

Privacy Policy

Trailguide is a free service to find and share the best MTB singletracks and to navigate with your smartphone. Therefore we process sensitive data such as your location. Many users contribute to the open platform and share a lot of useful information. In this document we explain how we process your data in a secure and confidential way to be able to provide you the services of Trailguide.

This Privacy Policy explains the way, scope and purpose of the processing of personal data (referred to as "data") within our online presence and the related websites, features and content, as well as external online presence, e.g. our social media profiles on. (referred to as "online service"). With regard to the terminology used, e.g. "processing" or "controller", we refer to the definitions in Article 4 of the General Data Protection Regulation (GDPR).

Summary

In the local storage on your device we save the following data to enable the app to work properly:

- **categories** - which content categories you have chosen, trail, cross-country, road biking, etc.
- **cookieBannerAccepted** - this is set when accepting the privacy policy, and prevents the cookie banner being displayed again.
- **language** - the language you have chosen
- **lastOpened** - the last time you opened trailguide, used to decide if it should be opened at the last map position (within an hour), or where you are at the moment (if opening more than an hour after the last time)
- **acceptDate** - this is set if you accepted the user agreement and logged in, so we can log you in the next time without needing to ask for acceptance again. If the license agreement changes, you will automatically be asked to accept the user agreement again.
- **map.geolocation** - this is set if you accepted that the device can access your GPS, needed to find your location
- **map.grayscale** - set if you have chosen to display the map in grayscale mode
- **map.layer** - the last map you used
- **map.overlays** - any overlays you have chosen
- **map.position** - the center point of the last position of the map, this is used to reopen in the same position as when you closed it
- **markers** - the trail head markers are stored on your device for offline support and improved startup speed
- **session** - when logging in, the login session is stored on the device and is used to automatically log you back in the next time
- **trails** - a compressed version of the trail information is stored on your device for offline support and improved startup speed

- **/xCODE** - if opening a QR code the meta data for this code is stored on the device for offline support

On the trailguide.net server, we save the following meta data:

- **trails.addedBy** - when adding a trail, your email, name, and facebook ID is stored along with the trail data. This is used to uniquely identify you, have your proper name, and show the facebook profile image in the system
- **trails.updatedBy** - when updating a trail, your email and name is stored to the trail data
- **user** - your login, name, and facebook ID is stored in the user database, this is used to uniquely identify you, and create a user page and a personal experience with trailguide
- **condition reports** - the time, name and facebook ID is stored along with the condition report and is used to display your name and facebook profile picture along with the condition report entry
- **reviews** - the email, name, and facebook ID is stored along with the reviews you write and is used to display your name and facebook profile picture along with the review entry
- **customers** - if you are a paying customer, the name, address, website, facebook ID, and gps location is stored. This is used to show local services at the proper location, give users the ability to easily find your contact information, and used internally to contact you.
- **feedback** - the email address is stored along with a feedback entry, used as a from address when automatically sending the feedback email to the trail owner
- **images** - your email and name is stored when adding an image to a trail
- **locations** - the session ID and time is stored along with the latitude, longitude, and altitude when you ask for the position, but not the email or name. This is used to be able to analyze biker traffic patterns.
- **sessions** - a session ID and time is stored when you access trailguide, if you are logged in, the email, and name is also stored with the session ID
- **statistics** - if you open a trail and are logged in, your email, name, and facebook ID is recorded in the statistics, along with the email, name, and facebook ID of the trail owner. if you log in, your email, name, and facebook ID is stored.
- **QR-codes** - if you create a QR-code URL, your email, name, and facebook ID is stored along with the QR-code data

In addition, we use google analytics, and facebook pixel to collect usage statistics.

Processor

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1 Definitions

'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

'pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

2 Legal basis

In accordance with Art. 13 GDPR, we inform you about the legal basis of our data processing. Unless the legal basis in the data protection declaration is mentioned, the following applies:

- The legal basis for obtaining consent is Article 6 para. 1 lit. a and Art. 7 GDPR,
- the legal basis for the processing for the performance of our services and the execution of contractual measures as well as the response to inquiries is Art. 6 (1) lit. b GDPR,
- the legal basis for processing in order to fulfill our legal obligations is Art. 6 para. 1 lit. c GDPR, and
- the legal basis for processing in order to safeguard our legitimate interests is Article 6 para. 1 lit. f GDPR.
- In the event that vital interests of the data subject or another natural person require the processing of personal data, Art. 6 para. 1 lit. d GDPR as legal basis.

3 Safety measures

We take appropriate technical and organizational measures, in accordance with Art. 32 GDPR, taking into account the state of technology, the implementation costs and the kind, scope, circumstances and purposes of the processing, as well as the different likelihood and severity of the risk to the rights and freedoms of natural persons, to ensure a level of protection appropriate to the risk;

Measures include in particular ensuring the confidentiality, integrity and availability of data by controlling access to the data using secure network connections and user authentication.

In addition, we have established procedures that ensure the perception of data subjects' rights, the deletion of data and the reaction to data threats. Furthermore, we consider the protection of personal data already in the software engineering process, development methods, and third party software, according to the principle of data protection by technology design and by privacy-friendly default settings taken into account (Article 25 GDPR).

4 Cooperation with contract processors and third parties

If, in the context of our processing, we disclose data to other persons and companies (contract processors or third parties), transmit them to them or otherwise give access to the data, this will only be done on the basis of a legal permission (e.g. if a transmission of the data to third parties is required, as by payment service providers, pursuant to Art. 6 para. 1 lit. b GDPR, to fulfill the contract), you have consented to a legal obligation or based on our legitimate interests (e.g. the use of agents, web hosters, etc.).

If we commission third parties to process data on the basis of a so-called "order processing contract", this is done on the basis of Art. 28 GDPR.

5 Transmission of data to third countries

If we process data in a third country (i.e. outside the European Union (EU) or the European Economic Area (EEA)), or in the context of the use of third party services or disclosure or transmission of data to third parties, this will only be done if it is to fulfill our (pre-)contractual obligations, on the basis of your consent, on the basis of a legal obligation or on the basis of our legitimate interests.

Subject to legal or contractual permissions, we process or have the data processed in a third country only in the presence of the special conditions of Art. 44 et seq. GDPR.

That means the processing is e.g. on the basis of specific guarantees, such as the officially recognized level of data protection in the EU (e.g. for the US through the "Privacy Shield") or compliance with officially recognized special contractual obligations (so-called "standard contractual clauses").

6 Rights of the affected person

You have the right to ask for confirmation as to whether the data in question is being processed and for information about this data as well as for a copy of the data in accordance with Art. 15 GDPR.

You have accordingly Art. 16 DSGVO the right to demand the completion of the data concerning you or the correction of the incorrect data concerning you.

In accordance with Art. 17 GDPR, you have the right to demand that the relevant data be deleted immediately or, alternatively, to require a restriction of the processing of data in accordance with Art. 18 GDPR.

You have the right to demand that the data related to you, which you have provided to us, be obtained in accordance with Art. 20 GDPR and request their transmission to other persons responsible.

In accordance with Art. 77 GDPR you have the right to file a complaint with the competent supervisory authority.

7 Right of withdrawal

You have the right to withdraw from a given consent in accordance with Art. 7 para. 3 GDPR with effect for the future.

8 Right of objection

You can object to the future processing of your data in accordance with Art. 21 GDPR at any time. The objection may in particular be made against processing for direct marketing purposes.

9 Cookies and right of objection in case of direct advertisement

"Cookies" are small files that are stored on the computer of the users. Different information can be stored within the cookies. A cookie is primarily used to store the information about a user (or the device on which the cookie is stored) during or after his visit to an online service.

Temporary cookies, or "session cookies" or "transient cookies", are cookies that are deleted after a user leaves an online service and closes his browser.

The term "permanent" or "persistent" refers to cookies that remain stored even after the browser has been closed. Thus, e.g. the login status will be saved if users visit it after several days. Likewise, in such a cookie the interests of the users can be stored, which are used for range measurement or marketing purposes.

A "third-party cookie" refers to cookies that are offered by providers other than the person who manages the online service (otherwise, if it is only their cookies, this is called "first-party cookies").

We can use temporary and permanent cookies and clarify this in the context of our privacy policy.

If users do not want cookies stored on their computer, they will be asked to disable the option in their browser's system settings. Saved cookies can be deleted in the system settings of the browser. The exclusion of cookies can lead to functional restrictions of this online service.

A general objection to the use of cookies used for online marketing purposes can be found in a variety of services, especially in the case of tracking, via the US website <http://www.aboutads.info/choices/> or the EU site <http://www.youronlinechoices.com/> be explained. Furthermore, the storage of cookies can be stopped by switching them off in the settings of the browser. Please note that not all features of this online service may be used.

10 Deletion of data

The data processed by us are deleted or limited in their processing in accordance with Articles 17 and 18 GDPR. Unless explicitly stated in this privacy policy, the data stored by us are deleted as soon as they are no longer required for their purpose and the deletion does not conflict with any statutory storage requirements. Unless the data is deleted because it is required for other and legitimate purposes, its processing will be restricted. That means the access to the data is blocked and not processed for other purposes. This applies, for example for data that must be kept for commercial or tax reasons.

11 Hosting

The hosting services we use are for the purpose of providing the following services: infrastructure and platform services, computing capacity, storage and database services, security and technical maintenance services we use to operate this online service.

- Amazon EC2 (server software, MongoDB database)
- Cloudinary (fast delivery of images)

- Rollbar (error reporting service)

Here we, or our hosting provider, contact data, content, customer data along with related licenses and local services, usage data, meta and communication data of customers, interested parties and visitors to this online service on the basis of our legitimate interests in an efficient and secure provision of this online service according Art. 6 para. 1 lit. f GDPR in conjunction with Art. 28 GDPR.

12 Collection of access data and log files

Our hosting provider might collect on the basis of our legitimate interests within the meaning of Art. 6 para. 1 lit. f GDPR data on every access to the server on which this service is located (so-called server log files). The access data includes name of the retrieved web page, file, date and time of retrieval, amount of data transferred, message about successful retrieval, browser type and version, the user's operating system, referrer URL (the previously visited page), IP address (but anonymized with the last byte set to zero) and the requesting provider.

On our server, a flat log file of unstructured error and log messages is stored for the purpose of error detection and software quality assurance. The content of the log file includes logins and login times, opening of trail pages, downloads of trail files, content addition, update, and deletion. The log file is only accessible by the system administrator through an SSH connection with a really hard password to guess.

13 Render contractual services

We process inventory data (e.g. names and addresses as well as contact information of customers), contract data (e.g. services used, names of contacts, payment information) for the purpose of fulfilling our contractual obligations and services in accordance with Art. 6 para. 1 lit. b GDPR.

The deletion of the data takes place after expiration of legal warranty and comparable obligations, the necessity of the storage of the data is checked every three years; in the case of legal archiving obligations, the deletion takes place after its expiration. Information in the customer's account remains until it is deleted.

14 External payment services

We use external payment service providers. Through those platforms users and Trailguide can make payment transactions (e.g. Stripe (<https://stripe.com/privacy>) or Paypal (<https://www.paypal.com/webapps/mpp/ua/privacy-full>)).

As part of the fulfillment of contracts, we set the payment service providers on the basis of Art. 6 para. 1 lit. b GDPR. Incidentally, we use external payment service providers on the basis of our legitimate interests. Art. 6 para. 1 lit. b GDPR in order to offer our users effective and secure payment options.

Amongst the data processed by the payment service providers are inventory data, e.g. the

name and the address, bank data, such as Account numbers or credit card numbers, passwords, TANs and checksums, as well as contract, summary and recipient-related information.

The information is required to complete the transactions. However, the data entered will only be processed and stored by the payment service providers. That we do not receive any account or credit card information, but a time limited payment access token, and information with confirmation or negative disclosure of the payment. The data may be transmitted by the payment service providers to credit reporting agencies. This transmission aims at the identity and credit check. For this we refer to the terms and privacy policy of payment service providers.

For the payment transactions, the terms and conditions and the privacy notices of the payment service providers apply, which are available within the respective websites, or transaction applications. We also refer to these for further information and assertion of rights of withdrawal, information and other individual rights.

15 Administration, accounting, office organisation and contact management

We process data in the context of administrative tasks and organization of our business, financial accounting and compliance with legal obligations, such as archiving. Here we process the same data that we process in the context of rendering our contractual services. The processing principles are Art. 6 para. 1 lit. c GDPR, Art. 6 para. 1 lit. f GDPR.

The processing affects customers, prospects, business partners and website visitors. The purpose and interest in processing lies in administration, financial accounting, office organization, data archiving, that is, tasks that serve to maintain our business, perform our duties and provide our services. The deletion of the data in terms of contractual performance and contractual communication corresponds to the information provided in these processing activities.

We disclose or transmit data to the financial administration, consultants, such as tax accountants or auditors, and other fee agents and payment service providers.

Furthermore, based on our business interests, we store information about business partners, e.g. for later contact. We generally store this majority of company-related data permanently.

16 Registration and user account

For the registration we use the login service of Facebook. Users can log in with their Facebook account without having to create an extra account on Trailguide.

The data visible to us will be displayed on first login. Facebook asks, if you want to share this data with us. The data is the Facebook name, the Facebook ID to clearly assign the account and the e-mail address. The e-mail address can be opt-out, but then you will no longer receive any notification about the feedback function on content uploaded by you or any notification related to e.g. technical circumstances.

The data provided during registration will be used for the purpose of using our Services. Users may be informed by e-mail about service or registration-related information, such as changes in the scope of the service or technical circumstances.

Users can delete their account by sending an informal request with their Facebook name, Facebook ID and their e-mail address to best.service@traigluide.net.

If users have terminated their user account, their data will be deleted with regard to the user account, subject to their retention is for commercial or tax law reasons according to Art. 6 para. 1 lit. c GDPR necessary. It is the responsibility of the users to secure their data upon termination before the end of the contract. We are entitled to irretrievably delete all user data stored during the term of the contract.

In the context of the use of our registration and registration functions as well as the use of user accounts, the truncated IP address and the time of the respective user action will be saved. The storage is based on our legitimate interests, as well as the user's protection against misuse and other unauthorized use. A transfer of these data to third parties does not take place, unless it is necessary for the prosecution of our claims or there is a legal obligation in accordance with. Art. 6 para. 1 lit. c GDPR.

17 Contacting us

When contacting us (for example by e-mail, telephone or via social media) the information of the user to process the contact request and its processing in accordance with. Art. 6 para. 1 lit. b GDPR processed. User information can be stored in a Customer Relationship Management System ("CRM System") or comparable request organization.

We delete the requests, if they are no longer required. We check the necessity every two years; Furthermore, the legal archiving obligations apply.

18 Google Analytics

Based on our legitimate interests (i.e. interest in the analysis, optimization, and economic operation of our online service within the meaning of Art. 6 para. 1 lit. f GDPR), Google Analytics uses a web analytics service provided by Google LLC ("Google"). Google uses cookies. The information generated by the cookie about the use of the online service by the users are usually transmitted to a Google server in the USA and stored there.

Google is certified under the Privacy Shield Agreement, which provides a guarantee to comply with European privacy legislation (<https://www.privacyshield.gov/participant?id=a2zt00000001L5AAI&status=Active>).

Google will use this information on our behalf to evaluate the use of our online service by users, to compile reports on the activities within this online service and to provide us with further services related to the use of this online service and the internet usage. In this case, pseudonymous usage profiles of the users can be created from the processed data.

We only use Google Analytics with activated IP anonymization. This means that the last byte of every IP address will be set to zero in the memory of the client computer before sent to the google servers..

Users can prevent the storage of cookies by setting their browser software accordingly; Users may also prevent the collection by Google of the data generated by the cookie and related to its use of the online service and the processing of such data by Google by downloading and installing the browser plug-in available at the following link:
<http://tools.google.com/dlpage/gaoptout?hl=de>.

For more information about Google's data usage, hiring and disparaging options, please read Google's Privacy Policy (<https://policies.google.com/technologies/ads>) and Google's Ads Settings (<https://adssettings.google.com/authenticated>).

The personal data of users will be deleted or anonymised after 14 months.

19 Facebook-Pixel, Custom Audiences and Facebook-Conversions

Within our online service we use due to our legitimate interests in analysis, optimization and economic operation of our online service and for these purposes, the so-called "Facebook pixel" of the social network Facebook, by Facebook Inc., 1 Hacker Way, Menlo Park, CA 94025 , USA, or, if you are located in the EU, Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbor, Dublin 2, Ireland ("Facebook").

Facebook is certified under the Privacy Shield Agreement, which provides a guarantee to comply with European privacy legislation
(<https://www.privacyshield.gov/participant?id=a2zt000000GnywAAC&status=Active>).

With the help of the Facebook pixel, it is on the one hand possible for Facebook to determine the visitors to our online service as a target group for the display of advertisements (so-called "Facebook ads"). Accordingly, we use the Facebook Pixel to display the Facebook Ads we have been sent only to those Facebook users who have shown an interest in our online service or who have certain features (e.g. interests in certain topics or products visited by them) Web pages determined), which we transmit to Facebook (so-called "Custom Audiences"). With the help of the Facebook pixel, we also want to make sure that our Facebook ads are in line with the potential interest of users and are not annoying. With the help of the Facebook pixel we can also understand the effectiveness of the Facebook ads for statistical and market research purposes, in which we see whether users were redirected to our website after clicking on a Facebook ad (so-called "conversion").

The processing of the data by Facebook is part of Facebook's data usage policy. Accordingly, general notes on how Facebook Ads are displayed, in Facebook's Data Usage Policy: <https://www.facebook.com/policy.php>. For specific information and details about the Facebook Pixel and how it works, visit the help section of Facebook: <https://www.facebook.com/business/help/651294705016616>.

You may object to the capture by the Facebook Pixel and use of your data to display Facebook Ads. To set which types of ads you see within Facebook, you can go to the page set up by Facebook and follow the instructions for the usage-based advertising settings: <https://www.facebook.com/settings?tab=ads>. The settings are platform independent, that means they are adopted for all devices, such as desktop computers or mobile devices.

You can also withdraw from the usage of Cookies for distance measurement and promotional purposes through the deactivation page of the Network Advertising Initiative (<http://optout.networkadvertising.org/>) and in addition the US website (<http://www.aboutads.info/choices>) or the European website (<http://www.youronlinechoices.com/uk/your-ad-choices/>).

20 Online presence in social media

We have online presence within social networks and platforms in order to communicate with customers, prospects and users active there and to inform them about our services. When calling the respective networks and platforms, the terms and conditions and the data processing guidelines apply to their respective operators.

Unless otherwise stated in our Privacy Policy, we process users' data as long as they communicate with us within social networks and platforms, e.g. Write posts on our online presence or send us messages.

21 Embedding services and content of third parties

Based on our legitimate interests (i.e. interest in the analysis, optimization and economic operation of our online service within the meaning of Art. 6 para. 1 lit. f GDPR), we make use of content or services offered by third-party providers in order to provide their content and services, such as Include videos or fonts (collectively referred to as "content").

This always presupposes that the third-party providers of this content perceive the IP address of the users, since they could not send the content to their browser without the IP address. The IP address is therefore required for the presentation of this content. We endeavor to use only content whose respective providers use the IP address solely for the delivery of the content. Third parties may also use so-called pixel tags (invisible graphics, also referred to as "web beacons") for statistical or marketing purposes. The "pixel tags" can be used to evaluate information such as visitor traffic on the pages of this website. The pseudonymous information may also be stored in cookies on the user's device and may include, but is not limited to, technical information about the browser and operating system, referring web pages, visit time, and other information regarding the use of our online service.

22 Youtube

We embed videos from YouTube of Google LLC, 1600 Amphitheater Parkway, Mountain View, CA 94043, USA.

Privacy Policy: <https://www.google.com/policies/privacy/>,

Opt-out: <https://adssettings.google.com/authenticated>.

23 Google Maps

We include maps from the Google Maps service provided by Google LLC, 1600 Amphitheater Parkway, Mountain View, CA 94043, USA. The processed data may include, in particular, users' IP addresses and location data, but these are not collected without their consent (usually as part of the settings of their mobile devices). The data can be processed in the USA.

Privacy Policy: <https://www.google.com/policies/privacy/>,

Opt-out: <https://adssettings.google.com/authenticated>.

24 OpenStreetMap

We integrate the maps of the service "OpenStreetMap" (<https://www.openstreetmap.de>), which are offered by the OpenStreetMap Foundation (OSMF) based on the Open Data Commons Open Database License (ODbL).

Privacy Policy: https://wiki.openstreetmap.org/wiki/Privacy_Policy). To the best of our knowledge, OpenStreetMap uses users' data solely for the purpose of displaying map features and caching the selected settings. This data may include, but is not limited to, users' IP addresses and location data, but they are not collected without their consent (usually as part of their mobile device settings). The data can be processed in the USA. For more information, see the OpenStreetMap privacy policy:

https://wiki.openstreetmap.org/wiki/Privacy_Policy.

25 Facebook Social Plugins

Based on our legitimate interests (i.e. interest in the analysis, optimization and economic operation of our online offer within the meaning of Art. 6 para. 1 f GDPR) we use social plugins ("plugins") of the social network facebook.com, which are operated by Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbor, Dublin 2, Ireland ("Facebook"). The plugins can represent interaction elements or content (e.g. videos, graphics or text contributions) and can be recognized by one of the Facebook logos (white "f" on blue tile, the terms "Like", "Like" or a "thumbs up" sign) or are marked with the addition "Facebook Social Plugin". The list and appearance of Facebook Social Plugins can be viewed here: <https://developers.facebook.com/docs/plugins/>.

Facebook is certified under the Privacy Shield Agreement, which provides a guarantee to comply with European privacy legislation (<https://www.privacyshield.gov/participant?id=a2zt0000000GnywAAC&status=Active>).

When a user invokes a feature of this online offering that includes such a plugin, their device establishes a direct connection to the Facebook servers. The content of the plugin is transmitted by Facebook directly to the device of the user and incorporated by him into the online offer. In the process, user profiles can be created from the processed data. We therefore have no influence on the amount of data that Facebook collects with the help of this plugin and therefore informs the users according to our knowledge.

By integrating the plugins, Facebook receives the information that a user has accessed the corresponding page of the online service. If the user is logged in to Facebook, Facebook can assign the visit to his Facebook account. If users interact with the plugins, for example, press the Like button or leave a comment, the information is transmitted from your device directly to Facebook and stored there. If a user is not a member of Facebook, there is still the possibility that Facebook will find out and save their IP address.

The purpose and scope of the data collection and the further processing and use of the data by Facebook, as well as the related rights and setting options for protecting the privacy of users, can be found in Facebook's privacy policy: <https://www.facebook.com/about/privacy/>.

If a user is a Facebook member and does not want Facebook to collect data about him via this online service and link it to his member data stored on Facebook, he must log out of Facebook and delete his cookies before using our online service. Other settings and inconsistencies regarding the use of data for advertising purposes are possible within the Facebook profile settings: <https://www.facebook.com/settings?tab=ads> or with the US-American site <http://www.aboutads.info/choices/> or the EU page <http://www.youronlinechoices.com/>. The settings are platform independent, i. they are adopted for all devices, such as desktop computers or mobile devices.