

# Privacy Policy

This Privacy Policy (the "**Policy**") explains the scope, purposes and manner of personal data collection and processing by SmartHead Co. s.r.o., with its registered seat at Mlynské Nivy 5, 821 09 Bratislava - mestská časť Ružinov, Slovak Republic, company ID No. (IČO): 50 412 345, registered in the commercial registry of Municipal Court Bratislava III, section Sro, file No. 113034/B (the "**Company**") when performing its respective activities.

Should you wish to receive any further clarification or additional details regarding the way we process personal data, you can contact us *via* e-mail at [dataprotection@besmarthead.com](mailto:dataprotection@besmarthead.com) or *via* conventional post sent to the address of our registered seat & primary offices at: Mlynské Nivy 5, 821 09 Bratislava- mestská časť Ružinov, Slovak Republic.

Our Company collects and processes personal data only for the purposes described herein and only to the extent and for as long as is appropriate and necessary for fulfilment of such purposes. Sometimes, applicable law imposes particular time periods for storage of certain personal data (e.g. as part of accounting records, etc.) which we naturally must observe too.

We greatly value the safety of any person's data and have implemented appropriate technical and organizational measures in order to protect such data and to ensure a level of security appropriate to any relevant risks.

The first part of this Policy below provides structured information on the various manners and purposes of processing of personal data by the Company.

In the second part of this Policy further below, we outline the rights of persons whose personal data we process and how they can apply them *vis-à-vis* our Company or appropriate public authority.

This Policy was last updated on 18 December 2023. We constantly monitor our activities and may update this Policy in future if we change, restructure or expand the ways in which we work with personal data.

Please take a moment to note these important terms which are used frequently in this Policy to simplify its contents:

- "**GDPR**" means 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. The GDPR is the main legal framework applicable to the processing of personal data by our Company. We further need to comply also with our local legislation in Slovakia which brings some additional details into such legal framework, but always in accordance with the GDPR.
- "**platform**" refers to our digital SmartHead platform accessible at our website [besmarthead.com](http://besmarthead.com).
- "**data subject**" is a term used by the GDPR for a person whose personal data is being processed. Although it sounds rather technical, we do use the same term in our Policy to ensure its ease of use and cross-referencing.
- "**external collaborator of the Company**" a person involved in the Company's activities on the basis of a service contract or similar external contractual relationship with the Company (either directly, as a sole trader, or indirectly, through own company).

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## Data processing activities

The Company collects and processes your information for the following purposes:

- **SmartHead digital platform services**

Brief description

Operation of our SmartHead digital platform and proper delivery of its services requires collection, storage and processing of various types of personal data of different groups of persons, specified in more detail further below.

We collect, create, analyse, categorize, store, use and discard personal data of these persons in order to provide them with all available features of our platform, the best possible user experience, and to ensure safety of their interactions with us and others at our platform.

Whose personal data is being processed in this way?

- our clients - individual entrepreneurs
- representatives and other contact persons of our clients – companies or organisations (such as platform profile administrators, etc.)
- other relevant individuals designated to us by our clients (e.g. broader group of people within our clients' organisations)
- all types of unregistered or registered visitors accessing our website (besmarthead.com)

What is the scope of the processed personal data?

Depending on the type of data subject (see above) we may process their following data:

- basic identification data (name and surname, year of birth, gender, city and country of residence, picture),
- data connected with their employment or work (employer, company affiliation, position, area of expertise),
- basic contact data (e-mail address, IP address, links to public social media profiles),
- platform-related data (platform personal login, platform unique identifier, platform content preferences, such as follows and "well dones" which is our take on likes, etc.)
- technical data (technical logs of platform-related activity, information from cookies)
- credit card details (where client submits its personal credit card for platform payments)

What is the legal basis for the processing?

In most of the cases, the above-described processing is necessary for the purposes of our legitimate interests (see Art. 6(1)(f) of the GDPR for precise legal qualification), in particular for our interest in efficient and reliable operation of the platform and its services. Exceptionally (e.g. in case of some cookies), we process certain data based on the data subject's consent (see Art. 6(1)(a) of the GDPR).

How are the personal data collected?

Personal data is collected directly from the data subjects. On some occasions, we may receive personal data from the data subject's organisation (e.g. a corporate client providing us with data of their personnel).

Who are the recipients / categories of recipients of the personal data (if any)?

Our platform services and features are partially supported by external digital services, and we therefore also share personal data with their providers. These include mainly cloud service provider, providers of customer relationship management software and email distribution services, payment processors and various analytical services. Such shared data is however always used by these supporting services only in the extent required for their specific functionality.

To the limited extent necessary to carry out their activities, we also share personal data with the external collaborators of the Company as part of their activities to support the Company's internal team.

To the extent that clients choose to include personal data as part of the information available on their profiles, such personal data will also be available to visitors of the platform.

What is the period for which the personal data will be processed and stored (retention period)?

Personal data is stored throughout the period of their use by our platform and for maximum of 30 additional days. Personal data processed based on the data subject's consent are used only for the duration of such consent's validity and are erased upon its expiry or withdrawal.

*Are data subjects obliged to provide any of the above-mentioned personal data to our Company under applicable law or a binding contract (or as a requirement to enter into a contract)? What if a data subject refuses to do so?*

No, there is no such obligation to provide data.

- **Marketing & Business Development**

Brief description

We process certain personal data as part of our PR, e.g. when promoting the Company, the platform and its services or generally the values we support.

Furthermore, we also process certain personal data as part of our networking and business development activities.

Whose personal data is being processed in this way?

- our clients - individual entrepreneurs (current, past and prospective)
- representatives and other contact persons of our clients – companies or organisations (such as platform profile administrators, etc.)
- other relevant individuals designated to us by our clients (e.g. broader group of people within our clients' organisations)
- all types of unregistered or registered visitors accessing our website (besmarthead.com)
- employees and external collaborators of the Company
- representatives and other contacts of our Company's business partners (current, past and prospective)

What is the scope of personal data?

Depending on the type of data subject (see above) we may process their following data:

- basic identification data (name and surname, picture),
- data connected with their employment or work (employer, company affiliation, position, area of expertise),
- basic contact data (e-mail address),
- platform-related data (platform unique identifier)

What is the legal basis for the processing?

In most of the cases, the above-described processing is necessary for the purposes of our legitimate interests (see Art. 6(1)(f) of the GDPR for precise legal qualification), in particular for our interests in promotion and increasing awareness of the Company and its commercial services and other activities and building a network of reliable business partners and supporters. In some specific cases (e.g. push notifications, personalized client testimonials, etc.), we process certain data based on the data subject's consent (see Art. 6(1)(a) of the GDPR).

How are the personal data collected?

Personal data is collected directly from the data subjects.

Who are the recipients/categories of recipients of the personal data (if any)?

Operators of our support services (e.g. e-mail distribution services) and of our own media profiles.

To the limited extent necessary to carry out their activities, we also share personal data with the external collaborators of the Company as part of their activities to support the Company's internal team.

What is the period for which the personal data will be processed and stored (retention period)?

Personal data is stored throughout the period of their use for the above-mentioned purpose, and for an additional period of maximum 2 years. Personal data processed based on the data subject's consent are used only for the duration of such consent's validity and are erased upon its expiry or withdrawal.

Are data subjects obliged to provide any of the above-mentioned personal data to our Company under applicable law or a binding contract (or as a requirement to enter into a contract)? What if a data subject refuses to do so?

No, there is no such obligation to provide data.

- **Governance**

Brief description

We process certain personal data when carrying out activities relating to administration and management of the internal corporate structure and governance of our Company (e.g. minute-taking, organising, preparing and adopting resolutions at meetings of its bodies, appointing and removing members to its bodies, carrying out registrations and filings, processing of investment-related matters and reporting, etc.).

Whose personal data is being processed in this way?

- Company representatives and members of Company's bodies (current, past and prospective)
- Company shareholders' representatives (current, past and prospective)
- Persons verifying the documents and signatures (notaries)

What is the scope of personal data?

Depending on the type of data subject (see above) we may process their following data:

- identification details (name and surname, date of birth / birth number, residency address, citizenship, ID card details)
- contact details (phone No., e-mail address)
- employer / company affiliation / position
- signature

What is the legal basis for the processing?

In most of the cases, processing under this purpose is necessary for our compliance with legal obligations arising to our Company under applicable law (Art. 6(1)(c) of the GDPR). In some other cases, some processing is necessary for the purposes of our legitimate interest (see Art. 6(1)(f) of the GDPR for precise legal qualification), in particular for our interest in creation and administration of Company's internal structure for its efficient and practicable management and operation.

How are the personal data collected?

Personal data is collected directly from the data subjects or from the data subject's organization (e.g. Company's corporate shareholder).

Who are the recipients/categories of recipients of the personal data (if any)?

Public registries, external legal counsel, notaries. To the limited extent necessary to carry out their activities, we also share personal data with the external collaborators of the Company as part of their activities to support the Company's internal team.

What is the period for which the personal data will be processed and stored (retention period)?

Personal data is stored throughout the period of their use for the above-mentioned purpose, and for an additional period of maximum 5 years. Exceptionally the applicable law may require us to store certain data longer (e.g. for archiving purposes) in which case we observe such mandatory longer periods.

Are data subjects obliged to provide any of the above-mentioned personal data to our Company under applicable law or a binding contract (or as a requirement to enter into a contract)? What if a data subject refuses to do so?

In most situations there exists no statutory nor contractual obligation to provide such data imposed directly upon the data subject.

The refusal to provide such data could however result in invalid or incorrect documentation (e.g. minutes from Company's meetings), inability of the Company to make filings (e.g. registration of new director) or create considerable obstacles in the Company's internal administration or operation.

## • **Employer's duties**

### Brief description

We process personal data under this purpose as part of our recruitment process, preparation and conclusion of employment contracts (or similar cooperation agreements) and subsequently when fulfilling our employer duties and obligations (e.g. payroll processes, etc.).

### Whose personal data is being processed in this way?

- Company's employees and other personnel (current, past and prospective)

### What is the scope of personal data?

Depending on the type of data subject (see above) we may process their following data:

- identification data (name and surname, date of birth, birth number, residency address, citizenship, ID card details),
- health data (basic medical information),
- contact details (phone number, e-mail address),
- other relevant data connected with employment (bank account details, salary amount, presence/absence information, other payroll and mandatory tax and insurance duties information),
- basic professional experience and competences and other information contained in CV,
- signature

### What is the legal basis for the processing?

In most of the cases, processing under this purpose is necessary for our compliance with legal obligations of the Company arising to it under applicable law (Art. 6(1)(c) of the GDPR).

Our recruitment-related processing is necessary for the purposes of our legitimate interest (Art. 6(1)(f) of the GDPR) in efficient and reliable recruitment process. On occasions, we may also store some additional information on our recruitment files based on data subject's consent (see Art. 6(1)(a) of the GDPR).

### How are the personal data collected?

Directly from the data subjects and in some cases from external recruitment partners (job boards, recruitment agencies).

### Who are the recipients/categories of recipients of the personal data (if any)?

Public authorities (labour office, tax office, other), social & health insurance company, Tax or accounting advisers.

To the limited extent necessary to carry out their activities, we also share personal data with the external collaborators of the Company as part of their activities to support the Company's internal team.

### What is the period for which the personal data will be processed and stored (retention period)?

Personal data is stored throughout the period of their use for the above purpose, or such longer additional period as may be required under applicable laws, e.g.:

- for tax purposes and health insurance purposes - maximum of 10 years after the date of their collection;
- for social insurance purposes - maximum of 6 years after the date of their collection;
- for employment purposes and pension insurance purposes - maximum of 30 years after the date of their collection.

Personal data processed based on the data subject's consent are used only for the duration of such consent's validity and are erased upon its expiry or withdrawal.

### Are data subjects obliged to provide any of the above-mentioned personal data to our Company under applicable law or a binding contract (or a as a requirement to enter into a contract)? What if a data subject refuses to do so?

When entering into an employment or similar cooperation contract with the Company, the provision of relevant personal data is necessary to enter into such contract. Its refusal would prevent the data subject to enter into her/his contract with the Company.

In the recruitment phase, the provision of any data is voluntary. If the data subject refuses to provide such data, her or his application may be excluded or disregarded.

- **Other compliance (IT, data protection, public enquiries)**

Brief description

Under this purpose, the Company processes relevant personal data as part of its compliance processes, mainly in the field of IT and data protection, and cooperation with public authorities as and when required.

Whose personal data is being processed in this way?

- employees and external collaborators of the Company
- any persons interacting with the platform (clients, client contacts, other persons submitted by clients, visitors)
- data subjects who have made claims or requests against our Company under the GDPR
- personnel from public authorities making enquiries (if any)

What is the scope of personal data?

Depending on the type of data subject (see above) we may process their following data:

- identification data (name and surname, residency address, citizenship)
- contact details (phone number, e-mail address)
- data connected with their employment or work (employer, company affiliation, position)
- technical data (IP address, technical logs of activity on the platform)
- any other personal data which may be subject-matter of a data subject's claim or request
- any other personal data which may be subject-matter of a public authority's enquiry

What is the legal basis for the processing?

In most of the cases, processing under this purpose is necessary for our compliance with legal obligations of the Company arising to it under applicable law (Art. 6(1)(c) of the GDPR), mainly under the GDPR and local Slovak laws.

Complementary processing is necessary for the purposes of our legitimate interests (Art. 6(1)(f) of the GDPR), in particular the interests in adequate administration and security of the Company's IT infrastructure and systems (including the platform and our website as such), efficient and compliant handling of personal data requests, claims and performance of other data subjects' rights, and generally compliance with enquiries of any public authorities and efficient cooperation with them.

How are the personal data collected?

Personal data is collected directly from the data subjects.

Who are the recipients/categories of recipients of the personal data (if any)?

Public authorities making enquiries, professional advisers (IT support, legal counsel, tax or accounting advisers, etc.), data subjects or other persons raising legitimate claims or request against the Company.

To the limited extent necessary to carry out their activities, we also share personal data with the external collaborators of the Company as part of their activities to support the Company's internal team.

In exceptional circumstances, we may be obliged to provide certain personal data to law enforcement authorities, relevant authorities in the field of administrative offences or, if necessary, to relevant insurance companies for their investigation of damage events and handling of claims.

What is the period for which the personal data will be processed and stored (retention period)?

Personal data is stored throughout the period of their use for the above-mentioned purpose, or such longer additional period as may be required under applicable laws (as the case may be).

Are data subjects obliged to provide any of the above-mentioned personal data to our Company under applicable law or a binding contract (or a as a requirement to enter into a contract)? What if a data subject refuses to do so?

No, there is no statutory or contractual obligation to provide such data directly imposed on the data subject.

Where such provision is voluntary, the refusal to provide such data could result in the Company not being able to fully comply with applicable regulations and standards within the IT and GDPR compliance. Refusal to provide such data could also constitute an obstacle in complying with any requests by public authorities.

- **Management of suppliers**

Brief description

The Company processes relevant personal data under this purpose when administering and managing its suppliers and their contracts, and when ordering goods and services from its suppliers, etc.

Whose personal data is being processed in this way?

- employees and external collaborators of the Company
- contact persons of suppliers or other similar contractual partners of the Company and their other representatives and agents

What is the scope of personal data?

- identification data (name and surname)
- contact details (phone number, e-mail address)
- data connected with the employment or work (employer, company affiliation, position)

What is the legal basis for the processing?

In most of the cases, the processing occurs as part of the performance of a contract to which the data subject is a party or as part of the steps taken at the request of the data subject prior to entering into a contract (Art. 6(1)(b) of the GDPR). Some processing is necessary for the purposes of our legitimate interests (Art. 6(1)(f) of the GDPR), in particular our interests in efficient administration and management of Company's suppliers and their contracts with the Company and efficient procurement of goods and services by the Company.

How are the personal data collected?

The personal data is collected directly from the data subjects.

Who are the recipients/categories of recipients of the personal data (if any)?

To the limited extent necessary to carry out their activities, we also share personal data with the external collaborators of the Company as part of their activities to support the Company's internal team.

What is the period for which the personal data will be processed and stored (retention period)?

Personal data is stored throughout the period of their use for the above-mentioned purpose, and for an additional period until all claims are extinguished, or such longer additional period as may be required under applicable laws (e.g. as part of financial or accounting information).

Are data subjects obliged to provide any of the above-mentioned personal data to our Company under applicable law or a binding contract (or as a requirement to enter into a contract)? What if a data subject refuses to do so?

The provision of personal data is in most cases necessary to conclude the relevant supply contract – refusal to provide such data prevents the supplier from entering into the contract with the Company.



## Data subject's rights

Data subjects have the following rights in relation to the processing of personal data:

- right to request information about whether the Company is processing such personal data
- right to request a copy of such personal data processed by the Company
- right to rectification of personal data
- right to erasure of personal data (so-called *right to be forgotten*)
- right to restriction of processing of personal data
- right to object to the processing of personal data
- right to withdraw consent provided for personal data processing (where applicable)
- right to transfer of personal data (*i.e.* their provision in a transferable format and their eventual transfer to a person designated by the data subject)

Further information on the rights mentioned above will be made available *via* email after sending a request to: [dataprotection@besmarthead.com](mailto:dataprotection@besmarthead.com).

### Guidance for data subjects on how to exercise their rights vis-à-vis the Company

Data subjects can exercise their rights towards the Company at any time electronically, by sending their request by email to: [dataprotection@besmarthead.com](mailto:dataprotection@besmarthead.com).

In order to verify the identity of the data subject and to ensure that the person contacting us and exercising the rights of a data subject actually is such data subject, or may act on her or his behalf, the Company may ask for the relevant identity document of the inquiring person and the relevant data subject (if it is a different person).

### Right to file an official complaint

If a data subject has any concerns about the Company's use of her/his personal data, she/he can contact the Company by sending an email to: [dataprotection@besmarthead.com](mailto:dataprotection@besmarthead.com).

In addition to the above-mentioned rights, data subjects may also file a direct complaint regarding the Company's processing and protection of personal data to the Office for Personal Data Protection of the Slovak Republic (*Úrad na ochranu osobných údajov Slovenskej republiky*).

Contact details of this authority and further instructions for filing of such request are published on their web page at: <https://dataprotection.gov.sk>.