

PRIVACY POLICY

Dear customers and business partners,

By this document, we would like to inform you how your personal data are processed. We appreciate that you share your personal data with us and we ensure that they are as secure as possible. We also try to be as transparent as possible in relation to you, especially regarding how we process your personal data.

With regard to the new European Union legislation, this memorandum of understanding has been prepared in accordance with the 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 (**GDPR**).

In this memorandum, we try to provide you with information as clearly as possible, and that is why we have decided to make the document in the form of questions and responds that we would provide you with. You will learn the information as follows:

1. Who is a personal data controller?
2. For what purpose do we need personal data?
3. What are our legitimate interests?
4. How do we collect personal data?
5. What categories of personal data are processed?
6. What is the lawful basis for the processing of personal data?
7. Shall we transfer personal data to a third party?
8. How long do we store personal data?
9. What are your rights related to personal data and how can you invoke them?
10. Are personal data evaluated automatically?

This memorandum of understanding provides basic information that we, as a data controller, are obliged to submit.

In case you have any questions concerning the processing of your personal data, do not hesitate to contact us at e-mail address gdpr@klokocka.cz. In all cases you can contact us at our delivery address Karlovarská 814/115, 161 00 Prague 6.

1. Who is a personal data controller?

A data controller is a person that alone or jointly with others determines the purposes and means of personal data processing.

The data controller is company STUDIO 33 s.r.o., based in Karlovarská 814/115, 161 00 Prague 6, tax ID 25688481, registered in the Commercial Register with the Municipal Court in Prague under the file number C 61313. You can contact the data controller at e-mail address gdpr@klokocka.cz.

2. For what purpose do we need personal data?

The data controller processes personal data to ensure:

- a) the conclusion and subsequent performance of a contractual obligation between the data controller and you, or the implementation of pre-contractual measures (Article 6 (1) (b) of the GDPR). Other legal obligations arise from such a contractual relationship and the data controller therefore have to process personal data for this purpose as well (Article 6 (1) (c) of the GDPR);
- b) marketing purposes, so that the data controller best adapts their products and services offer and related commercial messages to your interests (Article 6 (1) (a) of the GDPR);
- c) protection of the legitimate interests (Article 6 (1) (f) of the GDPR), for example continuous improvement of our products and services, meeting our products and services quality expectations, prevention from potential disputes, settlement with suppliers for products and services provided (especially warranty and post-warranty repairs).

The provision of personal data to the data controller is generally a legally binding and contractual requirement. The processing of personal data for other, e.g. marketing purposes, is subject to your consent. If you do not give the data controller your consent to the processing of your personal data for marketing purposes, it does not mean that as a result the data controller will refuse to provide you with their products or services under the contract.

3. What are our legitimate interests?

Personal data are also processed by the data controller in order to protect their legitimate interests. Legitimate interests of the data controller are particularly proper fulfillment of all contractual requirements of the data controller, proper fulfillment of all legal obligations of the data controller, direct marketing, protection of the data controller's business activities and properties and, last but not least, environment protection and ensuring sustainable development.

In order that your privacy is as secure as possible, you have the right to object that your personal data will only be processed for the most necessary legal reasons, or that your personal data will be blocked. You can learn more about your rights related to the processing of personal data in Article 9 of this memorandum of understanding.

4. How do we collect personal data?

Personal data are collected by the data controller directly from you, especially from filled in forms, mutual communication or concluded contracts. Additionally, personal data may also come from open data sources, registers and records, such as the Commercial Register, the Debtors' Register, professional registers, or, for example, the Real Estate Cadastre. Furthermore, the data controller can collect your personal data from third parties who are authorized to access and process your personal data and with whom the data controller cooperates, as well as from information on social networks and the Internet that you have placed there yourself.

5. What categories of personal data are processed?

The data controller processes the following personal data categories to ensure your satisfaction with the proper fulfillment of the obligation, to ensure the fulfillment of legal obligations, to ensure a personalized offer of goods and services of the data controller and for other purposes mentioned above:

- a) identification data – e.g. first name, surname, date of birth, place of residence, national ID number and/or identification number;

- b) contact data – e.g. telephone number and e-mail address;
- c) information on the use of the data controller's products and services – e.g. information on the products which you have agreed with the data controller and which you use, including product settings etc.;
- d) information from mutual communication (communications, interactions and profiles derived on the basis of these data) – e.g. information from e-mails, telephone call records or other contact forms;
- e) billing and transaction data – this is particularly information on invoices, agreed invoicing conditions and payments received;
- f) geolocation information (location data) – e.g. information from web or mobile applications that you use;
- g) product technical data - e.g. VIN code of the purchased car;
- h) track records;
- i) business profile;
- j) network identifiers;
- k) information relevant to the examination of the collection of claims.

6. What is the lawful basis for the processing of personal data?

The lawfulness of the processing of personal data is given by Article 6 (1) of the GDPR, according to which the processing is lawful if it is necessary for the performance of the contract, for the legal obligation of the data controller, for the protection of the legitimate interests of the controller or for the processing on the basis of consent.

The lawfulness of the processing is further based, for example, on Act No. 563/1991 Coll., on accounting, according to which invoicing data are processed and kept, on Act No. 89/2012 Coll., The Civil Code, according to which the data controller defends their legitimate interests or No. 235/2004 Coll., on value added tax.

7. Shall we transfer personal data to a third party?

Within the legal limit, we have to provide personal data to state administration bodies, such as tax administrations, courts of law, law enforcement authorities or capital market supervisory authorities.

Personal data can also be shared within the Klokočka group of companies, transferred to a customer satisfaction survey agency, marketing agency, product manufacturer, supplier, insurance company.

8. How long do we store personal data?

Personal data will be processed and kept during at least the duration of the contract. Personal data needed, for example, for tax and invoicing obligations will be kept longer, usually 10 years starting from the year following the occurrence of the kept data.

Personal data that are important for the claim of the legitimate interests of the data controller will be kept for a maximum of 10 years after the contractual relationship with the data controller have been terminated.

Personal data that are processed for marketing purposes will be kept for a maximum of 5 years after their acquisition.

At the end of the archiving period, personal data will be securely and irreversibly destroyed so that they cannot be misused.

9. What are your rights related to personal data and how can you invoke them?

The data controller does their best to ensure that your personal data are processed properly and, above all, securely. You are guaranteed the rights described in this article, which you can claim with your data controller.

How can you invoke your rights?

You can invoke individual rights by sending an e-mail to [gdpr @ klokočka](mailto:gdpr@klokočka). You can also invoke your rights in the form of a written request which you send to our correspondence address Borského 876/8, 152 00 Prague 5.

All communications and statements about your rights are provided by the data controller free of charge. However, if the request is manifestly unfounded or excessive, particularly if applied repeatedly, the data controller is entitled to charge a reasonable fee including all administrative costs involved in providing the requested information. In case of repeated applications of copies of personal data processed, the data controller reserves the right to charge a reasonable fee for related costs.

The data controller will provide you with a statement and, if necessary, with information on the measures taken, and this will be done as soon as possible, but no later than within one month. The data controller is entitled to postpone the deadline by two months if necessary and considering the complexity and number of applications. The data controller will inform you about both the time period extension and the reasons.

The right to information on the processing of your personal data

You are entitled to request information from the data controller whether your personal data are processed or not. If your personal data are processed, you have the right to request information from the data controller, particularly information on the identity and contact details of the data controller, their representatives and, where applicable, the data protection officer, the purposes of the processing, the categories of personal data concerned, the recipients or categories of recipients, administrators, the definition of your rights, the possibility to contact The Office for Personal Data Protection, the source of personal data processed and on automated decision-making and profiling.

If the data controller intends to process your personal data for further purposes than for which they have been collected, they will provide you with the information on those purposes and other relevant information before further processing. The information provided to you within the claim of this right is already included in this memorandum of understanding, but it does not mean that you cannot request it again.

Right of access to personal data

You are entitled to request the data controller whether your personal data are processed or not, and, if so, you have access to information on the purposes of the processing, the categories of personal data concerned, the recipients or categories of recipients, the retention period, information on your rights

(the right of correction or erasure, the right to restrict the processing, the right to object to such processing), the right to lodge a complaint with The Office for Personal Data Protection, the right to lodge a complaint with the Office for Personal Data Protection, information on the source of personal data, information on whether automated decision-making and profiling takes place and information on the procedure used, as well as the importance and expected consequences of such processing for you, information and guarantees in case of transfer of personal data to a third country or international organisations. You have the right to obtain copies of the personal data processed. However, the right to obtain such a copy must not adversely affect the rights and freedoms of others.

Right of correction

In case that there has been a change of e.g. your place of residence, telephone number or other fact that can be considered personal data, you have the right to request the data controller to correct the personal data processed. Additionally, you have the right to have incomplete personal data completed, including the provision of an additional statement.

Right of erasure (Right to be forgotten)

In certain specified cases, you have the right to request the data controller to delete your personal data. Such cases include, for example, that the data processed are no longer needed for the above-mentioned purposes. The data controller deletes your personal data automatically after the necessary period of time, but you can contact them at any time with your request. Your request is then subject to individual assessment (despite your right to have your personal data deleted, the data controller may have an obligation or a legitimate interest to keep your personal data) and you will be informed in detail about the processing.

Right to restrict processing

The data controller processes your personal data only to the extent strictly necessary. However, if you feel that the data controller, for example, exceeds the above-mentioned purposes for which they process your personal data, you can claim that your personal data can only be processed for the most necessary legal reasons or they can be blocked. Your application is then subject to individual assessment and you will be informed in detail about the processing.

The right to object and automated individual decision-making

If you find out or suspect that the data controller processes your personal data in violation of the protection of your private and personal life or in violation of the law (provided that the personal data are processed by the data controller on the basis of public or legitimate interest or are processed for the purposes of direct marketing, including profiling, or for statistical purposes or for purposes of scientific or historical importance), you can contact the data controller and request them to explain or eliminate the detrimental situation.

You can also object directly to automated decision-making and profiling.

Right to lodge a complaint with The Office for Personal Data Protection

You can contact a supervisory authority at any time with your complaint or complaint regarding the processing of your personal data, namely The Office for Personal Data Protection, based in Pplk. Sochora 27, 170 00 Prague 7, web page <https://www.uoou.cz/>.

Right to withdraw the consent

You have the right to withdraw your consent to the processing of your personal data at any time, either by filling in the form / unchecking the box / sending the appeal to the data controller's registered office or via the link in e-mail communication.

10. Are personal data evaluated automatically?

Personal data are not evaluated automatically and they are not used for profiling or automated decision-making within marketing activities of the data controller.