

# Memorandum on the Processing of Personal Data

Dear customers and business partners,

The document you are reading contains basic information about how we process your personal information. We appreciate that you have shared your personal information with us and we are committed to protecting it as much as possible.

This Memorandum was prepared in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals 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 the information as clearly as possible, so we chose the form of questions and answers that we would provide to you. You will learn the information in the following order:

1. Who is the controller of personal data?
2. Who is the Data Protection Officer?
3. For what purpose do we need personal data?
4. What are our legitimate interests?
5. How was personal data obtained?
6. What categories of personal data are processed?
7. What is the legal basis for the processing of personal data?
8. Will we pass on personal data to anyone else?
9. Will we transfer personal data to a third country or international organization?
10. How long will we store personal data?
11. What are your rights regarding the processing of personal data and how can you exercise them?
12. Is personal data evaluated automatically?

This information memorandum presents the basic information that we as the controller of personal data are obliged to provide.

In case of any questions regarding the processing of your personal data, do not hesitate to contact us at the e-mail address [gdpr@simplify.ai](mailto:gdpr@simplify.ai). In all cases, you can contact us at our delivery address Rašínova 2, 602 00 Brno, Czech Republic.

## **1. Who is the controller of personal data?**

The controller is a person who, alone or together with others, determines the purposes and decides how the personal data will be processed.

The controller of personal data is the company Simplity s.r.o. with its registered office at Sokolovská 270/201, Vysočany, 190 00 Prague 9, Czech Republic, identification number 29044928, a company registered in the Commercial Register of the Municipal Court in Prague, file number C 162444. The controller can be contacted at the e-mail address [gdpr@simplify.ai](mailto:gdpr@simplify.ai).

## **2. For what purpose do we need personal data?**

The controller processes personal data for:

- (a) ensuring the conclusion and subsequent fulfillment of a contractual obligation between the controller and you (Article 6 (1) (b) of the GDPR). Such a relationship imposes additional legal obligations, and the controller must therefore process personal data for this purpose as well (Article 6 (1) (c) of the GDPR);
- b) for marketing purposes, in order for the controller to best adapt the offer of its products and services and the commercial communications concerning them to your needs, the administrator obtains your explicit consent for this purpose (Art. 6, paragraph. 1 point. a) GDPR);
- (c) the protection of its legitimate interests (Article 6 (1) (f) of the GDPR), which is ensuring business continuity and business interests of the controller.

The provision of personal data to the controller is generally a legal and contractual requirement. With regard to the provision of personal data for marketing purposes, which does not constitute a fulfillment of the contractual and legal obligation of the controller, your consent is required. Failure by the controller to consent to the processing of personal data for marketing purposes does not mean that the controller will refuse to provide your product or service under the contract as a result.

## **3. What are our legitimate interests?**

Personal data are processed by the controller to protect his legitimate interests. The legitimate interests of the controller are, in particular, the proper fulfillment of all contractual obligations of the controller, the proper fulfillment of all legal obligations of the controller, direct marketing, protection of the controller's business and property and last but not least the protection of the environment and sustainable development. In order to ensure the greatest possible protection of your privacy, you have the right to object to your personal data being processed only for the most necessary legal reasons or to have your personal data blocked. You can read more about your rights related to the processing of personal data in Article 11 of this information memorandum.

## **4. How was personal data obtained?**

The controller obtained personal data directly from you, especially from completed forms, mutual communication or from concluded contracts. In addition, personal data may also come from publicly available sources, registers, and records, such as the Commercial Register, the Debtors' Register, or professional registers. Furthermore, the controller may have obtained personal data from third parties who are authorized to access and process your personal data and with whom it cooperates, as well as from information from social networks and the Internet that you have placed there yourself.

## **5. What categories of personal data are processed?**

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

- a) basic identification data - name, surname, Company, residential address and identification number;
- b) contact details - telephone number and e-mail address;

- c) information on the use of the controller's products and services - this is information on which products you have agreed with the controller and which you use now, including product settings, etc.;
- d) information from mutual communication - information from e-mails, from telephone call records or other contact forms;
- e) invoicing and transaction data - this is mainly information appearing on invoices, agreed invoicing conditions and received payments;
- f) geolocation information - information from a web browser or mobile application that you use.
- g) cookies information gathered in accordance with our [Cookies policy](#)

#### **6. What is the legal basis for the processing of personal data?**

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

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

#### **7. Will we pass on personal data to anyone else?**

We will not pass on personal data to any third party. Such information is intended for our internal usage only.

#### **8. Will we transfer personal data to a third country or international organization?**

We will not transfer personal data to countries outside the European Union or the European Economic Area, or to any international organization.

#### **9. How long will we store personal data?**

Personal data will be processed and stored for at least the duration of the contract. Some personal data needed, for example, for tax and invoicing obligations will be kept longer, usually 5 years starting from the year following the occurrence of the stored fact.

Personal data that are important for the exercise of the legitimate interests of the controller will be kept for a maximum of 3 years from the end of the contractual relationship with the controller.

Personal data processed for marketing purposes will be stored for a maximum of 3 years from their acquisition.

Personal data will never be stored longer than the statutory maximum. At the end of the archiving period, personal data will be securely and irreversibly destroyed so that they cannot be misused.

#### **10. What are your rights regarding the processing of personal data and how can you exercise them?**

The controller does everything possible to ensure that the processing of your data takes place properly and, above all, safely. You are guaranteed the rights described in this article, which you can exercise with your controller.

## **How can you enforce your rights?**

You can enforce individual rights by sending an e-mail to [gdpr@simplity.ai](mailto:gdpr@simplity.ai) or you can also exercise your rights in the form of a written request sent to our correspondence address Rašínova 2, 602 00, Brno, Czech Republic.

All communications and statements regarding your rights are provided by the controller free of charge. However, if the request is manifestly unfounded or disproportionate, in particular because it is repeated, the controller shall be entitled to charge a reasonable fee taking into account the administrative costs associated with providing the requested information. In the event of repeated application for copies of processed personal data, the controller reserves the right to charge a reasonable fee for administrative costs.

The controller shall provide you with a statement and, where appropriate, information on the measures taken as soon as possible, but no later than within one month. The controller is entitled to extend the deadline by two months, if necessary and in view of the complexity and number of applications. The controller will inform you about the extension, including the reasons.

## **The right to information about the processing of your personal data**

You are entitled to request information from the controller whether personal data are processed or not. If personal data are processed, you have the right controller to request information especially on the identity and contact details of the manager, his agent and possibly appointees for the protection of personal data, the purposes of the processing, the categories and their concerned personal data, recipients or categories of recipients of personal data on authorized controllers, on the enumeration of your rights, on the possibility to contact the Office for Personal Data Protection, on the source of processed personal data and on automated decision-making and profiling.

If the controller intends to further process your personal data for a purpose other than the one for which they were obtained, he shall provide you with information on this other purpose and other relevant information before the said further processing.

The information provided to you in the exercise of this right is already contained in this Memorandum, but this does not prevent you from requesting it again.

## **Right of access to personal data**

You are entitled to request the information whether your personal data are processed or not and, if so, you have access to information about the purposes of the processing, the categories of personal data, recipients or categories of recipients, time keeps her personal data, information about your rights (the right to request correction or deletion from the controller, restrictions on processing, to object to such processing), 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 significance and expected consequences of such processing for you, information and guarantees in the case of transfers of personal data to a third country or international organization. You have the right to provide copies of the processed personal data. However, the right to obtain this copy must not adversely affect the rights and freedoms of others.

### **Right of correction**

If, for example, there has been a change of residence, telephone number or other fact that can be considered personal data on your part, you have the right to request the controller to correct the processed personal data. In addition, you have the right to supplement incomplete personal data, even by providing an additional statement.

### **Right of erasure (right to be forgotten)**

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

### **Right to restrict processing**

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

### **Right to data portability**

If you want the controller to provide your personal data to another controller, resp. other companies, the controller will pass on your personal data in the appropriate format to the entity designated by you, unless it is prevented from doing so by any legal or other significant obstacles.

### **The right to object and automated individual decision-making**

If you discover or believe that the controller is processing personal data in violation of the protection of your privacy and personal life or in violation of the law (provided that the personal data are processed by the controller on the basis of public or legitimate interest, or are processed for direct marketing purposes, including profiling, or for statistical purposes or for purposes of scientific or historical significance), you can contact the controller and ask him to explain or eliminate the defective situation.

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

### **The right to file a complaint with the Office for Personal Data Protection**

You can at any time contact your supervisory authority at your request or complaint regarding the processing of personal data, the Office for Personal Data Protection, with its registered office at Pplk. Sochora 27, 170 00 Praha 7, Czech Republic, website <https://www.uoou.cz/>.

### **The right to withdraw consent**

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

### **Is personal data evaluated automatically?**

Personal data are automatically evaluated and can be used for profiling or automatic decision-making in the field of marketing activities of the controller. The controller uses the following methods:

- (a) an analysis of your activities on the controller's website
- (b) we will automatically segment users based on personal data provided

As a result of these activities of the controller, your behavior on the website will be mapped and evaluated, which represents a certain interference with your right to privacy. At the same time, however, this evaluation contributes to the fact that you are sent only those advertising offers regarding the products and services of the controller, which you might be interested in given the results of the evaluation.