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To Privacy International

June 15<sup>th</sup>, 2020

Dear sir,

Following your letter, we would like to thank you for giving happn the opportunity to share on privacy matters and clarify some points highlighted by your association, Privacy International.

Like Privacy International, we would like to assert that privacy is also for us a serious concern. We are pleased to share our position regarding the personal data of our users and our practices as regards third parties like Facebook. In this respect, we would like to remind that, under no circumstances happn users' data are sold to any third parties. Personal data protection is an on-going concern for happn and is part of the user experience. Our Trust, Safety and Privacy team is actively working on best standards of privacy and new regulations regarding data protection in order to continuously adjust our product to meet these official requirements.

To bring clarifications on Privacy International findings, happn responded to each statement as follow:

#### ***Privacy International's statement 1***

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*As the requesters had used Happn a very long time ago. They were surprised to see it was still uploading their personal data on Facebook, considering also that, according to its privacy policy, after one year of inactivity, personal data are saved and kept for one further year in an archive.*

#### **happn's response**

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According to our privacy policy, after one year of inactivity of an account, it is deleted and the user's personal data will be retained for another year, before being permanently deleted. Indeed, in accordance with its status as a hosting provider, happn has a legal obligation to retain its users' personal data for a period of one year based on Article 6, II of the French Trust in the Digital Economy Act (Loi pour la Confiance dans l'Économie Numérique) of 21 June 2004.

A user may also directly delete his/her happn account or request deletion (in the application or by contacting our client support). His/her personal data will be retained for another year according to the same legal obligation.

For inactive users and in line with the French data protection authority's standards which authorizes to retain personal data three (3) years from the last contact of a client or prospect, our Privacy Policy also states that during the period of activity of an account and for one (1) year from the closure of an inactive account, users' email address may be used for commercial canvassing purposes.

During these time periods, users' email address may be shared with Facebook in order to:

(a) Exclude data subjects that are already members from happn's online marketing campaigns. Thus, this enables happn to not push happn marketing campaigns on Facebook to such members;

(b) Identify similar profiles to those already registered but who are not happn users yet, in order to promote our services.

For users who asked deletion of their account, their email address will no longer be used for commercial canvassing purposes from the closure of the account.

In any case, users' email address shared by happn to pursue this latter purpose is *encrypted* for security and privacy concerns.

For clarification purposes in light of Privacy International statement, we would like to point out that the two Privacy International requesters were in different situations. Indeed, one of the requester's account was permanently deleted (requester A), the other requester's account was deleted but saved in our database for one year from the closure of the account (requester B).

Therefore, since requester B was still within the one-year retention period from the closure of his account, his email address was indeed shared with Facebook for the purpose described above in compliance with our privacy policy.

Requester A's email address should have been deleted but it appeared that it had been retained in the list of email addresses shared with Facebook. Once we have been notified, we have deleted Requester A's email address from the list shared with Facebook.

Our members may object to their data being shared with Facebook at any time by contacting the Data Privacy Officer (DPO) or the client support. In order to facilitate furthermore the exercise of this objection and to embed it in our information system, happn has developed settings to this aim directly within the application as a "*Privacy by Design*" feature. The exercise of this objection right is now automated which make it easier for our users. These latter are already available in some countries, and will be soon available worldwide.

### ***Privacy International's statement 2***

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*Happn indicated that they are or will be carrying out investigations into why Facebook showed them as targeting us with ads.*

#### **happn's response**

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As mentioned previously, Privacy International's requesters were precisely excluded from happn marketing campaigns on Facebook by being part of the list of email addresses shared in an encrypted way with the social network. Indeed, Facebook services subscribed by happn allow happn, to exclude data subjects mentioned on this list from its marketing campaigns, and to promote our services to similar profiles to those already registered but who are not happn users yet.

Therefore, as Privacy International requesters were on happn's restriction list, they should not have seen happn marketing campaigns on this social network. If Privacy International requesters have seen happn promoted content on Facebook while they were in the restriction list, it was not under any particular instructions from happn, as they were precisely excluded from our campaigns.

### ***Privacy International's statement 3***

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*Initially, Happn asked for a passport copy to be able to verify the requesters' ID. We wrote back, asking them to explain why a copy of our passport or ID is necessary to confirm the requesters' identity, considering that they never provided a copy of these documents when signing up for the service. Eventually, Happn confirmed that the requesters no longer had to send them a copy of our ID because they had no personal data relating to them.*

#### **happn's response**

happn is aware of the GDPR provisions relating to the modalities of exercise of data subjects' rights, and in particular, the cases when documents such as identity cards or passport can be required.

Nevertheless, to avoid frauds which would lead to a violation of the privacy of its users when happn receives data access requests, the company has to be sure of the identity of the requester before sending a copy of his/her personal data. Indeed, in view of the nature of information it holds about its users, happn must ensure that the requester is indeed the one to whom the copy of personal data relates.

Therefore, according to the GDPR and, in particular, the doctrine of the French data protection authority, we have established the following procedure for data access request:

- When a requester directly makes the request through his/her happn account on which he/she is logged in, the requester is deemed to be the owner of the account. Therefore, we don't ask for a copy of the requester's ID;
- When a requester makes the request by email to the DPO or our Client support, we ask for the requester's ID to (i) ensure that the requester is the actual owner of the happn account only if needed when identification is not possible, and (ii) avoid, as much as possible, frauds that would be harmful to our users. No other distinctive information, such as a customer number, is collected by happn to confirm the identity of a requester.

When the requester's ID is required according to the above-mentioned procedure, we ask such ID as soon as possible to ensure that we will be able to answer the data access request within 30 days.

In the particular case of Privacy International's staff members requests made by email, happn followed the latter procedure and ask for their ID. In the meantime, after investigations by its teams to identify their accounts on its database, happn employees noticed that there was no account linked to the information provided by one of the two requesters (requester A). His previous account was deemed to have been deleted due to the time of inactivity on his account, according to the retention period stated in our Privacy Policy. Therefore, there was no need to ensure the requester identity anymore and we confirm that we no longer have personal data relating to him.

The second requester's account (requester B) was deleted and saved due to his period of inactivity, but his personal data were retained because, according to our legal obligation as a hosting provider, we have to retain users' information for one year after the closure of an account. Requester B's account was still within that one-year retention period. Therefore, he provided a copy of his ID and received a copy of his personal data.

We hope having brought the clarifications requested by Privacy International.

Sincerely,  
happn