



## **Privacy Policy for nearox, nearox+ and nearox prime as of November 21<sup>th</sup>, 2012**

Version 1.1 of November 21<sup>th</sup> 2012

This Privacy Policy applies to the use of nearox and nearox+ and nearox prime. "nearox" and "nearox +" means the nearox technology, the nearox application and / or the nearox Media GmbH.

This Privacy Policy supplements the GTC for nearox, nearox+ and nearox prime.

### **1. Basic principles governing the processing of Personal Data by nearox**

The protection of the Personal Data of Users is of central importance to nearox. To protect the User's Personal Data nearox applies the following basic principles:

nearox collects, processes and uses Personal Data in accordance with applicable data protection laws of the Federal Republic of Germany and the data protection provisions of the European Union.

nearox collects, processes and uses Personal Data solely to enable the smooth and proper functioning of nearox technology and to provide the User with specially selected content. The data supplied by each User of nearox is stored on nearox's servers.

With the exception of the Profile name (which, for the intended functioning of nearox must be visible to other Users), the User may decide what other information to share with other Users, such as voice messages, images-, video- and text attachments, or details of birth, status, interests, profile picture(s), with the possibility that Personal Data contained in any image(s) or voice message may be viewed or heard by other nearox Users.

### **2. Defined Terms used in this Privacy Policy**

nearox uses the following defined terms in this Privacy Policy.

**"Personal Information"** means any any information concerning the personal and other circumstances of the User.

The services, which nearox offers through the nearox technology, and the nearox media GmbH are individually or collectively called **"nearox"**.

The users of nearox are called the **"User"**.

Voice messages, any associated image-, video- or text attachments and, if requested by you, the GPS data of the location, created through nearox technology are called **"nox"** in the singular, **"noxies"** in the plural or **"User Content"**.

The Personal Data that a User must imperatively enter when registering to use nearox are called **"Registration Details"**.



The profile that nearox creates with the Personal Data and consent of a User is called the **"Profile"** and the Personal Data contained therein is called **"Profile Data"**.

### **3. Data collection during the use of nearox technology**

For the purpose of ensuring that nearox functions as intended on the Internet and/or within the app, nearox must collect and process certain Personal Data to create the Profile. The following mandatory data must be provided at the time of registration:

Profile name, which may, subject to the Terms of Use, be chosen by the User.

The user may voluntarily provide the following optional information:

Date of birth, age, weight

Status and interests

Profile picture(s)

All information provided by a User is visible to all nearox Users without any restrictions where it is marked by the User as "public" or otherwise made publicly available: it is on the respective mobile device of Users and / or stored and processed by nearox media GmbH. Except for the Profile name, Profile Data may at any time be edited, modified or deleted.

### **4. Authenticity of Users**

The nearox App will automatically check upon start up whether the App has already been assigned a unique nearox-ID, which is generated by nearox. The data provided by the User and the noxies it creates are linked to the nearox-ID, which is used each time the User uses nearox.

### **5. Availability of the Profile Data to other nearox Users**

Each nearox-User can, via the Search Function, search for and view the Profile of other nearox-Users based on the data contained in a User's Profile.

### **6. Storing Content**

All content, noxies and their image-, video- or text attachments and, if selected, the GPS location will be synchronized with the nearox server and stored there. Uninstalling nearox from a device will delete data stored thereon. It is possible to restore data deleted from a device from the data stored on nearox servers. Before disposing of the device (for example by way of sale or gift), the nearox-User should delete the nearox account and uninstall the nearox-App in order to delete the data stored on the device. nearox reserves the right to delete permanently at any time and for any reason data or other content marked as "public"



or in an area marked as "public".

User Content deleted by the User is no longer accessible or visible to the User or other Users, except to the extent the User has shared the User Content with other Users and the other Users have not deleted the User Content from their respective device. Following the deletion of the User Content, the deleted User Content may still exist in cache stores or backup copies for a reasonable period of time, without it being available to other Users.

## **7. Transfer of Personal Data**

Subject to the terms set out in the "Terms of Use for nearox", no Personal Data by which a nearox User can be individually identified will be passed on to third parties for commercial purposes, except to the extent it is essential for the use of the nearox technology.

## **8. Age restriction**

The use of nearox is restricted to persons who are of legal age. nearox accepts no responsibility for protecting the privacy of minors, which shall remain the responsibility of the minor's parents or guardians.

## **9. Subject to change**

nearox reserves the right to, at any time, revise or modify this Privacy Policy in accordance with applicable data protection legislation, especially if required by any changes to the law. nearox Users will be automatically notified of any changes at the next program start up or the next time they login to the website.

## **10. Availability of Privacy Policy**

This Privacy Policy is available to be viewed and printed at [www.nearox.com](http://www.nearox.com).