1. Introduction

Welcome to the website (the “Site”) of TopTracker LLC (“TopTracker”, “we”, “us” and/or “our”). This Site is operated by TopTracker and has been created to provide information about TopTracker and the TopTracker time tracker web application software accessible at http://tracker.toptal.com/ and related services (the “Service”) to our users (“you”, “your”). This Privacy Policy sets forth TopTracker’s policy with respect to information, including personally identifiable data (“Personal Data”), and other information that is collected from Site visitors and users of the Service.

Your access to and use of this Site and the Service is subject to TopTracker’s Terms and Conditions.

This Privacy Policy sets out how TopTracker collects, retains, and uses information, including personal data (“Personal Data”) and non-identifiable data, about Service users and Site visitors. This Privacy Policy also covers data that TopTracker collects in-person, for instance at business conferences and trade shows, or through client support.

When you interact with us through the Site or the Service, we may collect Personal Data and other information from you, as further described below.

3. Service Users

3.1. Information We Collect

We collect Personal Data that is entered on our Service, Site, or sent to us electronically, for example when you complete a web form to give Personal Data to us directly (such as contact our support), when you voluntarily provide such information such as when you register for access to the TopTracker Service (account level data including your name, email, and password), contact us with inquiries or respond to one of our surveys. Wherever TopTracker collects Personal Data we make an effort to provide a link to this Privacy Policy.

When you interact with TopTracker through the Site or services, we collect automatically certain information, including via cookies. Please read the “Site Visitors” section below for more information.

3.2. How we use that information

A. To Provide The Services And Respond To Requests

TopTracker uses the Personal Data you provide in a manner that is consistent with this Privacy Policy. If you provide Personal Data for a certain reason, we may use the Personal Data in connection with the reason for which it was provided. For instance, if you contact us by email, we will use the Personal Data you provide to answer your question or resolve your problem. Also, if you provide Personal Data in order to obtain access to the Service, we will use your Personal Data to provide you with access to the Service, maintain your account, contact you regarding your use of the Service and/or the Site or to notify you of important changes to the Service and/or the Site, and to monitor your use of such services. For individuals in the EU, such use is necessary to respond to or implement your request and for the performance of the contract between you and us.

B. For Marketing Purposes

We may use your contact details to tell you about services we believe will be of interest to you, upcoming events or other promotions. If we do so, each marketing communication we send you will contain instructions permitting you to “opt out”
at any time you wish not to receive any future marketing communications or you wish to have your name deleted from our mailing lists, please contact us as indicated below.

Where required by applicable law (for example, if you are an individual in the EU), we will only send you marketing information by email if you consent to us doing so at the time you provide us with your Personal Data. When you provide us with your consent to be contacted for marketing purposes, you have the right to withdraw your consent at any time by following the instructions to “opt-out” of receiving marketing communication in each marketing email we send you or by contacting us as indicated below.

C. As Necessary For Certain Legitimate Interests

We use your Personal Data for the legitimate interests described below:

- To send administrative information to you, for example, information regarding the Site and changes to our terms, conditions, and policies.
- To respond to your inquiries and fulfill your requests, such as to send you requested materials and newsletters, as well as information and materials regarding our products and services.
- To conduct analytics on how the Site and our Service are being used by you for our internal purposes (namely for providing, maintaining, benchmarking and improving our offerings, identifying usage trends and determining the effectiveness of our promotional campaigns) and to inform our marketing strategy and personalize our communications with you (including providing information on our features and other marketing and service-related announcements relevant to the content and features you engage with).
- To supplement the information that we collected from you with information obtained from third parties (described above) in order to update, expand and analyze our records, and provide products and services that may be of interest to you.
- To prevent fraud or criminal activity, misuses of our products or services, and ensure the security of our IT systems, architecture and networks.
- To (a) comply with legal obligations and legal process, (b) respond to requests from public and government authorities including public and government authorities outside your country of residence; (c) enforce our terms and conditions; (d) protect our operations; (e) protect our rights, privacy, safety or property, and/or that of you or others; and (f) allow us to pursue available remedies or limit the damages that we may sustain.
- If you ask us to delete your data and we are required to fulfil your request, to keep basic data to identify you and prevent further unwanted processing.

For individuals in the EU, please see the “EU Individuals” section below for information on our legitimate interests and your rights.

If TopTracker intends on using any Personal Data in any manner that is not consistent with this Privacy Policy, you will be informed of such anticipated use prior to or at the time at which the Personal Data is collected and pursuant to the applicable law.

4. Site Visitors

When you interact with TopTracker through the Site or the Service, we and our service providers acting on our behalf will automatically collect information about you through cookies (small text files placed on your device) and other technologies. As TopTracker is hosted on Toptal LLC's domain, please refer to its Cookie Policy to learn more about how we use cookies and other technologies.

As a visitor to our Site, our servers record information ("log data"), including information that your browser automatically sends whenever you visit the Site. This log data includes your Internet Protocol ("IP") address (from which we understand the country you are connecting from at the time you visit the Site), browser type and settings, the date and time of your request.

Where the information that we collect automatically on our Site is Personal Data, our legal basis for the use of this information is that it is necessary for the purposes of our legitimate interests in maintaining the safe operation of our Site as well as in learning how Site visitors interact with our Site to improve your use of it.

5. Non-Identifiable or Aggregated Data

When you interact with TopTracker through the Site or Service, we receive and store certain personally non-identifiable information. Such information, which is collected passively using various technologies, cannot presently be used to specifically identify you. TopTracker may store such information itself or such information may be included in databases owned and maintained by TopTracker affiliates, agents or service providers. This Site may use such information and pool it with other information to track, for example, the total number of visitors to our Site, the number of visitors to each page of our Site, the duration of visits to our Site by visitors, and the frequency of visits to our Site by visitors. This Site may also use such information to improve our Service.

https://tracker.toptal.com/privacy
compiled and analyzed on an aggregate basis. TopTracker may share this non-identifiable and aggregate data with its affiliates, agents and business partners, but this type of non-identifiable and aggregate information does not identify you personally. TopTracker may also disclose aggregated user statistics in order to describe our Service to current and prospective business partners, and to other third parties for other lawful purposes.

6. Information Collected

Wherever TopTracker collects Personal Data we make an effort to provide a link to this Privacy Policy. In addition, and without limiting the disclosures herein, TopTracker may receive, store or otherwise use your Personal Data, including your activity usage as an individual contributor to a project on the Service, and provide reports containing such Personal Data to the designated project managers of the projects within the Service upon which you work.

BY VOLUNTARILY PROVIDING US WITH PERSONAL DATA, YOU ARE CONSENTING TO OUR USE OF IT IN ACCORDANCE WITH THIS PRIVACY POLICY. IF YOU PROVIDE PERSONAL DATA, YOU ACKNOWLEDGE AND AGREE THAT SUCH PERSONAL DATA MAY BE TRANSFERRED FROM YOUR CURRENT LOCATION TO THE OFFICES AND SERVERS OF TOPTRACKER AND THE AUTHORIZED THIRD PARTIES REFERRED TO HEREIN LOCATED IN THE UNITED STATES.

7. Our Disclosure of Your Personal Data and Other Information

TopTracker is not in the business of selling your information. We consider this information to be a vital part of our relationship with you. There are, however, certain circumstances in which we may share your Personal Data with certain third parties without further notice to you, as set forth below:

Business Transfers

As we develop our business, we might sell or buy businesses or assets. In the event of a corporate sale, merger, reorganization, dissolution or similar event, Personal Data may be part of the transferred assets.

Related Companies

We may also share your Personal Data with our affiliates and related companies (such as Toptal LLC) for purposes consistent with this Privacy Policy.

Agents, Consultants and Related Third Parties

TopTracker, like many businesses, sometimes hires other companies to perform certain business-related functions. Examples of such functions include mailing information, maintaining databases, billing and processing payments. When we employ another company to perform a function of this nature, we only provide them with the information that they need to perform their specific function.

Legal Requirements

TopTracker may disclose your Personal Data if required to do so by law or in the good faith belief that such action is necessary to (i) comply with a legal obligation, (ii) protect and defend the rights or property of TopTracker or any related company, (iii) act in urgent circumstances to protect the personal safety of users of the Site or the public, or (iv) protect against legal liability.

8. EU Individuals

Scope

This section applies solely to individuals in the EU (for these purposes, reference to the EU also includes the European Economic Area countries of Iceland, Liechtenstein and Norway and, where applicable, Switzerland). Our Privacy Policy describes why and how TopTracker collects, uses and stores your Personal Data, the lawful basis on which your Personal Data is processed, and what your rights and our obligations are in relation to such processing (please see “Your Rights” section below).

Data Controller

TopTracker’s related company Toptal is the data controller for processing your Personal Data. The data controller is responsible for deciding how Personal Data about you is used. Please see the “Contacting TopTracker” section below to find out how to contact us, which also provides the contact details of our representative in the EU for purposes of the General Data Protection Regulation.

Your Rights

Subject to applicable EU law, you have the following rights in relation to your Personal Data:
We use cookies and other tracking technologies on this website. Please read our Cookie Policy to find out more about it.

- **Right to rectification.** If your Personal Data is inaccurate or incomplete, you are entitled to ask that we correct or complete it. If we shared your Personal Data with others, we will tell them about the correction where possible. If you ask us, and where possible and lawful to do so, we will also tell you with whom we shared your Personal Data so you can contact them directly.

- **Right to erasure.** You may ask us to delete or remove your Personal Data, such as where you withdraw your consent. If we shared your data with others, we will tell them about the erasure where possible. If you ask us, and where possible and lawful to do so, we will also tell you with whom we shared your Personal Data so you can contact them directly.

- **Right to restrict processing.** You may ask us to restrict or ‘block’ the processing of your Personal Data in certain circumstances, such as where you contest the accuracy of the data or object to us processing it. We will tell you before we lift any restriction on processing. If we shared your Personal Data with others, we will tell them about the restriction where possible. If you ask us, and where possible and lawful to do so, we will also tell you with whom we shared your Personal Data so you can contact them directly.

- **Right to data portability.** You have the right to obtain your Personal Data from us that you consented to give us or that was provided to us as necessary in connection with our contract with you. We will give you your Personal Data in a structured, commonly used and machine-readable format. You may reuse it elsewhere.

- **Right to object.** You may ask us at any time to stop processing your Personal Data, and we will do so:
  - If we are relying on a legitimate interest to process your Personal Data -- unless we demonstrate compelling legitimate grounds for the processing or
  - If we are processing your Personal Data for direct marketing.

- **Rights in relation to automated decision-making and profiling.** You have the right to be free from decisions based solely on automated processing of your Personal Data, including profiling, which produce a significant legal effect on you, unless such profiling is necessary for entering into, or the performance of, a contract between you and us, or with your explicit consent. We are not currently processing your Personal Data for such type of automated decision-making, including profiling, but if we elect to do so in the future we will provide you with notice and choice, in accordance with EU data protection law.

- **Right to withdraw consent.** If we rely on your consent to process your Personal Data, you have the right to withdraw that consent at any time, but this will not affect any processing of your data that has already taken place.

- **Right to lodge a complaint with the data protection authority.** If you have a concern about our privacy practices, including the way we handled your Personal Data, you can report it to the data protection authority that is authorized to hear those concerns.

You may exercise your rights by contacting us as indicated under “Contacting TopTracker” section below.

**Legitimate Interest**

“Legitimate interests” means our interests in conducting and managing our organization and delivering the best Services to you. This Privacy Policy describes when we process your Personal Data for our legitimate interests, what these interests are and your rights. We will not use your Personal Data for activities where the impact on you overrides our interests, unless we have your consent or those activities are otherwise required or permitted by law. You have the right to object to processing that is based on our legitimate interests. For more information on your rights, please see “Your Rights” section above.

**Data Transfers**

TopTracker is based in the United States. When you apply as a Freelancer or use our services as a Client, or otherwise use our Site, your Personal Data will be transmitted to servers in the United States as necessary to provide you with the services that you requested, administer our contract with you or to respond to your requests as described in this Privacy Policy, and the data may be transmitted to our service providers supporting our business operations (described above). The United States may have data protection laws less stringent than or otherwise different from the laws in effect in the country in which you are located. Where we transfer your Personal Data out of the European Economic Area (EEA) we will take steps to ensure that your Personal Data receives an adequate level of protection where it is processed and your rights continue to be protected.

**Data Retention**

Our policy is to keep your Personal Data only for as long as is reasonably necessary to fulfill the purposes for which it was collected and processed, including for the purposes of satisfying any legal, regulatory, accounting or reporting requirements. If you have elected to receive marketing communications from us, we retain information about your marketing preferences until you opt out of receiving these communications and in accordance with our policies.

To determine the appropriate retention period for your Personal Data, we will consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we use your Personal Data and whether we can achieve those purposes through other means and the applicable legal
9. Your Choices

You can use the Site without providing any Personal Data. If you choose not to provide any Personal Data, you may not be able to use certain features of the Service.

10. Exclusions

This Privacy Policy does not apply to any Personal Data collected by TopTracker other than Personal Data collected through the Site or Service. This Privacy Policy shall not apply to any unsolicited information you provide to TopTracker through this Site or through any other means. This includes, but is not limited to, information posted to any public areas of the Site, such as forums (collectively, “Public Areas”), any ideas for new products or modifications to existing products, and other unsolicited submissions (collectively, “Unsolicited Information”). All Unsolicited Information shall be deemed to be non-confidential and TopTracker shall be free to reproduce, use, disclose, distribute and exploit such Unsolicited Information without limitation or attribution.

11. Children

TopTracker does not knowingly collect Personal Data from children under the age of 13. If you are under the age of 13, please do not submit any Personal Data through the Site. We encourage parents and legal guardians to monitor their children’s Internet usage and to help enforce our Privacy Policy by instructing their children never to provide Personal Data on this Site without their permission. If you have reason to believe that a child under the age of 13 has provided Personal Data to TopTracker through this Site, please contact us, and we will endeavor to delete that information from our databases.

12. Links to Other Web Sites

This Privacy Policy applies only to the Site. This Site may contain links to other websites not operated or controlled by TopTracker (the “Third Party Sites”). The policies and procedures we described here do not apply to the Third Party Sites. The links from this Site do not imply that TopTracker endorses or has reviewed the Third Party Sites. We suggest contacting those sites directly for information on their privacy policies.

13. Security

TopTracker takes reasonable steps to protect the Personal Data provided via the Site from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. However, no Internet, email or other electronic transmission is ever fully secure or error free, so you should take special care in deciding what information you send to us in this way.

14. Changes to TopTracker’s Privacy Policy

The Site and our business may change from time to time. As a result, at times it may be necessary for TopTracker to make changes to this Privacy Policy. TopTracker reserves the right to update or modify this Privacy Policy at any time and from time to time without prior notice. Please review this policy periodically, and especially before you provide any Personal Data. This Privacy Policy was last updated on the date indicated above. Your continued use of the Site after any changes or revisions to this Privacy Policy shall indicate your agreement with the terms of such revised Privacy Policy.

15. Contacting TopTracker

Please contact us if you have any questions about TopTracker’s Privacy Policy or the information practices of this Site.

You may contact us as follows: by email at toptackerprivacy@toptal.com, or by post at:

TopTracker, LLC
Attention: TopTracker Privacy Policy Query
548 Market St #36879
San Francisco CA 94104

If you are an individual in Serbia, you can also contact serbianprivacyteam@toptal.com. The email address will contact our privacy team in addition to a Serbian representative pursuant to requirements in the Law on Personal Data Protection.

If you are an individual in the EU, you can also contact VeraSafe, who has been appointed as representative in the EU for data protection matters, pursuant to Article 27 of the General Data Protection Regulation for Toptal and its related company TopTracker. You may contact VeraSafe directly about the processing of your Personal Data by using this contact form. Alternatively, VeraSafe can be contacted at:

VeraSafe Czech Republic s.r.o
Klimentská 46
Prague 1, 11002
Czech Republic

VeraSafe Ireland Ltd
Unit 3D North Point House
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New Mallow Road
Cork T23AT2P
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Get Started as a Client

Get Started as a Freelancer