

# Online Ad-hoc Privacy Notice

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## 1 About us and our Surveys

You (“you”, “your”, “respondent”) are about to take an online survey (the “survey”, “surveys”) that is hosted by GfK SE (“GfK”, “we” / “us” / “our”, see section “Contact Information”). We are based in the European Union. We process your personal data in compliance with applicable European data protection laws and other statutory provisions. GfK is part of a global organization (the “GfK Group”), consisting of several companies in and outside the European Union, all predominantly owned by GfK SE in Germany.

## 2 What is personal data?

Personal data is information that directly or indirectly identifies you as an individual, indirectly meaning when combined with other information, for example, your name, postal address, email address and phone number, or a unique online or digital device identifier.

## 3 Use of personal data

We process your personal data for the purposes as described below. We do not collect and process more or other types of personal data than are necessary to fulfill the respective purposes pursued by GfK or a client. We will only use personal data as set forth in this Privacy Notice, and we process personal data on behalf and pursuant to the instructions of the client in case we receive Respondents’ personal data from the client.

### 3.1 Categories of personal data that are processed in the course of Surveys

Depending on the different scenarios described in this section 3 of the Privacy Notice, GfK may act as a controller or a processor of these categories of personal data:

1. **“Survey Data”**, meaning the respondents’ answers to surveys, which may inadvertently include personal data,
2. **Your “pseudonym”**, meaning an identification number that is assigned to you by an external service provider or a GfK Group company (together “fieldwork partners”) who is recruiting respondents on our behalf and invited you to take part. Your pseudonym is personal data because the fieldwork partner can use it to identify you as an individual.
3. **“Meta data”**. Meta data means personal data collected in the background during a survey, such as browser cookies or internet log files.
4. **“Contact Information”**, could be respondents’ name, postal address, phone number and email address, received from the client for the study in the form of a “contact list”.

## **3.2 Fieldwork partners**

We use fieldwork partners to find and invite qualified respondents for the survey, and we will collect the respondents' answers to the survey under a pseudonym.

In case the fieldwork partner is an external agency, GfK is not able to attribute pseudonyms or any survey data or meta data to an identifiable respondent.

In case the fieldwork partner is a GfK Group Company, we will not link your survey data or meta data to you as an individual, either.

Please also see section 4.3 ("External service providers").

## **3.3 Controllership and processing of contact information and survey data**

### **3.3.1 Recruitment of respondents through fieldwork partners**

In case we do not receive any contact lists or other personal data from the client who commissioned the survey, GfK is the data controller for the survey data and meta data.

GfK processes your survey data under your pseudonym with your consent given either to the fieldwork agency who invited you to the survey or to us directly by agreeing to take part in the survey.

### **3.3.2 Surveys among respondents whose contact information GfK receives from clients**

For some surveys, the client who commissioned the survey provides us with contact information, in the form of "contact lists", of potential respondents. In these cases, GfK conducts the survey on behalf of the client under a data processing agreement pursuant to applicable data protection law, and the client is the data controller for the contact information and the survey data.

With the authorization by the client, we transfer such contact lists to fieldwork partners who may use the contact information in two ways:

- (1) to match individuals from the contact lists with their own database, if any, and to invite people from the contact list who were found on their database to the survey,
- (2) in the absence of an own database at the fieldwork partner or if the overlap of the contact list and an existing database is not large enough in order to achieve the required number of completed surveys, to contact individuals from the contact list directly in order to invite them to the survey.

We collect your answers to the survey under your pseudonym.

If we conduct surveys on behalf of clients who provide us with contact lists, we disclose to the respondents the identity of the client. For methodological reasons, thus, to prevent biased results, we do not do so upfront but only after the survey.

### 3.4 Meta data

We process “meta data” in our capacity as a controller for purposes of our legitimate interest as a market research company and a website operator. Meta data means personal data collected in the background during a survey, such as by means of browser cookies or internet log files. The processing of these data is subject to our [Cookie Policy](#).

### 3.5 How we use your personal data

We analyze and evaluate survey **data** to fulfill our or the client’s market research purposes. We never attach contact information to survey data that we share with clients. Typically, we aggregate the survey data with the survey data of other respondents. In some cases we may report the survey data on a respondents’ level, using your pseudonym instead of your name. This means that a client cannot attribute your answers to you as an individual.

We use **meta data** to enhance the users’ experience and improve the performance, user friendliness and security of the surveys and for purposes of quality assurance, including the prevention and detection of fraud and of disruption or damage to our IT systems.

We may be required to use and retain personal data for legal and compliance reasons, such as the prevention, detection, or investigation of a crime, loss prevention, fraud or any other abuse of our services and IT systems. We may also use your personal data to meet our internal and external audit requirements, information security purposes, or to protect or enforce our rights, privacy, safety, or property, or those of other persons.

We use **contact information** to transfer it to fieldwork partners for them to communicate with respondents in relation to the survey, such as to invite them to the survey and to remind them to take the survey.

## 4 How we share personal data

We will disclose your personal data only for the purposes and to those third parties, as described below – unless with your specific consent to transfers of personal data to other categories of third parties given elsewhere. GfK will take appropriate steps to ensure that your personal data are processed, secured, and transferred according to applicable law.

### 4.1 Within GfK Group

We may transfer your personal data to one or more GfK Group affiliated companies as needed for data processing and storage, providing you with access to our surveys, providing support, making decisions about service improvements, content development and for other purposes as described in Section 3 of this Privacy Policy. We do not disclose personal data of respondents to third parties outside the GfK Group unless respondents have given their explicit consent for the specific purpose prior to the transfer.

## **4.2 Pharmacovigilance requirements**

While we do not share Respondents' personal data with clients in the course of the normal business process, your participation in the Survey may be subject to your separate consent to pharmacovigilance requirements which may, depending on the type of study and the country where the Survey is conducted, involve limited disclosure of personal data to clients in exceptional cases.

## **4.3 External service providers**

Where necessary, we will commission other companies and individuals to perform certain tasks contributing to our services on our behalf within the framework of data processing agreements. For example, we provide personal data to fieldwork partners, as described in section 3.2 "Fieldwork partners" of this Privacy Notice. We may use, at our discretion, service providers, contractors or partners for hosting our databases and applications, for data processing services, or to send you information that you requested. We provide personal data to fieldwork partners for the purpose of recruiting or interviewing in the course of market research projects. We will only share with or make accessible such data to external service providers to the extent required for the respective purpose. This data may not be used by them for any other purposes, in particular not for their own or third party purposes. GfK's external service providers are contractually bound to respect the confidentiality of your personal data.

## **4.4 Business transfers**

In connection with any reorganization, restructuring, merger or sale, or other transfer of assets (collectively "Business Transfer"), we will transfer data, including personal data, in a reasonable scale and as necessary for the Business Transfer, and provided that the receiving party agrees to respect your personal data in a manner that is consistent with applicable data protection laws. We will continue to ensure the confidentiality of any personal data and give affected users notice before personal data become subject to a different Privacy Notice.

## **4.5 Public bodies**

We will only disclose your personal data to public bodies where this is required by law. GfK will for example respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities, which may include such authorities outside your country of residence.

# **5 International transfers of personal data**

Under specific circumstances, it will also be necessary for GfK to transfer your personal data to countries outside the European Union/ European Economic Area (EEA), so called "third countries". Such third country transfers may refer to all processing activities described under Sec. 3 of this Privacy Notice. This Privacy Notice shall apply even if we transfer personal data to third countries, in which a different level of data protection applies than in your country of residence. In particular, an international data transfer may apply in the following scenarios:

## 5.1 Legal entities of GfK Group

GfK Group's legal entities outside the European Union have entered into intra-company data protection agreements using standard contractual clauses adopted by the European Commission to safeguard your privacy and legitimize international data transfers.

## 5.2 Other third parties outside the European Union (EU) and the European Economic Area (EEA)

Any transfers of personal data to third parties outside the GfK Group will be carried out with your prior knowledge and, where applicable, with your consent. Any transfers of personal data into countries other than those for whom an "adequacy decision"\* regarding the level of data protection was made by the European Commission occur on the basis of contractual agreements using standard contractual clauses adopted by the European Commission or other appropriate safeguards in accordance with the applicable law.

\*) see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

## 6 Security

GfK takes data security seriously. We apply an appropriate level of security and have therefore implemented reasonable physical, electronic, and administrative procedures to safeguard the data we collect from accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to personal data transmitted, stored or otherwise processed. Our information security policies and procedures are closely aligned with widely accepted international standards and are reviewed regularly and updated as necessary to meet our business needs, changes in technology, and regulatory requirements. Access to your personal data is granted only to those personnel, service providers or GfK affiliates with a business need-to-know or who require it in order to perform their duties.

In the event of a data breach containing personal data, GfK will follow all applicable data breach notification laws.

## 7 Your legal rights

As a data subject, you have specific legal rights relating to the personal data we collect from you. This applies to all processing activities explained in Section 3 of this Privacy Notice. GfK will respect your individual rights and will deal with your concerns adequately.

The following list contains information on your legal rights which arise from applicable data protection laws:

- **Right to withdraw consent:** Where the processing of personal data is based on your consent you may withdraw this consent at any moment by writing an email to the email address mentioned on the introduction page of the survey or to the Data Protection Officer (see "contact information" below). As a respondent please note that by withdrawing consent you typically end your participation in the respective project and will no longer be eligible for any rewards or incentives that GfK may eventually offer to respondents.

- **Right to rectification:** You may obtain from us rectification of personal data concerning you. We make reasonable efforts to keep personal data in our possession or control which are used on an ongoing basis, accurate, complete, current and relevant, based on the most recent information available to us. In appropriate cases, we provide self-service internet portals where users have the possibility to review and rectify their personal data.
- **Right to restriction:** You may obtain from us restriction of processing of your personal data, if
  - you challenge the accuracy of your personal data for the period we need to verify the accuracy,
  - the processing is unlawful and you request the restriction of processing rather than erasure of your personal data,
  - we no longer need your personal data but you require them for the establishment, exercise or defense of legal claims, or
  - you object to the processing while we verify whether our legitimate grounds override yours.
- **Right to access:** You may ask from us information regarding personal data that we hold about you, including information as to which categories of personal data we have in our possession or control, what they are being used for, where we collected them, if not from you directly, and to whom they have been disclosed, if applicable. You may obtain from us one copy, free of charge, of personal data we hold about you. We reserve the right to charge a reasonable fee for each further copy you may request.
- **Right to portability:** At your request, we will transfer your personal data to another controller, where technically feasible, provided that the processing is based on your consent or necessary for the performance of a contract. Rather than receiving a copy of your personal data you may request that we transfer the data to another controller, specified by you, directly.
- **Right to erasure:** You may obtain from us erasure of your personal data, where
  - the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
  - you have a right to object further processing of your personal data (see below) and execute this right object to the processing;
  - the processing is based on your consent, you withdraw your consent and there is no other legal ground for the processing;
  - the personal data have been unlawfully processed;unless the processing is necessary
  - for compliance with a legal obligation which requires processing from us;
  - in particular for statutory data retention requirements;
  - for the establishment, exercise or defense of legal claims.
- **Right to object:** You may object – at any time – to the processing of your personal data due to your particular situation, provided that the processing is not based on your consent but on our legitimate interests or those of a third party. In this event we shall no longer process your

personal data, unless we can demonstrate compelling legitimate grounds and an overriding interest for the processing or for the establishment, exercise or defense of legal claims. If you object to the processing, please specify whether you wish the erasure of your personal data or the restriction of its processing by us.

- **Right to lodge a complaint:** In case of an alleged infringement of applicable privacy laws, you may lodge a complaint with the data protection supervisory authority in the country you live in or where the alleged infringement occurred.

**Please note:**

- **Time period:** We will try to fulfill your request within 30 days. However, the period may be extended due to specific reasons relating to the specific legal right or the complexity of your request.
- **Restriction of access:** In certain situations we may not be able to give you access to all or some of your personal data due to statutory provisions. If we deny your request for access, we will advise you of the reason for the refusal.
- **No identification:** In some cases, we may not be able to look up your personal data on the basis of the identifiers you provide in your request. For example, we cannot look up your survey data and meta data when you provide your name and email address and were invited to a survey by an external fieldwork partner (please see also section 3.2 “Fieldwork partners” of this Privacy Notice).

In such cases, where we cannot identify you as a data subject, we are not able to comply with your request to execute your legal rights as described in this section, unless you provide additional information enabling your identification.

You may wish to make inquiries in exercise of your legal rights with the fieldwork partner who invited you to the survey rather than with GfK directly. This way you do not have to disclose your identity to us, the fieldwork partner is able to authenticate your request and forward it to us by reference to your pseudonym. In this case, we will handle your inquiry as if you had made it with us directly.

- **Exercise your legal rights:** In order to exercise your legal rights, please contact us in writing or text from, e.g. by email or letter. You may also turn directly to our Data Protection Officer. For contact information, please refer to the end of this Privacy Notice.

## **8 Retention of your personal data**

In general, we will delete the personal data we collected from you if they are no longer necessary to achieve the purposes for which they were originally collected. However, we may be required to store your personal data for a longer period due to statutory provisions.

While we typically store personal data for a period of 1 (one) year, the retention period may depend on client instructions for studies where the client is the data controller and provided us with your



contact information. Should a longer retention period apply, we inform respondents accordingly in the email invitation or on the start page of the survey. We store meta data for two years at the longest.

In addition, we will not delete all of your personal data if you requested from us to refrain from re-contacting you in the future. For this purpose, GfK keeps records which contain information on people who do not want to be re-contacted in the future (e.g. by means of email newsletters or recruiting campaigns for market research projects). We qualify your request as consent to store your personal data for the purpose of such record keeping unless you instruct us otherwise.

## **9 Changes to this Privacy Notice**

We reserve the right, at our discretion, to modify our privacy practices and update and make changes to this Privacy Notice at any time. For this reason, we encourage you to refer to this Privacy Notice each time before you take a survey. This Privacy Notice is current as of the "last revised" date indicated above. We will treat your personal data in a manner consistent with the Privacy Notice under which they were collected, unless we have your consent to treat them differently.

## **10 Contact information**

Please direct your questions regarding the subject matter of data protection and any requests in the exercise of your legal rights to the Data Protection Officer directly by writing an email to [dpo\\_germany@gfk.com](mailto:dpo_germany@gfk.com) or a letter to the postal address below.

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