

# Data protection information

## CHARGEABLE LIFESTYLE ANALYSES AND THE PURCHASE OF PRODUCTS

With this notice, we would like to inform you how we, Novogenia GmbH (Strass 19, 5301 Eugendorf, Austria) (hereinafter also referred to as „Novogenia,“ „we,“ „us“), process personal data of you in connection with your order of an analysis report regarding our service „Lifestyle Analysis“ or with a view to the purchase of (for you personalized) products.

### 1. Who is responsible for data processing? How can you contact us?

This data protection notice applies to data processing by us (Novogenia) as the data protection officer within the meaning of the German Data Protection Ordinance („DSGVO“). Should you have any questions, suggestions, or complaints regarding data protection at Novogenia, you can contact us in particular in the following contact details: Novogenia GmbH, Strass 19, 5301 Eugendorf, Austria, e-mail: [service@novogenia.com](mailto:service@novogenia.com), telephone: +43 662 42 50 99 11, or you can also contact our data protection officer directly at any time. You can reach him as follows: Data Protection Officer Novogenia, Stephan Kletzl, Irrsdorfer Bachstrasse 48, 5204 Strasswalchen, Austria. e-mail: [stephan@usergems.com](mailto:stephan@usergems.com).

### 2. Which personal data do we process, and for what purposes?

We process certain data that we receive in connection with your order. This includes, in particular, the following data:

- a. In order to establish, execute and process the contract concerning the performance of a lifestyle analysis (including the preparation of an analysis report) or the purchase contract concerning products ordered by you, we process in particular your name, your address, your telephone number, and your e-mail address.
- b. For the purpose of preparing recommendations specifically tailored to you, we process the blood or DNA samples you send us in order to provide you with information based on this analysis in the form of an analysis report. For these purposes, we carry out an analysis of the samples you send to us in our laboratory. In a gene analysis, we examine in this context, for example, genes that are important for body weight and thus also have an influence on fat loss. This enables us to evaluate, for example, whether the person concerned is more likely to gain weight due to a high-fat or a high-carbohydrate diet and to what extent the genes affect the feeling of hunger and satiety. In addition, we also investigate genes that influence the effect of certain food components on the body. Based on the individual results, foods are evaluated individually for you according to their suitability. After a successful analysis, we will compile an evaluation with this knowledge gained in the form of a report for you. This report provides concrete recommendations for, e.g., an individual design of the diet plan and should help to find the right balance between sport and nutrition. Unless otherwise stated in this data protection notice, we do not share this data with third parties. You will find further information on the scope of the analysis of your blood and DNA samples carried out by us in the enclosed Declaration of Consent, the information material sent to you, and on the website <https://novogenia.com/>.
- c. If you order products from us that are based on the results of a lifestyle analysis relating to you (the „Analysis Results“), and that you would like us to personalize for you based on the relevant Analysis Results, we will process the Analysis Results to create the products you order. The Analysis Results will generally be deleted by us within 7 years of the completion of the relevant analysis (after deletion we will no longer be able to produce Products for you based on the Analysis Results) unless you agree with us that we may retain the Analysis Results for a more extended period of time for any subsequent orders for personalized products.

The legal basis for the processing of personal data referred to in section 2.a is Art. 6, para. 1, part 1, lit. b DSGVO (fulfillment of contract or pre-contractual measures). The legal basis for the processing of personal data referred to in points 2.b and 2.c are Art. 9, para. 2, lit. a DSGVO (consent). Without the provision of the data referred to in Sections 2.a and 2.b, it will not be possible to perform the contract, for example, to prepare or transmit the relevant analysis report or to manufacture products based on the analysis results.

### 3. Do third parties have access to your personal data?

- a. As a matter of principle, we do not pass on your personal data to third parties, unless otherwise stated in this information on data protection

- b. If you wish us to send you the analysis report by post or courier, we will send the analysis report to Books on Demand GmbH (In de Tapen 42, 22848 Norderstedt, Germany) for printing and dispatch to you. In this case, the legal basis is 6 para. 1, section 1, lit. a DSGVO or Art. 9 para. 2 lit. a DSGVO (consent).
- c. With regard to the data mentioned in section 2.a, we may use (technical) service providers who process personal data from you on our behalf (e.g., hosting providers). These service providers process the data exclusively in accordance with our instructions (commissioned processor; the legal basis for such data processing is Art. 28 DSGVO (commissioned processing) in conjunction with Art. 6, Para. 1, S. 1 lit. b DSGVO (fulfillment of contract or pre-contractual measures)). In this context, personal data may (also) be processed by processors in the USA (this currently concerns Amazon Web Services, Inc., „AWS“). AWS is bound to comply with the EU-US Privacy Shield Agreement published by the US Department of Commerce regarding the collection, use, and storage of personal data from EU member states. With respect to AWS, there is a certification that AWS will comply with the relevant Privacy Shield Principles. The EU Commission assumes that the United States will provide adequate legal protection for personal data transferred from the EU to self-certified organizations in the USA under the Privacy Shield. Further information can be found at: <https://www.privacyshield.gov/EU-US-Framework>.
- d. We may disclose personal information to third parties if we are required to do so by law. The legal basis for such processing is Art. 6 para. 1, sentence 1, lit. c DSGVO (legal obligation).

#### **4. How long is your personal data stored?**

As far as no other storage period results from this data protection information, we store your personal data obtained from us in connection with your order for the duration of the processing of the contractual relationship with you, thereafter only to the extent and insofar as we are obliged to do so due to mandatory legal storage obligations. If we no longer need your data for the purposes described above, they will only be stored during the respective legal retention period and will not be processed for other purposes. The DNA samples you send us will generally be destroyed by us within thirty days of the analysis report being sent to you, at the latest.

#### **5. What rights do you have?**

You have the right to request information from us at any time about the personal data stored by us about you. If the legal requirements are met, you also have the right to correct, delete or restrict the processing of the corresponding personal data, the right to object to the processing of your personal data by us and to receive from us the personal data concerning you that you have provided to us in a structured, common and machine-readable format (you may transmit this data or have it transmitted to other parties).

If you have given your consent to the use of your personal data, you can revoke this consent at any time for the future.

You can assert your aforementioned rights, for example, by contacting us or our data protection officer via the contact details given in section 1 above. If you believe that the processing of your personal data by us is in breach of the applicable data protection law, you can complain to the (competent) supervisory authority for data protection.