

DATE: [2nd of December 2019]

PRIVACY POLICY

DataBreakers s.r.o., Id. No.: 04377338, with its registered office at Hvězdova 1716/2b, Nusle, 140 00 Prague 4, the Czech Republic, incorporated and existing under Czech law (the “**Company**”)

WHEREAS:

- (A) The Company has developed and is commercially operating multiple software solutions that provide specific functionalities to its clients (collectively as the “**Software**”);
- (B) The clients of the Company are various commercial providers of goods and/or services that market its commercial activity online and that have entered into an agreement with the Company that allows them to use the Software (the “**Client**”); and
- (C) The Company intends to issue this privacy policy that will explain the underlying principles of the Software particularly in connection with personal data protection under 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) (the „**GDPR**“);

THE COMPANY HEREBY ISSUES THIS PRIVACY POLICY (the “**Policy**”):

1. Basic principles

- 1.1. The Software functions on the basis of data provided by a third party cooperating with the Client or the Client itself (in each case as the “**Data provider**”).
- 1.2. The Software receives all the data from each Data provider solely in aggregate or anonymised form.
- 1.3. By virtue of operating the Software, the Company does not collect nor in any way processes any personal data.
- 1.4. The Company duly protects the data it has received from each Data Provider.
- 1.5. The Company does not share, sell or otherwise transfer any received data to a third party. However, that does not prevent Company from granting limited access to the data to a qualified outsourcing provider if necessary for the operation and/or maintenance of the Software or its due course of business.
- 1.6. The Company does not grant an access to any received dataset regarding the particular Client to any other Client.

2. Aggregate and anonymised data

- 2.1. Each dataset contains aggregate or anonymous metrics of unknown and unidentifiable pool of data subjects, usually current or potential end-customers of the Client (the “**Users**”) such as rate of displays, click-through, sales, web-traffic and other relevant information.

- 2.2. As the process of aggregation and anonymisation may not be reversed by the Company and the Company legitimately presumes that neither any Data provider nor Client may reverse such process and no User is thus reasonably identifiable in relation to the relevant dataset, such dataset does not constitute personal data and the Company is consequently not regarded as processor of any personal data in connection with the receipt of the dataset and operation of the Software. The GDPR does not apply in case of aggregate¹ and anonymised data.²
- 2.3. Therefore, the Company is not the controller nor processor of any personal data of the Users and the operation of the Software may not in any way harm the interests of any User as these are protected under the GDPR.
- 2.4. Nevertheless, the Company voluntarily details in general the principles of its data protection regarding the operation of the Software in this Policy.

3. Functionalities

- 3.1. The Software uses its access to the aggregate or anonymous dataset to provide its services to the Client that particularly, but not exclusively, consist of:
 - 3.1.1. campaign automation;
 - 3.1.2. personalized content and product targeting;
 - 3.1.3. data analysis and aggregation;
 - 3.1.4. improvement of existing functionalities and development of new ones.
- 3.2. In order to use the Software, each Client has to register with the Company. The Company collects and processes the name, surname and email of the Client. Where such operation constitute processing of personal data under the GDPR in relation to the particular Client, the processing is limited to the necessary performance of the contract with that Client and the obligations under GDPR are complied with.

4. Storage of data and protection

- 4.1. Data received from each Data provider are stored on the secured servers located in the European Economic Area. The Company does not transfer any such data to any third country outside of the European Economic Area.

¹ In compliance with Recital 162 of the GDPR: „The statistical purpose implies that the result of processing for statistical purposes is not personal data, but aggregate data, and that this result or the personal data are not used in support of measures or decisions regarding any particular natural person.”

² In compliance with Recital 26 of the GDPR: „The principles of data protection should apply to any information concerning an identified or identifiable natural person. Personal data which have undergone pseudonymisation, which could be attributed to a natural person by the use of additional information should be considered to be information on an identifiable natural person. To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly. To ascertain whether means are reasonably likely to be used to identify the natural person, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration the available technology at the time of the processing and technological developments. The principles of data protection should therefore not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable. This Regulation does not therefore concern the processing of such anonymous information, including for statistical or research purposes.“

- 4.2. The Company has implemented the appropriate technical and organisational measures to ensure the level of adequate security of received data. These include particularly:
- 4.2.1. limited access to data and the relevant physical premises in order to prevent authorized access, use or disclosure;
 - 4.2.2. the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
 - 4.2.3. the ability to restore the availability and access to data in a timely manner in the event of a physical or technical incident; and
 - 4.2.4. a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

5. Exercise of data protection rights

- 5.1. The Users may exercise any of its data protection rights under the GDPR or any other applicable data protection law by contacting the relevant Data provider, i.e. the controller or processor of their personal data.
- 5.2. Such data protection rights under GDPR include particularly the right to access, the right to rectification, the right to erasure, the right to restrict processing, the right to object to processing and the right to data portability.
- 5.3. The Company does not have any role assigned under the GDPR in relation to the Users.

6. Amendments

- 6.1. In order to keep the Policy under regular review and updated, the Company may change this Policy at any time.

7. Contact details

- 7.1. The Company may be contacted in any matter regarding this Policy on/via:

Address: **DataBreakers s.r.o.**

Hvězdova 1716/2b, Nusle, 140 00 Prague 4, the Czech Republic

Email: [nikol.honova@datbreakers.com]

Tel. no.: [+420 605 245 255]

8. Appropriate authority

- 8.1. In connection with the personal data protection law the Company is under the jurisdiction of the Czech Office for Personal Data Protection (in Czech *Úřad pro ochranu osobních údajů*). Its contact details are:

Address: **Úřad pro ochranu osobních údajů**

Pplk. Sochora 27, 170 00 Prague 7, the Czech Republic

Email: posta@uouu.cz

9. Governing law

9.1. This Policy and any matter related to it is governed by the Czech law.