Winamp Privacy Policy

PLEASE READ THIS PRIVACY POLICY CAREFULLY.

This Winamp Privacy Policy explains to You, user of the Winamp Services (as defined below) or visitor of www.winamp.com (hereafter the “WebSite”), which data are processed by Winamp (as defined below) when using Winamp’s Services, answer a survey or simply visiting our WebSite.

Modern information and communication technologies play a fundamental role in the activities of an organization like Winamp.

Winamp’s main activities consist in providing to users a free software and aggregate content (“Winamp Services”). The Winamp Services also include communications intended to its users, particularly administrative messages, newsletters pertaining to the Winamp Services and forums/blogs.

1. Identification of the WebSite and its operator

The WebSite and the Winamp Services are provided by Winamp SA, a company incorporated under Belgian law, with registered office at B-1070 Brussels, Boulevard International 55K, Belgium and registered with the Crossroads bank for enterprises under company number TVABE 0547.610.431, its affiliates, successors, parents, subsidiaries, assigns and licensors (“Winamp”). Winamp is the data controller for the data processing activities occurring in relation to the use of the Winamp Services and/or visits of the WebSite.

You can address Your question regarding the Winamp Privacy Policy and the processing of Your data to the following e-mail address: privacy@winamp.com. This Winamp Privacy Policy applies to all the Winamp Services available on the WebSite.

2. What Personal Data Winamp collects

A “Personal Data” is any information relating to an identified or identifiable natural person.

Personal Data are collected and processed notably in the following cases:

- when You register to our Newsletter, Winamp collects Your e-mail address.
- when You download a Winamp software, Winamp collects the IP address of the user and its user agent as well.
- when You contact us, Winamp collects the following categories of Personal Data: the content of Your request and your e-mail address.
- When You answer to a survey, Winamp collects the following Personal Data: the content of the survey and, if You provide it to Winamp, Your e-mail address.
- when You surf on the WebSite (www.winamp.com), Winamp collects the following categories of Personal Data: none.

3. How Winamp uses Your Personal Data and on what legal basis?

The purposes for which Winamp collects Your Personal Data depend on whether You made a simple visit to the WebSite or filled in a form on the WebSite to benefit from Winamp...
Services. The categories of Personal Data collected by Winamp will be those that are strictly necessary for the processing purposes described below.

The Personal Data Winamp collects and processes when You register on the WebSite is exclusively that which is needed to provide the Winamp Services and for which You have entrusted Winamp to do so. No sensitive data is requested, nor collected by means of other databases. The legal basis for this processing is the necessity to execute the agreement between You and Winamp for the provision of the Winamp Services.

Winamp may also collect and process Personal Data to keep You posted on Winamp latest product or services releases, software updates, and upcoming events by e-mail. The legal basis for this processing is Your consent (e-mail marketing “opt-in”). In addition, Your e-mail address may also be used to send You offers for products or services which may be of interest to you, as authorized by law (i.e. if You are a user of Winamp, have provided us with Your e-mail address in the framework of the use of a product or service, our e-mail communications relate to analogous products or services as those already used, and You haven’t opted-out to receiving such communications – “soft opt-in”). If You don’t want to receive the Winamp newsletter, You can opt to unsubscribe at anytime, free of charge and without having to provide any justification (“opt-out”).

Winamp may also send You a hard-copy newsletter at the postal address You provided Winamp with. The legal basis for this processing is the legitimate interests of Winamp, namely to market the Winamp Services to its users. You may always unsubscribe from those newsletters by following the guidelines included in those newsletters.

If You communicate Your phone number to Winamp, this means that You accept to receive a phone call from Winamp or from one of our affiliated partners. If You do not wish to receive such phone calls any longer, contact Winamp at privacy@winamp.com.

Winamp also uses Your Personal Data to create, develop, operate, deliver, and improve its products, services, content as well as for other internal purposes such as auditing, data analysis and research. The legal basis for this processing is the legitimate interests of Winamp, namely to improve its products, services and content in order to serve its users in the most appropriate way.

Winamp may use Your Personal Data to verify Your identity if required for the provision of the Winamp Services. The legal basis for this processing is the necessity to execute the agreement between You and Winamp for the provision of the Winamp Services as well as to comply with Winamp’s legal obligations.

Winamp may use Your Personal Data to send important notices, such as communications about changes to Winamp’s terms and conditions or policies. The legal basis for this processing is the necessity to execute the agreement between You and Winamp for the provision of the Winamp Services as well as to comply with Winamp’s legal obligations.

4. Collection and use of non-Personal Data by Winamp

Winamp also collects data in a form that does not, on its own, permit direct association with any specific individual. Winamp may collect, use, transfer, and disclose non-Personal Data for any purpose.

Winamp may collect information such as language, zip code, area code, referrer URL, location so that Winamp can better understand user behaviour and improve its products and services.
Winamp may collect and store details of how You use the Winamp Services. This data may be used to improve the relevancy of results provided by the Winamp Services.

If Winamp does combine non-Personal Data with Personal Data, the combined data will be processed as Personal Data for as long as it remains combined, for the purposes set out in this Winamp Privacy Policy.

5. Cookies

Winamp may use ‘Cookies’ to help better understand user behaviour. A cookie is a small text file that is sent on Your computer or other device and stored on Your hard drive or device memory. Winamp is using the following cookies to keep records of Your visits, to better tailor Your future visits to Your preferences and generally to improve Your navigational experience. In using these cookies, Winamp delivers a more personalized experience on the WebSite.

In the framework of the use of the WebSite, cookies may be placed on Your device to collect both anonymous data and Personal Data related to You as specified in this Winamp Privacy Policy.

When You visit the WebSite for the first time, information on privacy and wording regarding the consent to the use of cookies will appear through a “cookie banner”. If You continue to actively use the WebSite and do not actively object to the use of cookies, You agree to Winamp’s use of cookies and such consent will be stored in Your browser, so that the information of the “cookie banner” does not have to be repeated on every page of the WebSite or at Your next connection. In the event that Your consent would no longer be registered in Your browser (e.g. in case of suppression of the cookies), the “cookie banner” will appear again the next time You visit the Website.

Winamp installs and uses certain technically required cookies on Your device which do not require Your prior consent. Other cookies (such as cookies to improve the navigational experience by keeping record of certain data (this avoids You having to reintroduce such data at each connection) and by tailoring the content of the WebSite to Your preferences) may be installed and used on the basis of Your consent. You may, at any time, delete or block cookies in Your browser parameters. However, in such case, some functionalities of the WebSite requiring the use of cookies may no longer be available to You.

Winamp uses analytics cookies to gather general information on how users use the WebSite (e.g. which pages they visit most frequently). These cookies do not collect any data that may lead to an identification of the users. All information collected with the aid of such cookies exclusively serves the purpose of understanding and improving the functionality of the WebSite. Winamp uses Google Analytics, a web analytics service provided by Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (“Google”). The information regarding Your use of the WebSite generated by the use of Google Analytics is usually transmitted to and stored on a Google server in the USA. However, the code “_gat._anonymizelp();” has been added to Google Analytics on the WebSite to ensure anonymous recording of IP addresses, known as “IP masking”. Google IP address anonymization on the WebSite truncates Your IP address within the European Union and European Economic Area territories. Only in exceptional cases will the full IP address be sent to a Google server in the USA and truncated there. Google will use this information on Winamp’s behalf to analyze Your use of the WebSite, compile reports on Website activity and provide other WebSite and internet usage-related services. The IP address transmitted by Your browser as part of Google Analytics is not merged with other Google data. You can prevent data generated and recorded by the cookie concerning Your use of the WebSite
(including Your IP address) from being sent to Google and prevent the processing of these data by Google by downloading and installing the browser plugin available via the link https://tools.google.com/dlpage/gaoptout. Additional information on the Terms of Use and Data Privacy Policy of Google Analytics may be found at https://www.google.com/analytics/terms/ and https://www.google.com/policies/privacy/partners/.

6. Protection of Personal Data - security measures

Winamp takes the security of Your Personal Data very seriously. Winamp implements policy, rules and security measures targeting the protection of Personal Data.

Winamp diligently updates, corrects and eliminate Personal Data that are inaccurate, incomplete or irrelevant.

Winamp warrants that, for persons acting under its authority, access to Personal Data and the possibilities for processing these Personal Data are limited to what is needed by these persons for the exercise of their duties.

Winamp informs persons acting under its authority of the provisions of European and Belgian Data Protection and Privacy laws, as well as any relevant requirements concerning protection of privacy in the processing of Personal Data.

Winamp ascertains compliance of programmes used for automatic processing of Personal Data and monitors the regularity of their application.

Winamp ascertains that any person who has access to Personal Data can only process such Personal Data on instructions of Winamp, except in the case of an obligation imposed by or in virtue of the law, a decree or a court order.

Winamp takes the necessary technical and organizational measures to safeguard against accidental or unauthorized destruction, accidental loss and modification, access or any other unauthorized processing of Personal Data.

These measures ensure an adequate level of protection in view, on one hand, of the state of techniques in the field and the costs entailed for the application of these measures and, on the other hand, of the nature of the Personal Data to be protected and the potential risks.

7. When is Personal Data processing entrusted to a subcontractor and when are Personal Data disclosed?

You acknowledge that Winamp may disclose Your Personal Data to its subcontractors for the above-mentioned purposes, both inside and outside the European Economic Area, namely SendinBlue SAS (France) and TypeForm SL (Spain). You acknowledge that this may involve transfers of Your Personal Data to countries that do not provide an adequate level of protection. Appropriate contractual measures will be taken to ensure the security of Your Personal Data in compliance with the applicable privacy and personal data protection legislation. A copy of those appropriate contractual measures can be provided upon request. Winamp will always choose a subcontractor that provides sufficient guarantees with regard to technical and organizational security measures concerning data processing.

Winamp may also transmit Personal Data on the request of a judicial or administrative authority by virtue of applicable law.
8. Duration of retention of Personal Data

The Personal Data collected will be erased six (6) months after You unsubscribed from the Winamp Services for which You have registered on the WebSite, unless Winamp has a legal obligation to retain some Personal Data for a longer period of time.

Some anonymised data may be kept thereafter exclusively for statistical purposes.

9. Your rights

You can ask to Winamp, by sending an e-mail to privacy@winamp.com, whether Winamp processes some of Your Personal Data.

You can also access and help Winamp ensure Your contact information and preferences are accurate, complete and up to date by sending a request in this sense by e-mail to Winamp.

You can (i) ask Winamp to provide You with a copy of Your Personal Data, (ii) request that Winamp corrects Your Personal Data if it is inaccurate or, in some cases, delete Personal Data unless Winamp has a legal obligation to retain some Personal Data.

You also have the right to ask for the restriction of the processing or to object to the processing of Personal Data relating to You as well as the right to data portability (as the case may be). When applicable, You have the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent made prior to such withdrawal.

You can lodge a complaint with a supervisory authority (in particular in the Member State of the European Union of Your usual place of residence, place of work or the place where the violation occurred) if You consider that the processing of Personal Data related to You infringes the data protection legislation.

Please note that access, modifications, corrections, deletion requests can be made usually through a request sent by e-mail at privacy@winamp.com. Winamp can request in some cases proof of Your identity (copy of identity card or passport) to be sure to respect Your Personal Data and not to send them to a wrong person.

Newsletters, e-mails that You receive will always include the possibility to unsubscribe from the receipt of any message in the future.

10. Others

This Winamp Privacy Policy shall not restrict the rights that Winamp may have with regard to any natural person in virtue of specific agreements or other piece of legislation.

Winamp may update its Winamp Privacy Policy from time to time. When Winamp updates its Privacy Policy, a notification will be posted on the WebSite at the occasion of Your connexion to the WebSite.

Last version updated on October 18th, 2018