Data processing agreement.

How we process candidates' personal data on your behalf, as GDPR Article 28 requires.

In force since 15 November 2026

Arcolabs OÜ, registry code 17587452, Sepapaja tn 6, 15551 Tallinn, Estonia · hello@testee.ai

This agreement is part of the Terms of service between Arcolabs OÜ ("processor") and the organization using testee ("controller"). It applies whenever we process personal data on the controller's behalf, mainly the data of candidates it invites.

What is processed.

- **Subject matter and purpose.** Running structured interviews for the controller: inviting candidates, conducting the AI interview, recording and transcribing it, analyzing coverage of the controller's expectations, and showing and sharing the results with the controller's team.
- **Duration.** For as long as the controller uses testee, then until deletion as described below.
- **Data subjects.** Candidates, and people the controller names in comments or shares.
- **Categories of data.** Name, email address and optional headline; interview audio and transcripts; quiz answers, code, whiteboard drawings, written answers and review comments; integrity signals (sizes and times, never content); camera and screen recordings if the controller turns recording on; consent records; feedback; the team's reviews, decisions and comments.
- **Special categories.** Not intended. The analysis never infers emotion, personality or protected characteristics.

Our duties.

- Process the data only on the controller's documented instructions, which are these terms and the controller's settings and actions in testee, and tell the controller if an instruction seems to break data protection law.

- Use no candidate data for our own purposes, except the four uses below, which the controller authorizes in writing by accepting this agreement, each for its stated purpose only. We never use candidate data to train AI models, never about the candidate and never for marketing.
- (1) Operational and quality measurements of interviews: timings, counts, errors and the kinds of mistakes our AI interviewer made, without audio, transcripts or names, to run and improve testee and for the post-market monitoring the EU AI Act asks of us as provider (Article 72).
- (2) The AI system's log of each interview: ids, models, prompt versions, statuses and times, and when people reviewed the result; never names, emails, content, scores or the decision. The EU AI Act requires us as provider to keep these logs for at least six months (Articles 12 and 19). From 2 December 2027, when that duty applies, a log row stays until 190 days after its last event, also after the candidate's erasure or the company's deletion, as GDPR Articles 17(3)(b) and 28(3)(g) allow, and is then deleted; until then it is deleted with the interview. The controller can download its company's log at any time.
- (3) Candidates' optional feedback after an interview (the ratings, the technical-problem answer and note, and the comment, linked to the interview's id, never to the candidate's name or email), disclosed to us to improve testee's interview experience. For this use we are the controller (GDPR Article 28(10)), on our legitimate interests, a use we assessed as compatible with the purpose the candidate gives it for (Article 6(4)): it stays in the same context, holds no names or emails and has no effect on the candidate. The form tells candidates when they send it, our Privacy policy describes it, a candidate can object at any time at hello@testee.ai (we then stop using their feedback), and it is deleted with the candidate's other data.
- (4) The controller's team members' ratings of AI answers: when a team member chooses to rate an assistant answer or a generated interview draft, we keep the rating with a copy of the question and answer, or of the job description or role title the draft came from, which can mention a candidate. We use it only to improve testee's assistant and interview generation, never about anyone it mentions, and never send it to an AI model. Nothing is copied unless a team member gives a rating. It is kept 90 days after the rating's last change, and deleted sooner with the assistant conversation it's about (a candidate's erasure removes the conversations that worked with that candidate's records) or with the team member's account. For this use we are the controller (GDPR Article 28(10)).
- Make sure everyone with access is bound to confidentiality.

- Let our staff access the controller's data only for support the controller asks for, for security and to keep testee running, and where the law requires it. Staff open a record only by its exact id, and every record they open and every feedback list they read is logged in our staff audit log with who did it and when, kept for two years.
- Keep the technical and organizational measures described on the Trust page, including encryption in transit and at rest, per-company access control, separate databases per service and audit logs.
- Help the controller answer data subjects' requests. testee includes erasure, export and retention tools for this.
- Help the controller with security, breach notification, impact assessments and prior consultation, taking into account the information available to us.
- Tell the controller without undue delay, and within 48 hours, after becoming aware of a personal data breach affecting its data, with what we know of its nature, the data and people affected, its likely consequences and the measures taken, and add to it as we learn more.
- Make available the information needed to show compliance, and allow audits, normally through our documentation and answers to written questions; on-site audits with 30 days' notice, at the controller's cost.

Sub-processors.

The controller authorizes the sub-processors listed on the Trust page. We impose on each the same data protection obligations as in this agreement and remain responsible for them. We announce new sub-processors at least 30 days in advance by email to organization owners; the controller can object on reasonable grounds and, if we can't resolve it, end the subscription.

International transfers.

Databases and files are stored in the European Union; Google's sign-in (Identity Platform) and logging services run on its global infrastructure under Google's data processing terms. Transfers outside the EEA, to OpenAI, Resend, Stripe, Upstash and, for the video avatar, Anam, rely on the EU–US Data Privacy Framework or the European Commission's Standard

Contractual Clauses (module 3, processor to processor), with supplementary measures. For data from the United Kingdom, the UK Extension to the Data Privacy Framework or the UK Addendum to those clauses applies.

Deletion and return.

The controller can export and erase data at any time. Retention follows the controller's settings. When the controller deletes a company or the organization, all its data is deleted after a 7-day grace period, unless the law requires us to keep it (the AI system's logs, as in Our duties, use 2); database backups roll over within 30 days, and a restore from one re-applies the deletions made since.

The controller's duties.

- Have a lawful basis for the processing (for the interview itself usually steps before a contract or legitimate interests, GDPR Article 6(1)(b) or (f), not consent, which a candidate can rarely give freely to an employer; consent where the law asks for it, such as camera and screen recording or the Illinois AI Video Interview Act) and give candidates the information the law requires, including that an AI conducts the interview.
- Get consent where needed, such as for camera and screen recording.
- Make hiring decisions with human review, and handle requests such as objections to automated processing.

US state privacy laws.

Where US state laws apply, we act as the controller's service provider or processor: we don't sell or share the personal information, don't retain, use or disclose it for any purpose outside the agreement or outside our direct business relationship with the controller, and don't combine it with other data except as the law allows. We comply with those laws' obligations for service providers and give the personal information the same level of protection they require, tell the controller if we can no longer meet them, and let the controller take reasonable steps to stop and remedy any unauthorized use.

Contact.

Data protection questions, data subjects' requests passed on to us, breach and security matters: hello@testee.ai, Sepapaja tn 6, 15551 Tallinn, Estonia. It is our only contact address and reaches the person responsible for data protection.