and intended for use only by those who are 18 years of age or over. We do not target Brandly at children, and we do not knowingly collect any personal data from any person under 16 years of age.

D. How and Why We Use Your Data

Summary: According to Data Protection Law, we can only process your data for specific purposes and only when we have a legal basis to do so. The reasons are outlined below.

- **Keeping Brandly Running** Managing your requests (like creating products, integrating sales channels, completing transactions and fulfilling orders), login and authentication, remembering your settings, processing payments, hosting and back-end infrastructure. Legal basis for processing data: contract, legitimate interests
- **Improving Brandly** Testing features, interacting with feedback platforms and questionnaires, managing landing pages, heat mapping our site, traffic optimization and data analysis and research, including profiling and the use of machine learning and other techniques over your data and in some cases using third parties to do this. Legal basis for processing data: contract, legitimate interests
- **Customer Support** Notifying you of any changes to our service, solving issues via live chat support, phone or email including any bug fixing. Legal basis for processing data: contract
- **Marketing Purposes (With Your Consent)** Sending you emails and messages about new features, products and services, and content. Legal basis for processing data: consent

E. What These Legal Bases Mean

- **Consent:** You have given clear consent for us to process your information for a specific purpose. You can withdraw your consent at any time by emailing privacy@brandly.co.za or by navigating to your profile page and managing your data settings.
- **Contract:** Processing your data is necessary for a contract you have with us, or because we have asked you to take specific steps before entering into that contract.
- **Legitimate Interests:** Processing your data is necessary for our legitimate interests or the legitimate interests of a third party, provided those interests are not outweighed by your rights and interests. These legitimate interests are:
 - Gaining insights from your behaviour on our website or in our app
 - Delivering, developing and improving the Brandly service
 - Enabling us to enhance, customise or modify our services and communication
 - Determining whether marketing campaigns are effective
 - Enhancing data security

In each case, these legitimate interests are only valid if they are not outweighed by your rights and interests.

F. Your privacy rights and choices

Summary: When it comes to your data and privacy, you have a lot of control over what Brandly can do. All of your data settings can be managed from your Brandly account page, or by emailing us at privacy@brandly.co.za. These include your rights to review, correct, and delete your data.

Your rights

You can exercise your rights at any time by sending us an email at privacy@brandly.co.za or by navigating to your Brandly account page.

- **You have the right to access information we hold about you**

This includes the right to ask us supplementary information about:

- The categories of data we're processing
- The purposes of data processing
- The categories of third parties to whom the data may be disclosed
- How long the data will be stored (or the criteria used to determine that period)
- Your other rights regarding our use of your data

We will provide you with the information within one month of your request, unless doing so would adversely affect the rights and freedoms of others (e.g., another person's confidentiality or intellectual property rights). We'll tell you if we can't meet your request for that reason.

- **You have the right to see what personal information has been shared with third parties.**

California Civil Code Section § 1798.83 allows users of our Services that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. If you would like to make such a request, please send an email to privacy@brandly.co.za.

- **You have the right to make us correct any inaccurate personal data about you**

If after accessing your information, you believe that we have incorrect or inaccurate data, you can request us to change or correct it.

- **You can object to us using your data for profiling you or making automated decisions about you**

We may use your data to determine whether we should let you know information that might be relevant to you (for example, tailoring emails to you based on your behavior). Otherwise, the only circumstances in which we will do this is to provide the Brandly service to you.

- **You have the right to port your data to another service**

We will give you a copy of your data in CSV or JSON so that you can provide it to another service. If you ask us and it is technically possible, we will directly transfer the data to the other service for you. We will not do so to the extent that this involves disclosing data about any other individual.

- **You have the right to be ‘forgotten’ by us**

You can do this by asking us to delete any personal data we hold about you, if it is no longer necessary for us to hold the data for purposes of your use of Brandy.

- **You have the right to lodge a complaint regarding our use of your data**

Please tell us first, so we have a chance to address your concerns. If we fail in this, EU residents can address any complaint to the relevant data authority from this list: http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm

The US does not view privacy in the same way and has not established processes for lodging complaints for the type of data we are collecting. If you have a complaint about our use of your data, reach out to us at privacy@brandly.co.za and we will address your concerns as best we can.

Your choices

- **You can choose not to provide us with personal data**

If you choose to do this, you can continue to use the website and browse its pages, but we will not be able to process transactions or fulfill orders without personal data.

- **You can turn off cookies in your browser by changing its settings**

You can block cookies by activating a setting on your browser allowing you to refuse cookies. You can also delete cookies through your browser settings. If you turn off cookies, you can continue to use the website and browse its pages, but Brandy and certain services (like Zendesk) will not work effectively.

- **You can control certain third-party collection and use of your information**

Third parties may offer ways for you to choose not to have your information collected or used. You can opt out of receiving targeted ads from members of the Network Advertising Initiative (“NAI”) on the NAI’s website: <https://www.networkadvertising.org/understanding-online-advertising/what-are-my-options/>

To prevent Google Analytics from collecting or using your information, you may install the Google Analytics Opt-Out Browser Add-on; go to Google Analytics Opt-Out Browser Add-on.

To opt out of tracking by Mixpanel: <https://mixpanel.com/optout/>

To opt out of tracking by Hotjar: <https://www.hotjar.com/legal/compliance/opt-out>

To manage ads that you see on Google:

<https://support.google.com/ads/answer/2662922?hl=en>

To manage ad settings on Facebook:

https://www.facebook.com/adpreferences/?entry_product=ad_settings_screen

- **You can ask us not to use your data for marketing**

We will inform you (before collecting your data) if we intend to use your data for marketing and if third parties are involved. You can opt out from marketing by emailing us at customercare@brandly.co.za, or by navigating to your account page and managing your data settings.

G. How secure is the data we collect?

Summary: We do a lot of things to keep your data safe on our end, but you are also responsible for keeping your account information safe and secure. If you feel that your data has been breached, immediately change your password and get in touch with our support team.

We have physical, electronic, and managerial procedures to safeguard and secure the information we collect. For more information on our efforts to ensure your data is held in a secure manner, please contact us at privacy@brandly.co.za

Our Infrastructure

Brandly operates on servers and cloud components that comply with strict international standards. Access to infrastructure at Brandly is securely controlled and available from specific locations only. This access is limited to specific employees only and protected by 2-factor authentication.

Data is stored in the US region by default on AWS/Azure servers and is continuously backed up. Our infrastructure's data centers and cloud services from providers are protected by physical access controls, intrusion and fire detection systems, and 24/7 professional security staff.

Document security

All documents and information are version-controlled by Atlassian services by default, so there's a permanent trail not only on the database level but also on the storage level.

Monitoring

We have continuous resource and infrastructure access monitoring in operation 24/7, 365 days a year. Any alerts generated by our monitoring system are sent to team members immediately and actioned. Brandly uses both third parties and in-house scans for vulnerability testing and app protection (WAF).

Training and audits

Regular third-party audits are conducted at Brandly to ensure we use the latest technologies and best practices to protect data. All employees at Brandly are trained in data security and are bound by strict confidentiality provisions.

And please remember:

- You provide personal data at your own risk: unfortunately, no data transmission is guaranteed to be 100% secure
- You are responsible for the security of your username and password: keep them secret and safe.
- If you believe your privacy has been breached, please change your password as soon as possible and contact us immediately on customercare@brandly.co.za or via Zendesk using the chat icon.

H. Where do we store the data?

The personal data we collect is processed at our offices in San Francisco and Riga and in any data processing facilities operated by the third parties identified below.

By submitting your personal data, you agree to this transfer, storing, or processing by us. If we transfer or store your information outside the EEA in this way, we will take steps to ensure that your privacy rights continue to be protected as outlined in this Privacy Policy.

I. How long do we store your data?

We will archive and stop actively using any personal identifiable information about you within 6 months from the last time you used Brandly. We will delete your personal data from our archives no later than 6 years from the last time you used Brandly or upon your request.