

## 1. Definitions

### **Application Privacy Policy LINKYFILE**

**Version of the 20/02/2024**

Linkyfile is an application that allows a person (the “**Uploader**”) to upload content on Linkyfile’s server, in order to make it available to third parties (“**Downloaders**”) through a URL hyperlink against a payment.

The Application is made available by Behind The App, a French registered company with its head office located 29 Boulevard Anatole France, Lyon, France (hereinafter “**Linkyfile**”, “**we**”, “**us**”, “**our**”).

This Privacy Policy applies to Uploaders that use the Linkyfile Application to upload Files and make them available to Downloaders.

The following definitions apply to this Privacy Policy :

**Account** : Online account on the Application assigned to Uploader, and accessible through the Application with the Uploader’s Credentials.

**Credentials** : an Account’s dedicated e-mail address and password, which are necessary to Uploader to access its account, and are personal and private to each Uploader.

**Data Protection Laws** : means (i) the Regulation (EU) 2016/679 (General Data Protection Regulation) of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data as currently in effect and as may be amended from time to time, France’s Law no°78-17 of 6 January 1978 on data processing, files and freedoms and any regulation(s) that complete or replace such law and France’s Law no°2018-493 of 20 June 2018; (ii) where applicable, regulations adopted within the European Union and local laws that may apply to Personal Data processed within the scope of the Uploader Terms of Use.

**Downloader** : Any natural person that navigates a Download Page and uses it to download a File against payment.

**Download Page** : Webpage published by Linkyfile and accessible with a dedicated URL address, on which the Downloader can access and download a File.

**File** : Digital file that an Uploader uploads by using the Service, to make it available for access and download against a payment.

**Parties** : Linkyfile and the Uploader, together.

**Application** : The Application through which the Services are available to Uploader.

**Services** : File uploading and downloading services that allow Uploader to upload a file on Linkyfile’s servers and make it available to a Downloader against a payment, as described in Linkyfile’s Uploader Terms of Use.

**Stripe** :

For Uploaders based in the United States of America : Stripe, Inc., a Delaware registered corporation, registered at 185 Berry Street, Suite 550, San Francisco, CA, 94107, USA.

For Uploaders based in the European Union : Stripe Payments Europe, Ltd, an Irish Private Company Limited by Shares, registered at A&L GOODBODY, IFSC, North Wall Quay, D01 H1O4, Dublin, Ireland.

## 2. Personal data

For Uploader based in the United Kingdom : Stripe Payments UK, Ltd, a UK registered private limited company, registered at 9th Floor, 107 Cheapside, London, EC2V 6DN, United Kingdom.

Other entities may be applicable when Uploader resides in another country. More information at <https://stripe.com/fr/legal>.

**Uploader** : Any natural person that makes Files available on the Application thanks to the Services.

### 1. General

For the purposes of this Privacy Policy, the terms "Personal Data" "Data Controller" and "Data Processor" have the meaning defined in the Data Protection Laws. Each of the Parties is responsible for complying with its respective obligations under the Personal Data Protection Laws in accordance with the terms and conditions set forth below.

### 2. Personal Data categories

The Personal Data that may be collected and/or processed by Linkyfile as Data Controller are :

- E-mail address ;
- Credentials ;
- Transaction Information (Payment amount, date, etc.) ;
- Banking information (IBAN) ;
- Information about the Uploader's device (IP address, technical characteristics and identification data) and Uploader's use of the application.

### 3. Collection of Personal Data

Linkyfile collects and processes Personal Data provided by the Uploader when the Uploader creates an Account and uses the Application.

### 4. Legal basis and purposes of processing

Linkyfile uses this Personal Data to carry out these Terms of Use allowing access to and use of the Application and Services.

### 5. Retention period of Personal Data

Personal Data is kept for a period not exceeding that necessary for the purposes for which it is processed. The Personal Data relating to the Uploader are deleted when the Uploader deletes its Account except to the extent that legal and/or regulatory requirements applicable to Linkyfile justifies a longer retention period.

Transactional and/or tax data is retained for the duration of the contractual relationship, plus the applicable statute of limitations for tax purposes, i.e., 10 years from the date the Service was performed.

### 6. Exercise of the Uploader's rights

In accordance with the Personal Data Protection Laws, the Uploader may exercise, where applicable, the following rights:

- *Right of access*: the Uploader may obtain information concerning the processing of his Personal Data and a copy of the same;
- *Right of rectification*: if the Uploader considers that his Personal Data is inaccurate or incomplete, they may request that they be modified accordingly;
- *Right to erasure*: the Uploader may request the deletion of his Personal Data, to the extent permitted by law;
- *Right to limit the processing*: the Uploader may request the limitation of the processing of their Personal Data;
- *Right to object*: the Uploader may object to the processing of their Personal Data for reasons relating to their particular situation. The Uploader has the absolute right to object at any time to the use of his Personal Data for commercial prospecting purposes, or for profiling purposes if such profiling is linked to commercial prospectation.
- *Right to Withdraw Consent*: If the Uploader has given consent to the processing of their Personal Data, they may withdraw that consent at any time. However, processing carried out for the performance of these Terms of Use does not rely on the Uploader's consent.
- The right to define directives concerning the conservation, deletion or communication of their Personal Data, applicable after their death.
- *Right to the portability of Personal Data*: where permitted by law, the Uploader may request the return of the Personal Data they have provided, or, where technically possible, the transfer of such data to a third party.

If the Uploader wishes to exercise any of the above rights, the Uploader may send a request by e-mail to [contact@linkyfile.com](mailto:contact@linkyfile.com). The Uploader must include a scan/copy of his or her proof of identity, where necessary, to enable Linkyfile to identify the Uploader.

In accordance with applicable law, in addition to the rights mentioned above, the Uploader may file a complaint with the relevant Data Protection Authority, such as the CNIL (Commission Nationale de l'Informatique et des Libertés) in France, or to any other competent national data protection authority.

## **7. Recipients of Personal Data**

In order to achieve some of the purposes mentioned in this article, Linkyfile may transfer Uploader's Personal Data to Stripe (e-mail address, transaction data, IBAN).

We use Stripe for payment. Stripe collects and processes personal data under its own liability, including identifying information about the devices that connect to its services. Stripe uses this information to operate and improve the services it provides to us, including for fraud detection and prevention. You can learn more about Stripe and its processing activities via privacy policy at <https://stripe.com/privacy>.

## **8. Transfer of Personal Data outside of the EEA.**

The Personal Data processed by Linkyfile for the provision of the Services is processed, stored and physically located in the European Economic Area (EEA).

However, in order to carry out payments under these terms of services, transfer outside of the EEA may be necessary. In such cases, Linkyfile ensures to set adequate appropriate safeguards and compliance measures to ensure an adequate level of protection of personal data transferred outside the EEA and Switzerland. These measures include the updated EU Commission's SCCs to accommodate international data transfers.