

Privacy Policy

Personal data controller and data subject

The controller of personal data is **Performatio s.r.o.**, with registered office at Kaprova 42/14, Staré Město, 110 00 Prague 1, ID No.: 098 19 088, registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, Insert 342972 (hereinafter referred to as the **controller**). The data subject may contact the controller in writing at the above address or by e-mail at stepan.vana@performatio.cz.

The data subject is a natural person who has provided the controller with his/her personal data on the basis of a contract concluded with the controller or on the basis of the use of the controller's website (<https://www.performatio.com/>). The data subject may also be a natural person whose personal data the controller has obtained from other lawful sources.

Performatio s.r.o. also acts as a processor of personal data for other personal data controllers. In this case, the relevant personal data processing policy is available on the website of the respective data controller.

The controller has not appointed a data protection officer.

Scope of processing of personal data

The controller shall process personal data to the extent that they are provided to it by the data subjects or to the extent that the controller obtains them from other lawful sources. These include in particular:

- name and surname,
- title,
- sex,
- date of birth,
- the name of the natural person's business,
- residence,
- the address of the registered office or place of business,
- billing and delivery address,
- identification number and tax identification number,
- e-mail,
- phone,
- payment details,
- signature,
- network identifiers,
- personal data obtained from cookies.

Purpose of processing personal data

The controller processes the personal data of data subjects for the purpose of fulfilling the contract concluded between the data subject and the controller (in particular, the provision of marketing services), fulfilling legal obligations and for the purpose of direct marketing (i.e. offering the controller's products and services), including sending commercial communications within the meaning of Act No. 480/2004 Coll., on certain information society services.

The controller sends commercial communications only if the data subject has subscribed to newsletters or if the controller has obtained the data subject's electronic contact details in connection with the sale of its products or services. The data subject has the possibility to unsubscribe from the newsletter in a

simple way and free of charge by sending an email to stepan.vana@performatio.cz or by using the link provided in each individual commercial communication.

There is no automated decision-making, including profiling, referred to in Article 22 of the General Data Protection Regulation 2016/679.

Assessment of the necessity of processing

The controller is committed to protecting the privacy of data subjects and therefore only processes personal data that is strictly necessary for the stated purposes of processing.

Legal basis for the processing of personal data

The legal basis for processing carried out for direct marketing purposes is the consent of data subjects to the processing of personal data (subscription to newsletters) or the legitimate interest of the controller (obtaining electronic contact in connection with the sale of the controller's product or service pursuant to Act No. 480/2004 Coll.).

In other cases, the legal basis for the processing is the fulfilment of the contract, the protection of the legitimate interests of the controller (protection of property, assertion of rights under the contract in legal proceedings, etc.) and the fulfilment of a legal obligation.

Period of processing of personal data

In the case of personal data processed for the performance of a contract, the controller processes personal data for the duration of the contractual relationship and subsequently for a further 10 years, taking into account the limitation periods set out in the Civil Code. In the case of processing for the purpose of compliance with a legal obligation, the controller shall process personal data for the period provided for by law. In the case of personal data processed on the basis of consent, the controller shall process the personal data for a period of 10 years or until the consent to the processing of personal data is withdrawn by the data subject. This is without prejudice to the controller's obligation to process personal data for the period of time specified by or in accordance with the relevant legislation.

Personal data processed for marketing purposes on the basis of legitimate interest (obtaining electronic contact in connection with the sale of a product or service of the controller pursuant to Act No. 480/2004 Coll.) is processed by the controller for a period of 3 years from the last sale, unless the data subject objects to this processing before that time.

Withdrawal of consent to the processing of personal data

If the data subject has given the controller consent to the processing of personal data, he or she may withdraw his or her voluntary consent to the processing of personal data at any time, free of charge, by sending an e-mail to stepan.vana@performatio.cz. Withdrawal of consent does not affect the lawfulness of processing based on consent given prior to its withdrawal. Withdrawal of consent also does not affect the processing of personal data that the controller processes on a legal basis other than consent (i.e. in particular if the processing is necessary for the performance of a contract, the protection of the controller's legitimate interests or the fulfilment of a legal obligation or for other reasons specified in applicable law).

Access to personal data

The personal data of data subjects is accessible to the controller and, where applicable, to third party recipients who provide appropriate safeguards and whose processing meets the requirements of applicable law and ensures adequate protection of the rights of data subjects.

The recipients of personal data are providers of accounting/payroll services and systems, IT system administrators, legal and tax consultancy providers, collaborators of the controller, providers of marketing services (in particular [ActiveCampaign](#), [HubSpot](#), [Google Analytics](#), [Facebook](#), [ManyChat](#) and [Ecomail.cz](#)) and public authorities to whom the controller is obliged to provide personal data (e.g. tax authorities).

Personal data is only transferred within the member states of the European Union, except when services [ManyChat](#) (chat platforms), [Facebook](#) (marketing retargeting and Facebook profiles of the controller), [ActiveCampaign](#) and [HubSpot](#) (marketing tools) and [Google Analytics](#) (website traffic analysis) are used for processing. These providers are based in the USA. Transfers to these recipients are based on standard contractual clauses.

Proof of identity of data subjects

The controller is entitled to require proof of the identity of data subjects in order to prevent unauthorised persons from accessing personal data.

Rights of data subjects in relation to personal data

In particular, the data subject has the following rights in relation to personal data:

- (a) the right to withdraw consent at any time;
- (b) the right to rectify or supplement personal data;
- (c) the right to request restriction of processing;
- (d) the right to object to or complain about processing in certain cases;
- (e) the right to request data portability;
- (f) the right of access to personal data;
- (g) the right to be informed of a personal data breach in certain cases;
- (h) the right to erasure of personal data (right to be forgotten) in certain cases; and
- (i) other rights set out in the Personal Data Processing Act and the General Data Protection Regulation 2016/679.

What does it mean that the data subject has the right to object?

According to Article 21 of the General Data Protection Regulation 2016/679, the data subject has the right to object to the processing of personal data if the processing is carried out on the basis of legitimate interest, including processing for direct marketing purposes. The objection may be submitted to the controller in writing or by e-mail to the following address: stepan.vana@performatio.cz. If the data subject objects to the processing, the controller shall no longer process the personal data unless the data subject demonstrates compelling legitimate grounds

for the processing which override the interests or rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims. If personal data are processed for direct marketing purposes and the data subject objects to such processing, the controller shall no longer process the personal data to that extent.

Further information on this right is contained in particular in Article 21 of the General Data Protection Regulation 2016/679.

Obligation to provide personal data

Personal data is provided by the data subject on a completely voluntary basis. He or she is under no obligation to provide it. If he/she does not provide personal data, he/she does not face any sanctions. However, if the data subject does not provide his or her personal data to the controller, it will not be possible to conclude or properly perform a contract between the data subject and the controller. However, it is purely and solely the data subject's choice whether or not to enter into a contractual relationship with the controller.

Security of personal data

All personal data is secured by standard procedures and technologies. Personal data that is processed in electronic form is stored within the internal system and is only accessible to authorised users working with this personal data via devices secured by a login and password. The controller uses professional antivirus protection and a firewall, which it regularly updates. The controller shall regularly check the system for vulnerabilities and attacks and shall apply such security measures as the controller may reasonably be required to take to prevent unauthorised access to the personal data provided and which, having regard to the current state of technology, provide adequate security. Personal data processed in written form shall be stored in secure premises of the controller to which only authorised persons have access. All security measures taken are regularly updated.

Although the controller secures personal data by means of appropriate technical and organisational measures, it is not objectively possible to guarantee their security completely. Therefore, it is also not possible to ensure 100% that the personal data provided cannot be accessed by third parties, copied, disclosed, altered or destroyed by breaching the controller's security measures. However, in this context, the controller guarantees that it takes all reasonable steps to keep the personal data secure and regularly checks for security breaches.

Cookies

The controller uses so-called cookies on its website <https://www.performatio.com/>, which are stored on the devices of data subjects. These cookies are mainly used to ensure the functionality of the website, for marketing and for traffic analysis. With the exception of necessary technical cookies, cookies are only stored with the prior consent of the data subject. If the data subject refuses cookies, the controller will not track any marketing or analytical information about the data subject. A cookie is simply used in the browser to store the information that this data is not to be tracked.

The controller uses Google Analytics to analyse traffic on its website. If the data subject does not wish to provide data on the use of the website to Google Analytics, he or she may use a [plugin provided by Google](#). Once installed in the browser and activated, no further data will be sent. More information on the processing and use of data can be found in [Google's terms and conditions](#).

Standard web browsers (Safari, Internet Explorer, Firefox, Google Chrome, etc.) support cookie management. Within the settings of the browsers, the data subject can manually delete, block or

completely prohibit the use of individual cookies, or block or allow them only for individual websites. For more detailed information, the data subject can use the help section of their browser.

The controller uses so-called temporary cookies and persistent cookies on its website. Temporary cookies are stored on the device only until the internet browser program is closed. Temporary cookies allow information to be stored when moving from one website to another and eliminate the need to re-enter certain data. Persistent cookies help to identify the device of data subjects in the event of repeated visits to the website and allow the website to be adapted to the interests of data subjects.

The following table shows the types of cookies used by the controller:

Publisher/ Cookie name	Type	Durability	Description
ActiveCampaign / cmp649322885, cmp649176615	Marketing	30 days	Used for marketing and traffic analysis purposes
Hubspot / hubspotutk, __hstc, __hssc, __hssc_cf_bm	Marketing	1 year	Used for marketing and traffic analysis purposes
Hotjar / _hjIncludedInPageviewSample, _hjIncludedInSessionSample, _hjSession_2670408	Statistical	1 year	Used for marketing and traffic analysis purposes
Facebook / _fbp, xs, fr, datr, c_user	Marketing	Permanent (3 months)	Used for marketing purposes and linking to Facebook
Google / _ga, _gid, _gat, _gcl	Analytical, marketing	Permanent (max. 2 years)	Used for marketing and traffic analysis purposes
prism.app-us1.com/ prism_650904315	Analytical	29 days	Used for marketing and traffic analysis purposes
Poptin/poptin_referrer, poptin_session, poptin_o_v_5c27bb3776b91, poptin_user_id	Marketing	1 year	Used for marketing and traffic analysis purposes

Final provisions

The data subject has the right to lodge a complaint regarding the processing of personal data by the controller with the Office for Personal Data Protection, Pplk. Sochor 27, 170 00 Prague 7, website: www.uouu.cz. Alternatively, he/she may apply for judicial protection before a competent court.

This policy takes effect on 25 April 2022.