

# Privacy FAQ

Link-Busters

Last updated: May 2018

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## 1 Who are we and what do we do?

We are Link-Busters, a private company with limited liability registered with the Dutch Chamber of Commerce under the name Link-Busters Operations B.V. and under the number 56543336. We detect and remove links from websites that are offering copyright protected material without permission. This way, we free the web of unlawful links for our clients and offer search engine optimisation to make sure potential clients of their products are directed the right website.

## 2 Do we comply with the relevant privacy legislation?

Of course we do. Link-Busters complies with the European Data Protection Directive 95/46/EG and the Dutch Data Protection Regulation (*Wet bescherming persoonsgegevens*), which is an implementation of this directive.<sup>1</sup> As per 25 May 2018, this legislation will be replaced by new EU-wide privacy legislation: the General Data Protection Regulation (“**GDPR**”).<sup>2</sup> Link-Busters anticipates this new legislation.

## 3 Do we process personal data?

Data is considered “personal data” by the relevant privacy legislation when it contains “information or pieces of information that could allow a person to be directly or indirectly identified”. This is a very wide definition. The European Court e.g. ruled that even dynamic IP-addresses may qualify as personal data.

Some of the data which is processed in relation to our services, such as first- and last names and e-mail addresses, qualify as personal data. See our privacy policy for more information: [http://www.link-busters.com/docs/Link-Busters\\_Privacy\\_Policy.pdf](http://www.link-busters.com/docs/Link-Busters_Privacy_Policy.pdf)

## 4 Who is the data controller? And who is the data processor?

Our clients are the entities that determine the purpose and means of the processing of the data in the context of the services we provide for them. Regarding this processing of the data, our clients act as the “**Data Controller**” within the meaning of the relevant legislation. This means that our clients are fully in control of this processing of the personal data. Link-Busters is responsible for the storage, aggregation and processing of this personal data on behalf of our clients and will not process the data in any other way than our clients tell us. For example, we will never use this personal data for our own purposes. Therefore, we act as “**Data Processor**” within the meaning of the relevant legislation. In this context we entered into a “**Data Processing Agreement**” with our customers, which defines our duties and obligations regarding the processing of the personal data.

We process some personal data for our own purposes as well. Regarding this processing of personal data, we act as the Data Controller ourselves within the meaning of the relevant

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<sup>1</sup> <http://wetten.overheid.nl/BWBR0011468/2017-07-01>

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32016R0679>

legislation. In our privacy policy you can find which personal data we process as Data Controller and how we use this data: [http://www.link-busters.com/docs/Link-Busters\\_Privacy\\_Policy.pdf](http://www.link-busters.com/docs/Link-Busters_Privacy_Policy.pdf)

## **5 Which personal data do we process?**

On behalf of our clients, in our role as Data Processor, we process the following personal data: Domain names and email addresses of providers, public profile names of internet users posting infringing links on certain domains.

For our own purposes, in our role as Data Controller, we process the following personal data: contact information of our clients, payment details of our clients and contact information of potential clients (first- and last names, job description and business phone numbers/e-mail addresses and LinkedIn public profile information).

## **6 How do we use the personal data?**

As Data Processors, we scan the internet for unlawful links containing copyright protected material – such on behalf of our clients. We use the personal data related to these links, such as usernames and IP-addresses, to request the removal of the link.

We use the personal data we process as Data Controller, for example, to create and manage accounts on our website, to execute the agreements with our clients and to provide information to our clients. We also use the personal data to reach out to potential business clients. For more information about our processing of personal data, see our privacy policy: [http://www.link-busters.com/docs/Link-Busters\\_Privacy\\_Policy.pdf](http://www.link-busters.com/docs/Link-Busters_Privacy_Policy.pdf)

## **7 Which security measures do we take to protect the personal data?**

We work hard to protect the personal data from unauthorized access, destruction, alteration, theft and all other unlawful processing. We secure our network connection with Secure Socket Layer (SSL) technology, we encrypt all data with AES-256 and we use two step verification.

## **8 What happens in case of a data breach?**

We work hard to protect the personal data. In the unlikely event of a data breach or a leak in one of our security measures, we will immediately report this.

If the breach concerns the personal data we process on behalf of our clients, we will inform the relevant clients. The client will report the data breach to the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) and the persons concerned, if the relevant legislation requires them to do so. If the data breach concerns personal data we process as Data Controller, we will make the report(s) ourselves.

## **9 How long will the personal data be retained?**

We retain the personal data we process on behalf of our clients as long as the client uses our services and uses the personal data in that context. After the collaboration with the client has ended, we will retain the personal data for a period of 5 years. We will then delete or destroy all personal data and copies thereof, unless we are legally obliged to keep the data for a longer period.

The personal data for which we are the Data Controller will be retained for as long as we need them for our processing purposes, with a maximum of 5 years, after the data have been last modified.

**10 Do we share personal data with others?**

We process the personal data on behalf of our clients solely according their instructions. We will never share these personal data with anyone, unless our clients tell us to do so.

It is however possible that we use **Sub Data Processors** (with permission of our clients), e.g. for the storage of the data and the hosting of the website. These Sub Data Processors must strictly follow our instructions and the instructions of our clients. Therefore, they will not use personal data for their own purposes. In addition to such storage and hosting providers, we use certain tools to provide our services to our clients. We make sure all of our Sub Data Processors comply with the relevant privacy legislation.

The Sub Data Processors (including tools) we work with on behalf of our clients are, for example: Amazon Web Services, Freshdesk and Pipedrive.

We make use of Sub Data Processors for the processing for our own purposes as well. In that case, they are considered Data Processors. The Data Processors we use for the personal data we process as Data Controller are, for example: Amazon Web Services, Atlassian, Asana, Apple, Aircall, AskNicely, Dropbox, Freshdesk, Google (Apps), One.com, PandaDoc, Pipedrive CRM, Postmarkapp, Stripe, SurveyMonkey, Twinfield, WHMCS and Zapier.

**11 Do we transfer personal data outside the European Union?**

As a rule, we will only process the personal data on behalf of our clients within the European Union (EU). However, some of our Sub Data Processors are based outside the EU.

In case our clients request us to transfer data outside the EU, the data will only be transferred to countries which provide an adequate level of protection that meets the EU-standards. The transfer of the data will always comply with the EU Data Directive and article 76 section 1 of the DDPA. From 25 May 2018, transfers outside the EU will always comply with chapter 5 of the GDPR. This also applies to our processing of the personal data and the use of Data Processors for our own purposes.

**12 Who can access the personal data?**

Our clients can access the personal data we process on their behalf by our client portal or by emailing a request to [privacy@link-busters.com](mailto:privacy@link-busters.com).

We can also access personal data ourselves, but the access is limited to employees who are authorised to do so, in order to execute the instructions of our clients.

The personal data we use for our own purposes are only internally accessible for our sales-, finance- and technical team. The employees in those teams will only access the personal data on a need to know basis.

If you want to know which of your personal data we process, you can contact us via [privacy@link-busters.com](mailto:privacy@link-busters.com). We try to respond to messages within 5 working days.

**13 How can I reach Link-Busters in case of questions, comments and complaints about the processing of personal data?**

If you have any questions, comments or complaint about the way in which we process personal data (on behalf of our clients), you can always contact us by sending an e-mail to [privacy@link-busters.com](mailto:privacy@link-busters.com).

**LINK-BUSTERS OPERATIONS B.V.,  
trading under the name Link-Busters**

Nachtwachttlaan 20  
1058 EA Amsterdam  
The Netherlands

Chamber of Commerce (“*Kamer van Koophandel*”) number: 56543336  
VAT number: NL852177811B01

E-mail: [privacy@link-busters.com](mailto:privacy@link-busters.com)