

PRIVACY POLICY - DRAFT

Last update: October 27th, 2020

1. THE AIME OF THIS POLICY

This Privacy Policy is designed to inform you about the use of your personal data when you access the website <https://draft.io/> (the “**Platform**”), when you use the services proposed by the Platform or when you contact Draft (the “**Draft Services**”).

It will enable you to determine the origin and the use of the information collected, as well as your rights and options under the applicable data protection rules and regulations.

It is therefore important for you to read it carefully.

The processing of your personal data that is described in this policy shall be performed by Draft SAS, a French company; whose registered offices are located at 3 rue de l’Ouche Brûlée; 44118, La Chevrolière, France; registered on the Nantes Trade and Companies Register under number 848 959 268 (“**Draft**”), which publishes the Platform and which is thus the “**Data Controller**” under the data protection laws.

2. PURPOSES AND LEGAL BASIS OF THE PROCESSING OPERATED BY DRAFT

Your personal data is only gathered and processed when Draft has a legal basis for doing so.

- Based on your consent, including to deal with your requests:
 - To send you information about the services and news;
 - To deal with your requests regarding service offerings and online help;
 - To improve the operation of the Platform by generating audience statistics.
- To provide you with Draft Services and to comply with the contractual obligations, and in particular:
 - To improve the operation of the Platform by generating audience statistics.
 - To enable you to create an online account;
 - To enable you to create a visual document online in particular using images, text, audio and video content;
 - To host this visual document online;
 - To enable you to share this visual document with other users on the Platform or on third party websites and services;
 - To enable you to pay for the services,
 - To manage any other service, whether current or future, in connection with the services and registered in the corresponding general terms of use.
- To foster the legitimate interests of Draft in managing the distribution and marketing of its Draft Services:
 - To manage Draft’s contractual relationship with you, including by keeping a database of existing and potential users and clients,
 - To ensure the administration and security of the Platform.

For all these purposes founded on Draft’s legitimate interest, Draft takes into consideration any potential impact that the gathering of this data may have upon you and upon the users of the Platform in general. Should Draft believe that your interests or your fundamental rights and freedoms transcend its legitimate interests, it will refrain from using your personal data on this basis and may ask you for your consent on a case by case basis.

3. THE CATEGORIES OF DATA GATHERED BY DRAFT

3.1 Information that you provide to Draft directly

Draft gathers the information that you disclose to it directly when you use the Platform and Draft Services:

- Your email address and password to create an account if you are a user who uses the services for free;
- Additional identification and contact data (e.g. your first and last name, telephone number, company and functions) if you subscribe to a paid offer or if you contact Draft; This information may also be directly provided by and collected from your company;
- Transactional information required if you subscribe to a paid subscription to the Draft Services (for example, the type subscription chosen, your company and billing address).
- Your credit card payment information as gathered by Stripe, our payment services provider which is acting as our processor and is certified to PCI DSS Level 1. Draft does not store or access this information.

The personal data that is essential for Draft to fulfil the purposes described above is highlighted at the time of their gathering. Should you not disclose this data in the mandatory fields, Draft may not be able to respond to your requests and/or supply you with the services that you want. All other data is merely optional and enables Draft to improve the way to communicate with and to provide the services to you.

3.2 The information that Draft gathers automatically

Other data is gathered automatically when you access the Platform or use Draft Services:

- Service Data: any data or information, including visual documents that you create, send or store with Draft, in connection with your use of the Draft Services;
- Connection data concerning the terminal used: your IP address, the type of browser you use and various information about your browsing of the Platform are also gathered for purposes of administration and/or to generate statistics;
- Information about your use of Draft Services: the pages of the Draft Service visited, the time and date of the visit, the time spent on those pages, unique device identifiers and other diagnostic data;
- Data relating to the monitoring of your contractual relationship with Draft (for example, your account number, the history of your subscriptions, your authorized users, your contacts and requests or your correspondence with Draft's commercial department).

4. THE RECIPIENTS OF YOUR PERSONAL DATA

4.1 Sharing your visual documents

You may choose to share your visual documents with other users or third parties by providing them with an URL. The access to these documents may be password protected.

You can decide the privacy settings of your visual documents (public or private), the persons to whom you want to provide the URL that enables them to access to the said documents, and any third-party websites or services on which you choose to share them. In all cases, your visual documents (which includes personal data about you) will then be available to all these persons.

4.2 Management of the Platform and the Draft Services

Your personal data is processed by Draft. It may only be transferred or made available to Draft's possible subcontractors and service providers who are involved in a purely technical or logistical capacity (for example providers of hosting and maintenance services to the Platform).

All your payment information (including credit card information, bank account information, your contact information and your order information) is processed by Stripe, our payment provider acting as a processor.

4.3 Processing by Stripe, our payment provider, as a data controller

Your payment information is also processed by Stripe, as a data controller for fraud monitoring, prevention, detection, and financial compliance activities. For these purposes, Stripe could collect information about you from its business partners, financial service providers, identity verification services and publicly available sources. It could also use technology to help Stripe assess the risk associated with an attempted transaction by you. Draft is not responsible for these processing and recommends you that you read Stripe's privacy policy (<https://stripe.com/en-fr/privacy>) and contact them for any additional information.

4.4 Client and users management and direct marketing

Your personal data is accessible to the authorised personnel working at Draft with which you are in contact, for the management of the contractual relationship.

4.5 Protection and defence of Draft's interests

Finally, Draft may disclose your personal data to third parties when such disclosure is required by a law, a regulatory provision or a court ruling, or if this disclosure is necessary to ensure the protection and the defence of its interests (for instance to external agents and counsels in case of debt recovery; to insurance companies if necessary).

5. TRANSFERS OF YOUR DATA ABROAD

Most of your personal data are processed and hosted in France.

However, your transactional information which is used to enable you to pay for the services through the Platform is transferred to the United States by our service provider Stripe.

If they are transferred outside the European Economic Area in countries where the applicable data protection rules and regulations differ from those that are applicable within the European Economic Area, these transfers would only take place subject to appropriate guarantees designed to ensure a sufficient level of protection to your privacy and fundamental rights, such as the signature of the standard contractual terms adopted by the European commission. A document detailing the guarantees put in place by Draft shall be disclosed immediately upon receipt of a request sent to Draft.

6. DURATION OF RETENTION

Draft shall not retain your personal data beyond the duration that is strictly necessary for the accomplishment of the purposes for which it was gathered.

6.1 Contacts and complaints

Any personal data and general information about your requests (for example, request of information about the Draft Services, subject of the request) that is gathered and processed under the section entitled “[contact us](#)” or pursuant to contact with the commercial service unit will only be kept for 3 years as of the last contact initiated by you.

6.2 Data concerning the use of Draft’s Services, subscriptions, and contractual relationship

Draft will keep the data concerning your subscriptions for as long as you remain a client or an user (i.e. Have an active client or user account and/or a contract with Draft) and until the expiry of the applicable warranties. This data will only be kept beyond that time with your consent or for accounting and evidential purposes or to meet Draft’s legal obligations.

6.3 Account data

Your account the Platform will remain active until you decide to close it and for as long as you continue to use Draft Services on the Platform. In case of protracted inactivity on your part over a period of 3 years, this account will be deactivated.

6.4 Payment information

Your payment information will be kept for the time necessary in order to process your payment and transaction. On the basis of your consent or if your subscription to the services requires regular payment, then your data may be retained until your consent is withdrawn or your subscription is terminated.

You may close your account at any point in time. In order to do so, please contact Draft’s commercial service unit by sending an e-mail to hi@draft.io.

Finally, the connection logs that are gathered with your consent by the cookies and other tracers implemented on the Platform will be kept in accordance with the applicable regulations for a period of time that shall not exceed thirteen (13) months.

7. THIRD PARTY WEBSITES AND SERVICES

The Platform and Services include links to third party websites and services, including for the purpose of enabling you to share visual documents on such third-party websites and services. Draft has no control over the content, privacy policy or actions of these third-party websites and services and is not liable for any transfer or disclosure to third parties of information contained in your visual documents when you post such visual documents on these third-party websites or services.

The use of the information that you may provide to third parties on other websites or services or that these third parties may gather on those other websites or services is not governed by this confidentiality Policy. You should carefully examine the confidentiality and data protection policies of any third-party websites and services and contact the publishers of these websites and services should you have any questions about the way in which they use your personal data. Draft hereby disclaims liability for any failure by a third party to use your personal data in accordance with their confidentiality policy or in accordance with any contractual or legal obligation that is binding upon them.

8. SECURITY

Draft has implemented the appropriate technical and organisational measures to guarantee the confidentiality and the security of your personal data against any loss, destruction, alteration, unauthorised access or disclosure. For instance:

- Draft's computer systems are equipped with hardware and software protections that comply with the highest standards of the profession. Physical and electronic procedures for backing up the data gathered on the Platform are implemented, in accordance with the prevailing French laws and European regulations governing data protection.
- Draft's employees who, on account of their duties, have access to your personal data, are subject to strict confidentiality obligations.
- Draft's service providers and subcontractors are bound by written undertakings to implement adequate security measures to ensure the protection of your personal data in keeping with the applicable laws.
- All the data that you provide on the Platform and Draft Services is encrypted in transit using TLS 1.2 or higher encryption between your terminal and Draft's host server, and at rest using AES-16 algorithm.

9. MODIFICATIONS AND UPDATES OF THE CONFIDENTIALITY POLICY

This confidentiality Policy may be modified and updated to reflect the changes in Draft's practices or to ensure compliance with the applicable regulations in case of modification.

In case of a modification or update, the revised confidentiality Policy shall be put online on the Platform, with a statement indicating the date of the latest update. You will also be informed by a message on the Platform urging you to read the updated confidentiality policy.

10. YOUR RIGHTS AND OPTIONS

10.1 Access and rectification

You have the right to access your personal data and to request the rectification or the destruction of any data that should turn out to be inaccurate. Should you have an account with Draft, you may directly access the data contained in your online account and rectify/eliminate it where applicable.

10.2 Erasure

You may also request the erasure of your personal data provided that it is no longer necessary for Draft to keep it.

10.3 Opposition and limitation

You can also oppose the processing of your personal data or request the imposition of limitations on such processing, unless the processing is necessary for the management of the services that you request.

10.4 Withdrawal of consent

Where the processing of your data is based on your consent, you may withdraw this consent at any point in time.

10.5 Portability

You may moreover exercise your right to portability, i.e. obtain, in a structured, machine-readable form, the personal data that you provided to Draft directly on the basis of your consent or of a contract drawn up and signed with you and that that is undergoing automated processing.

10.6 Directives

You may also let Draft know your instructions regarding the preservation, erasure and disclosure of your personal data after your death and modify these directives at any point in time.

These rights may be exercised directly with Draft in accordance with the terms below. You may be asked for proof of your identity.

11. CONTACT DRAFT

Should you have any questions about this confidentiality policy and Draft's data protection practices, please do not hesitate to contact Draft via the "[contact us](#)" section on the Platform or directly, by sending an e-mail to hi@draft.io; or by sending a letter addressed to Draft SAS, 3 rue de l'Ouche Brûlée; 44118, La Chevrolière, France .

Should you be unhappy about the way in which Draft gathers and processes your personal data, you may file a complaint with France's CNIL [data protection authority] by visiting <https://www.cnil.fr/fr/plaintes/> or if you are a resident of another European union country, you may file a complaint with the data protection regulating body with jurisdiction over the place where your main residence is located, or the place where you have been dealing with Draft.