

PRIVACY POLICY

The purpose of this Privacy Policy (hereinafter the "Policy") is to provide information on what personal data our company processes about individuals in providing services and selling our goods, for what purposes and for how long. In accordance with applicable legislation, it also states to whom and for what reason personal data may be transferred and what rights individuals have in relation to the processing of their personal data. The Policy is issued in accordance with 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 (hereinafter the "GDPR") and in accordance with Act No. 110/2019 Sb., on the processing of personal data. The aim of this Policy is to provide Participants with basic information on the processing of Personal Data (in particular, information on the manner and scope of Personal Data processing, including the scope of the Participant's rights related to the processing of Personal Data).

1. Basic Definitions

For the purposes of this Policy, the **Controller** means **TES VSETIN a.s.**, ID No. 17529069, with its registered office at Jiráskova 691, 755 01 Vsetín, entered in the Commercial Register maintained by the Regional Court in Ostrava, Section B, Insert 11505 (hereinafter the "Controller"). Please direct any questions, requests and complaints regarding the processing of Personal Data in writing to the Controller's registered office, by e-mail to trochowanska@tes.cz or by phone at +420 604 222 502. The Controller is the controller of Personal Data. The Participant's Personal Data is made available to the Controller's employees in connection with the performance of their work duties to the extent necessary in the particular case and in compliance with all security measures.

For the purposes of this Policy, the **Participant** means an individual who is a business partner or a potential business partner of the Controller or a representative or employee of such an entity.

For the purposes of this Policy, the **Agreement** means an agreement on the provision of goods/services in which the Controller acts as the provider of the goods/services and the client acts as the customer of the goods/services.

For the purposes of this Policy, the **Website** means the Controller's website at <https://www.tes.cz/>.

2. Scope of Processing and Categories of Personal Data Processed

2.1. In the context of its business activities, the Controller processes Personal Data:

- a) in the scope in which it has been provided in connection with an order of the Controller's products and/or services, or in connection with negotiations for the possible conclusion of an Agreement with the Controller, as well as in connection with the concluded Agreement; and
- b) for the purpose(s) listed below.

2.2. The Controller processes the following categories of personal data:

- a) For customers
 - *identification and contact details* (name, surname, academic degree, date of birth, residential address, ID No. and VAT No. of the enterprising individual, data box ID, phone number, e-mail address),
 - *payment details* (bank details), *delivery address* (if different from the billing address),
 - *information on the use of the Controller's products and services, information on the performance provided,*
 - *information from personal, phone and electronic communication,*
 - *any other necessary data.*
- b) For potential customers
 - *identification and contact details* (name, surname, academic degree, date of birth, residential address, ID No. and VAT No. of the enterprising individual, data box ID, phone number, e-mail address),
 - *information on the potential contractual relationship with the customer/supplier,*
 - *information from personal, phone and electronic communication,*
 - *any other necessary data.*
- c) For the representatives or employees of the above entities
 - *identification and contact details* (name, surname, academic degree, work phone number, work e-mail address),
 - *information from personal, phone and electronic communication,*
 - *any other necessary data.*

3. Legal Title and Purpose of Personal Data Processing

3.1. The Controller processes Personal Data for the following purposes:

- For the conclusion and subsequent performance of the Agreement concluded between the Controller and the Participant (Article 6(1)(b) of the GDPR). This means, in particular, processes related to identifying and contacting the customer, providing services and delivering the ordered performance, billing for services and issuing tax documents. Such a relationship gives rise to other statutory obligations (e.g. tax obligations) and, therefore, the Controller must process Personal Data for this purpose as well (Article 6(1)(c) of the GDPR). If the Participant does not provide their Personal Data, it is not possible to conclude or perform an Agreement with the Controller. In this context, Personal Data is necessary for the conclusion and performance of the Agreement by the Controller. Providing Personal Data to the Controller is generally a contractual and statutory requirement.
- To protect its legitimate interests (Article 6(1)(f) of the GDPR), specifically, an interest in the proper and timely performance of the Agreement concluded between the Controller and the Participant, fulfilment of statutory obligations arising for the Controller from the contractual relationship between the Controller and the Participant, and the protection of the Controller's reputation and property interests for the case of litigation (e.g. recovery of receivables arising from or in connection with the Agreement).
- For marketing purposes, in particular, for the purpose of sending commercial communications and offers to the Controller's existing customers (for the purposes of this provision, an existing customer of the Controller is a customer who has concluded an Agreement with the Controller in the past 24 months), and the legal title here is the protection of the Controller's legitimate interest (Article 6(1)(f) of the GDPR), which is the Controller's interest in promoting and offering its products and services and acquiring new business opportunities.
- To maintain a list of Participants who have refused to receive commercial communications (in advance or subsequently). The legal title for the processing of such personal data is the fulfilment of the legal obligation pursuant to Article 6(1)(c) of the GDPR, as it is prohibited by law to send commercial communications to such persons.
- On the basis of a consent to the processing of personal data (Article 6(1)(a) of the GDPR), the Controller processes the Participant's personal data for the following purposes:
 - publication of the customer's business name/name and surname and logo and basic information about the order (in the scope specified in the consent to the processing of personal data) on the Website and in the Controller's promotional materials in the list of reference orders to promote the Controller's business activities;
 - for marketing purposes (to enable the Controller to make suitable offers of products and services and contact the Participant with such offers).

3.2. The Participant who visits the Controller's website acknowledges that cookies may be stored on the Participant's device. For more information about cookies and their storage on the Participant's device, please refer to Annex 1 to this Policy.

4. Method of Processing and Data Protection

4.1. Processing of personal data is conducted by the Controller. Processing is carried out in the Controller's premises and registered office by the Controller's authorised employees or by the processor. Data is processed by information technology or manually in the case of personal data in paper form, in compliance with all security principles for the management and processing of personal data. To this end, the Controller has taken technical and organisational measures to ensure data protection, in particular, measures to prevent unauthorised and accidental access to personal data, its alteration, destruction or loss, unauthorised transfers, unauthorised processing, as well as other misuse of personal data. All entities to which personal data may be made available respect the data subjects' right to privacy and comply with applicable data protection legislation. Processing of personal data by the Controller does not involve any automated decision-making within the meaning of Article 22 of the GDPR.

4.2. Participants' personal data will not be transferred to any third parties to a third country or to an international organisation unless the Controller specifies otherwise in a particular case.

5. Period of Personal Data Processing

5.1. Personal data is processed for as long as necessary to fulfil the purpose for which it is processed, in accordance with the periods set out in the Agreement, the Controller's filing and shredding rules or relevant legal regulations. The Controller continuously assesses whether there is still a need to process certain Personal Data necessary for a particular purpose. If the Personal Data is no longer needed for any of the purposes for which it was processed, it will be immediately destroyed. The retention period of personal data is set as follows:

a) Personal data will be processed for the duration of negotiations for the conclusion of an Agreement between the Controller and the Participant, for the purpose of concluding the Agreement, as well as for the duration of the contractual relationship established under the Agreement. If a quality guarantee or statutory liability for defective performance is connected to the contractual relationship, Personal Data will be retained for the duration of the relevant guarantee/claim period as well.

b) In the event that an Agreement is concluded between the Controller and the Participant, Personal Data will be processed and retained for the duration of the contractual performance and for the duration of limitation/lapse periods in the event of a dispute concerning or related to the relationship between the Controller and the Participant established by the Agreement in order to protect the Controller's legitimate interests.

c) In the case of negotiations between the Controller and a potential customer for the conclusion of an Agreement, if the Agreement is not concluded, the Controller is entitled to process provided Personal Data for six (6) months after the end of such pre-contractual negotiations.

d) In accordance with Section 35 of Act No. 235/2004 Sb., on value-added tax, tax documents issued by the Controller are archived for ten years after the end of the tax period in which the taxable supply occurred. Since proof of legal grounds for invoices is required, Agreements are also archived for ten years from the date of termination of the Agreement.

e) The Personal Data (especially identification and contact details) of the Controller's existing customers will be processed for marketing purposes or, in other words, for the purpose of sending commercial communications and offers to these customers by the Controller, for 24 months from the end of performance under the last Agreement concluded between the Controller and the Participant.

5.2. Notwithstanding the foregoing:

- if an archiving obligation is stipulated in connection with Personal Data by law, another generally binding legal regulation or a decision of an administrative authority, Personal Data must be archived for the described purpose for at least the period thus established;
- if there is a justified need, even if only potential, to use Personal Data in litigation or other similar disputes or administrative, criminal and other proceedings, Personal Data will be stored for at least two years from the final conclusion of the dispute or proceedings, and if no dispute or proceedings are initiated, for at least two years from the expiry of the limitation or lapse period in the matter where it could be possibly used.

5.3. The Controller will destroy the Personal Data upon the expiry of the periods set out in Articles 5.1. and 5.2. of this Policy.

6. Categories of Personal Data Recipients

In performing its obligations and contractual duties, the Controller uses professional and specialised services of other entities. In specific cases, recipients of Personal Data may include:

- public authorities (e.g. the Police of the Czech Republic, courts, administrative authorities)
- external providers of professional and specialised services
 - tax and legal advisors,
 - information systems administrators, IT service providers,
 - subcontractors,
 - auditors, certification service providers,
 - carriers, payment gateway operators,
 - online advertisers,
 - sales representatives.

If Personal Data is also processed by processors in addition to the Controller, the processing is conducted on the basis of personal data processing agreements in accordance with the GDPR, under which the data processor is subject to strict obligations to protect and secure the Personal Data.

7. Rights of Data Subjects

In accordance with the GDPR, personal data subjects have the rights listed below. If these are rights with regards to the Controller, the data subject is entitled to exercise them at contact addresses listed in Article 1 of this Policy.

7.1. Right of access to personal data

Pursuant to Article 15 of the GDPR, the data subject has the right to access personal data, which includes the right to obtain confirmation from the Controller as to whether or not personal data concerning the data subject are being processed, and, where that is the case, access to the personal data and the information on:

- a) purposes of processing,
- b) categories of personal data concerned,

- c) recipients to whom access to personal data has been or will be granted,
- d) planned processing time,
- e) the existence of the right to request from the Controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing,
- f) the right to lodge a complaint with a supervisory authority,
- g) any available information about its source if the personal data is not collected from the data subject,
- h) the existence of automated decision-making, including profiling,
- i) appropriate protective measures for the transfers of data outside the EU.

The data subject is entitled to request a copy of personal data processed, provided that the rights and freedoms of other persons are not adversely affected. In the event of a repeated request, the Controller is entitled to charge a reasonable fee for the copy of the personal data.

7.2. Right to rectification

Pursuant to Article 16 of the GDPR, the data subject has the right to rectification of inaccurate/altered personal data or completion of incomplete personal data concerning the data subject processed by the Controller. The data subject is obliged to report changes to their personal data and prove that such changes have occurred. The data subject is also obliged to provide the Controller with cooperation if it is proven that the data subject's personal data processed by the Controller is inaccurate.

7.3. Right to erasure

In certain specified cases, the Participant has the right to request the Controller to delete the Participant's Personal Data. These cases include, for example, situations where the processed data is no longer necessary for the above-mentioned purposes. The Controller automatically deletes Personal Data after the expiry of the period of necessity, however, the Participant may contact the Controller with a deletion request at any time. The Participant's request is then subject to individual assessment (despite the Participant's right to erasure, the Controller may have an obligation or legitimate interest to retain the Participant's Personal Data) and the Participant will be informed in detail about the request's processing.

7.4. Right to restriction of processing

Pursuant to Article 18 of the GDPR and pending the resolution of the case, the data subject has the right to restrict the processing if the data subject contests the accuracy of the personal data, the grounds for its processing or if the data subject objects to the processing. Where processing has been restricted, the personal data concerned will, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the EU or of a Member State.

7.5. Controller's notification obligation regarding rectification or erasure of personal data or restriction of processing

Pursuant to Article 19 of the GDPR, the Controller is obliged to communicate any rectification or erasure of personal data or restriction of processing to each recipient of personal data unless this proves impossible or involves disproportionate effort. The Controller will inform the data subject about those recipients upon request.

7.6. Right to data portability

Pursuant to Article 20 of the GDPR, the data subject has the right to portability of data concerning the data subject which the data subject has provided to the Controller, in a structured, commonly used and machine-readable format and has the right to request the Controller to transmit those data to another controller if the personal data is processed based on the conclusion and performance of a contract or based on the data subject's consent and the processing is automated. If the exercise of this right would adversely affect the rights and freedoms of third parties, the request cannot be granted.

7.7. Right to object to processing of personal data

Under Article 21 of the GDPR, the data subject has the right to object to the processing of their personal data based on the Controller's legitimate interest. If the Controller fails to prove that there are compelling, legitimate reasons for the processing which override the interests or rights and freedoms of the data subject, the Controller will immediately terminate the processing according to the objection.

The Participant or the Existing Customer of the Controller has the right to object to the processing of their Personal Data for the purpose of sending commercial communications and offers by the Controller. If the Participant objects to the processing pursuant to the previous sentence, the Participant's Personal Data will no longer be processed for these purposes.

7.8. Right to withdraw consent to the processing of personal data

The Participant has the right to withdraw their consent (where the processing of Personal Data is based on consent) to the processing of the Personal Data provided at any time. The withdrawal of consent is without prejudice to the lawfulness of processing based on the consent granted before its withdrawal. The 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, legal obligation or other reasons specified in applicable legislation). Consent may be withdrawn by sending a notice of withdrawal to the Controller's registered office or by e-mail to the e-mail address provided in Article 1 of this Policy.

7.9. Right to be informed about a personal data breach

Pursuant to Article 34 of the GDPR, the data subject has the right to be notified without undue delay of any personal data breach received by the Controller when the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons.

7.10. Right to contact the Office for Personal Data Protection

The data subject has the right to contact the Office for Personal Data Protection (with its registered office at Pplk. Sochora 27, 170 00 Prague 7, website <https://www.uoou.cz/>, e-mail posta@uoou.cz) with a concern or complaint if the data subject finds or believes that the Controller or the processor processes the data subject's personal data in violation of the protection of privacy of data subjects or in violation of applicable legislation.