



# Privacy Declaration

*Online platform Dialog*

*17 January 2020 – Version 1.4*

# Introduction

*This Privacy statement is written by Perflectie C.V. Perflectie is the developer of the online platform Dialog.*

As developers of this online platform, we understand that there is valuable and potentially sensitive data in Dialog.

We find the privacy and security of all Data important and we value that you as an End User understand how we handle your Data and that of your organization.

We will further explain this in this Privacy Statement and point out your rights under the AVG.

# Terminology

We find it important that we understand the same with the following terms.

## Parties

**Perflectie:** Perflectie C.V. (Chamber of Commerce number 58080457) is the name of the company that invented, developed and maintains the online Dialog platform.

**Dialog:** We hereby refer to the Dialog online platform, which can be found at <https://app.dialog.nl/>.

**Clients:** These are the organizations that purchase licenses and possibly additional services for Dialog van Perflectie. Clients are also the Data Controller.

**End user:** These are employees who work for the Processing Controller who use or are going to use Dialog.

**Manager:** These are the managers of End Users.

**Administrator:** These are the person (s) within the Processing Responsible Party who are responsible for managing Dialog.

## Data

**Personal data:** This is data that can be traced back to an individual and relates to a person.

**User Information:** This is information that an End User enters in Dialog. This includes business and development objectives, received and given feedback and written evaluations.

**Organization Specific Information:** This is Organization Specific Information about the structure of an organization, organization and team objectives, core values and competencies and information about the assessment cycle.

**Data:** The collective name for Personal Data, Organization Specific Information and User Information.

## GDPR-terminology

**Processing:** We speak of Processing when we record, change, collect, organize, structure, store, update, retrieve, consult, use, provide through transmission, distribution or otherwise make available, align or combine, shield, delete or destroy.

**Processing Responsible:** The organization that gives Perflectie instructions to Process Data.

**Processor:** Perlectie Processes Data on behalf of the Processing Controller and is therefore Processor.

**Sub-processors:** A Sub-processor is a party that processes Data on behalf of the Processor for the Settlement Controller.

**Stakeholders:** These are living, natural persons from whom Data is processed in Dialog. In this case, these are the employees of the Processing Responsible Party who are going to make use of Dialog. In addition, external parties who provide feedback to your employees, such as customers, are also stakeholders.

**Supervisory authority:** This is the independent governmental authority responsible for monitoring compliance with the law in relation to the Processing of Personal Data. In the Netherlands this is the Dutch Data Protection Authority.

**Data breach:** This is a breach of the security of Personal Data that leads to a chance of adverse consequences, or has adverse consequences, for the protection of Personal Data.

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# 1. Storage of Data

The organization you work for starts working on renewing or improving their assessment cycle and uses the online Dialog platform for this, among other things.

To do this, data must be processed. In this chapter we explain why, which and when data is processed. We also discuss Opt-out options and when Data is deleted again.

## 1.1 Why is Data Processed?

Perflectie Processed Data so that you can use the online platform (and associated services). More specifically, the Data is used for the following purposes:

1. Register a new account for the online platform based on a name, e-mail address and password;
2. Provide services for setting goals and measurable results;
3. Provide services for recording progress on these objectives;
4. Provide services for recording evaluations and assessments;
5. Provide feedback recording services;
6. Sending emails to End Users. This includes emails that remind you of your goals, but also when you have received feedback or can complete an evaluation form.

## 1.2 Whose Data is Processed

Data from the following people is processed by Perflectie:

1. End users who work at (or for) the Processing Controller who use Dialog to renew or improve their assessment cycle.
2. When feedback is requested from external parties outside the organization of the Processing Controller, Data from these external parties is also Processed.

## 1.3 Which data is being processed

We distinguish four types of Data: Personal Data, Organization Specific Information, User Information, and Non-Personally Identifiable Data.

### 1.3.1 Personal data

Category	Description
Name	The full name of the End User.
E-mail address	Work email address of the End User.

### 1.3.2 User Information

Category	Description
Substantive objectives	Name and description of content of the End User. This can be linked to the organizational or team goals to which these goals contribute.
Development objectives	Name and description of the end user's development goal. This can be linked to an organization's competence or core value.
Evaluations	Written reflections and evaluations by and to the End User.
Feedback	Written feedback that the End User has received and given in Dialog.
Private notes	Managers and Administrators can add private notes to End Users in Dialog.
Function	This is the function that is linked to the End User in Dialog.

### 1.3.3 Organization Specific Information

Category	Description
Organizational and team objectives	Description of the organization and team objectives.
Core values and competencies	Description of the core values, position specific and team specific competencies.
Organization structure	Overview of the organizational structure. Similar to an organization chart.
Assessment cycle	Information about the organization's assessment cycle.

### 1.3.4 Non-Personally Identifiable Data

When you as an End User indicate during registration that we may also use your Data to improve the platform, we also process Non-Personally Identifiable Data. This Data helps us to get a better picture of how End users use Dialog.

This setting can be updated at any time from the Account Settings screen.

## 1.4 When will data be processed?

### 1.4.1 Data that we always process

Data is processed when you as an end user use Dialog. For example, Processes are done when you register for Dialog, update your goals, and give or request feedback from others.



For the majority of the actions that you perform as an End User, Data is processed in the backend.

### **1.4.2 Data that we only process after your permission**

Only when you as the End User explicitly state that we may use your Data to "improve the platform", do we send aggregated anonymized information to Google Analytics. Think about how long you use the platform, which pages you regularly visit and the like. This information cannot be traced back to you as an individual.

This information helps us to get a better picture of how end users use the platform in practice.

As the end user, you indicate whether you agree with this and it is therefore explicitly not mandatory. If you want to change your preference, you can do that yourself from the settings menu of your own account.

In addition to aggregated anonymized information, there are also cases where it is very nice for us to understand the context of an End User. For example, if we want to encourage the updating of goals, it helps enormously to see what kind of goals End Users set and how they write updates to them. If, as an End User, you give your consent for the aforementioned "improve the platform" setting, then we can also look at personal Data in those cases. However, this happens very rarely in practice.

Perfection is the Processing Responsible Party for the aggregated anonymous information that is made available in Google Analytics.

### **1.4.3 Customer service**

When you contact our Support Team via the Help widget in Dialog or send an email to support@dialog.nl, we process your data to answer your question or solve your problem.

### **1.4.4 Product development**

Your Data is never used when designing or building new functionality for Dialog. We use fictional data and personas for this.

## **1.5 Opt-out**

### **1.5.1 What can I unsubscribe from?**

As a user you can unsubscribe from part of the e-mails that you receive from Dialog.

- Reminder to update your goals
- Reminders to complete an evaluation for others

You can unsubscribe from these emails at any time by using the unsubscribe link in the emails or via the Messages settings in the platform.

In addition, you can withdraw the consent you have given us at any time to use your Data to improve the online platform. You can do this via the account settings screens.

### **1.5.2 What can I not unsubscribe from?**

You cannot unsubscribe from all emails. You cannot unsubscribe from the following e-mails:

- Invitation to register to Dialog
- Invitation to provide feedback
- E-mails about colleagues who have sent you a message via Dialog
- Reminders on the invitation to provide feedback
- "You have received feedback" emails
- "You have received a response to feedback given" emails
- Invitation to enter your own evaluation
- Invitation to set new goals
- "A colleague has left a comment on your goals" emails

## **1.6 When will Data be deleted?**

Perflectie saves Data no longer than necessary. When we no longer need Data, we remove it. We delete Data in the following two situations.

### **1.6.1 Resignation**

When you leave the service of the organization that uses Dialog as an employee, your (former) employer will stop your account and delete your Data. All Data is automatically deleted thirty days after the organization ends your account.

This thirty day delay has been built in to be able to retrieve any incorrectly deleted Data.

### **1.6.2 Organization (part) stops with Dialog**

When an organization using Dialog decides to stop using Dialog, all Data is deleted thirty days after the expiry of the agreement between the organization and Perflectie.

When an organizational unit decides, after consultation with the rest of the organization, to stop using Dialog, all data from this organizational unit will be deleted thirty days after the signal from the organization's principal.

## **2. Who sees which information**

The online platform Dialog is extremely flexible in order to deal with different wishes of customers. There is no clear answer to who can see what. This is entirely in the hands of the Controller. For example, a Processing Controller chooses to allow End Users to see each other's goals, who completes which evaluations, and whether job titles are shown in Dialog. In addition, there are other settings that can ensure that End Users can see Data or not.

The majority of the functionalities in Dialog are provided with explanations about who can see what.

If you still have questions about who can see what, you can of course always ask us.

- Are you an employee or Manager in the platform and are you curious about who can see what? Then ask your question to the contact person within the organization that deals with Dialog. These are often HR managers or board members.
- As Administrator you can directly contact our Support Team. This can be done via support@dialog.nl or via our telephone number 030 7600 290

### 3. Source of data

If you work for an organization that uses Dialog, your first name, last name and e-mail address have been provided to Perflectie. With this Data, an invitation to your account is prepared by your Manager or Administrator via the "Team" screens. As a result of this invitation, you will receive an email with a unique invitation link to register a new account for the Dialog online platform.

Other Data results from the use of Dialog.

### 4. Rights under privacy legislation

As an End User you have several rights under the GDPR. We explain this further below.

<b>Rights</b>	<b>Implementation of the right</b>
Right to Data Portability	You can send the request to support@dialog.nl at any time to receive information from Dialog in Excel form.
Right to forget	It is in your organization's interest that Data that is about you remains in Dialog. You can therefore not explicitly ask to be forgotten, unless it is no longer in the interest of the controller that your data is still being processed.
Right to view	As an End User you can ask us at any time what Data we Process.  Feel free to send us a request by sending an email to support@dialog.nl.
Right to rectification and supplementation	As an End User, you can ask us at any time whether we can change or supplement Data.

We will always do this in consultation with the organization for which you work, if we suspect that the purity of the Data is at stake.

Right to limitation of the Processing	As an End User, you may send us a request to limit the Processing that we perform. You can send this request to <a href="mailto:support@dialog.nl">support@dialog.nl</a> .
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	We then consult with the organization for which you work or if this is possible.
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Law with regard to automated decision making and profiling	No data is processed for which automated decision-making and profiling purposes are intended.
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Right to object to data processing	You can send an email to <a href="mailto:support@dialog.nl">support@dialog.nl</a> with the request to process less data.
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	Perflectie will investigate with the Processing Responsible Party whether there is a way to limit the Processing of specific Data.
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In addition to the above rights, you always have the right to submit a complaint to the Dutch Data Protection Authority. You can do this on the website [www.autoriteitpersoonsgegevens.nl](http://www.autoriteitpersoonsgegevens.nl).

## 5. Data security

Perflectie ensures appropriate technical and organizational measures to protect Data against loss and against any form of unlawful Processing.

Explanation of these measures can be found in the Security policy for Dialog, written by Perflectie. This can be requested by the Data Controller by sending an email to [support@dialog.nl](mailto:support@dialog.nl).

## 6. Sub-processors and third parties

For certain services, part of your Data is provided to third parties. We call these third parties Sub-processors. This Processing is necessary for an optimal experience of the online platform. Sub-processors do not have access to all data, but only to the data they need to perform their function.

Perflectie never sells or rents out your Data.

### 6.1 What functions do the Sub-processors have?

Function	Name sub-processor	Toelichting
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E-mail automation service	The Rocket Science Group, LLC (Mailchimp)	Dialog sends fully automated emails to you as an End User. These emails are distributed via Mailchimp from the platform to the End User.
Server en Database hosting	TransIP BV	TransIP hosts the servers and databases for Dialog.
Datebase back-up storage	Amazon.com Inc.	Automatically created and encrypted backups of the production database are stored at Amazon Web Services (AWS).
Platform optimisation*	Google LLC (Google Analytics)	Google Analytics collects (after your explicit opt-in *) non-personally identifiable data about the use of the platform.
Customer service tickets**	Zendesk Inc.	A Help widget shows in Dialog.. Via this widget you can use our Help Center. This Help Center contains articles with frequently asked questions on the use of the platform. In addition, the widget offers the option of send a message to the Support team from Perffectie.

\* Data is only sent to Google LLC (Google Analytics) with the express consent of the End User prior to the Processing of this Data.

\*\* Data is sent exclusively to Zendesk Inc. sent after sending a question to the Perffectie Support team via the support widget in Dialog, or after sending an email to support@dialog.nl. The Zendesk support widget places four cookies that cannot be traced back to the person in the end user's browser. More information about the use of cookies can be found in the Cookie policy for Dialog, written by Perffectie.

## 6.2 Where do Sub-processors store their Data

Name sub-processor	Location head office	Location Data center	Data center within the EU?
The Rocket Science Group, LLC (Mailchimp)	USA	USA	No
TransIP BV	The Netherlands	The Netherlands	Yes
Amazon.com Inc.	USA	Germany	Yes
Google LLC (Google Analytics)	Ireland	Ireland	Yes
Zendesk Inc.	USA	Germany	Yes

For Sub-processors that store Data outside the EU, Perffectie sets the following requirements:

- At least the rights and obligations as described in the Standard Contractual Clauses of the European Commission (decision 2010/87 / EU) are imposed on the Subprocessor.
- The Sub-processor acts according to the guidelines of decision 2016/679 of the European Commission and the guidelines of the AVG. This is included in the Processor Agreement with the relevant Sub-processor in the form of an Extra Obligations Clause.

If the Processor agreement between Perlectie and the Sub-processor is signed before 25 May 2018, Perlectie guarantees that the Processor agreement is or will be adjusted to the requirements of the GTC.

Perlectie reserves the right to provide (part of) Data in the event of a transfer of ownership, for example through a merger or acquisition by another company.

### 6.3 What data do sub-processors receive?

Sub-processors only receive data that they need to perform their function. If a Sub-processor does not need the Personal Data, the Sub-processor will not receive the Data.

Category	The Rocket Science Group, LLC (Mailchimp)	TransIP BV	Amazon.com Inc.	Google LLC (Google Analytics)	Zendesk Inc.
<b>Personal data</b>					
Name	Yes	Yes	Yes *	No	Yes **
E-mail address	Yes	Yes	Yes *	No	Yes **
<b>User Information</b>					
Substantive objectives	Yes	Yes	Yes *	No	No
Development objectives	Yes	Yes	Yes *	No	No
Evaluations	No	Yes	Yes *	No	No
Feedback	Yes	Yes	Yes *	No	No
Private notes	No	Yes	Yes *	No	No
Function	No	Yes	Yes *	No	No
<b>Organization specific data</b>					
Organizational and team objectives	Yes	Yes	Yes *	No	No
Core values and competencies	No	Yes	Yes *	No	No
Organization structure	No	Yes	Yes *	No	No
Assessment cycle	No	Yes	Yes *	No	No

Non-Personally Identifiable Data	No	No	No	Yes	No
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\* Backups of the Dialog production database are encrypted and stored at AWS services of Amazon.com Inc. More information about this is the Security policy for Dialog, written by Perlectie.

\*\* Data is only sent to Zendesk Inc. sent after sending a question to the Perlectie support team via the support widget in Dialog, or after sending an email to support@dialog.nl. The support widget of Zendesk places four cookies that cannot be traced back to the person in a user's browser. More information about these cookies in the Perlectie Security Policy.

## 7. Changes to this Privacy Declaration

If Perlectie decides to change this Privacy Declaration, these changes will be implemented immediately in this Privacy Declaration. We therefore recommend that you regularly consult this Privacy Declaration so that you are aware of any changes.

If you have questions or requests about this Privacy Declaration, you can make this known by sending an email to support@dialog.nl.

The legal relationship between you and Perlectie is governed by Dutch law and the Processing of personal data is therefore in accordance with applicable Dutch laws and regulations in the field of privacy.