

## Data Protection Policy for AFMG News

### Introduction

Welcome to AFMG News, the email-marketing platform of AFMG Technologies GmbH. This Data Protection Policy provides information on how we process personal data of individuals who access the webpages at [afmg-news.afmg.eu](https://afmg-news.afmg.eu) and under the address of [afmg.us3.list-manage.com](https://afmg.us3.list-manage.com) and use the services provided by AFMG in the context of AFMG News.

For any questions or requests in this regard, please feel free to contact our Marketing and Sales department via email to [sales@afmg.eu](mailto:sales@afmg.eu) or by phone at +49 (0)30 467 092 – 30.

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## 1. General

### 1.1. Data Controller and Data Processor Identification

The Data Controller is AFMG Technologies GmbH (hereinafter: “AFMG”, “we”, and “us”), Borkumstr. 2, 13189 Berlin, Germany. Tel.: +49 (0)30 467 092 – 30, Fax.: +49 (0)30 467 092 – 27, email: [info@afmg.eu](mailto:info@afmg.eu).

AFMG’s Data Processor is The Rocket Science Group, LLC d/b/a Mailchimp (hereinafter: “Mailchimp”), 675 Ponce de Leon Ave NE, Suite 5000, Atlanta, GA 30308, United States of America.

### 1.2. Definitions

**Personal Data** means any information relating to an identified or identifiable natural person (“Data Subject”).

**Cookie** is a simple computer file made of text, which is typically stored by the end user's browser when visiting a website. It can include a range of information, such as details about your device and usage behavior, previously visited websites, and custom configurations. This data can be used, e.g. to allow websites to operate properly, to personalize the user's experience when visiting a website, and to find out if someone has visited a website before.

**Data Controller** means the entity that determines the purposes and means for the processing of Personal Data.

**Data Processor** means the entity that processes Personal Data on behalf of the Data Controller.

**Sub-processor** means any Data Processor engaged by Mailchimp or its affiliates to assist in fulfilling its obligations with respect to providing services as Data Processor to AFMG.

**GDPR** is an abbreviation for 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 (General Data Protection Regulation).

## 2. Automated data processing

### 2.1. IP Address and device information

#### Explanation and purposes of processing

In order to subscribe to the AFMG News mailings list, manage your preferences, perform actions as a subscriber, and to unsubscribe from AFMG News, you will be linked to and use webpages at [afmg-news.afmg.eu](http://afmg-news.afmg.eu) and under the address of [afmg.us3.list-manage.com](http://afmg.us3.list-manage.com), which are hosted by Mailchimp on our behalf (hereinafter: "AFMG News Webpages").

Through the signup form accessible via [afmg-news.afmg.eu](http://afmg-news.afmg.eu) (hereinafter: "Signup Form"), you have the possibility to register for AFMG News. The simple visit/use of the Signup Form does not require prior registration and/or other provision of Personal Data. During your visit to the Signup Form or to other AFMG News Webpages, information collected and processed through technically automated means is sent to Mailchimp servers.

The following information is automatically processed when you visit the form website:

- The IP address and operating system of your computer or other end device (e.g. tablet or smartphone)
- Browser data, such as type, version, display settings, language, usage data, log files, and requests sent by your browser

The IP address and operating system of your device are necessary for technical reasons, so that you can visit and use AFMG News Webpages. These websites cannot be accessed and operate properly without this data being processed. The processing of the IP address is either anonymized or deleted once it is no longer required for technical reasons for you to access/use the form website.

Browser data is also necessary for technical reasons, so that the form can operate properly and be displayed suitably. In addition, this data is used for optimization of the website and as a basis for future improvements to the website (when applicable).

## Legal basis

The legal basis for this processing of data is Art. 6 (1), first sentence, (f) GDPR. The legitimate interest in processing the relevant data is that it makes accessing the website technically possible, allows optimization of the content display for the user, and enables the continued improvement of the internet service in the future.

## 2.2. Use of cookies

### Explanation and purposes of processing

When you visit AFMG News Webpages at [afmg-news.afmg.eu](http://afmg-news.afmg.eu) and under the address of afmg.us3.list-manage.com in order to subscribe to AFMG News, manage your preferences, perform actions as a subscriber, or to unsubscribe from AFMG News, Mailchimp uses first-party cookies for the purposes described below. These cookies are automatically removed according to the specified expiration date.

The following **essential cookies** are strictly necessary to provide you with services and to use some of the features available through AFMG News.

Cookie Name	Description	Expiration
<b>_AVESTA_ENVIRONMENT</b>	<p>This cookie is strictly necessary to provide you with services available through AFMG News. It allows you to use some of its features, such as to access secure areas, to register for AFMG News, to manage your registration, and to perform other actions as a subscriber.</p> <p>This cookie is also used to enhance the performance and functionality of AFMG News Websites. Without this cookie, certain functionality may become unavailable.</p>	End of the browser session.
<b>_abck</b>	This cookie is strictly necessary to provide you with services available through AFMG News and to use some of its features, such as access to secure areas.	1 year.

<b>ak_bmsc</b>	This cookie is strictly necessary to provide you with services available through AFMG News and to use some of its features, such as access to secure areas.	2 hours.
<b>bm_sz</b>	This cookie is strictly necessary to provide you with services available through AFMG News and to use some of its features, such as access to secure areas.	4 hours.
<b>bm_sv</b>	This cookie is strictly necessary to provide you with services available through AFMG News and to use some of its features, such as access to secure areas.	4 hours.

When registered users visit AFMG News webpages under the address of [afmg.us3.list-manage.com](http://afmg.us3.list-manage.com) in order to manage their preferences, perform actions as a subscriber, or to unsubscribe from AFMG News, Mailchimp uses the following first party **analytics and customization cookies**, to collect information that allows Mailchimp to understand interactions with these webpages, and ultimately refine the websites' usability and experience.

Cookie Name	Description	Expiration
<b>_gid</b>	Used to distinguish users	24 hours.
<b>_ga</b>	Used to distinguish users	2 years.
<b>_gat</b>	Used to control the request rate	1 minute.

You can set or amend your web browser controls to accept or refuse cookies. If you choose to reject cookies you may still use AFMG News Webpages though your access to some functionality and areas of these webpages may be restricted. As the means by which you can refuse cookies through your web browser controls vary from browser-to-browser, refer to your browser's help menu for more information. You will also find instructions on how to change your cookie preferences for some of the most popular browsers here:

[Cookie settings in Chrome](#)

[Cookie settings in Firefox](#)

[Cookie settings in Internet Explorer](#)

[Cookie settings in Safari on Mac](#)

## Legal basis

The legal basis for this processing of data is Art. 6 (1), first sentence, (f) GDPR. The legitimate interest in processing the data is that it enables the use of the website and its functions, the optimization of the content displayed to the user, and the improvement of the services provided.

### 3. Data processing when subscribing to AFMG News

#### Explanation and purposes of processing

Through the Signup Form, hosted by Mailchimp and accessible via [afmg-news.afmg.eu](https://afmg-news.afmg.eu), you have the possibility to register for AFMG News. At this point, you will have to select the type of publications/news you would like to receive from us via email.

You have the option to choose one or more of the following types of news:

- **The quarterly AFMG Newsletter** typically contains short articles and key announcements about our company, products, new technologies, current and future projects such as collaboration with third parties, and events in which AFMG staff and partners take part. This newsletter may also include overviews of available software updates and latest software versions, a summary of upcoming seminars associated with AFMG products, and articles or resources related to technical support topics. This newsletter is sent out about four times a year.
- **Information on classes and events in my region** provides you with a way of receiving information about events in your region (within the same country, economic region, or continent). These are items such as tradeshows or seminars and courses about or related to AFMG products, acoustics, audio engineering, or related subjects, provided by AFMG or companies closely related to AFMG. Mailings with this type of news are sent out not more than a few times a year.
- **Special product offers** provides customers with particular interest in AFMG measurement and simulation products a means of receiving special offers, including calls for software testing programs, early access programs to products still under development, and seasonal discounts. Mailings with special product offers are sent out not more than a few times a year.
- **News dedicated to manufacturers and laboratories** includes technical information for loudspeaker manufacturers and measurement laboratories, such as support resources related to our products, data authorization and certification, information about new and updated software development kits, and other products developed for manufacturers of audio equipment. Mailings with this type of news are sent out not more than a few times a year.

In order to receive these publications, a declaration of consent is required for each different type of news, including the provision of an **email address** and choice of **country**, which are stored for the purpose of sending mailings on behalf of AFMG to the specified address. Your email address may also be used, for your convenience, to avoid your receiving unnecessary invitations to register for AFMG News while you browse through authenticated areas of our websites or when engaged in communication with AFMG.

In addition, we process and store through technically automated means your IP address, a rough estimate of your location based on your IP address, your browser's type, and its language setting when you submit your registration for AFMG News or perform any changes to your preferences.

Your IP address and rough estimate of location are necessary for technical reasons, allowing you to subscribe to AFMG News. Without this data being processed, you cannot register for AFMG News and receive our mailings.

Information on your browser's type and language setting are stored and processed in order to optimize how content is displayed and allow us making future modifications and improvements to the services provided through AFMG News (where applicable).

The collected Personal Data described above will be stored and processed only for as long as it is required for the purposes for which they have been collected, provided no exception as per Art. 17 (3) GDPR applies. Art. 17 (3) GDPR lays out the exceptional conditions for not erasing Personal Data.

If you unsubscribe from AFMG News, your Personal Data will be taken out of operation and you will no longer receive mailings from AFMG News list, unless new consent is provided. This data will remain stored for a limited time as evidence that AFMG used it in accordance with the consent you previously provided. We will permanently delete your Personal Data three years after the end of the year in which you have unsubscribed. No archived copies will be kept.

We do not intend to store your Personal Data longer than needed.

## Lawfulness of the processing

### Consent

Your Personal Data will be stored and mailings will be sent to the email address provided by you on the basis of the prior consent you have granted. The consent granted by you in the course of subscribing to AFMG News is voluntary and reads as follows:

*"Click below to select the types of news you would like to receive. By making a selection, you authorize AFMG to store and use your data according to AFMG News Data Protection Policy. This allows us to send you mailings for only the types of news you selected. You have the option to change your preferences and to revoke consent to AFMG News at any time. To do so, simply follow the links provided in our newsletter or contact us via sales@afmg.eu."*

It is not possible to subscribe to AFMG News without granting consent to receive at least one of the following types of news: The quarterly AFMG Newsletter; Information on classes and events close to me; Special product offers; or News dedicated to manufacturers and laboratories.

Your subscription to AFMG News will only take place once you have confirmed the subscription by clicking the confirmation link that is sent to you via email (double opt-in registration procedure). Your Personal Data described above will only be stored once your subscription is confirmed.

## Legal basis

The legal basis for this processing of data is Art. 6 (1), first sentence, (a) GDPR.

## 4. Recipients of the Personal Data

### Processor

The sending of mail items from AFMG News is carried out by Mailchimp on behalf of and based on instructions provided by AFMG. The Personal Data, collected and processed as described in Section 2 (Automated data processing) and in Section 3 (Data processing when submitting your registration to AFMG News), is transmitted outside the EU based on a controller-processor-agreement.

Mailchimp is required to provide an adequate level of protection (within the meaning of EU Data Protection Law) for the Personal Data. Mailchimp contractually commits to transfer and process the Personal Data in compliance with the [Standard Contractual Clauses](#) for processors, as approved by the European Commission or Swiss Federal Data Protection Authority (as applicable).

### Sub-processors

Mailchimp uses its affiliates and a range of third-party Sub-processors to assist in providing the email marketing services used by AFMG. Mailchimp is required to enter into written agreement with its Sub-processors imposing data-protection terms that require the Sub-processors to protect the Personal Data to the standard required by data-protection laws.

An up-to-date list of Mailchimp Sub-processors can be viewed here:

<https://mailchimp.com/legal/subprocessors/>

These Sub-processors provide Mailchimp with cloud hosting and storage services, content delivery, content review services, assist in providing customer support, as well as incident tracking, response, diagnosis, and resolution services. Mailchimp may transfer and process your Personal Data anywhere in the world where Mailchimp, its affiliates, or its Sub-processors maintain data-processing operations (within the limits of GDPR).

## 5. Your rights as a Data Subject

You may exercise certain rights regarding AFMG's processing of the Personal Data that relates to you.

### **Right to rectification**

You have the right to obtain from AFMG the rectification of inaccurate Personal Data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete Personal Data completed, including by means of providing a supplementary statement (Art. 16 GDPR).

### **Right to erasure**

You have the right to obtain from AFMG the erasure of Personal Data concerning you (Art. 17 (1) GDPR), provided no exception as per Art. 17 (3) GDPR applies.

Within 30 days after we have received your request, we will permanently delete the Personal Data concerning you from our Data Processor. We will also isolate and archive your data internally, for a limited time, inside AFMG headquarters, only to be used in the cases laid out in Art. 17 (3) GDPR. After three years have passed since the end of the year the Personal Data was isolated, we will also process the permanent removal of the Personal Data concerning you from our archive.

### **Right to revoke consent**

You have the right to revoke consent to regularly receiving mailings from AFMG News at any time.

Each of our email items contains links in the footer that can be used to change your preferences or unsubscribe from AFMG News. Consent can also be revoked by email to [sales@afmg.eu](mailto:sales@afmg.eu) with a simple declaration at any time and with effect for the future.

### **Right to object to processing on the basis of legitimate interests**

To the extent that processing of data is based on Art. 6 (1), first sentence, (f) GDPR ("legitimate interests"), you have the right, under Art. 21 GDPR, and on grounds relating to your particular situation, to object at any time to the processing of Personal Data concerning you.

In the case of an objection, AFMG will no longer process the Personal Data, unless the processing serves the assertion, exercise, or defense of legal claims or AFMG can prove necessary, legitimate grounds for the processing that override the interests, rights, and freedoms of the Data Subject.

### **Right to access your data**

You have the right, under Art. 15 GDPR, to obtain from AFMG confirmation as to whether or not Personal Data concerning you are being processed and, if applicable, to obtain a copy of the Personal Data undergoing processing.

### **Right to restrict the processing of your data**



In certain cases, you have the have the right to obtain from AFMG restriction of processing of Personal Data concerning you. These cases are laid out in Art. 18 (1) GDPR.

### **Right to portability**

You have the right to receive the Personal Data concerning you, which you have provided to AFMG, in a structured, commonly used, and machine-readable format and have the right to transmit those data to another Data Controller, in the cases laid out in Art 20 (1) GDPR.

### **Right to lodge a complaint with a supervisory authority**

You have the right to lodge a complaint with a supervisory authority, in particular within the Member State of your habitual residence, place of work, or place of the alleged infringement if you consider that the processing of Personal Data relating to you infringes the GDPR (Art. 77 GDPR). Please refer to your local data protection authority for more information. On the European Commission website, you can refer to the [list of data protection authorities within the European Economic Area](#).

We may review and, where necessary, update this data protection policy. If we plan to use the Personal Data of AFMG News subscribers for a new purpose, that is incompatible with the original purposes for which consent has been provided, we will update this policy and request consent for the new purpose.

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Berlin, December 8, 2021.