

Vtool Privacy Policy

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We value your privacy. This privacy policy (“**Privacy Policy**”) describes how we, Vtool Ltd. (“**Vtool**”, “**we**”, “**us**”, “**our**”) handle Personal Data we receive or collect in relation to access and use of our website, www.thevtool.com (“**Website**”), our product, Cogita and other products or services we may provide (together, “**Products**”), our business contacts (such as representatives of customers and suppliers), job applicants and other third parties who provide us with Personal Data.

“**Personal Data**” as used in this Privacy Policy means information relating to an identified or identifiable natural person. This Policy only describes our collection, use and processing of data which is Personal Data. It does not apply to, fully describe or in any way limit, our collection, use and processing of information which is not Personal Data.

We may change this Privacy Policy from time to time in order to keep you apprised of our data collection and use practices. We encourage you to regularly visit and review this Privacy Policy to stay informed of such practices.

Information we provide with respect to third party practices, such as third parties we use to collect or process Personal Data on our behalf, is based on information such third parties have made available, and may change or no longer be accurate. We provide this information for your convenience and make no warranty regarding this information.

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1. WHAT INFORMATION WE COLLECT AND HOW WE USE IT.

This section describes the ways in which we collect and receive information, what Personal Data is collected, the purpose for which it is collected, the legal basis for processing the data, to whom it is transferred, and the period for which we retain it. This description may be supplemented by additional information in other parts of this Privacy Policy. For example, you may find for more information on third-parties to whom your information may be transferred in Section 2 below.

A. Information you Provide

1.1. Trial Registration.

In order to download Cogita Freemium, you will be required to register with us and create an account (“**Account**”). As part of the registration process, we ask you for your name, email address, the entity you represent, and your country. You may also provide your phone number. We will use such information in order to verify your identity and prevent violations of the end user license agreement (“**EULA**”) governing your use of Cogita Freemium. If you do not provide this information, you will not be able to receive a copy of Cogita Freemium. The legal basis for our collection and use of information is your consent and our legitimate interest in preventing violations of the EULA. As part of the registration process, this information is transferred to and stored with SiteGround Hosting Ltd., a website hosting provider which hosts our website. We retain this information as long as for a period of ninety (90) days after termination of your Account or your request to remove your data.

1.2. Support Requests.

If you contact us by email or phone to request support in connection with your use of Cogita or our other Products or your Account, we may ask for your name, phone number and email address, a description of the problem or question you have and the version of our Product that you use. If you contact us for support through our website, we will ask you to create a support account (“**Support Account**”) with Zendesk, a customer support service provided by Zendesk, Inc., which we use to manage and respond to support requests. To create a support account you will be required to provide your name and email address.

We use the information you provide to verify your identity, and process, assist and contact you regarding your request. We may also store the details of your request in order to present this information to you as part of your Account history, in order to display and contact you with information that is relevant to you in the future, and to assist you with further requests for support. We will also use the details of your request (including information about you) for our own review of our customer support and communication practices. The legal basis for our collection and use of information is your consent, and our legitimate interest in improving our customer support practices. If you do not provide this information, you may not be able to submit your request through Zendesk and we may not be able to provide you with the support you have requested.

We maintain the information you provide for a period of 5 years. If you have created a Support Account, we will retain the information you provided through your Support Account until your Support Account is terminated and for a period of ninety (90) days after termination.

1.3. Mailing List Sign Up.

If you provide us with your email address to sign up to subscribe to our mailing list, we will use this information to send you communications about us, our Products and other information (including commercial communications).

The legal basis for our collection and use of information is your consent. If you do not provide this information we will not be able to add you to our mailing list or send you such communications. This information is transferred to and stored with SiteGround and MailChimp, a marketing platform provided by The Rocket Science Group. You may request that we stop sending you such communications at any time, including by clicking the “unsubscribe” link at the bottom of e-mails we send. We retain the Personal Data you provide in connection with such requests for a period of ninety (90) days after termination of the Account or the agreement with the company you represent.

1.4. Contact Forms.

If you otherwise contact us or submit information on our Website, such as by filling out and submitting forms to “set up a meeting” or to contact us to purchase licenses to use Cogita, you will be asked to provide us your name, email address, company, and country. You may also provide your phone number. We use this information to contact you regarding the subject of the form (i.e., to set up a meeting or to discuss a purchase of a license to Cogita or other matters you may specify in the form). If you do not provide the requested information, we will be unable to process and respond to your request. The legal basis for our receipt and use of such information is your consent. Such information is transferred to and stored with SiteGround. We retain the Personal Data you provide in connection with such requests for a period of ninety (90) days after our last correspondence with you.

1.5. Job Applications.

If you send us your CV by email, we will receive your email address, the information contained in your CV and in the email you send. We may also contact you to request additional information about you. We may also conduct checks on your background and work experience. We use this information in order to contact you and review your suitability for a position with us. If you did not provide this information or we did not collect it, we will not be able to properly evaluate your application for a position with us. The legal basis for our collection and use of the information is your consent. Information you provide us by email is stored with SiteGround. If you are not employed or otherwise engaged by us we will retain this information for up to a period of 90-days following our decision. If you are ultimately employed by us, we will retain such information in accordance with internal human resource policies.

1.6. Business Contact Information.

When we receive your information in a business context, such as if you have provided us with your business card (including electronically or as part of your email signature), have sent us an e-mail inquiring about our Product or services or if have otherwise provided us with your business contact information, such as in a meeting or at an event hosted or attended by us, or if you have entered into an agreement with us to receive or provide Product or services, we save your name, email address, phone number and company and other information you provide which is Personal Data (“**Business Contact Information**”). We will use your Business Contact Information to contact you in connection with our business or potential business relationship.

Where we have a contract with you (whether you are or represent a customer or supplier of ours), the legal basis for our collection and use of such information is the performance of our obligations and exercising our rights under our contract with you. Otherwise, the legal basis for our collection and use of your Business Contact Information is our legitimate interest.

Such information is stored with SiteGround. We retain Business Contact Information for a period of five (5) years after the termination of any agreement we may have with you, in order to exercise any legal rights we may have in

connection with the agreement or our relationship, or, if no such agreement is executed, for a period of five (5) years from the time the information is received.

B. Information we Automatically Collect

1.7. We collect and analyze information about how you use and access our Website and Product using services and tools provided by third-parties as further described below (“**Analytics Services**”). Generally, Analytics Services collect information such information using technologies like cookies and other tracking technologies, such as pixels or web beacons. The legal basis for our collection of such data is our legitimate interest in understanding our Website and the Product are used and using that information to improve our products and services. If we did not collect this information we would not be able to identify problems in our Products, or otherwise improve our Website or Products.

A. Google Analytics. Google Analytics, provided by Google LLC (“**Google**”), collects information such as when and how often users visit our Website, what pages or parts of the Website they visit and access, the visitor’s operating system (OS) and web browser type, Flash version, JavaScript support, the visitor’s device screen resolution and screen color processing ability, what other websites or applications they used prior to accessing our Website, the visitor’s network location and their IP addresses. Google may also collect visitor’s location, search history, YouTube history, and data from sites that partner with Google. We use the information we receive from Google Analytics to maintain and improve our Website. We do not combine the information collected through the use of Google Analytics with other Personal Data we maintain. Google’s ability to use and share information collected by Google Analytics about your visits to our Services is governed by the Google Analytics Terms of Service, available at <http://www.google.com/analytics/terms/us.html/>, and the Google Privacy Policy, available at <http://www.google.com/policies/privacy/>. Google also uses this information for its own purposes as described [here](#). You may learn more about how Google collects and processes data specifically in connection with Google Analytics at <http://www.google.com/policies/privacy/partners/>. You may prevent your data from being used by Google Analytics by downloading and installing the Google Analytics Opt-out Browser Add-on, available at <https://tools.google.com/dlpage/gaoptout/>. We retain Personal Data collected through Google Analytics for a period of 5 years.

B. Mixpanel. Mixpanel is provided by Mixpanel, Inc. Mixpanel collects information from the Product about users’ use of and interactions with the Product using cookies. The information collected includes the time of an event, the elements interacted with, metadata and other details about these elements including duration of interaction, information about the device used, such as operating system, and screen height and width, the city, region, time zone and country of a user. Your IP address will be used but not stored by Mixpanel. We retain Personal Data collected through Mixpanel is retained for a period of five years.

C. MailChimp. When you open or interact with emails we send, our service provider MailChimp automatically collects data about your interaction with the email message such as whether you opened the email, what links you clicked on in the email, your IP address, your operating system, your browser ID, and other information about your system and connection, and the date and times you open the email and interact with its contents. We retain Personal Data collected through MailChimp for a period of 5 years..

D. LinkedIn. When you visit our website

2. HOW (AND WITH WHOM) WE SHARE YOUR PERSONAL DATA

In addition to any methods or third parties with whom we may share your Personal Data described above, we share Personal Data in the following manner:

- 2.1. Law Enforcement or Other Government Entities. Where required by law or government or court order, we will disclose Personal Data relating to you, but only to the extent we are required to do so by law.
- 2.2. With your Consent. In the event that you have requested or have consented to the transfer of Personal Data relating to you (such as by checking a box to signify your agreement) we will transfer Personal Data to the relevant third party.
- 2.3. Disputes. In case of any dispute with or concerning you, we may disclose Personal Data relating to you with our legal counsel, professional advisors and service providers, the relevant court or other tribunal and other third parties as needed in order to resolve the dispute, defend ourselves against any claims, or enforce our rights.
- 2.4. Mergers and Acquisitions. In the event that we, or a part of our business, are sold to a third party, or if we are merged with another entity, or in the event of bankruptcy or a similar event, we will transfer information about the relevant portions of our business as well as relevant customers and users, to the purchaser or the entity with which we are merged.
- 2.5. Affiliates. We share Personal Data with our affiliates, such as our Serbian subsidiary, Vtool Serbia DOO, who assist us in processing Personal Data and providing our products and services.

3. YOUR GDPR RIGHTS.

Subject to certain exceptions and exclusions, the following rights apply to individuals who are located in an EU member states or otherwise protected by the EU General Data Protection Regulation (“GDPR”), as further described below. If you are such a person, then:

- Right of Access. You may request that we confirm to you whether or not we store Personal Data about you and to receive a copy of the Personal Data we maintain about you and information about: (a) the purposes of the processing of the Personal Data; (b) the categories of Personal Data being processed; (c) the names of the recipients or the categories of recipients to whom the Personal Data have been or will be disclosed, in particular recipients in third countries or international organizations; (d) if possible, the period we believe we will store the Personal Data, or the criteria we use to determine that period; (e) the sources of the Personal Data, if not collected from you; and (f) whether we use automated decision-making, including profiling, and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for you.
- Right to Rectify. You may request that we correct any Personal Data about you that we maintain that is incorrect. Depending on the purpose for which the data is used, you may also request to complete incomplete Personal Data we maintain.
- Right to Erasure (“Right to be Forgotten”). You may request that we erase or suppress Personal Data that relates to you in the following cases: the data is no longer needed by us; the data was collected and is used on the basis of your consent and you withdraw that consent; when you have a right to object to our use of the data (as described below under, “Right to Object”); we are not lawfully processing the data; or we are otherwise required by law to delete the data. However, there may be circumstances in which we may retain your data or we may refuse your request, for example, when we review the data to defend ourselves or make legal claims or exercise our own rights. In addition, this right may not apply to the display or access of your Personal Data outside of the European Union.

- Right to Restrict Processing. You may request that we restrict our use or processing of your Personal Data if: you claim the Personal Data is inaccurate, during the time we investigate your claim; our processing of the Personal Data was unlawful; we no longer require the Personal Data; we processed the Personal Data for our legitimate interests and you object to this use (as you are permitted to do under Article 21(1) of the GDPR), during the time that we investigate whether our legitimate interests override your request. However, there may be circumstances in which we are legally entitled to refuse your request.
- Right to Data Portability. You may request that we provide you with your Personal Data that we process based on your consent or to fulfill a contract with you or that we process using automated means, in a structured, commonly used and machine-readable format, and to transfer your Personal Data to another entity or have us transfer it directly to such entity.
- Right to Object. You may, based on reasons specifically relating to you, object to our processing of your Personal Data, when: (i) the data is used for our legitimate interests and our interests in processing the data does not override your interests, rights and freedoms and we do not require use of the data for the establishment, exercise or defense of our legal claims or rights; and (ii) we use the data for direct marketing purposes or profiling for direct marketing purposes.
- Right to Object to Automated Decision Making. You may request that you not to be subject to a decision based solely on automated processing, including profiling, when the decision produces legal effects concerning you or significantly affects you.
- Right to Withdraw Consent. Where we process Personal Data relating to you based on your consent (such as by clicking a check box adjacent to a statement of consent), you may withdraw your consent and request that we cease using your Personal Data for the purpose for which you have your consent, or altogether, depending on the situation.
- Right to Make a Complaint. You may file a complaint regarding our practices with the data protection authority in your place of habitual residence, place or work, or the place of the alleged infringement. For a list of data protection authorities in the European Economic Area, please see here: https://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080.

You can exercise your rights that apply to us by contacting us by email at support@thevtool.com.

We may be permitted by law (including the GDPR and local national laws) to refuse or limit the extent to which we comply with your request. We may also require additional information in order to comply with your request, including information needed to locate the information requested or to verify your identity or the legality of your request. To the extent permitted by applicable law, we may charge an appropriate fee to comply with your request.

4. TRANSFERS OF PERSONAL DATA TO OTHER COUNTRIES OUTSIDE THE EU OR EEA

We transfer Personal Data we receive in or from the European Union (and other locations) to the following countries outside the EU and European Economic Area:

- Israel, where we are located. As of the date of this Privacy Policy, the European Commission has determined that the State of Israel adequately protects Personal Data. (A list of countries which the European Commission has determined to adequately protect Personal Data can be found, as of the date of this Privacy Policy, here: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

- The Republic of Serbia, where our Serbian subsidiary, Vtool Serbia DOO, is located, We and our subsidiary have executed agreements which include the obligations with respect to the processing of Personal Data in the form approved by the EU Commission (“**EU Model Clauses**”).
- Zendesk stores information collected in the United States. Zendesk certifies that it complies with the US-EU Privacy Shield Framework for the protection of Personal Data.
- Google stores information collected through Analytics Services in various locations around the world, including the United States. Google certifies that it complies with the US-EU Privacy Shield Framework for the protection of Personal Data.
- Data collected through Mixpanel is stored in the United States. Mixpanel certifies that it complies with the US-EU Privacy Shield Framework for the protection of Personal Data.

If you are an individual protected by the GDPR, you may contact us in order to obtain additional information regarding the basis for the transfer of Personal Data relating to you to countries outside the European Economic Area. Please note that information or copies of documents we may provide to you in connection with such requests may be limited or redacted in order to protect the rights of third parties or to comply with contractual obligations we may have (such as obligations of confidentiality).

5. CALIFORNIA DO NOT TRACK NOTICE.

We do not track individuals’ online activities over time and across third-party web sites or online services (though we do receive information about the webpage you visited prior to accessing our Website). Other than Google, which uses data collected through Google Analytics as described [here](#), we do not permit third-parties to track individuals’ online activities on our Website over time and across third-party websites or online services, unless it is part of a service provided to us as described above. We do not respond to Web browser “do not track” signals or similar mechanisms.

6. PERSONAL DATA OF CHILDREN.

Our Website and Product are not intended for, and we do not knowingly collect Personal Data from persons under the age of eighteen (18). If you believe that a person under the age of eighteen (18) has provided us with Personal Data, or if we have received the Personal Data of such person, please contact us at support@thetool.com

7. Our Contact Information

For inquiries regarding this Privacy Policy, you may contact us as follows:

support@thetool.com