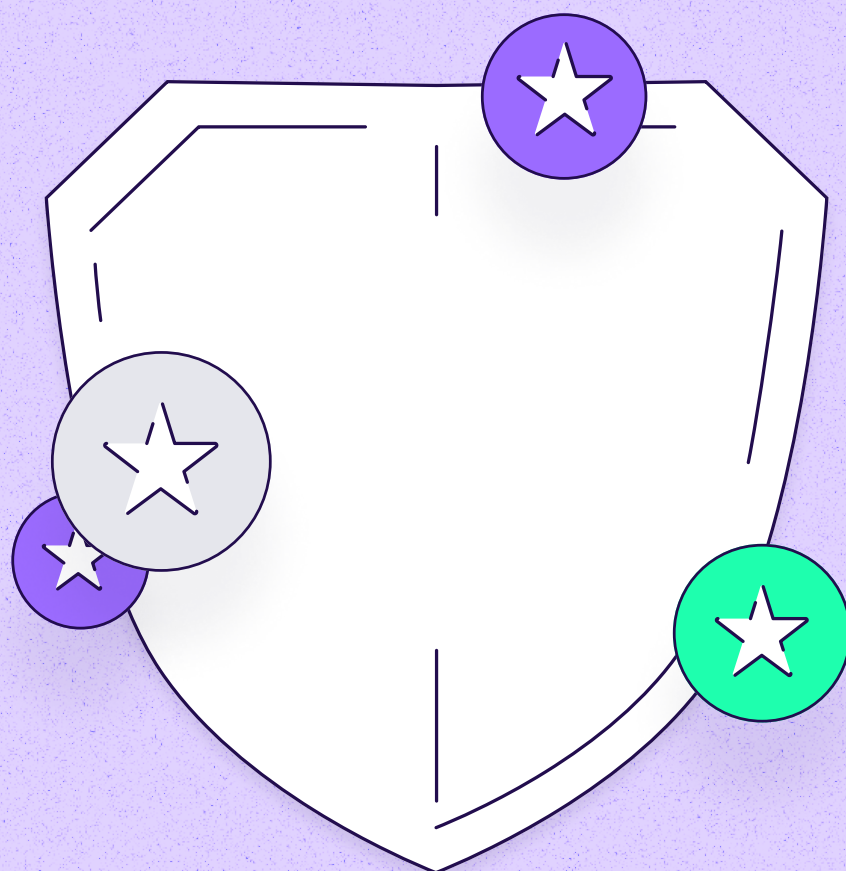




The EU's GDPR



Disclaimer

A word from our lawyers: Nothing stated here is legal advice. It is provided for your information and convenience. We strongly encourage that you work closely with legal and other professional advisors to determine exactly how the EU's General Data Protection Regulation (GDPR) applies to you.

What is the GDPR?

The GDPR is a privacy regulation in the EU ([2016/679](#)) which came into effect May 25th 2018.

Replacing the patchwork of national privacy regulations existing previously, the intention of the GDPR is to harmonize and strengthen data privacy laws within the EU, empower individuals in their right to data protection, and to reshape the way organizations approach privacy within the EU.

Who does the GDPR apply to?

The GDPR has an extraterritorial scope applying to companies regardless of where they are headquartered or where the personal data is actually processed.

Specifically, the GDPR will apply to you if:

- You process personal data inside the EU;
- The personal data you process was collected in the EU; or
- The purpose of the processing is to offer or provide goods or services to individuals located in the EU.

Therefore, in practice, you should assume you are subject to the GDPR, regardless of where you are headquartered if the personal data processed relates to individuals located in the EU, or was collected from individuals located in the EU at the time of collection. This means that most global businesses, including AppsFlyer's customers, are affected.

What is Personal Data under the GDPR, and on what terms can companies collect and process such Data?

The GDPR requires entities to have a legal basis in order to collect and/or process personal data. The most frequently used bases in commercial relationships include:

consent;

- as needed for execution of a contract
- to comply with legal obligations
- for legitimate interests of the controller or third party

What rights do individuals have under the GDPR?

With transparency as one of the GDPR's key principles, individuals have a general right to be informed of the processing of their data in a clear manner. Data subjects have specific rights including the right to:

- access to the personal data processed
- deletion of personal data
- portability;
- rectification;
- restriction of processing

In addition, data subjects may also request an explanation about any automated decision-making by the controller and that a natural person review decisions that were based on such automated decisions. Clear and adequate information about the criteria and procedures used for automated decision-making must be provided in response to such requests.

What are the consequences for non compliance?

The GDPR has two clear thresholds for violations, listed in Article 83 of the GDPR. Fines related to obligations of the controller fall into the category of 10 million Euro or up to 2 % of the total worldwide annual turnover of the preceding financial year, whichever is higher, whereas fines related to violations of the principles of data processing and rights of data subjects

fall into the category of 20 million Euro or up to 4 % of the total worldwide annual turnover of the preceding financial year, whichever is higher. It has been clear from the first years of GDPR enforcement by various national Data Protection Authorities that Authorities do not shy away from imposing large fines on entities for violations of the GDPR.

What this means for customers using AppsFlyer

Under the GDPR, AppsFlyer's customers are considered the 'controller' of the personal data that is collected for the purposes of performing the services, whilst AppsFlyer is the 'processor' of such data.

- The **data controller** is the entity in charge of making decisions regarding the processing of personal data
- The **data processor** is the entity that processes personal data in the name of the controller

AppsFlyer will only process the personal data customers send to provide the services as instructed by the customer under the terms of the agreement between the parties (and of course in accordance with the terms of the [Data Processing Addendum](#); see below).

As data controllers, AppsFlyer's customers will need to comply with all requirements of the GDPR that apply to them as data controllers. Particularly relevant to the use of AppsFlyer as a service, customers will need to, among other things:

- establish a legal basis for the collection of data (e.g. consent, legitimate interests - see above)
- provide appropriate privacy notices to data subjects about their personal data processing
- ensure they have procedures in place to respond to data subject requests
- ensure records of valid consents maintained when legal basis is consent
- comply with cross border transfer requirements

“Personal Data” under the GDPR and using AppsFlyer

AppsFlyer restricts customers from configuring the service to collect personal data such as names, contact information, addresses, financial information or any sensitive personal data. However, due to the very broad definition of “Personal Data” under the GDPR, device identifiers such as Advertising ID’s (IDFA, GAID) or network data such as IP address are deemed personal data and thus the data collected when using AppsFlyer can be subject to the GDPR requirements dependent on your settings and the manner in which you have implemented the services.

AppsFlyer provides customers with multiple options to support whatever framework they wish to implement (opt-in, opt-out, etc) in relation to ‘consent’ of their end users as implemented in their app. This enables customers to align with regulatory compliance.

Furthermore, all data of users as sent to AppsFlyer by customers is stored in the EU.

Another manner in which AppsFlyer supports customers in their GDPR compliance is the OpenDSR API. This is an infrastructure in place in support of global data subject requests, that enables customers to make data deletion and access requests through simple API calls utilizing its OpenDSR API. Customers will be able to utilize the OpenDSR to comply with any data subject access and/or deletion requests they receive under the GDPR.

AppsFlyer’s data processing commitments

AppsFlyer’s Data Protection Addendum (“DPA”) and commitments under the DPA cover personal data as defined under global regulations including the GDPR. The DPA is incorporated into the AppsFlyer terms of use by reference and therefore customers will not need to take any actions.

Our DPA is available [here](#) and includes, among other things:

1. A definition of each party's status under the GDPR: AppsFlyer as a Data Processor and customer as the Data Controller;
2. AppsFlyer's commitment to processing data per the instructions of its customers as provided under their agreements;
3. AppsFlyer's commitment to ensuring it has appropriate technical and organizational measures to protect customer's personal data;
4. AppsFlyer's commitment to supporting customers with their compliance requirements including those related to reporting, data breaches, privacy impact assessments and data subject rights; and
5. A list of the subprocessors utilized by AppsFlyer and the procedures for adding any new subprocessors

For customers who have executed a previous version of the DPA or wish to have an executed copy of the DPA, you are welcome to download and execute the new version available at <https://www.appsflyer.com/gdpr/dpa.pdf> (which has been pre signed by AppsFlyer) and to submit an executed copy to privacy@appsflyer.com. Regardless of whether you execute such modified version or not, be assured that AppsFlyer will process personal data subject to the GDPR pursuant to the terms set forth under the current DPA.