

# ONLINE PRIVACY POLICY

VR Motion Learning GmbH & Co KG  
PRIVACY POLICY  
Last Updated: December 5, 2022



VR Motion Learning GmbH & Co KG, an Austrian limited liability company with its principal address at Spinozagasse 20, 1170, Vienna, Austria ("**VR Motion Learning**", "**us**", or "**we**") respects the privacy of its (registered) users and website visitors ("**you**") and recognizes the importance of providing a secure data processing environment for them. Therefore, when using your personal data ("**data**"), we are observing all data protection regulations, including but not limited to the provisions of the EU General Data Protection (hereinafter: "**GDPR**").

This Privacy Policy sets out how we as the data controller collect, store, use and protect any information when you use our applications or otherwise engage with us, including when you visit our website <http://www.tennis-esports.com/> ("**Website**") or play with our app ("**App**"; jointly in the following referred to as "**Services**").

If you have questions regarding the VR Motion Learning Privacy Policy or data processing practices, you may contact VR Motion Learning at [privacy@vr-motion-learning.com](mailto:privacy@vr-motion-learning.com).

Should we ask you to provide certain information by which you can be identified when using our Services, you can be assured that it will only be used in accordance with this Privacy Policy.

## 1. How we use your data

### a. User Registration / Use of App

For users to be able to access and use our App, a prior registration is necessary. Registration is done either by email and password or with an existing user account from Meta. If you decide to register using Meta and click on the respective registration button, you will automatically be redirected to Meta. There you can log in to your Meta user account. In consequence, your Meta user account will be linked with our App. This gives us access to your data stored at Meta, which is in particular: name, email address and profile picture. This data is used exclusively to create and set up, provide and personalize your user account.

We further collect different types of data to improve and provide our App to you. In particular, we use the following data for the administration of the user account, providing and maintaining our App, notifying you about changes to our App, allowing you to participate in interactive features of our App when you choose to do so and to provide user support: Name, date of birth, address, province, ZIP/Postal code, city, state, email address, date of birth, telephone number, height, left- or right-handed player and data relating to your preferences and interests in the context of tennis.

We use the data of (registered) users for the fulfilment of (pre-)contractual obligations pursuant to Art 6 para 1 lit b GDPR within the framework of the contractual relationship, such as the performance of (pre-)contractual duties of protection, due diligence and clarification, the provision of the App as well as the settlement of claims arising from the contract or invoicing.

Without this data, we cannot fulfil the contract with you. The data regarding height, left- or right-handed player and data relating to your preferences and interests is needed so that the App can provide you with best possible execution of your movements and make optimal suggestions for improvement.

In addition, we use the data of (registered) users for the fulfilment of legal or internal compliance obligations in accordance with Art 6 para 1 lit c and Art 6 para 1 lit f GDPR, in particular to protect and defend the rights or property of VR Motion Learning, to prevent or investigate possible wrongdoing in connection with the App, to protect the personal safety of users of the App or the public or to protect against legal liability.

We store the aforementioned data in any case for the duration of your active user account and beyond that in accordance with the statutory retention and documentation obligations (e.g. in accordance with the Austrian Civil Code - ABGB, the Austrian Company Code - UGB and the Austrian Federal Tax Code – BAO).

## **b. User Tracking & Analytics (App and Website)**

We may also collect information on how the Services are accessed and used in order to gather analysis or valuable information so that we can improve our Services and to detect, prevent and address technical issues.

For this purpose, we use cookies and similar tracking and analytics technologies (including Google Analytics) to track the activity on our Services. The processed data may include in particular information such as your computer's internet protocol address (e.g. IP address), computer type, browser type, browser version, VR hardware you are using, the pages of our Service that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

We collect this data automatically with cookies and or similar tracking and analytics tools provided by third-party providers on the basis of your consent pursuant to Art 6 para 1 lit a GDPR (or in conjunction with Sec 165 para 3 Austrian Telecommunications Act (TKG), in the case of so-called "persistent" cookies, which are stored on your terminal device).

You can reject the storage of individual cookies or the application of other tracking or analytics tools (by means of configuration in the cookie banner) or object to the storage at a later point in time by means of browser or app configuration. When cookies are set / tracking or analytics tools are applied on the basis of your voluntary consent, your data may be transferred to recipients in third countries outside the EEA, in particular to the USA. The USA has not been certified by the European Court of Justice as having an adequate level of data protection; in

particular there is a risk that your data may be viewed by US authorities for control and monitoring purposes. With your consent, you agree that cookies and tracking as well as analytics tools from third-party providers in the USA or from other insecure third countries may be used and you accept a possible lower level of data protection (Art 49 para 1 lit a GDPR).

Cookies that are absolutely necessary for the structure or functioning of the website (technically necessary cookies) cannot be deactivated.

The storage period of a persistent cookies can vary and amount to a maximum of 6 month.

### **c. Subscription to our newsletter**

If you subscribe to our newsletter, we process your data (name and e-mail address) in order to send you newsletters and other information that may be of interest to you at regular intervals.

The data processing is based on your explicit consent according to Art 6 para 1 lit a GDPR in connection with Section 174 Abs 3 Austrian Telecommunications Act (TKG). You can withdraw your consent at any time with effect for the future (by E-mail to [privacy@vr-motion-learning.com](mailto:privacy@vr-motion-learning.com) or via the "unsubscribe button" in the respective newsletter E-mail). Your data will be stored until your valid withdrawal.

## **2. Controlling Your Data**

If you believe that any data, we are holding on you is incorrect or incomplete, please write to or email or fill-in contact form in your user account as soon as possible. We will promptly correct any information found to be incorrect.

## **3. Transfer of Data**

In the course of providing our Services, it may be necessary for us to share data with other recipients, who assist us in providing those Services.

In case your data should be transferred outside the EEA, we will make sure that your data is transferred on the basis of Standard Contractual Clauses (currently 2021/914) or – if the European Commission has not decided that there is an adequate level of data protection in place in the country where the recipient of your data is seated – in accordance with Articles 46, 47 or 49 GDPR.

In case we transfer your data to processors according to Art 4 No 8 GDPR, we make sure to oblige them to comply with data protection in accordance with the relevant provisions, in particular Art 28 GDPR.

In individual cases and to the extent necessary, your data may also be transferred to legal representatives, notaries, courts and administrative authorities.

We transfer your data in particular to the following recipients:

### Hetzner (processor)

In the course of processing, your data transferred to our hosting provider, Hetzner Online GmbH, based in Gunzenhausen, Germany.

### Meta

You may access our Services, in particular our App, via Meta Platform, provided by Facebook Technologies LLC, and by using Meta devices ("**Oculus**"). Oculus transfers the data to us, which is necessary for the correct deployment of the App, in particular microphone data, camera data, headset position and hand tracking.

For further information with regard to Meta and its processing of data, please see information on their Privacy Policies here <https://www.meta.com/gb/legal/privacy-policy/> or <https://www.meta.com/gb/legal/quest/>.

### Azure PlayFab (processor)

We use Azure PlayFab, a solution as provided by Microsoft corporation, as a backend solution for our App. With the exception of your IP address, we do not transfer any other data to Azure PlayFab.

For further information with regard to Azure PlayFab and its processing of data, please see information on Microsoft Corporation's Privacy Policies here <https://privacy.microsoft.com/en-us/privacystatement>.

### Google Analytics (processor)

In the course of our Services, we use Google Analytics, which is a web analytics service offered by Google Corporation that tracks and reports website traffic. Google Analytics uses the data collected to track and monitor the use of our Services. This data may be shared with other Google services. Google Corporation may use the collected data to contextualize and personalize the ads of its own advertising network (and might act as a controller in this regard).

You can opt-out of having made your activity on the Services available to Google Analytics by installing the Google Analytics opt-out browser add-on. The add-on prevents the Google Analytics JavaScript (ga.js, analytics.js, and dc.js) from sharing information with Google Analytics about visits activity.

For more information on the privacy practices of Google, please visit the Google Privacy & Terms web page: <https://google.com/privacy?hl=en>

### Exit Games (processor)

To provide game services and facilitate multiplayer connectivity, we work with Exit Games Inc. (USA) and Exit Games GmbH (Germany), providers of the Photon Engine platform. Photon Engine handles session management, matchmaking, and real-time data exchange between players. This includes transferring player IDs, game state data, and connection metadata to ensure the functionality of multiplayer features in the App. For more information about

Photon Engine's data practices, please refer to their Privacy Policy: <https://www.photonengine.com/en/privacy>.

#### Unity (processor)

For analytics and measurements, we use Unity Analytics, provided by Unity Technologies. Unity Analytics collects data on player interactions, session times, device information, and other usage metrics to help us improve our App's performance and user experience. Unity may also collect crash logs and diagnostic data to assist in troubleshooting and optimization. You can learn more about Unity's privacy practices here: <https://unity.com/legal/privacy-policy>.

#### Microsoft Inc. - Azure (processor)

We also use Microsoft Inc.'s Azure services to provide IT solutions, cloud hosting, and game-related infrastructure for the App. This includes secure storage and processing of server-side data, such as player progress, configurations, and in-app interactions. Data transferred to Azure is subject to robust encryption and compliance with international data protection standards. For more information about Azure's privacy practices, please see: <https://privacy.microsoft.com/en-us/privacystatement>.

#### Boris Fedotov (individual processor)

As an individual processor, Boris Fedotov assists in conducting advanced analytics, generating detailed reports, and implementing IT solutions tailored to the needs of the App. This includes data analysis to improve game features, support for troubleshooting technical issues, and optimization of backend systems. All processing activities are conducted under strict confidentiality agreements and in compliance with GDPR. Boris Fedotov works in Austria and has an Austrian Citizenship.

## **4. Link to Other Sites / Social Media Plugins**

Our Service may contain links and plugins to other sites that are not operated by us. If you click on a third-party link, you will be directed to that third party's site. We strongly advise you to review the Privacy Policy of every site you visit.

We have no control over and assume no responsibility for the content, privacy policies or practices of any third-part sites or services.

## **5. Your Data Protection Rights under the GDPR**

You may have certain data protection rights in accordance with the GDPR (such as for example right to information or erasure), as further described below. **To exercise those rights, please send us an e-mail at [privacy@vr-motion-learning.com](mailto:privacy@vr-motion-learning.com) or send a letter addressed to VR Motion Learning GmbH & Co KG, Attention: Privacy Policy Administrator, at Spinozagasse 20, 1170, Vienna, Austria.**

#### The right to information and access

You are entitled to obtain information by VR Motion Learning as to which data are being processed and to get access to that data upon your request. We will provide you with one copy of the data undergoing processing free of charge, unless the disclosure may adversely affect the rights and freedoms of others.

#### The right to rectification and erasure

You are entitled to request rectification of inaccurate data or completion of incomplete data concerning you without undue delay. You are further entitled to request erasure of data without undue delay, if

- (i) Data are no longer necessary in relation to the purposes for which they were collected,
- (ii) You object to the processing
- (iii) Data have been unlawfully processed
- (iv) Data have to be erased for compliance with a legal obligation applicable to VR Motion Learning

However, VR Motion Learning is not obliged to execute such erasure if processing is necessary

- (i) for exercising the right of freedom of expression and information,
- (ii) for compliance with a legal obligation to which VR Motion Learning is subject,
- (iii) for the establishment, exercise or defense of legal claims.

#### The right to object

You have the right to object on grounds relating to your particular situation, at any time to processing of data concerning you which is based on our legitimate interests according to Art 6 para 1 point f GDPR. If you object to processing of your data we shall cease to process this data unless our legitimate interests to processing your data prevail.

#### The right to restriction

You have the right to request that we restrict the processing of your data in the following circumstances and for the following periods of time:

- (i) you contest the accuracy of the data concerning you; restriction of processing may be affected for a period enabling us to verify the accuracy of the relevant data,
- (ii) the processing is unlawful and you oppose the erasure of the data and request the restriction of their use instead,

- (iii) we do no longer need the data for the purposes of the processing, but they are required by you for the establishment, exercise or defense of legal claims,
- (iv) you have objected to processing, for the period until the verification whether our legitimate grounds override those of you.

#### The right to data portability

You are entitled to data portability, namely to receive your data which you have provided to us and which is processed

- (i) based on the concluded contract
- (ii) and by automated means

in a structured, commonly used and machine-readable format.

You are entitled to request that the data is transmitted directly to another controller by us, where technically feasible. This right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority.

#### The right to withdraw consent

You also have the right to withdraw your consent at any time where VR Motion Learning relied on your consent to process your data by contacting us under [privacy@vr-motion-learning.com](mailto:privacy@vr-motion-learning.com).

#### Right to complaint

You have the right to complain to a Data Protection Authority about our collection and use of your data. For more information, please contact your local data protection authority in the European Economic Area (EEA). In Austria, the competent Data Protection Authority is the Datenschutzbehörde ([www.dsb.gv.at](http://www.dsb.gv.at)).

## **6. Changes to This Privacy Policy**

We may update our Privacy Policy from time to time. We will notify you of any changes by posting the new Privacy Policy on our Website.

We will let you know via prominent notice on our Website or Service and otherwise required by law, prior to the change becoming effective and update the "effective date" as indicated at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

## **7. In case you have a question**

If you have any questions or if you want to exercise your rights under the GDPR, please feel free to e-mail VR Motion Learning at [privacy@vr-motion-learning.com](mailto:privacy@vr-motion-learning.com) or send a letter addressed to VR Motion Learning GmbH & Co KG, Attention: Privacy Policy Administrator, at Spinozagasse 20, 1170, Vienna, Austria.