

# Privacy Policy

## 1) General Provisions

1.1 This document represents the information on the processing of personal data by the administrator:

- (a) Clever AIM SE, Company ID: 054 96 993, registered office at Pernerova 691/42, Praha 8 – Karlín, post code 186 00, Czech Republic, registered in the Commercial Register administered by the Municipal Court in Prague, section H, insert 1821

(“**Provider**”),

in connection with the subscription to newsletters upon logging to Provider’s website (a subscriber to the newsletter hereinafter referred to as the “**Data Subject**”).

This document further represents part of the Terms of Use of the Clever AIM service (“**Service**”); the document aims to define the conditions and rules under which the Provider, as an administrator, processes the service subscribers’ (“**Client’s**”) personal data, and to inform the data subjects of the processing (“**Privacy Policy**”). The Provider and the Client are related with a legal relation established by the Contract on the Provision of Service (“**Contract**”); the Service includes electronic distribution of communications to the Client’s customers (“**Customer**”). As stated in the Contract, the Provider acts as the processor for the Client, which is the administrator, with respect to processing of personal data of the Customers in connection with provision of the Service.

## 2) Processing of Personal Data

2.1 The administrator of the personal data defined below is the Provider as stipulated in the Remote Access to Software Contract.

2.2 In accordance with the legislation on the protection of personal data, the Provider processes the personal data consisting of:

- (a) the Data Subject’s electronic contact details (e-mail address);
- (b) the information on the Data Subject’s behaviour when browsing through and reading the sent commercial communications;
- (c) the information about the Client’s acts within the Service;
- (d) the information about the messages sent by the Client;
- (e) the information about the Client’s payments for the Service;
- (f) the Client’s identification, contact and payment information provided within the registration or conclusion or performance of the Contract;
- (g) the records of mutual communication between the Client and the Provider;
- (h) the information communicated by the Client/Data Subject to the Provider in another manner.

2.3 The personal data is processed by the Provider for the following purposes:

- (a) conclusion and performance of the Contract with the Client (legal reason consisting in performance of the contract where the Client is a contracting party);
- (b) registration of subjects, addresses and contact information and administration of the Client’s customer accounts (legal reason consisting in performance of the contract where the Client is a contracting party);
- (c) sending news and updates on the Provider’s services, including commercial communications, with the Data Subject’s consent;
- (d) addressing new and current customers (legal reason consisting in our legitimate interest in promoting our services);

- (e) internal administrative needs, including production of statistics and registers (legal reason consisting in our legitimate interest in keeping internal statistics and registers);
  - (f) protection of the Provider's property and our legal claims (legal reason consisting in the Provider's legitimate interest in the protection of property and legal claims).
- 2.4 The personal data is processed for the period:
- (a) in the case of a Contract made for the period of duration thereof, until the expiry of the limitation period for the rights that arise from a potential breach of the Contract;
  - (b) in the case of subscription to newsletters for the period of 1 year since the consent has been given, or in the case of the data processing based on the Provider's legitimate interest for the period of no more than 5 years since its collection.
- 2.5 The provision and processing of the data mentioned in par. 2.2, subpar. (f) is necessary for the conclusion of the Contract and for the due performance of the Provider's obligations. If the data is not provided, the Contract will not be concluded.
- 2.6 The Data Subjects' consent with the processing of personal data may be revoked at any time.
- 2.7 For the processing of personal data, the Provider uses third parties' (processors') services consisting in the storing and other technical processing of the data (or in providing the infrastructure for the processing).
- 2.8 The involvement of the processors may imply transferring the personal data to third countries (i.e. countries outside the European Union). Such transfers do not have to be based on the European Commission's decision on the corresponding level of protection – in which case the Provider is to conclude, with the processor that will provide the infrastructure and store the data, a contract clause on ensuring the appropriate level of protection of the Client's personal data.

### **3) Data Subjects' Rights**

Just like we have our rights and obligations when processing your personal data, so do you have certain rights when your personal data is processed. Your rights include:

#### **3.1 Right of Access**

Simply put, you have the right to know which data about you we process, for what purpose, for how long, where we obtain your personal data, who we transfer it to, who processes it apart from us and what your other rights related to the processing of your personal data are. You have learned all this in this Information on Processing of Personal Data. If, however, you are not certain as to which of your personal data we process, you can request our confirmation as to whether the personal data relating to you is processed by us or not, and where this is the case, you have the right to gain access to that personal data. The right of access entitles you to request from us a copy of the processed personal data, the first copy being free of charge and the following ones subject to a charge.

#### **3.2 Right of Correction**

If you learn that the personal data that we process about you is imprecise or incomplete, you have the right to our correcting or completing it without undue delay.

#### **3.3 Right to Erasure**

In certain cases, you have the right to our erasing your personal data. We will erase your personal data without undue delay where any of the following reasons applies:

- a) we do not need your personal data any more for the purposes for which we have been processing it;
- b) you exercise your right to raise an objection against the processing (see below the "Right to Raise Objection Against Processing" chapter) and we find that we do not have legitimate interests anymore which would justify the processing; or
- c) it transpires that our processing of personal data has ceased to comply with the generally binding regulations.

However, the right will not apply where the processing of your personal data is still necessary for:

- a) fulfilment of our legal duty;

- b) the purposes of archiving, scientific or historical research or for statistical reasons; or
- c) determining, performance or defence of our legal claims.

### 3.4 **Right to Limitation of Processing**

Apart from the right to erasure, in some cases you can also make use of the right to limitation of the processing of personal data. In certain cases, this right entitles you to request that your personal data be marked and that the data not be subject to any other processing operations – in this case, however, not forever (as is the case of the right to erasure) but for a limited period of time. We are obliged to limit the processing of personal data where:

- a) you deny that the personal data is precise, until we agree as to which data is correct;
- b) we process your personal data without a sufficient legal basis (e.g. beyond the scope of what we have to process) but you prefer solely limiting such data to erasing it (e.g. where you expect to provide us with such data in the future anyway);
- c) we do not need your personal data any more for the aforementioned purpose of processing but you require the data for determining, performance or defence of your legal claims; or
- d) you raise an objection against the processing. The right to objection is described in greater detail in the “Right to Raise Objection Against Processing” below. Before we ascertain whether your objection is justified, we are obliged to limit the processing of your personal data.

### 3.5 **Right to Raise Objection Against Processing**

You have the right to raise an objection against the processing of personal data pursuant to our legitimate interest. Where the processing of your personal data is pursued for the purpose of direct marketing, we will automatically cease to process your personal data. As regards other cases of processing based on our legitimate interest, we will cease to process your personal data where we have no serious, justified reasons to continue such processing.

### 3.6 **Right to Portability**

You have the right to obtain all your personal data from us that you have provided to us yourselves and that we have been processing with your consent and within performance of the contract. We will provide you with your personal data in a structured, commonly used and machine-readable format. In order for us to be able to transfer, upon your request, the data easily, it can only include the data that we process in an automated manner in our electronic databases.

### 3.7 **Right to Make Complaint**

Exercising the rights in the aforementioned manner affects in no way your right to make a complaint to the Office for Personal Data Protection in the manner described below in the following chapter. The right may be exercised especially where you believe that we have been processing your personal data without justification or contrary to the generally binding legal regulations.

### 3.8 **How can the individual rights be exercised?**

In all matters related to the processing of your personal data, be it a query, exercising a right, making a complaint or anything else, you can use the following contacts:

- a) E-mail DPO Clever Monitor: [dataprotection@clevermonitor.com](mailto:dataprotection@clevermonitor.com)
- b) Delivery address: **Clever AIM SE, Pernerova 691/42, 186 00 Prague 8, Czech Republic**

The Provider's latest contact information is available on the Provider's website: [www.clevermonitor.com](http://www.clevermonitor.com).

Your request will be handled without undue delay, within one month at the latest. In exceptional cases, especially where your request is a complicated one, we are entitled to extend the deadline by two more months. In such a case, you will be of course informed of such an extension and its reasons.

### 3.9 **Making Complaint to Office for Personal Data Protection**

The complaint against our processing of personal data can be made to the Office for Personal Data Protection, registered office at: Pplk. Sochora 27, 170 00 Prague 7, Czech Republic, in the case the Remote Access to Software Contract is concluded directly by Clever AIM SE (Czech Republic) as the Provider, or to other national data protection authority as relevant based on the country in which the registered address of the relevant Provider is located.

### 3.10 Cookies

The Provider's site uses cookies the purpose of which is to facilitate navigation on the site, to execute the service provided by the Provider, to measure the site's audience, or to allow pages on the site to be shared.

__utma	stores the amount of visits (for each visitor), the time of the first visit, the previous visit, and the current visit
__utmb	checks <i>approximately</i> how fast people leave: when a visit starts, and approximately ends (c expires quickly). If you look at cookie state changes (e.g. using <a href="#">firecookie</a> ), you will see these change regularly
__utmz	records whether the visitor came from a search engine (and if so, the search keyword used), a link, or from no previous page (e.g. a bookmark)
_gat	throttles request rate
_ga	distinguishes users
Opt-in	remembers not to ask the visitor to accept cookies again (saves the cookies set-up)
New / Returning visitor	tracks visitors and contains the domain, initial timestamp (first visit), last timestamp (last visit), current timestamp (this visit), and session number (increments for each subsequent session)

- Cookie based - remarketing (google, fb, linkedin, twitter)

Users may accept or reject cookies on the site or refuse them once and for all through their browser settings. If the User chooses to refuse all cookies, navigation to certain pages of the site will be limited. Cookies are placed on the User's terminal for a maximum period of 13 months from the date of the User's consent. After this period, consent will be re-obtained.

## 4) Concluding Provisions

4.1 This version of the Privacy Policy is valid and effective as of 30/05/2019.