

Privacy Policy

Data controller: Senkusha Ltd.
NZBN number: 9429050601059
Address: 8 Ely Avenue, Remuera, Auckland, 1050 , New Zealand
Contact email: team@senkusha.io

1. How Senkusha respects your privacy

Senkusha works hard to protect your information when you use our website and services. This Privacy Policy is meant to help you understand what information we collect, why we collect it, and how you can update, manage, export, and delete your data.

This website and our services are not directed toward children (as defined by local law), nor do we knowingly collect information from children (as defined by local law) without parental consent except where in compliance with applicable laws.

2. In this document, we use certain defined terms

“Personal Data”

When we refer to, we mean any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“Artist or Artists”

An Artist is the Artist who lists and creates an Experience(s) on Senkusha that allows the Experience Owners to access particular access and experiences from them.

“Experience Owner”

This person acquires an experience produced through Senkusha’s service and is entitled to the certain Experience(s) which is/are provided by Artists based on the Ownership Agreement.

“Ownership Agreement”

This is an agreement between the Artists and Experience Owners. We are not a party to any Ownership Agreements. The Ownership Agreement states the Experience that the Experience Owner is entitled to.

3. Personal data that we collect and why

Data that we collect from YOU:

Artist Account Information

While using our service, service providers may ask you to provide certain personal information to register with their services. The only information we receive regarding your account details are:

- Whether you are an Artist, an Experience Owner or a person interested in becoming an Experience Owner
- Full personal name
- Date of birth
- State/Province/Region
- Spotify URL
- Twitter URL
- Instagram URL
- Facebook URL
- Personal website
- Number of Spotify followers
- Spotify monthly listener
- Genre
- Number of songs released in the last 12 months
- Number of new songs you expect to release in the next 12 months
- Email address
- Country
- Image and another likeness (as shared by you on the service)

Experience Owner Information

If you wish to purchase an Experience via Senkusha's services, we will ask for the following information:

- The Experience(s) that you purchased
- The amount paid for Experience(s)
- Regulatory Information
- Your Email
- Metadata

Usage Information

This is aggregated and anonymized data that we collect from our service providers as and when you use the service:

- Technical data, such as, IP address, login information, browser type and version, time zone setting, browser plug-in types and versions, operating system, and platform
- Data about your visits on our website (clickstream, date, time etc)
- Data about which site you visited prior to our service
- The time and date of your visit on our service, and the time spent on our site
- Data about page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page
- Information about your devices, device identifiers, and from which devices you visit our website and make use of the service, which may include mobile network information (including phone number), IP address, language and time zone, operating system, hardware version, device locations (including country specific geographic locations)
- Other online identifiers (such as cookies, pixel tracking technologies)

Our service may include widgets such as “share this” buttons.

Experience Payment and Access Solutions

All purchases of Experience(s) and offers to buy Experience(s) flow through third-party services which provide:

- Experience/Access List Functions
- Purchase and Payment Functions

Any information you share with third-party service providers will be subject to the privacy policies and terms of use applied by the respective company offering said services. We will not receive more information than the information you share with said companies and which they are allowed to share pursuant to privacy laws and the respective privacy policies.

4. Our legal grounds for processing personal data

Our purpose: Providing our service

Legal basis for our purpose: Performance of a contract of Legitimate Interest

Categories of personal data used for our purposes:

- Account Information
- Rightsholder Information
- Experience Owner Information
- Usage Information
- Log-In
- Experience Payment and Access Information
- Experience Owner Payment Information

Our purpose: Troubleshooting resolving issues, diagnosing problems
Legal basis for our purpose: Performance of a contract of Legitimate Interest

Categories of personal data used for our purposes:

- Usage Data
- Communications
- Our purpose: Marketing, campaigns and promotions
- Legal basis for our purpose: Legitimate interest Consent

Categories of personal data used for our purposes:

- Account Information
- Promotions

Our purpose: Developing and improving the service and new functions
Legal basis for our purpose: Legitimate Interest Consent

Categories of personal data used for our purposes:

- User data
- Usage data -Communication data

Our purpose: Fulfilling contractual obligations to third parties
Legal basis for our purpose: Performance of a contract of Legitimate interest

Categories of personal data use for our purposes:

- Account Information
- Experience Payment and Access Information
- Experience Owner Payment Information
- Artists Information
- Experience Owner Information

Our purpose: Handling infringement matters
Legal basis for our purpose: Legitimate Interest

5. Who we share your personal data with

We may share your personal data with selected third parties:

Service providers

To enable service providers to provide the services we need them to fulfil in order for us to be able to keep the service available.

Service providers are third-party companies that we engage for:

- Communications Functions
- Experience Access Lists and Promotions
- Payment providers
- Potential buyers of the service

Any tentative third-party buyer of our business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.

All or substantially all our assets are acquired by a third party, in which case personal data held by us about our customers will be one of the transferred assets.

Fraud protection and credit risk reduction

If we believe in good faith that we are under a duty to disclose or share your personal data to comply with any legal obligation, or to enforce or apply our terms of use and other agreements; or to protect the rights, property, or safety of us, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

Authorities

If we believe in good faith that we are under a duty to disclose or share your personal data to comply with any legal obligation, or to enforce or apply our terms of use and other agreements; or to protect the rights, property, or safety of us, our customers, or others, Senkusha reserves the right to do so.

Direct marketing purposes

We may share your personal data, such as your name and email address, with our business partners, on the legal basis of your consent.

6. Ownership Agreement

Please note that we are not a party to the Ownership Agreement between the Experience Owner and the Artists. The experience that the artists are willing to give to their Experience Owners can be observed publicly on the Senkusha website.

7. How we keep your personal data safe

We protect your personal data from all kinds of threats: loss, alteration, unauthorised disclosure, or access. We do this in various ways depending on where we store and use it.

Occasionally, we might have to transfer your personal data to service providers and business partners located outside New Zealand. We do our best to keep your personal data safe in these cases.

8. How long we keep your personal data

We keep your personal data for as long as the personal data is relevant for use by us for the purposes as indicated in this Privacy Policy.

Please note that personal data that has been published online might be downloaded and shared by individuals. In such cases, we do not control the source and will be unable to delete the personal data. We might also store your personal data longer than stated above if it is necessary because of legal requirements that we are subject to.

9. Your privacy rights

You have many rights regarding your personal data. Read more about them below. If you would like to exercise them or learn more about them, feel free to contact us. You can find contact details at the top and end of this Privacy Policy. Please note that some of the rights may not be applicable to you.

Right of access

You have the right to obtain confirmation as to whether we process your personal data, and, if we do, request access to your personal data as well as information in relation to our processing. If you have any questions or would like to learn more about what personal data we process, you are always welcome to contact us, and we will provide you with further information.

Right to rectification

If you believe we store incorrect personal data, such as misspelt or previous name or address, you can ask us to correct this.

Right to erasure / right to be forgotten

You have the right to request that we permanently erase your personal data from our records.

Right to restrict the processing activities

You have the right to restrict our processing activities in certain situations. This means we will continue to store your personal data, but we will temporarily stop any other processing. Why would you want to do this? For example, if you have asked us to fix incorrect personal data. In this situation, you may want us to stop processing until the personal data is correct.

Right to data portability

In certain situations, you have the right to ask us to send your personal data in digital form to you or directly to another controller.

Right to object

You have the right to object to the processing of your personal data, even when we have a legitimate legal reason to process it. You can do this when we process your personal data on

the basis of our legitimate interest, and you believe your personal interest outweighs ours. If you do not want us using your personal data for direct marketing purposes, including profiling, we will comply in any case.

Right to withdraw consent

In case the processing of your personal data is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before this withdrawal. Please note that all aspects of an initiated marketing campaign cannot be stopped once initiated upon a withdrawal of consent.

Right to lodge a complaint with a supervisory authority

If you are not satisfied with the way we treat your personal data, you have the right to lodge a complaint against us to the relevant supervisory authority.

10. Links to third-party websites and social media services

Our communication may, from time to time, contain links to and from the websites of our partner networks, advertisers, and affiliates. We do not accept responsibility or liability for these third-party sites.

11. Changes to this Privacy Policy

Any material changes that we make to this Privacy Policy will be posted here prior to the changes becoming effective.

12. Who to contact

If you have any questions about this Privacy Policy or our processing of personal data, feel free to contact us at team@senkusha.io.