



# Keymetrics®

## PRIVACY POLICY

**Effective Date: 25 May 2018**

### STRUCTURE OF KEYMETRICS PRIVACY POLICY STATEMENT

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## Section 1. Overview

### a) About us

KEYMETRICS is a French SAS company incorporated under the laws of France, having its office in Paris at 3, rue de Montyon 75009, FRANCE. KEYMETRICS is a 100% owned subsidiary of KEYMETRICS Inc., having its office at 1407 Broadway, 24<sup>th</sup> floor, New York, NY 10018, UNITED STATES.

KEYMETRICS develops a Node.js monitoring tool for server infrastructure using an open source Node.js process manager: ProcessManager2 (PM2).

KEYMETRICS operates these following websites (<https://keymetric.io> , <https://app.pm2.io> and <https://pm2.io>) and all pages derived from it.

## b) Acceptance of terms of Keymetrics Privacy Policy Statement

Here at Keymetrics, we take your privacy seriously and will only use your Personal information to administer your account and to provide the products and services you have requested from us.

Before using our Websites, we invite you to read our Privacy Statement to make sure you are aware with all the terms and conditions regarding the collect, the storing and the use of your Personal Data and what is our Privacy Policy.

Throughout our Websites, the terms « us », or « we », refer to KEYMETRICS as the owner of the Websites, and the term « you » refers to all the user(s) or viewer(s) of our Websites, including without limitation users who are browsers, customers, and/or contributors.

## c) Background

The General Data Protection Regulation 2016 (UE/2016/679) replaces the EU Data Protection Directive of 1995 and supersedes the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. Its purpose is to protect the “rights and freedoms” of natural persons (i.e. living individuals) and to ensure that Personal Data is not processed without their knowledge, and, wherever possible, that is processed with their consent.

## d) Purpose of the Privacy Statement

This Privacy Policy Statement tends to explain why this Personal Data is collected, handled, and stored to meet the company’s Data protection standards – and to comply with the law.

## Section 2. What kinds of personal information about you do we process?

### a) Mission Critical Data

When you subscribe to the software as part of the buying and selling process, we collect the Personal information you give us such as **your name and your email address**. You may use 3<sup>rd</sup> party authentication by your *Github* or *Google* account, in which case we retrieve exactly the same information to be able to authenticate you.

When you browse our use our Websites, we also automatically receive your

computer's **internet protocol (IP) address** in order to provide us with information that helps us learn about your browser and operating system.

#### b) Other Personal Data

When you use our services, we also collect other Personal Data for marketing and engineering purposes, as **phone number, company name, and job title**. See below more details about these services.

### Section 3. What do we use your personal data for?

#### a) Marketing purpose

We collect Personal Data (that are non-critical Data) for our own marketing and sales services:

- Your company name, your job title and optionally your phone number (the user is not forced to give it) are collected for our own and only sales prospections.
- Your IP address could be collected in one hand for installing PM2 (you will retrieve an empty package from our servers).

#### b) Engineering purpose

We also collect :

- Your IP address when you make a request to any of our Websites, all the metadata about the request are collected, and stored in our own servers for performance and security monitoring.

#### c) Features development

We also use aggregated, anonymized records of non-Personal information that we collect about you or that provide to us as part of your usage of the Service in order to develop and train algorithms that allow us build new features of the Service.

### Section 4. How much time do we retain your personal information?

#### a) During the use of your account

Keymetrics will retain your Communications for only as long as necessary to provide you with the Services and we will retain your Personal Data for the entire

time that you keep your account open.

**b) After the closing of your account**

After retention of your communications is no longer necessary and after you close your account, we may retain your communications or personal data, as applicable:

- for as long as necessary to comply with any legal requirement;
- on our backup and disaster recovery systems in accordance with our backup and disaster recovery policies and procedures;
- for as long as necessary to protect our legal interests or otherwise pursue our legal rights and remedies; and
- for data that has been aggregated or otherwise rendered anonymous in such a manner that you are no longer identifiable, indefinitely.

## **Section 5. What about cookies and tracking?**

**a) Cookies**

Cookies are small text files used to collect Personal Data, commonly placed on the browser or hard driver of our users computers. Cookies gather information about the users' use of our websites or enable our websites to recognize the user as an existing customer when he returns to the website later. The law protects you and let you opt out from the use of cookies at any time by clicking on "[Cookie Settings](#)" at the bottom left of our Websites.

**b) Track Signals**

We may use other automated data collection technologies (tracking mechanisms) to track information about your use of our Websites of Services (marketing websites, websites applications or apps). On specific services (for instance pm2.io website), you may find some trackers used for analytics; we used them to better understand our audience and what they need. If you want to know more about all the services used, contact us to receive our [Personal Data Collection Statement](#).

Remember that all of this tracking is optional and anonymous because we do not collect anything that could identify you.

## **Section 6. Is your personal data transferred to a third party?**

#### a) Main Data Processors

Keymetrics use third party services referenced as **Data Processors** for a part of the Personal Data. In general, the third-party providers used by us will only collect, use and disclose your information to the extent necessary to allow them to perform the services they provide to us. Note that all Data Processor that we rely on are subject to the GDPR regulation.

Once collected and in order to identify you, Keymetrics then re-use these personal data stored on third party Data Processor, for instance, in order to identify you on other analytics platforms, to see how ours users are using our products, to know who you are when requesting help or even to contact users about their credit card expiration. If you want to know more about all the name of services used, contact us to receive our [Personal Data Collection Statement](#).

#### b) Others Data Processors

If you are purchasing a specific product on our Websites, you may have to enter your credit card details - as the **last four credit card number**, the **first name and the last name on you card**, and **the address on your card**. In this case, as we do not store on Keymetrics servers these data, we rely on a Stripe Data Professor. If you choose a direct payment gateway of a product to complete your purchase, Stripe stores your credit card Data. It is encrypted through the Payment Card Industry Data Security Standard (PIC-DSS). Your purchase Data is stored only as long as is necessary to complete your purchase transaction and may only be used for invoicing, financial reporting and business analytics. After that is complete, your purchase transaction information is deleted.

Note that all direct payment gateways adhere to the standards set by PCI-DSS as managed by the PCI Security Standards Council, which is a joint effort of brands like Visa, MasterCard, American Express and Discover. PCI-DSS requirements help ensure the secure handling of credit card information by our store and its service providers.

However, certain third-party service providers, such as payment gateways and other payment transaction processors, have their own privacy policies in respect to the information we are required to provide to them for your purchase-related transactions. For these providers, we recommend you to read their own privacy policies so you can understand the manner in which your Personal information will be handled by theseservice providers.

#### c) Data Processors outside the United Kingdom or the European Economic Area

If you are resident of the European Economic Area ("EEA"), in order to provide our websites, products, and services to you, we may send and store your Personal Data outside of the EEA, to countries that may not or do not provide an adequate level of protection of your Personal Data.

Keymetrics transfers your Personal Data to another country only if it is required or permitted under applicable Data protection law and if there are appropriate safeguards in place to protect your Personal Data.

We aim to ensure that your Personal Data, other than Personal Data you provide directly to us through on or through the Keymetrics Services, is treated in accordance with the GDPR regulation. In doing so, Keymetrics uses Data Protection Agreements with Data Processors that include, where applicable, the *Standard Contractual Clauses* adopted by the European Commission.

By using the Keymetrics Services, you represent that you have read and understood the above and hereby consent to the storage and processing of Personal Data that you provide to us on our Websites, or through the Keymetrics Services.

## **Section 7. What are the legal grounds for our processing of your personal information?**

### **a) Your consent**

Your consent, as “visitor” and “users” of our website. When you provide us with Personal information to enter in our website, to complete a transaction, verify your credit card or place a subscription, we imply that you consent to our collecting and using it for that specific reason only. If we ask your Personal information for a secondary reason, like marketing, we will either ask you directly for your expressed consent, or provide you with an opportunity to say no.

### **b) Age of consent**

By using our Websites, you represent that you are at least the age of majority in your state or province of residence, or that you are the age of majority in your state or province or residence and you have given us your consent to allow any of your minor dependents to use this site.

## **Section 8. How to exercise your rights on your personal data?**

Applicable data protection laws may provide you with certain rights regarding to our processing of your Personal Data:

### **a) Access and update your Personal Data**

You can review and change your Personal Data by notifying us through the contact information below of any changes or errors in any Personal Data we have

about you to ensure that it is complete, accurate, and as current as possible. We may not be able to accommodate your request if we believe it would violate any law or legal requirement or cause the information to be incorrect.

**b) Restrict our processing of your Personal Data**

You have the right to restrict our processing of your Personal Data under certain circumstances. In particular, you can request us to restrict our use of it if you contest its accuracy, if the processing of your Personal Data is determined to be unlawful, or if we no longer need your Personal Data for processing, but we have retained it as permitted by law.

**c) Portability**

To the extent, the Personal Data you provide Keymetrics is processed based on your consent or that we process it through automated means, you have the right to request that we provide you a copy of, or access to, all or part of such Personal Data in structured, commonly used and machine-readable format. You also have the right to request that we transmit this Personal Data to another controller, when technically feasible.

**d) Withdrawal of Consent**

To the extent that our processing of your Personal Data is based on your consent, you may withdraw your consent at any time by stop using our Websites or closing your registration account. Withdrawing your consent will not, however, affect the lawfulness of the processing based on your consent before its withdrawal, and will not affect the lawfulness of our continued processing that is based on any other lawful basis for processing your Personal Data.

**e) Right to be forgotten**

You have the right to request that we delete all of your Personal Data.

You agree that we cannot delete your Personal Data except by also deleting your user account, and we will only delete your account when we no longer have a lawful basis for processing your Personal Data or after a final determination that your Personal Data was unlawfully processed. We may not accommodate a request to erase information if we believe the deletion would violate any law or legal requirement or cause the information to be incorrect.

You understand that if you delete your communications from the your email or calendar service or client, copies of your communications may remain viewable in cached and archived pages on websites used to access your calendar or email, or might have been copied or stored by recipients of your communications.

**f) Complaints**

You have the right to lodge a complaint with the applicable supervisory authority in the country you live in, the country you work in, or the country where you



believe your rights under applicable data protection laws have been violated.

However, before doing so, we request that you contact us directly in order to give us an opportunity to work directly with you to resolve any concerns about your privacy.

**g) Support Contact**

You may exercise any of the above rights by contacting us at [support@keymetrics.io](mailto:support@keymetrics.io) or through the “Get in Touch” link on our Websites.

If you contact us to exercise any of the foregoing rights, we may ask you for additional information to verify your identity. We reserve the right to limit or deny your request if you have failed to provide sufficient information to verify your identity or to satisfy our legal and business requirements.

**h) Violation Policy Contact**

In the event where you believe we violate your privacy about your Personal Data or anything related about you privacy using our services, you can contact our Data Protection Officer: [privacy@Keymetrics.io](mailto:privacy@Keymetrics.io)

The Data controller can supply a standard request form, although individuals do not have to use this. The Data controller will aim to provide the relevant Data within fourteen (14) working days. The Data controller will always verify the identity of anyone making a subject access request before handing over any information.

## **Section 9. How to choose about how we use and disclose your information?**

We have created mechanisms to provide you with control over your Personal Data:

**a) Promotional Offers from Keymetrics**

We will only use your contact information to promote our own products and services with your express consent. If you wish to consent to such use, you can check the relevant box located on the form on which we collect your Personal Data, authenticate, or otherwise seek such consent. If you wish to change your notice, you may do so at any time by logging into the Websites and adjusting your user preferences in your account profile by checking or unchecking the relevant boxes or by sending us an email stating your request to: [support@keymetrics.io](mailto:support@keymetrics.io)

If we have sent you a promotional email, you may click on the unsubscribe link at the bottom of the email to be omitted from future email distributions. This opt out does not apply to information provided to the Keymetrics as a result of a

subscription to the Keymetrics Services, a download of the Keymetrics Apps, a product service experience, or other transactions.

#### b) Targeted Advertising

We will only use information that we collect or you provide to deliver advertisements according to our advertisers' target-audience preferences with your express consent. If you wish to consent to such use, you can check the relevant box located on the form on which we collect your Personal Data or otherwise seek such consent. If you wish to change your choice, you may do so at any time by logging into the Websites and adjusting your user preferences in your account profile by checking or unchecking the relevant boxes or by sending us an email stating your request to: [support@keymetrics.io](mailto:support@keymetrics.io)

For this opt-out to function, you must have your browser set to accept browser cookies.

## Section 10. How do we protect your personal information?

#### a) Security

To protect your personal information, we have implemented measures designed to secure your Personal Data from accidental loss and from unauthorized access, use, alteration and disclosure but the safety and security of your information also depends on you. Keymetrics could not be responsible for circumvention of any privacy settings or security measures used in the Keymetrics Services. If you want to get more information about our responsibility, please refer to our [General Terms of Conditions](#).

If you provide us with your credit card information, the information is encrypted using secure socket layer technology (SSL) and stored with a ES-256 encryption. Although no method of transmission over the Internet or electronic storage is 100% secure, we follow all PCI-DSS requirements and implement additional generally accepted industry standards.

#### b) Updates of the Privacy Policy

We will post any changes to our Privacy Policy on our Websites and in the Keymetrics Apps home page/screen.

If we make material changes to our Privacy Policy, to how we treat our users' Personal Data, we may notify you of such changes through your contact information by the email address specified in your account and/or through a notice on the Websites or Keymetrics App's home page/screen. We also may invite you to review and accept the changes if necessary. The date this Privacy Policy was last revised is still indicated at the top of the page.

## **Section 11. Do you have any question, or particular request?**

If you have any questions, concerns, complaints or suggestions regarding our Privacy Policy, have requests related to your Personal Data pursuant to applicable laws, you must contact us through information below or through the “Get in Touch” or “Contact Us” pages on our various Websites.

**3, rue de Montyon**

**75009 Paris**

**FRANCE**

**+ (33) 1.76.36.11.35**

**[privacy@Keymetrics.io](mailto:privacy@Keymetrics.io) or [security@Keymetrics.io](mailto:security@Keymetrics.io)**