

# Privacy Policy for The Pending Agency

Thank you for your interest in **The Pending Agency** (the “Platform” or the “Service”). This Privacy Policy describes how we collect, use, share, and protect your personal data when you use The Pending Agency.

## 1. Data Controller

The entity responsible (“Controller”) for data processing via The Pending Agency under Article 4(7) of the General Data Protection Regulation (GDPR) is:

### **The Pending GmbH**

Arthur-Müller-Straße 24

12487 Berlin

Germany

Charlottenburg HR-Nr.: HRB250720B

USt.-ID: DE360039760 | Steuer-Nr.: 37/557/52192

Geschäftsführung: Tim Kriegler

### **Contact Details**

- **Phone:** +49 176 4726 8780
- **Email:** info@thepending.app

## 2. Data Protection Officer

If you have any questions about data protection, you can reach our Data Protection Officer at:

- **Name:** Tim Kriegler
- **Email:** info@thepending.app

## 3. What is The Pending Agency?

The Pending Agency is a platform that enables you to:

- **Search for artists and creatives** registered on our international platform (The Pending App) using AI-driven filters and criteria through our **Artist Navigator**.
- **Curate Profiles** by leaving notes, creating lists, and adding comments on selected artists.
- **Manage Your Own Projects** by creating job openings, casting calls, and general posts to which artists can apply. You can then organize and contact applicants, and send automated acceptance, decline, or follow-up messages.

## 4. Data We Collect and How We Use It

### 4.1 Registration Data

To register for The Pending Agency, you must provide:

- **Name**
- **Email address**
- **Payment Details** (PayPal or banking information) if you are using a paid version

This data is necessary to create and manage your user account, enable payment processing (if applicable), and deliver our services. The legal basis for processing this data is **Article 6(1)(b) GDPR** (performance of a contract).

## 4.2 Automatically Collected Data

When you use The Pending Agency, we may automatically collect certain data for technical, security, and analytic purposes, such as:

- **IP address**
- **Device information** (e.g., browser type, operating system)
- **Log information** (date/time of access, pages viewed, actions taken)
- **Cookies and similar technologies** (where applicable, to enhance user experience and functionality)

This processing is based on either our legitimate interest (**Article 6(1)(f) GDPR**) to ensure the stability and security of our Platform or on our contractual obligation to provide the service (**Article 6(1)(b) GDPR**).

## 4.3 Project & Application Data

If you create job openings or casting calls, or if you manage applicants on The Pending Agency:

- **Project details** and any content you provide (e.g., job descriptions, event details) are stored.
- **Application management** information (applicant details, correspondence, status updates) is retained to help you administer your projects.

The legal basis for these data processing activities is **Article 6(1)(b) GDPR** (performance of the contract) and **Article 6(1)(f) GDPR** (our legitimate interest in efficient project management).

## 4.4 Profile Curator Data

In the **Profile Curator**, you can leave private notes, create lists, and add comments on artists you are interested in. These notes are stored in your account and are only visible to you (and any authorized team members, if applicable). The legal basis is **Article 6(1)(b) GDPR** (performance of contract to provide the service).

## 4.5 AI-Driven Search

We use AI-based tools to help you find suitable artists. These AI tools may process:

- **Search queries and filter settings**
- **Publicly available or user-provided artist profile data** (from The Pending App)

The legal basis for this functionality is **Article 6(1)(b) GDPR** (performance of a contract). Where AI processing involves personal data handled by external providers, we implement measures such as Standard Contractual Clauses and secure data transfer protocols.

## 5. How We Use Third-Party Services

### 5.1 Wix

We use certain Wix services for website-related features or account management. Wix may collect and process user data as a separate controller under their own policies. For more information, see Wix's Privacy Policy.

### 5.2 AI Services

In addition to **OpenAI**, we use:

- **Amazon Bedrock**: A fully managed service by Amazon Web Services (AWS) that offers AI foundation models.
- **Anthropic Claude**: A model integrated via Amazon Bedrock to provide natural language processing capabilities, such as advanced AI-driven search or content generation.
- **Perplexity**: An AI-powered research and search tool that helps enhance our content generation and retrieval capabilities.

When you use our AI-driven features, your data (e.g., search queries, relevant user inputs) may be sent to these models. We rely on **Article 6(1)(b) GDPR** (performance of a contract) and/or **Article 6(1)(f) GDPR** (legitimate interest in providing and improving AI functionalities). Where data is transferred to countries outside the EU/EEA, we implement appropriate safeguards (e.g., Standard Contractual Clauses) to protect your personal data.

### 5.3 AWS (Amazon Web Services)

We host The Pending Agency on **AWS** servers. AWS acts as our hosting provider, processing any data you enter on our behalf. We have data processing agreements and security measures in place to protect your data. More information is available at [AWS Privacy](#).

## 6. Disclosure of Data

We share your data with third parties only as necessary to provide our services or fulfill legal or contractual obligations.

**Categories of recipients** may include:

- **IT/Hosting providers** (e.g., AWS)
- **Payment service providers** (e.g., PayPal)
- **AI service providers** (e.g., OpenAI, Amazon Bedrock, Anthropic, Perplexity)
- **Web service providers** (e.g., Wix)
- **Public authorities** where required by law or court order
- **Professional advisors** (tax, legal, audit) if needed for compliance or legal enforcement

If your data is transferred outside the European Union (EU) or European Economic Area (EEA), we ensure appropriate safeguards (e.g., EU Standard Contractual Clauses) to protect your personal data.

## 7. Data Retention and Deletion

- **Account Data:** We retain your account data for as long as you maintain an active account. Once you request deletion of your account, your personal data will be removed from our systems within a reasonable timeframe, unless legally required otherwise.
- **Project/Application Data:** Data related to your job postings or projects and corresponding applicant details are stored for the duration of the project. We may archive some data for a limited time to resolve disputes or comply with legal obligations.
- **Profile Curator Notes/Comments:** These remain until you delete them or close your account.

We also retain log files for security and troubleshooting for a limited period, after which they are anonymized or deleted unless required for legal evidence.

## 8. Your Rights

You have the following rights under the GDPR:

1. **Right of Access:** Obtain information about the personal data we hold about you.
2. **Right to Rectification:** Request correction of inaccurate or incomplete data.
3. **Right to Erasure (“Right to be Forgotten”):** Ask us to delete your personal data when it is no longer needed or if processing is unlawful.
4. **Right to Restriction of Processing:** In certain circumstances, request limits on how your data is processed.
5. **Right to Data Portability:** Receive your personal data in a structured, commonly used, machine-readable format and request its transfer to another controller.
6. **Right to Object:** Object at any time to processing based on our legitimate interests.
7. **Right to Withdraw Consent:** If we process your data based on consent, you can withdraw it at any time with future effect.

**To exercise these rights**, please contact us at the details in **Section 1**. If you believe your rights have been violated, you may lodge a complaint with a supervisory authority, such as:

**Berliner Beauftragte für Datenschutz und Informationsfreiheit**

Friedrichstrasse 219

10969 Berlin

Phone: +49 (0)30 13889-0 | Fax: +49 (0)30 2155050

Email: mailbox@datenschutz-berlin.de

## 9. Legal and Contractual Requirements

You are not legally obligated to provide us with personal data. However, some features of The Pending Agency (e.g., creating an account, posting or applying to projects) cannot function without the data we request. If you choose not to provide certain data or deny certain consents, you may not be able to use all features of our services.

## 10. Updates to This Privacy Policy

We may update this Privacy Policy periodically to reflect changes in our data practices or legal requirements. The current version will always be available on our Platform, and we encourage you to review it from time to time.

**Last Updated:** February 2025

If you have any questions or concerns about this Privacy Policy or our data practices, feel free to contact us at:

**The Pending GmbH**

Arthur-Müller-Straße 24, 12487 Berlin

Phone: +49 176 4726 8780

Email: [info@thepending.app](mailto:info@thepending.app)