

DATA PROTECTION DECLARATION

Last update: January 2023

Provision of information pursuant to Art 13 of the General Data Protection Regulation 2016/679/EU ("**GDPR**") regarding the processing of personal data in the context of visiting and using the website <https://staking.ethermine.org/> ("**Website**").

Thank you for your interest in our website. The protection of your privacy is of high priority to us. Consequently, we only process your personal data on the basis of legal requirements set by the GDPR and other relevant legal provisions.

Data protection laws are generally relevant in case any processing of personal data is concerned. The terms used within the scope of this Data Protection Declaration are defined in and by the GDPR. As such, the broad definition of "processing" of personal data means any operation or set of operations performed on personal data. Any information allowing us or third parties to potentially identify you in person can be considered personal data, whereby you will be regarded as a data subject within the meaning of Art 4 item 1 GDPR.

You are not obligated to provide data. Data processed automatically when accessing the Website are either not personal data or are stored only for a short period of time (see point 2.1).

1. Data controller and contact details

<u>Controller</u> in the sense of Art 4 item 7 GDPR:	<u>Contact details</u> :
bitfly staking gmbh	
Wiedner Gürtel 9	Email: privacy@bitfly.at
1110 Vienna	Web: https://staking.ethermine.org/
Austria	

2. Data processing operations

2.1 Processing of access data when visiting our Website

- (a) Type and extent of data processing: You can visit our Website without providing any personal information. When you access our Website, only certain access data are processed automatically in so-called server log files. In particular, the following data are processed in this context: (i) name of visited website; (ii) browser type/version used; (iii) operating system of the user; (iv) previously visited website (referrer URL); (v) time of the server request; (vi) data volume transferred; (vii) host name of the accessing computer. This information does not allow us to identify you personally; however, IP addresses are considered personal data within the meaning of the GDPR.
- (b) Legal basis and purpose: The purpose of this data processing operation is to establish and maintain technical security with regards to our Website, improve the Website's quality and

generate non-personal statistical information. The processing is based on our legitimate interest (Art 6 para 1 lit f GDPR) in achieving the mentioned purposes.

- (a) Storage period: The server log files are, in general, automatically deleted after one (1) year at the latest.

2.2 Contacting

- (a) Type and extent of data processing: When contacting us via the contact information provided in the course of this Data Protection Declaration respectively on our Website, we will use your data as indicated in order to process your contact request and deal with it. The data processing involved is necessary to issue a response in respect of your request, as we would otherwise not be able to contact you.
- (b) Legal basis and purpose: Purpose of the data processing is to enable us an exchange with users of the Website. We answer your request on the basis of our legitimate interest (Art 6 para 1 lit f GDPR) in maintaining a properly functioning contact system, which is a prerequisite for the provision of any services. In case of repeated contact requests, we may also store your data for different purposes, of which you will be informed of separately.
- (c) Storage period: We delete your requests as well as your contact data if the request has been answered conclusively. Your data is, in general, stored for a period of six (6) months and subsequently erased if we do not receive follow-up requests and if the data must not be further processed for different purposes.

2.3 Customer account

- (a) Type and extent of data processing: In order to subscribe to the investments, you need to create a customer account. In order to do so, you have to approach us and provide your email address and confirm that you are at least eighteen (18) years old. We will then verify your request and email address via double-opt-in procedure. After successful verification, you need to go through an onboarding process and know-your-customer check as described under point 2.4. During the course of its existence and when using our services, your customer account may be enriched with additional information about your current deposits.
- (b) Legal basis and purpose: The processing of your data in this context is necessary for preparation and subsequent performance of the contractual obligations set out by our Investment Prospectus pursuant to § 1 para 1 no 3 of the Austrian Capital Markets Act (Art 6 para 1 lit b GDPR), since we would not be able to practically comply with these obligations without some sort of individual and separated area for mutual service delivery. We process your data for the purpose of conducting our business activities and to be able to provide our services as offered.

The enrichment of your customer account with additional data about your deposits is based on our legitimate interest (Art 6 para 1 lit f GDPR) in facilitating your use of the platform by providing you with a state-of-the-art service; the purpose is to support you in the exercise of your contractual duties by providing a transparent presentation of data that may be relevant to you.

- (c) Storage period: Data processed in the framework of a customer account are stored for the existence of the customer account; however, in the case of completely inactive accounts without any deposits, data will not be stored longer than three (3) years. Accounts without deposits can be deleted at any time by contacting us. Longer storage periods may be the result of legal retention periods (see point 2.6), contractual obligations laid out in the Investment Prospectus concerning, in particular, the withdrawal of deposits or in case of legal claims.

2.4 Onboarding, know your customer (KYC)

- (a) Type and extent of data processing: If you want to make use of our services offered on the Website for the staking of Ethereum we collect certain of your data based on the know-your-customer principle (KYC) in accordance with due diligence requirements for the prevention of money laundering and terrorist financing prevention, as stipulated in the Austrian Trade Act (*Gewerbeordnung 1994*). When the contractual relationship is established, we collect, in particular, data that allows us to establish your identity, assess the purpose of the respective transaction as well as the origin of the funds invested. This is done through the collection of data during our onboarding process and subsequent verification through a know-your-customer check.

In order to verify your identity, we need to match your face with the picture on a valid ID card (e.g. your passport). In order to do so, you have to name the issuing country of your ID card. After that you have to continue on a mobile device that is brought into this process via a secure link. Then you have to (i) submit pictures of your ID card and (ii) record a video of yourself following instructions designed to confirm the authenticity of the video. After completing the tasks and submitting the pictures and video, we will use the data to confirm your identity. Please note some of the data collected for verification purposes can be considered biometric data in the sense of Art 4 item 14 GDPR and are therefore a special category of personal data.

For the technical execution of the necessary processes involved in the know-your-customer check, we use the Onfido GmbH, Innere Kanalstraße 15, 50823 Cologne. During this process, the Onfido GmbH may transfer some of your data to a third country outside of the European Economic Area, in particular to its affiliated company in the United Kingdom, the Onfido Ltd, 3 Finsbury Avenue, 5th Floor, London. We base such transfer of data on an adequacy decision of the European Commission or, if such a decision does not exist, on standard data protection clauses within the meaning of Art 46 para 2 lit c GDPR.

- (b) Legal basis and purpose: In this context we process your data for the purpose of establishing the identity of customers and evaluating the transaction on the basis of our legitimate interests (Art 6 para 1 lit f GDPR), which consist in making a valuable contribution to preventing abuse and fraud especially when it comes to the prevention of money laundering and terrorist financing prevention. As far as the processing of a special category of personal data is concerned, we additionally base the processing on your explicit consent (Art 9 para 2 lit a GDPR), which we acquire before the know-your-customer check (for your right to withdrawal see point 8).
- (c) Storage period: The data collected in this context is stored for a period of one (1) year after the onboarding process, any data that belongs to a special category of personal data will, in principle, be deleted immediately after the successful completion of the know-your-customer check, at the latest after one (1) month. Longer storage periods may be the result of legal retention periods (see point 2.6) or in case of legal claims.

2.5 Investments

- (a) Type and extent of data processing: After creating your account as well as successfully concluding the onboarding process and know-your-customer check, you are ready to subscribe to investments. To do so, you have to tell us how much Ether you want to invest. After that, you are required to transfer the stated amount to our wallet address as part of the investment process. We will then confirm that we have detected your deposit. Please note that we are able to link the data to your account and therefore they are to be considered personal data. You may also request payouts of accrued interest.

- (b) Legal basis and purpose: The processing of your data is necessary for the performance of the contractual obligations set out by our Investment Prospectus (Art 6 para 1 lit b GDPR). We process your data for the purpose of conducting our business activities and to be able to provide our services as offered.
- (c) Storage period: Your data is stored in accordance with the contractual obligations laid out in the Investment Prospectus and will be deleted after the termination of your deposits after one (1) month at the latest. Longer storage periods may be the result of legal retention periods (see point 2.6) or in case of legal claims.

2.6 Legal retention and documentation periods

- (a) Type and extent of data processing: Even after an active customer relationship with us ceases to exist, we may not be allowed to delete all of your data due to legal requirements. Within this context, different types of data are affected to a varying extent. This concerns, in particular, your accounting data, which has to be stored by us, among other things, because of retention and documentation periods set by relevant fiscal and commercial law.
- (b) Legal basis and purpose: We process your data in this context on the basis of Art 6 para 1 lit c GDPR (legal obligation). This processing of your data is conducted for the purpose of complying with our own statutory duties.
- (c) Storage period: Due to legal retention and documentation obligations, which are arising under fiscal and commercial law, your data are generally stored for a period of seven (7) years. In case the data in question are relevant for a pending (tax) proceeding, they might be stored for longer. As a result of other legal requirements, storage periods may deviate for certain data.

3. Storage and similar technologies

3.1 Cookies

So-called "cookies" are used on our Website. We limit our use of cookies to those cookies being technically necessary and essential for the proper functioning of our Website (see below) and process your data on the basis of our accompanying legitimate interest (Art 6 para 1 lit f GDPR), as far as personal data are involved.

Cookies are small data sets that are stored on your end device. They help us to make our offer more user-friendly. They are placed by a web server and sent back to it as soon as a new connection is established in order to recognise the user and his settings. In this sense, a cookie is a small local text file that assigns a specific identity consisting of numbers and letters to your end device.

Cookies can fulfil different purposes, e.g. helping to maintain the functionality of websites with regard to state of the art functions and user experience. The actual content of a specific cookie is always determined by the website that created it.

Cookies always contain the following information:

- name of the cookie;
- name of the server the cookie originates from;
- ID number of the cookie;
- an end date at the end of which the cookie is automatically deleted.

Cookies can be differentiated according to type and purpose as follows:

- Necessary/Essential cookies: Technically necessary (also: essential) cookies are required for the proper functioning of websites by enabling basic functions, such as site navigation and access to protected areas. Without such cookies, a website regularly fails to be fully functional. Necessary cookies are always first-party cookies. They can only be deactivated in the settings of your browser by rejecting all cookies without exception (see below) and are also used on our Website legally permissible without obtaining prior consent.
- Preference cookies: Preference cookies allow websites to remember information which affects their appearances or behaviour, for example, your preferred language or the region you are located in.
- Analytics cookies: Performance cookies help website operators to understand how users interact with websites by collecting information and analysing it. Such cookies are thus used to collect information on user behaviour. In particular, the following information may be stored: accessed sub-pages (duration and frequency); order of pages visited; search terms used having led to the visit of the respective website; mouse movements (scrolling and clicking); country and region of access. These cookies allow to determine what a user is interested in and thereby adapt the content and functionality of a website to individual user needs.
- Tracking cookies: Tracking cookies are used to track users on websites. Their purpose is to display advertisements which are relevant and attractive for the individual user and hence valuable for publishers and third-party advertisers. This is possible by means of analysing your user behaviour and determining interests on the basis of which tailored advertising becomes possible.

With regard to the storage period cookies can be further differentiated as follows:

- Session cookies: Such cookies will be deleted without any action on your part as soon as you close your current browser session.
- Persistent cookies: Such cookies (e.g. to save your language settings) remain stored on your end device until a previously defined expiration date or until you have them manually removed.

Furthermore, cookies may be differentiated by their subject of attribution:

- First-party cookies: Such cookies are used by ourselves and placed directly from our Website. Browsers generally do not make them accessible across domains which is why the user can only be recognised by the page from which the cookie originates.
- Third-party cookies: Such cookies are not placed by the website operator itself, but by third parties when visiting a specific website, in particular, for advertising purposes (e.g. to track surfing behaviour). They allow, for example, to evaluate different page views as well as their frequency.

You have the option to customise your browser settings so that cookies are either generally declined or only allowed in certain ways (e.g. limiting refusal to third-party cookies). However, if you change your browser's cookie settings, our Website may no longer be fully usable. Via the browser settings, you also have the option to delete the entirety of cookies already stored on your end device.

3.2 Local storage; session storage

We also use the so-called local storage/session storage (storage capacity of your browser software) to store certain data on your end device under the same conditions as cookies (cf. point 3.1). Your browser software maintains a separate local storage/session storage for each domain. In contrast to

"cookies", this method is safer and faster because data are not transferred automatically to the respective server with every HTTP request but stored by your browser software. Additionally, a greater volume of data (at least 5 megabytes) can be stored. Please be aware that local storage data (other than session storage data) have no expiry date and will remain on your end device even after you have closed your browser session.

If you want to clear your local storage/session storage, you may clear the cache of your browser software acting as a temporary storage to reduce server lag and speed up the browsing experience by saving web content for reuse. Most browsers combine settings for cookies and local storage/session storage, referring to website data. As local storage needs JavaScript to function, disabling JavaScript can also prevent websites from accessing it and storing data in that way. However, please be aware that disabling JavaScript may result in severe usability limitations. Certain functions on websites will no longer be fully usable and controls may no longer work or work only to a limited extent.

4. Links to third-party sites

On our Website, we use links to the websites of third parties. These are, in particular, links to our presences in social networks (e.g. Twitter) or other platforms (e.g. Discord). If you click on one of these links, you will be forwarded directly to the respective page. For the website operators it is only evident that you have accessed our Website beforehand. Accordingly, we refer you, in general, to the separate data protection declarations of these websites. For further information on our processing of your data in connection with our presences on social media and other platforms, please review point 6.

5. Presences on social media and other platforms

5.1 Twitter

For the EEA region, the social network "**Twitter**" is controlled by Twitter International Company, One Cumberland Place, Fenian Street, Dublin 2, D02 AX07 Ireland ("**Twitter International**"). In respect of the operation of our Twitter account "Ethermine" (https://twitter.com/ethermine_org), we are joint controllers in the sense of Art 26 GDPR with Twitter International.

Please note that we have no influence on the programming and design of the social network; thus, we can only use the options provided by Twitter in order to personalise and maintain our Twitter account. Hence, please carefully review the terms which the service provider prescribes for the use of the social network (<https://twitter.com/de/tos>) as well as the separate data protection declaration (<https://twitter.com/de/privacy>) and consider the settings options in your Twitter account. In regards to any information provided by us via mechanisms made available by Twitter (Tweets etc.), we are naturally fully responsible.

5.2 Discord

The online communication service "**Discord**" is operated by Discord Inc, 444 De Haro Street, Suite 200, San Francisco, California 94107, USA. The data protection legal representative in the EEA region in accordance with Art 27 GDPR is Discord Netherlands BV, Schiphol Boulevard 195, Schiphol, 1118BG, the Netherlands ("**Discord**"). With regard to the operation of our Discord account "Ethermine|Ethpool|Flypool" (<https://discord.io/ethermine>), we are jointly responsible with Discord for the processing of your personal data within the meaning of Art 26 GDPR.

Please note that we have no influence on the programming and design of the service, but can only personalise and manage our Discord account to the extent provided by Discord. Please therefore take into account the conditions imposed by the service provider on the use of the online service (<https://discord.com/terms>), the separately provided data protection information

(<https://discord.com/privacy>) and the existing setting options in your Discord account. We are, of course, fully responsible for the information we make available through the mechanisms provided by Discord.

6. Transfer of your data; recipients

For the purposes executing the data processing activities as indicated in the course of this Data Protection Declaration, we will transfer your personal data to the following recipients or make them available to them:

Within our organisation, your data will only be provided to those entities or employees who need them to fulfil their respectively our respective obligations.

Furthermore, (external) processors deployed by us receive your data if they need these data to provide their respective services (whereby the mere possibility to access personal data is sufficient). All deployed processors will process your data under strict observance of the requirements of the GDPR and solely based on our explicit instructions.

Within the context of our website, the following processors can have access to your personal data:

- Our service provider for the technical execution of the know-your-customer check, the Onfido GmbH, Innere Kanalstraße 15, 50823 Cologne.

Some of the mentioned processors respectively their server landscape is located outside of the EU/EEA or they use (further) processors to render their services to which this applies. Possible transfers of your data within this context into the legal sphere of such third parties, as far as no adequacy decision of the EU Commission in the sense of Art 45 GDPR is in place, are based on standard data protection clauses in the sense of Art 46 para 2 lit c GDPR adopted by the EU Commission.

Lastly, we may transfer your data to independent controllers, as far as this is strictly necessary and we are legally obliged to do so. Such controllers may be, for example, authorities or courts in the course of their statutory competence.]

7. Rights of the data subject

You may decide to exercise any of the following rights concerning our processing of your personal data at any time free of charge by means of a notification being sent to one of the contact options outlined under point 1; we shall then answer your request as soon as possible and within one (1) month at the latest (in exceptional cases, restrictions on these rights are possible, for instance, if otherwise the rights of third parties would be affected):

- access to and further information concerning your individual data processed by us (right of access, Art 15 GDPR);
- rectification of wrongly recorded data or data that have become inaccurate or incomplete (right to rectification, Art 16 GDPR);
- erasure of data which (i) are not necessary in light of the purpose of data processing, (ii) are processed unlawfully, (iii) must be erased due to a legal obligation or an objection to the processing (right to erasure, Art 17 GDPR);
- temporary restriction of processing under certain circumstances (right to restriction of processing, Art 18 GDPR);
- withdrawal of consent granted for the processing of your personal data at any time; however, please note that the withdrawal of your consent does not retroactively affect the lawfulness of

data processing based on such consent – it solely affects subsequent processing activities (right to withdraw; Art 7 para 3 GDPR);

- objection to any processing of your data being based on our legitimate interest on grounds relating to your particular situation or being executed for direct marketing purposes (right to object; Art 21 para 1 and 2 GDPR);
- transfer of your personal data which are processed on the basis of your consent in a machine-readable format to you or directly to another controller upon request (right to data portability; Art 20 GDPR);
- right to lodge a complaint with a supervisory authority in respect of our processing of your data; in Austria, a complaint has to meet the requirements laid out in § 24 Austrian Data Protection Act and has to be directed to the Austrian Data Protection Authority (*Österreichische Datenschutzbehörde*), Barichgasse 40–42, 1030 Vienna, email: dsb@dsb.gv.at, Phone: +43 1 52 152-0 (for the simplification of this process, the Austrian Data Protection Authority provides forms at: <https://www.dsb.gv.at/dokumente>).