

# 360dialog Data Privacy Policy

## 1. General

This Data Privacy Policy provides you with information regarding the collection, processing and use of your personal data by 360dialog GmbH, Torstrasse 61, 10119 Berlin, Germany, [legal@360dialog.com](mailto:legal@360dialog.com) ("360dialog"), in the context of your usage of our services. Please note, that we are subject to the WhatsApp Privacy Policy <https://www.whatsapp.com/legal/#privacy-policy>.

Please note that we generally act as a data processor for our business customers. As a WhatsApp user, you do not have a direct contractual relationship with us. Therefore, please contact your contractual partner directly if you have any questions about the purposes for which data is processed.

360dialog reserves the right to update this DPP if necessary and the Partner/Client acknowledges that always the most up to date version will apply.

## 2. Collection, processing and use of your personal data

### - Principles

Personal data collected from you is handled in compliance with the GDPR.

### - Categories of data subjects

**A) Partners** – system integrators, independent software vendors, registered tech providers, registered service providers or providers of messaging services distributing WhatsApp Business Solutions ("WABS") to their customers or third parties qualifying as Business End Customers (Clients).

**B) Clients** – businesses qualifying for a WhatsApp Business Account ("WABA") under the Business Terms, which are not distributing, selling, reselling, or renting WABS to third parties.

**C) WhatsApp Users** – End Customer. The person or entity with whom the business is messaging.

### • Which personal data are collected or processed from you?

**A) Partners:** Company data (e.g. Company registration number, Address, E-Mail, Phone number, Bank details, VAT ID, Names of contact persons, Logo), Financial data.

**B) Clients:** Company data (e.g. Company registration number, Address, E-Mail, Phone number, Bank details, VAT ID, Names of contact persons, Logo), Financial data, Message content, User ID (phone number registered on WhatsApp)

**C) WhatsApp Users:**

- User ID – Phone number registered on WhatsApp.
- Message content
- Metadata (date, time, size of the message)

For CAPI:

- User ID (phone number, reference ID)
- Conversion type (lead or purchase / configured by business in our platform)
- If applicable, purchase amount
- AD\_ID
- CTWA\_CLID

For Insights\*:

User ID – Phone number registered on WhatsApp.

- Message content
- Date & Time of message (read, delivered, sent)
- Metadata: conversation\_id, message\_status (read, delivered, sent), template\_id (if applicable)

\*In the event that 360dialog processes end user's data on behalf of the Client within the scope of the Insights product, which could be considered profiling, the client undertakes to obtain the user's consent to do so in accordance with the requirements of Art 7 of the GDPR.

• **For what purpose are your personal data processed?**

**A) Partners & B) Clients:** To conclude the contract with you, to ensure that our contractual obligations arising from the contract with you are effectively fulfilled, especially in connection with the setting up, the technical integration and the ongoing administration of WhatsApp Business Accounts ("WABA(s)").

- C) WhatsApp Users:** To allow the Client to send to and receive messages from the WhatsApp User, to develop our products and services, to better understand user behavior.

- **Where does your data come from?**

- A) Partners:** All your data that we process were provided to us directly by you for the purpose of concluding the contract and to enable us to fulfill our contractual obligations arising from the contract with you, or were manually entered by you or 360dialog into our 360 Hub Software.
- B) Clients:** All your data that we process were provided to us directly by you for the purpose of concluding the contract and to enable us to fulfill our contractual obligations arising from the contract with you, or were manually entered by you or your Partner into our 360 Hub Software, or were pulled from Facebook Business Manager after you provided us access by adding us as Partner during the Onboarding process.
- C) WhatsApp Users:** We have the data from you by sending a message. The message is sent to WhatsApp (encrypted), then arrives at our data center, and we forward it to the Client. After the Client responds, the message comes back to us. We forward it to WhatsApp and WhatsApp to the WhatsApp User.

- **Sharing of your personal data and transfer to third countries**

In some cases, we may transfer personal data to parties located in third countries. These are countries where the GDPR is not applicable. Please be advised, that in the case of the USA the European Commission has decided according to Section 45 of the GDPR that the USA offers an adequate level of protection of personal data.

- A) Partners & B) Clients:** We may provide your personal data to the entities acting as our sub processors. The list of our sub processors can be found in our DPA in Appendix DPA 3.  
We may also provide your personal data to our business partners who provide us with consultancy services, auditing services, legal services, and accounting services.  
We provide your personal data for reasons of the Evaluation of the Client/Partner registration for fraud purposes through sending user / transaction / device data via the Fraud API to SEON Technologies Kft. for enriching the data and delivering a risk score in our own interest.

We also may be obliged to provide your personal data to public authorities, in particular courts and law enforcement agencies (police and prosecutors)

only to the extent necessary and within the limits of the law.

**C) WhatsApp Users:**

**On premise setup:** Our Cloud Infrastructure is ensured by Google Cloud and AWS (provisioning of storage space and forwarding of data for the purpose of fulfillment of the contract of 360dialog towards the Client). The respective Data Centers are located in the EU.

We forward the data to WhatsApp as part of the following process:

After the WhatsApp User sends the message, the data is sent to WhatsApp first. Then it arrives at our data center located in the EU, and we forward it to the Client. After the Client responds, the message comes back to us. We forward the data to WhatsApp and WhatsApp to the WhatsApp User. However, this data is encrypted, and WhatsApp does not see the content of the message, but only the metadata. Therefore, this is not sensitive data, because it has already been known to WhatsApp, as it was entered by the WhatsApp User himself at registration for WhatsApp.

All our sub processors have signed a DPA with 360dialog.

**Cloud API:** If this hosting type is selected, the default server is in the USA. The client can however choose local storage on request.

Detailed info here: [Architecture and Security - Partner Documentation \(360dialog.com\)](https://360dialog.com/Architecture-and-Security-Partner-Documentation)

- **Legal Basis**

**A) Partners & B) Clients:** The legal basis for the processing of personal data is provided by section 26 of the Federal Data Protection Act and Article 6 (1) (b) GDPR:

Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

**C) WhatsApp Users:** The WhatsApp User has no contractual relationship to 360dialog. We process the data based on the order data processing agreement concluded between the Client and WhatsApp User or on behalf of the Client. The Client authorizes us to establish WhatsApp access for the WhatsApp User.

### 3. How long will your personal data be retained?

**A) Partners & B) Clients:** The personal data collected for the purposes of the contractual relationship will be stored for the duration of the contract (including pre-contractual negotiations) and for the period necessary to prove legal claims or for the time necessary to achieve its purpose.

**C) WhatsApp Users:**

The data collected about the WhatsApp User are stored for a period of max. 30 days and then automatically deleted.

In many cases, retention periods will be set by the data controller. Please refer to the controller's Privacy Policy for more details.

For Enterprise projects please see: [Campaigns Processes](#)

### 4. Your rights

You may exercise the following rights vis-a-vis 360dialog at any time free of charge.

**Right of information:** You are entitled to information (Article 15 GDPR) from us relating to the processing of your personal data.

**Right to rectification:** You have the right to request that we rectify (Article 16 GDPR) any inaccurate or incomplete personal data concerning yourself.

**Right to erasure:** You have the right to have your data deleted, provided the preconditions stated in Article 17 of the GDPR have been met. For example, you may ask for your data to be erased if it is no longer necessary for the purposes for which it was collected. You may also ask for your data to be erased if we process your data based on your consent and you withdraw that consent.

**Right to restriction of processing:** You have the right to request the restriction of the processing of your personal data if the requirements specified under Article 18 of the GDPR have been met. This is the case, for example, if you dispute the accuracy of your data. You can then demand a restriction of processing for the period it takes to verify the accuracy of the data.

**Right to object:** You have the right to object to the processing of your data if the processing is based on an overriding interest or if your data is used for the purpose of direct marketing. An objection is permitted if processing is conducted in either the public interest or for the exercise of official authority, or if it is conducted for a legitimate interest of 360dialog or of a third party. If you object to the processing of your data, please notify us of the grounds for your objection. You also have the right

to object to data processing for the purposes of direct marketing. The same applies to profiling, insofar as it is related to direct marketing.

**Right to data portability:** You have the right to receive your data in a structured, commonly used and machine-readable format and to transmit that data to another data processor, provided that the data processing is based on consent or performance of a contract and an automated means of processing is used.

**Right to lodge a complaint:** You also have the right to lodge a complaint with a supervisory authority about our processing of your data.

## 5. Your Points of Contact

Contacts for exercising your rights

If you have any data protection concerns, contact our data protection officer:

Data Protection Officer of 360dialog GmbH

Torstrasse 61, 10119 Berlin, Germany

Rene Rautenberg

[legal@360dialog.com](mailto:legal@360dialog.com)