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Nukeygara Privacy Policy

Nukeygara takes care about your personal data.

In our Privacy Policy, we explain you who we are, what kind of your personal data we collect and use, the reasons for why we do it and how you can exercise your GDPR rights.

You may be only concerned by a few sections of our Privacy Policy, depending on whether you are a **Customer** or a **Potential Customer** (Section 2), an **End-User** (Section 3) or a **Visitor** (Section 4). Please note that our Section 1 and 5 are applicable to everyone.

1. Basic Information

A. About Us & Contact Us

NUKEYGARA is a French simplified joint-stock company (“société par actions simplifiée”) with share capital of € 30.750, incorporated and registered in Lyon with company number 802 163 766 RCS whose registered office is at 130 rue Duguesclin, 69006 Lyon.

If you have any questions or concerns about privacy matters, please contact us through one of the following means:

- **Online form:**
<https://www.nukeygara.com/contact>
- **By email:**
info@nukeygara.com
- **By postal mail:**
NUKEYGARA
Attn. Privacy Officer
130 rue Duguesclin
69006 LYON
FRANCE

You can write to us in English or French.

B. About this Privacy Policy

This Privacy Policy is effective from **July 30th 2019**

We may change this Privacy Policy at any time, and We will notify you thereof, either by email or by any means of electronic notice, within a reasonable time period prior to the entry into force of any later version.

C. Definitions

The terms beginning with a capital letter in this Privacy Policy shall refer to the definitions given below:

“Customer” means any individual person, company or organization who buy a Product or purchase a Service.

“End-User” means any end-user of our Software.

“Personal Information” means any personal data relating to you, which allow to identify you directly or indirectly.

“Nukeygara”, **“We”**, **“Our”** and **“Us”** refer to NUKEYGARA, a French simplified joint-stock company (“société par actions simplifiée”) with share capital of € 30.750, incorporated and registered in Lyon with company number 802 163 766 RCS whose registered office is at 130 rue Duguesclin, 69006 Lyon.

“Potential Customer” means any individual person, company or organization who is interested by our Products or Services but who is not yet a customer.

“Product” means any products sold on our Website.

“Service” means any and all services provided by Nukeygara.

“Software” means our Akeytsu Software.

“Visitor” means any person who visits our Website.

“Website” means our Akeytsu website which is accessible at the following address: www.nukeygara.com.

2. Privacy for Customer

This section only applies to Customer and Potential Customer as defined in section “Definitions”.

A. Collection of Personal Information

We collect, process and use different kinds of your Personal Information, whether you provide them to us directly or we collect them automatically.

Such Personal Information are the following:

Categories of Personal Information	Personal Information
Identity	Company name, registered office address, billing address, VAT number, contact name and first name, email.
Professional Information	Business sector, Country, Job title, annual consolidated revenue.
Payment	Payment, bank account details, credit card number, expiry date of the credit card, visual cryptogram, subscription period.
Purchase	Transaction number, purchase details, subscription details, plans subscribed, quantity of licenses purchased, quantity of seats purchased.
Follow-up of the commercial relationship	Documentation requests, trial requests, purchased software, services or subscriptions, services covered by the order and invoice, quantity, amount, frequency, date and amount of the order and invoice, due date of the invoice, delivery terms and address, purchase and service history Correspondence with the customer, support service, exchanges and comments from customers and potential customers, person in charge of customer relations.

B. Purposes and legal basis for processing

Our purposes of processing your Personal Information and the legal basis allowing us to process them are the following:

Purposes	Legal Basis
Customer relationship management: Conclusion of contracts, order processing, invoicing, payment, claims management	Performance of a contract
Customer relationship management: Compliance with accounting, tax and legal obligations	Compliance with a legal obligation

Customer relationship management: Pre-litigation and litigation management	Legitimate interests pursued by Nukeygara to establish the proof of a right or the proper performance of a contract
Online banking payment: One-time payment	Performance of a contract
Online banking payment: Recurring payment (subscription)	Performance of a contract
Online banking payment: Fight against fraud	Legitimate interests pursued by Nukeygara to prevent fraud
Marketing email: Email campaign sent to Professional Potential Customers and to Customers for similar products or services to those already purchased	Legitimate interests pursued by Nukeygara to develop its commercial activity
Newsletter: Sending the newsletter to customers and subscribers.	Consent. You can withdraw at any time your consent.
Management of the opposition list to marketing email / newsletter	Legitimate interests pursued by Nukeygara to respect individual privacy choices.

C. Retention of Personal Information

We retain Personal Information for the following retention period:

Purposes	Retention Period
Customer relationship management: Conclusion of contracts, order processing, invoicing, payment, claims management	Duration of the customer relationship
Customer relationship management: Compliance with accounting, tax and legal obligations	Data archiving and storage for the legal period (up to 10 years for accounting obligations)
Customer relationship management: Pre-litigation and litigation management	Until the legal prescription for our contractual relations with Customer
Online banking payment: One-time payment	Only the time required to complete the transaction: immediate payment or at the time of the deferred payment.
Online banking payment: Recurring payment (subscription)	Until the effective date of subscription termination.
Online banking payment: Fight against fraud	Intermediate archiving: Up to 13 months from the debit date of an immediate debit card / Up to 15 months following the debit date of a deferred debit card (in accordance with Article L. 133-24 of the French Monetary and Financial Code)
Marketing email: Email campaign sent to Professional Potential Customers and to Customers for similar products or services to those already purchased	Up to 3 years from the last contact You.
Newsletter: Sending the newsletter to customers and subscribers.	As long as You don't withdraw your consent to receive our newsletter.

Management of the opposition list to marketing email / newsletter	Up to 3 years from the exercise of the right to object
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At the end of these retention periods, we may have to keep certain Personal Information in archives for longer periods of time (i.e. until the legal prescription for our contractual relations with You, and/or until the law requires us to do so notably for accounting and/or tax purposes).

3. Privacy for End-User

This section only applies to End-User as defined in section “Definitions”.

A. Collection of Personal Information

We collect, process and use different kinds of your Personal Information, whether you provide them to us directly or we collect them automatically.

Such Personal Information are the following:

Categories of Personal Information	Personal Information
Software-generated data	Hardware data, crash report explaining where the code crashed, history of actions during the session, screenshot of the sole Akeytsu window
Aggregated statistical data	Truncated IP address (IP are anonymized as soon as data is received), random id (not linked to your user account), hardware configuration, features used/abandoned.
Identifying information (for license validation and checking)	Registered license key, subscription corresponding to the license key, services subscribed by the customer, customer email, MAC address

B. Purposes and legal basis for processing

Our purposes of processing your Personal Information and the legal basis allowing us to process them are the following:

Purposes	Legal Basis
To get aggregated crash report	Legitimate Interest pursued by Nukeygara to identify and fix bugs
To get aggregated usage statistics	Legitimate Interest pursued by Nukeygara to better understand which features are most commonly used and least used.
License validation and checking purposes in order to prevent any unauthorized use: subscription checking (current/expired/unpaid subscription), license checking (current/expired trial version, checking the current number of active users per license and the current number of seats used)	Legitimate interest pursued by Nukeygara to ensure You comply with the terms and conditions of the Akeytsu License as set forth in the EULA approved by you or by our customer.

C. Retention of Personal Information

We retain Personal Information for the following retention period:

Purposes	Retention Period
To get aggregated crash report	For 12 months from the time of collection.
To get aggregated usage statistics	For 13 months from the time of collection.
License validation and checking purposes in order to prevent any unauthorized use: subscription checking (current/expired/unpaid subscription), license checking (current/expired trial version, checking the current number of active users per license and the current number of seats used)	For the entire duration of the subscription plan (subscription checking) For the entire duration of the software's use (license checking) For 24 months for Trial version (trial license checking)

At the end of these retention periods, we may have to keep certain Personal Information in archives for longer periods of time (i.e. until the legal prescription for our contractual relations with You, and/or until the law requires us to do so notably for accounting and/or tax purposes).

D. End-User Preferences

You can manage at any time your preferences in the “Confidentiality” menu of Akeytsu Software.

4. Cookies Privacy for Visitor

This section only applies to Visitor as defined in section “Definitions”.

A. Cookies we use

A cookie is a small text file that is downloaded onto your terminal equipment you access to our Platform.

We use cookies for different purposes:

Categories	Editor	Purposes	Legal basis	Cookie	Retention period
Analytics Cookies	Google Analytics	Obtain information on your navigation on our website	Intérêt légitime (Google Analytics a été configuré afin de bénéficier de l'exemption de consentement prévue à l'article 6 de la délibération 2013-378 du 5 décembre 2013).	_ga _gid _gcl_a _gat	13 months 1 day 3 months Session
Marketing	Facebook	Tracking of Facebook users on our purchase tunnel Media retargeting on facebook	Consent	_fbp	3 months
Video	Youtube	Video sharing services enrich the site with multimedia content and increase its visibility.	Consent	YSC PREF GPS VISITOR-INFO1-LIVE	Session 8 months Session 6 months

B. Your Cookies preferences

There are several ways to change your cookie preferences:

- **On our Website:** You can express your preferences through our Consent Management Tool. Click on ‘Cookie Management’ in the footer of any page to change your preferences about cookies.

- **Within your browser:** You can decide whether you accept cookies or not. Please refer to the following resources to learn how to set your browser: <https://www.aboutcookies.org/how-to-delete-cookies/>

5. General Information

This section is applicable to everyone, no matter you're a Customer, a Potential Customer, a Visitor or an End-User.

A. Obligation to provide some Personal Information

We sometimes require you to provide us with some of your Personal Information. We request this when it is necessary for the provision of our Services or required by law. For instance, we need to collect your email address when you sign up to our newsletter or when you create your Customer account.

Failure to provide us with mandatory information may have consequences: We will not be able to create your account; We will not be able to provide our Services to you, etc.

When some Personal Information is required, we add an asterisk (*) next to the collection field and We explain you why We need to process it.

B. Profiling / automated decisions-making process

Actually, Nukeygara do not use profiling nor automated decision-making processes.

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.

C. Recipients of your Personal Information

Nukeygara share some of your Personal Information with the third parties listed below.

Our technical and IT providers:

Who ?	Why ?
Google Inc. (Google Cloud)	To host our data
Google Inc. (Google Analytics)	To do web analytics
The Rocket Science Group, LLC	To send email marketing

Stripe Payments Europe, Ltd.

To manage payment service and information (www.stripe.com)

We may also need to forward your Personal Information to local authorities due to a legal obligation or at the request of an administrative authority empowered to make this type of request.

D. Transfers outside the European Union

We operate in France but some of our servers or those of our providers are located outside the European Union. We also work with recipients who operates outside the European Union.

We only decide to transfer your Personal Information when our recipients have provided adequate safeguards in accordance with GDPR.

Such adequate safeguards may be (1) the existence of an adequacy decision of the European Commission, (2) the signing of standard data protection clauses adopted or approved by the European Commission, (3) the compliance with an approved code of conduct, (4) the certification under an approved certification mechanism, (5) the approval of contractual clauses by a competent supervisory authority.

Our providers have taken the following adequate safeguards:

Who?	Which adequate safeguard?	Where?
Google Inc	USA: Adequacy decision of the European Commission (Privacy Shield framework) https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI	USA
	Other third countries: EU Contract Clauses https://cloud.google.com/terms/eu-model-contract-clause?hl=fr	Other 3 rd countries.
(MailChimp) The Rocket Science Group, LLC	Adequacy decision of the European Commission (Privacy Shield framework) https://www.privacyshield.gov/participant?id=a2zt0000000TO6hAAG&status=Active	USA
Stripe Payments Europe, Ltd.	USA: Adequacy decision of the European Commission (Privacy Shield framework). https://stripe.com/privacy-shield-policy	USA
	Other third countries: EU Standard Contractual Clauses with data recipient outside the European Economic Area https://stripe.com/gb/privacy#international-data-transfers	Other 3 rd countries.

E. Your GDPR rights

You have several rights on your Personal Information under GDPR. We explain them below.

Right of access: You have the right to access your Personal Information by making a request in writing to Us. It means you have the right to obtain a copy of your Personal Information.

Right to rectification: You have the right to rectify or to complete your Personal Information if it is inaccurate or incomplete.

Right to erasure: You have the right to request the erasure of your Personal Information. Please note that this right is not absolute and only applies in certain circumstances (for instance only if the Personal Information is no longer necessary for the purpose which we originally collected or processed for it, etc.).

Right to restrict processing: You have the right to request the restriction of your Personal Information where you have a particular reason for wanting the restriction.

Right to data portability: You have the right to ask the portability of your Personal Information. It means you have the right to receive Personal Information you have provided to Us, in a structured, commonly used and machine-readable format.

Right to object: You have the right to object to the processing of your Personal Information. This allows you to ask us to stop processing your Personal Information.

Right related to automated decision-making including profile: You have the right not to be subject to a decision based solely on automated means, if the decision produces legal effects concerning you or significantly affects you in a similar way.

Right to lodge a complaint: You have the right to lodge a complaint before the data protection supervisory authority: **Commission Nationale de l'Informatique et des Libertés - CNIL** 8 rue Vivienne, CS 30223 F-75002 Paris, Cedex 02 Tel. +33 1 53 73 22 22 Fax +33 1 53 73 22 00 Website: <http://www.cnil.fr>

F. Exercise your GDPR rights

You can exercise your GDPR rights by contacting us by one of the means listed in Section "About Us & Contact Us".

We will do our best to answer you within 30 days.

Please note that sometimes, depending of the legal basis of our processing, you may not be able to exercise some of these rights: in such case, we will inform you.

In exceptional circumstances, and when we are not certain of your identity, we may need to ask you for a proof of identity prior to process your request.