

# PRIVACY POLICY

of **MONTO, s.r.o.**,

Business ID number: 251 85 799,

Registered office: Žerotínova 503/5, České Budějovice 4, 370 04 České Budějovice,

Entered in the Commercial Register maintained by the Regional Court in České Budějovice, section C, entry 8446 (hereinafter the "**Company**"), for the processing of personal data in connection with the provision of services through the SimpleGate internet portal located at the internet address **TBC**

## 1. Introductory Provisions

- 1.1. This Privacy Policy (hereinafter the "**Policy**") informs you about how the Company collects, stores, processes and shares your personal data. This Policy applies to our personal data protection procedures with respect to the provision of our services to you through the **TBC** website (hereinafter the "**Website**").
- 1.2. This Policy follows on from our general terms and conditions (hereinafter the "**Conditions**"). Terms not defined in this Policy shall have the meanings set out in the Conditions.
- 1.3. This Policy forms an integral part of our Conditions. A User is obliged to familiarise him/herself with this Policy before registration. By registering, a User expresses his/her consent to the wording of this Policy. If a User does not agree with the wording of this Policy, he/she will immediately inform the Company in writing.
- 1.4. The Company may amend or supplement this Policy at any time. If the Company makes a change to this Policy that materially affects the way we process your personal data or limits your rights, we will send you a notice (for example, by e-mail).
- 1.5. Personal data processing is governed primarily by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, hereinafter the "**GDPR**") and Act No. 110/2019 Coll., on personal data processing, as amended (hereinafter the "**AoPDP**").
- 1.6. This Policy is effective from **TBC** and is issued to comply with the Company's informational duties under Articles 13 and 14 of the GDPR.
- 1.7. The Company is the data controller in respect of all personal data collected from you in the course of our dealings with you. The data controller is the entity that determines the purposes and means of personal data processing. Any third parties who process your personal data in accordance with the Company's instructions are service providers to the Company and are "processors" of personal data.
- 1.8. The Company does not have a designated data protection officer. The Company treats your personal data as confidential information and takes care to keep them secure.
- 1.9. The Company does not make decisions based on automated adapting or profiling.
- 1.10. If you have any questions about this Policy, if you would like to learn more about the Company's personal data protection practices or if you would like to exercise your rights in connection with the processing of your personal data, you may contact the Company at the following e-mail address: **TBC**.

## 2. Data Collected and Stored by Company

2.1. Personal data is any information on the basis of which a specific natural person can be directly or indirectly identified. The Company may collect and store the following information:

- (i) **Information you provide.** The Company collects personal data directly from you and from any devices (including mobile devices) you use when you use our services, provide information to the Company in a web form or otherwise communicate with the Company.
- (ii) **Transaction data.** When you pay the Fee on the Website, the Company collects information about the method of payment.
- (iii) **Record data.** When you use the Company's Website, the Company automatically records information from your device and your activity when using the Website (logging data). Logging data may include the internet protocol (hereinafter "IP") address of the device, browser type and information you search for on the Website.
- (iv) **Third party services.** In order to maintain and improve the accuracy of the information it stores about you and to optimise its Website and services, the Company may collect your publicly available information from third-party service providers.
- (v) Some of your personal data (photograph, gender, first name, middle name, last name, date of birth, title before and after your name, residential address, nationality, e-mail address, telephone number, educational attainment, destination) is necessary for the conclusion of a Contract between you and the Company. The provision of all other personal data (e.g., maiden name, passport number, salary range, industry) is voluntary but may be necessary, for example, to use the Website, Services or other Company services.

## 3. Cookie Policy

3.1. The Company uses cookies on the Website to provide the Services and make content available to Website users. Cookies are text files containing small amounts of information that are downloaded to your device when you visit the Website. Cookies are then sent back to the Website on each subsequent visit and the Website recognises them. Cookies perform a variety of tasks, such as enabling you to navigate effectively between Websites, remembering your preferences and generally improving the user experience. They can also make sure that the ads you see online are better tailored to you and your interests.

3.2. We use the following cookies at the Website:

- (i) **Technical cookies** - These are mandatory and cannot be deactivated by a customer. They are anonymous cookies used for the proper functioning of the system, i.e. in particular:
  - user login;
  - to enable you to submit a request for Services to the Company;
  - choice of payment method.
- (ii) **Analytical cookies** - These allow the storage of information related to measurement of the performance of the Website (number and sources of visits, etc.) and advertising campaigns.

- (iii) **Personalised cookies** - These are used to store information related to personalisation, such as recommendations of relevant items, etc.
  - (iv) **Advertising cookies** - These cookies are used by the Company or its partners to display relevant content or advertisements on the Website as well as on third party websites.
- 3.3. Please note that third parties (most often the Company's contractors providing analytical and advertising services) may also use cookies placed on the Website and/or access data collected by cookies on the Website. The Company does not have access to read or write third-party cookies that modify these cookies.
- 3.4. The third parties that place their cookies on the Website are:
- 3.4.1. Google Ireland Limited, registered office: Gordon House, Barrow Street, Dublin 4, Ireland; its privacy policy is available here: <https://policies.google.com/technologies/ads>
- Further information about cookies and a current list of cookies can be found via the individual web browsers, most often under Developer Tools.
- 3.5. You can consent to the processing of all cookies (analytical, personalised and advertising) by clicking on the "I agree" button on the **cookie bar** that pops up at the bottom of the Website on your first visit or if you did not consent to the processing of cookies on your previous visit.
- 3.6. By clicking on the "I do not agree" button on the cookie bar, you refuse consent to the processing of analytical, personalised and advertising cookies. We may process technical cookies without your consent. If you refuse consent, we may ask you to give it again, which we will do as soon as the period for which the (non)consent given expires.
- 3.7. You also have the opportunity to specify your consent to the processing of cookies by clicking on the "Settings" button on the cookie bar, you can use the checkboxes to select the type of cookies (analytical, personalised and/or advertising) you want to consent to the processing of. Click on the text "more" to learn more about the different types of cookies. Click on the "Cookie Policy" link in the text with the checkboxes to see an excerpt of the cookie policy from the Privacy Policy. Confirm your choice by clicking "I agree to the use of selected cookies." You can also consent to the processing of analytical, personalised and advertising cookies by clicking on the "I agree to the use of all cookies" button or express your disagreement with the processing of these cookies by clicking on the "Refuse consent" button.
- 3.8. You **can revoke** your consent to the processing of cookies in the cookie settings by clicking on the "Cookie settings" link in the Website footer or by **deleting cookies** in your browser.
- 3.9. For more information on managing cookies in individual browsers, please visit the following links:
- Internet Explorer - <https://support.microsoft.com/cs-cz/help/17442/windows-internet-explorer-delete-manage-cookies>
  - Google Chrome - <https://support.google.com/chrome/answer/95647?co=GENIE.Platform%3DDesktop&hl=cs>
  - Mozilla Firefox - <https://support.mozilla.org/cs/kb/povoleni-zakazani-cookies>
  - Apple Safari - <https://support.apple.com/cs-cz/guide/safari/sfri11471/mac>

- Opera - <https://help.opera.com/cs/latest/security-and-privacy/>
- Microsoft Edge - <https://docs.microsoft.com/cs-cz/sccm/compliance/deploy-use/browser-profiles>

3.10. With the exception of technical cookies, cookies are processed on the basis of your consent pursuant to Article 6(1)(a) of the GDPR. You may revoke this consent at any time as stated above. This does not affect the lawfulness of the use of cookies until the consent is revoked. You can also object to the use of cookies. You also have all the rights you are entitled to under the Privacy Policy.

3.11. If you consent to the storage of analytical, personalised and/or advertising cookies, you give your consent for a period of **12 months**. If you refuse to consent to the processing of personal data via cookies, you will only be asked to give consent again **6 months** after the **last time you viewed the cookie bar**. This period may be shorter if one or more of the circumstances of the processing changes significantly or if the Company is unable to track previous consent/non-consent (e.g. a user deletes cookies stored on his/her device).

#### **4. How the Company Uses Personal Data**

4.1. Your personal data may be used for the following purposes:

**To enable the Company to provide the Service to you.** The Company processes your personal data (destination, first name, last name, middle name, date of birth, photograph, title before and after the name, residential address, nationality, e-mail address, telephone number, educational attainment or maiden name, passport number, salary range, industry) in order to provide you with the requested Service. The Company shares this information with third parties (such as tax authorities) upon your request or with the Company's service providers or partners to the extent necessary to provide the Service. Without processing your personal data, the Company cannot provide you with the Service. In this case, the processing is necessary for the performance of a contract to which you are a party or for the purpose of taking steps at your request before entering into a contract with the Company. This is processing on the basis of Article 6(1)(b) of the GDPR.

**Improving the customer experience.** The Company tracks data about your use of the Website (time spent registering, etc.) so that the Company can proactively assist you with the necessary steps to use the Company's Service. The Company is interested in providing you with the best possible Service. If the Company ascertains that you are having difficulty using the Website, the Company will use this information solely to assist you and to send you a communication by e-mail or telephone. In these cases, the processing is necessary for the purposes of the Company's legitimate interests, specifically to maintain a good level of Service. The processing is necessary for the performance of a contract to which you are a party. This is processing based on Article 6(1)(b) of the GDPR and/or Article 6(1)(f) of the GDPR.

**To answer your questions and provide customer service.** Your personal data (first name, last name, title before and after your name, e-mail address, telephone number) is processed by the Company when you contact it, for example with questions, concerns, feedback, disputes or problems. Without your personal information, the Company cannot respond to you or ensure your continued use of the Service. In this case, the processing is necessary for the performance of a contract to which you are a party or for the purpose of taking steps at your request before

entering into a contract with the Company. This is processing on the basis of Article 6(1)(b) of the GDPR.

**To enforce Conditions, contracts or Company Policies.** Your personal data (first name, last name, date of birth, residential address, nationality, bank account number) is processed by the Company for the purpose of investigating, preventing or mitigating breaches of the Conditions, contracts or Policies; enforcing the Company's contracts with third parties and partners; and, where applicable, collecting fees based on your use of the Company's Service. Without processing your personal data for these purposes, the Company cannot provide the Service in accordance with the Conditions and the Policy. In this case, the processing is necessary for the performance of a contract to which you are a party or for the purposes of the legitimate interests pursued by the Company. This is processing based on Article 6(1)(b) of the GDPR and/or Article 6(1)(f) of the GDPR.

**To ensure security of the Service.** The Company is committed to ensuring your security and continued use of the Company's Service. For this purpose, the Company processes your personal data (e.g. your activity on the Website) to: combat spam, malware, malicious activity or security risks; improve and enforce the Company's security measures; monitor and verify your identity to prevent unauthorised users from accessing your account with the Company. If the Company does not process your personal data for security purposes, the Company cannot ensure the security of the Services. In this case, processing is necessary for the performance of a contract to which you are a party. This is processing on the basis of Article 6(1)(b) of the GDPR.

**To maintain compliance with laws and regulations.** The Company's Services are subject to laws and regulations that may require the Company to process your personal data. Your personal data (e.g. first name, last name, date of birth, residential address, nationality and passport number) is processed by the Company for purposes such as paying taxes, performing the Company's business duties, ensuring compliance with legal regulations or as necessary for risk management as required by applicable legal regulations. Without processing your personal data for these purposes, the Company cannot provide the Service in accordance with the requirements of legal regulations. In these cases, the processing is necessary for the purposes of the legitimate interests pursued by the Company, except where those interests are overridden by interests or fundamental rights and freedoms. It is processing based on Article 6(1)(f) of the GDPR.

**To personalise your experience with the Service.** The Company provides you with third-party services, plug-ins and many other options to customise your experience with the Services. In addition, the Company also uses cookies and similar tracking technologies for these purposes. Without processing your personal data for these purposes, you may not be able to access part or all of the Service, or you may not be able to customise the Service. In this case, the processing is necessary for the performance of a contract to which you are a party or for the purpose of carrying out steps at your request before entering into a contract with the Company or on the basis of your prior consent. This is processing based on Article 6(1)(b) of the GDPR and/or Article 6(1)(a) of the GDPR.

**To engage in marketing activities.** The Company may send you marketing or informational communications (commercial communications). Individuals located in EU countries will only be contacted by the Company by electronic means (including e-mail or text message) based on the

Company's legitimate interests as permitted by applicable law or with an individual's consent. If the Company relies on legitimate interest, it will only send you information about Services that are similar to those that have been the subject of a previous sale or negotiations on a sale to a Client. You can object to direct marketing at any time and free of charge. In this case, processing is based on the Company's legitimate interest or your prior consent. If the processing is based on your consent, it is processing on the basis of Section 7(2) of Act No. 480/2004 Coll., on certain information society services, as amended, in conjunction with Article 6(1)(a) of the GDPR. If the Company relies on its legitimate interest, it is processing based on Article 6(1)(f) of the GDPR.

If you decide to limit the ways in which the Company may use your personal data, some or all of the Services may not be available to you.

## **5. Sharing and Disclosing Information**

The Company uses certain trusted companies and third parties to help it provide, analyse and improve the Services (including, but not limited to, data storage, maintenance services, database management, web analytics, security, payment processing and improving Service features). For example, the Company uses the Microsoft Azure storage service to store some of your data and we use the services of **TBC** to issue invoices for you. Google Analytics collects first-party cookies, device/browser related data, the IP address and Website activity for the Company to measure and report statistics about your interactions on the Website. For information on how you can refuse to allow Google Analytics to access your activity on the Website, please visit: <https://support.google.com/analytics/answer/181881>.

Such third parties may only have access to your personal data for the purpose of performing these tasks on the Company's behalf and under duties similar to those set out in this Policy, the Conditions or our contracts with you.

The Company's Website also allows optional integration of other third-party services with your account. The Company is not responsible for what such third parties and their services do with your personal information, and your use of these services is governed by their relevant terms of service and privacy policies (e.g. Amazon). Before sharing personal data with third parties, always check the relevant privacy policy.

**Compliance with laws and law enforcement requirements; protection of user rights.** The Company may disclose files stored in your User Account and other information about you (in particular your personal data) to third parties (usually authorities or courts), if it believes in good faith that their disclosure is reasonably necessary to comply with statutory duties, laws or other legal requirements.

**Business transactions.** If the Company is involved in a merger, acquisition or sale of all or part of its assets, your information may be transferred as part of that transaction.

**Non-private or non-personal Information.** The Company may disclose your non-private, aggregated or otherwise non-personal information, such as statistics about your use of the Company's Services, and use such information for both commercial and non-commercial purposes.

## **6. Opt-out of Commercial Communications**

If you sign up for marketing or informational communications from the Company, these e-mails will include an option to unsubscribe from receiving them in the future. Marketing and informational communications include any communications sent to you that are based solely on advertising or promotion of the Services.

Transactional communications regarding your User Account or the Services are not considered marketing or informational communications. The Company will contact you by electronic means (including e-mail) only on the basis of the Company's legitimate interests as permitted by applicable legal regulations (in particular Article 6(1)(f) of the GDPR and Section 7(2) of Act No. 480/2004 Coll., on certain information society services) or on the basis of your consent. If the Company relies on its legitimate interest (Article 6(1)(f) of the GDPR), it will only send you information about the Company's Services that is similar to those that have been the subject of a previous sale or negotiations on sale.

You can object to direct marketing at any time and free of charge.

## **7. Retention Period**

The Company does not retain your personal data for longer than is permitted by law and necessary for the related processing purposes. The retention period depends on the type of personal data, purpose and applicable legal regulations and therefore varies in accordance with the use.

If you register a User Account with the Company or communicate with the Company through any available communication channel without later purchasing a Company Service, the Company will erase your personal data, unless you instruct the Company not to do so, one year after your registration or your last communication with the Company.

## **8. Security**

The security of your personal data is important to the Company. However, no method of electronic transmission or storage is 100% secure. Therefore, the Company cannot guarantee their absolute security. In accordance with Article 32 of the GDPR, the Company has put in place appropriate technical and organisational measures to ensure a level of security appropriate to the variously likely and variously serious risks to natural persons' rights and freedoms.

If you have any questions regarding the Website's security or the Company's technical and organisational measures, you may contact the Company at the address **TBC**.

## **9. Individual Rights under the GDPR**

**Right to access under Article 15 of the GDPR.** As a data subject, you have the right to obtain confirmation from the Company as to whether or not personal data relating to you is being processed and, if so, to obtain access to your personal data.

**Right to rectification under Article 16 of the GDPR.** You have the right to ask the Company to correct inaccurate personal data concerning you without undue delay.

**Right to erasure ("right to be forgotten") under Article 17 of the GDPR.** You have the right to have the Company erase personal data concerning you without undue delay and the Company has a corresponding duty to erase such personal data without undue delay if there are certain reasons for doing so.

**Right to restriction of processing under Article 18 of the GDPR.** You have the right to have the Company restrict the processing of your personal data if certain reasons apply.

**Right to data portability under Article 20 of the GDPR.** You have the right to obtain personal data relating to you that you provided to the Company in a structured, ordinarily-used and machine-readable format.

**Making a complaint under Article 77 of the GDPR.** Without prejudice to any other administrative or judicial remedies, as a data subject you have the right to make a complaint to a supervisory authority, in particular in the EU Member State where you are habitually resident, where you have your place of work or that is the place of the alleged infringement, if you consider that the processing of personal data concerning you violates the personal data protection rules (GDPR).

**Right to object under Article 21 of the GDPR.** For reasons relating to your particular situation, you have the right to object at any time to the processing of personal data concerning you based on legitimate interest. The Company will not further process your personal data unless it demonstrates compelling legitimate grounds for processing. If your personal data is processed for direct marketing purposes, you have the right to object to the processing of your personal data for such marketing at any time.

**Right to revoke consent to personal data processing at any time,** if you have provided it to the Company. Revoking consent does not affect the lawfulness of processing based on consent before its revocation.

The exercise of the right to erasure, restriction of processing, portability of personal data and to object to their processing may not always be granted by the operator because the statutory conditions for the exercise of your right are not met (see, in particular, No. 17, 18, 20 and 21 of the GDPR).

If you want to exercise your rights under applicable legal regulations, you should contact the Company at the address **TBC**. If the Company receives a request from you for the exercise of individual rights under Article 9 of the GDPR, the Company may attempt to verify your identity to ensure the security of your personal data.

Individual rights under the GDPR do not apply to natural persons who are not European Union citizens.

**MONTO, s.r.o.**