

# PERSONAL DATA PROTECTION PRINCIPLES INFORMATION ABOUT PERSONAL DATA PROCESSING

## (“Principles”)

### 1. Introductory provisions

1.1 These Principles have been drawn up 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, and repealing Directive 95/46/EC (“**GDPR**”). The purpose of these Principles is to provide the Parties with basic information about personal data processing.

1.2 For the purposes of these Principles,

a) **Controller** is understood to be BALANCE CLUB BRUMLOVKA a.s., having its registered office at Praha 4 - Michle, Želetavská 1525/1, postcode 140 00, Company No. 274 45 810, incorporated in the companies register maintained by the Municipal Court in Prague under Ref. No. B 10678, contact: gdpr@balanceclub.cz or +420 234 749 811;

b) **Party** is understood to be the natural person whose personal data the Controller is processing; and

c) **Personal Data** are understood to be, without limitation, the first name and surname, address of residence, date of birth, e-mail address, telephone number, the company in which the data subject is working, the Registered No. of the self-employed person and the Tax Number of the self-employed person, and possibly other data that are to be collected by the Controller in accordance with the purpose of the processing thereof.

1.3 The Controller is the controller of Personal Data. Personal Data are not processed by any other entity, unless they are processed by a third party under a contract for processing concluded under the GDPR. Solely the Controller and the processor, if any, shall have access to the processed Personal Data in compliance with the GDPR.

### 2. Purpose of Personal Data processing

The Controller processes Personal Data for the following purposes:

a) For entering into and subsequent performance of a contract between the Controller and the Party (Article 6 (1) (b) GDPR). Additional legal obligations derive from such a relationship and the Controller therefore also has to process Personal Data for this purpose as well (Article 6 (1) (c) GDPR);

b) For marketing purposes in order that the Controller adjusts the offer of its products and services and commercial communications regarding the same to the Party’s needs as best as possible; for this purpose of processing, the Controller is obtaining the Party’s explicit consent (Article 6 (1) (a) GDPR);

c) For the protection of its legitimate interests (Article 6 (1) (f) GDPR), which include the due and timely performance of the contractual obligation agreed between the Controller and the Party, the performance of the legal obligations deriving for the Controller from the contractual relationship between the Controller and the Party, the protection of the Controller’s reputation as the website administrator, and the protection of the Controller’s property-related interests in any legal disputes.

### 3. Personal Data protection and information about processing

3.1 The Parties are subject to Act No 101/2000 on personal data protection, as amended, and other relevant legislation.

3.2 The Parties acknowledge that the Controller starts to process Personal Data upon the giving of consent

to the Controller or upon the entering into the contract.

3.3 Where the Party does not provide the Personal Data concerning him or her, it is not possible to enter into a contract with the Controller and/or to provide the Party with services deriving from the contract. In this respect, Personal Data are necessary.

3.4 The provision of Personal Data to the Controller is, in general, a contractual and statutory requirement. Consent is required from the Party in respect of the provision of Personal Data for marketing purposes, which does not constitute the performance of the Controller's contractual and statutory obligation. Where the Party does not give the Controller consent to Personal Data processing for marketing purposes, this does not mean that the Controller should refuse to provide its services or to enter into a contract with the Party as a consequence thereof.

3.5 Personal Data shall be processed throughout the talks on entering into the contract between the Controller and the Party for the purpose of entering into the contract, and also throughout the duration of the contractual relationship.

3.6 For the purpose of performing the statutory obligation to archive accounting documents under Act No 563/1991 on accounting, as amended, Personal Data (with the exception of the e-mail address and telephone number) shall be further processed and stored for five years, beginning the year following the year in which the contract between the Controller and the Party was entered into.

3.7 Following the end of the periods set out in clauses 3.5 and 3.6 of this Article, the Controller shall destroy the Personal Data.

3.8 The Party shall provide only true and accurate Personal Data to the Controller.

3.9 The Controller shall make its best effort to prevent unauthorised Personal Data processing.

3.10 The Personal Data concerning the Parties shall not be transferred to third countries or international organisations.

3.11 Personal Data are being and will be processed in electronic form other than by automated means.

3.12 The Parties acknowledge that their Personal Data are stored in protected data centres in compliance with the GDPR, the operation of which complies with the European standards for personal data protection.

3.13 The Parties acknowledge that the Controller may store cookies on their devices.

#### **4. Parties' rights related to processing**

4.1 The Party has the right to withdraw his or her consent (in cases where Personal Data are undergoing processing on the basis of consent) to the processing of the provided Personal Data at any time. However, consent to Personal Data processing to the extent and for the purposes of compliance with statutory obligations by the Controller cannot be withdrawn. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. The withdrawal of consent shall also not affect the processing of the Personal Data that the Controller processes on a legal basis other than consent (i.e., in particular, but without limitation, where processing is necessary for the performance of a contract or a statutory obligation or on other grounds laid down in the applicable legislation). Consent can be withdrawn by filling in a form/ticking a box/sending the withdrawal to the address of the Controller's registered office, or through a link in e-mail communication.

4.2 The Party also has the following rights:

a) The right to be informed about the processing of Personal Data concerning him or her

(i) The Party has the right to obtain from the Controller confirmation as to whether or not Personal Data concerning him or her are processed. Where that is the case, the Party has the right to obtain from the Controller information about, without limitation, the identity and the contact details of the Controller and the Controller's representative and, where applicable, the data protection officer, the purposes of the processing, the categories of Personal Data concerned, the recipients or categories of recipient of the Personal Data, the Controller's legitimate interests, a list of the Party's rights, the opportunity to resort to The Office for Personal Data Protection, the source of the Personal Data undergoing processing, and any automated decision-making and profiling.

(ii) Where the Controller intends to further process the Personal Data concerning the Party for a purpose other than that for which the Personal Data have been obtained, the Controller shall provide the Party prior to that further processing with information on that other purpose and with any relevant further information.

b) The right to request access to Personal Data from the Controller

The Party has the right to obtain from the Controller confirmation as to whether or not Personal Data concerning him or her are undergoing processing, and, where that is the case, access to information about the purposes of processing, the categories of Personal Data concerned, the recipients or categories of recipient, the period for which the Personal Data will be stored, the Party's rights (the right to request from the Controller rectification or erasure or restriction of processing or to object to such processing), the right to lodge a complaint with The Office for Personal Data Protection, information as to the source of Personal Data, information about the existence of automated decision-making, including profiling, information about the logic involved, as well as the significance and the envisaged consequences of such processing for the Party, and information and safeguards where Personal Data are transferred to a third country or to an international organisation. The Party has the right to obtain copies of the Personal Data undergoing processing. However, the right to obtain such copy shall not adversely affect the rights and freedoms of others.

c) The right to the rectification of the Personal Data provided

In the event of a change on the part of the Party, such as change of the address of residence, telephone number or other fact that can be regarded as an item of Personal Data, the Party has the right to obtain from the Controller the rectification of the Personal Data undergoing processing. In addition, the Party has the right to have incomplete Personal Data completed, including by means of providing a supplementary statement.

d) The right to the erasure of the Personal Data provided

In certain specified cases, the Party has the right to obtain from the Controller the erasure of the Personal Data concerning him or her. Examples of such cases include the fact that the data being processed are no longer necessary for the above-mentioned purposes. The Controller shall erase Personal Data automatically following the end of the period of necessity, but the Party can request erasure from the Controller at any time. The Party's request shall then be subjected to an individual assessment (despite the Party's right to erasure, the Controller may have the obligation or legitimate interest to retain the Personal Data concerning the Party) and the Party shall receive detailed information about the handling thereof.

undue delay and in any event within one month. The controller may extend this period by further two months where necessary, taking into account the complexity and number of the requests. The controller shall inform you of any such extension together with the reasons for the delay.

e) The right to restriction of Personal Data processing

The Controller shall process the Personal Data concerning the Party only in the strictly necessary extent. However, should the Party feel that, for example, the Controller is overstepping the above-mentioned purposes for which it is processing the Personal Data the Party can request that his or her Personal Data be processed solely for the most necessary statutory reasons or that the Personal Data be blocked. The Party's request shall then be subjected to an individual assessment and you will receive detailed information about the handling thereof.

f) The right to lodge a complaint with The Office for Personal Data Protection

The Party can lodge suggestions or complaints in regard to Personal Data processing at any time with the supervisory authority, namely The Office for Personal Data Protection, with its registered office at Pplk. Sochora 27, 170 00 Praha 7, website <https://www.uoou.cz/>

4.3 Where the Party considers that the Controller is processing the Personal Data concerning him or her contrary to the protection of the Party's private and personal life or contrary to the relevant legislation, in particular where the Personal Data are inaccurate, having regard to the purposes for which they are processed, the Party can:

a) request explanation, via e-mail or over the telephone, from the Controller;

b) object, via e-mail, to the processing and request the Controller to remedy such situation (for example, by blocking, rectifying, supplementing or destroying the Personal Data). The Controller shall immediately decide on the request and shall provide information to the Party. Where the Controller refuses to comply with the request the Party has the right to resort directly to The Office for Personal Data Protection. The foregoing provision shall be without prejudice to the Party's right to lodge suggestions directly with The Office for Personal Data Protection.

4.4 The Parties can exercise their above rights in writing at the address of the Controller's registered office or via e-mail.

4.5 Where the Party requests information about the extent or means of the processing of the Personal Data concerning him or her the Controller shall provide such information to the Party without undue delay and in any event within one month of receipt of the request by the Controller.

4.6 Where the Party exercises the right to access to Personal Data by electronic form means, the Controller shall provide the requested information by electronic means, unless otherwise requested by the Party.

4.7 Where requests for the provision of physical copies of the Personal Data undergoing processing have a repetitive character and are unfounded, the Controller may charge a reasonable fee for the administrative costs of taking the action requested.

4.8 Personal Data are automatically evaluated and may be used for profiling or automatic decision-making in the area of the Controller's marketing activities.

4.9 On account of these activities of the Controller, the Party's conduct on the website will be monitored and evaluated, which constitutes a certain interference with the right to privacy. At the same time, however, this evaluation helps to send the Party only such advertising offers regarding the Controller's products and services, in which the Party may be interested in view of the results of such evaluation.

## **5. Final provisions**

5.1 All legal relationships arising in connection with Personal Data processing are governed by Czech law regardless of where the Personal Data have been accessed from. The competent Czech courts shall have jurisdiction for adjudicating any disputes that may arise between the Party and the Controller in connection with privacy protection.

5.2 The Parties who provide, through the registration form, their Personal Data for the purpose of entering into a contract with the Controller or give their consent to Personal Data processing are doing so voluntarily and on their own behalf, and the Controller does not control their activity in any manner.

5.3 The Controller may change or amend the Principles. The Controller shall notify the Parties of each such change via e-mail at least 30 days before the changes come into effect.

5.4 These Principles come into effect on 25 May 2018.