

PRINCIPLES OF PROCESSING PERSONAL DATA in FERMATA, a.s.

Dear clients, employees, business partners, visitors,

Through this material, we would like to inform you about the extent, the manner and the principles are applied by FERMATA, a.s. to handle your personal data, i.e. what are the data processing principles of the company FERMATA, a.s., identification number 60196351, headquartered Čelákovice, Zárubova 1678, Prague-East district, zip code 25088, registered with the Municipal Court in Prague, File Reference B, Entry 2496 (hereinafter referred to as the "Controller", the "Company" or "FERMATA").

Through these Principles FERMATA fulfils its obligations incumbent upon it from the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of personal data (the "GDPR Regulation" hereinafter).

1. Interpretation of Some Basic Concepts

- **Personal data** - any information relating to an identified or identifiable natural person; an identifiable natural person is a natural person who can be directly or indirectly identified, in particular through a reference to a specific identifier, such as the name, identification number, location data, network identifier or one or more specific factors of the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.
- **Sensitive personal data** - personal data revealing racial or ethnic origin, political opinions, religious beliefs or philosophical beliefs, trade union membership, the processing of genetic and biometric data to uniquely identify the individual and data on the status or sex life or sexual the orientation of the individual.
- **Data subject** – a living natural person (not a legal entity). To FERMATA, data subject means its employees, clients (club members), business partners – business running individuals and visitors to the club. Data subject does not include a natural person that passed away.
- **Categories of personal data** - personal data is divided into different categories, such as: descriptive, identification (name, surname, date of birth, photographs, etc.), contact (address, phone, e-mail).
- **Processing**- processing means any operation or a set of operations involving personal data or personal data files, which is carried out whether or not by automatic means, such as gathering, recording, organising, structuring, storage, adaptation or alteration, retrieval, inspection, use, disclosure through transmission, dissemination or any other making available, categorisation or combination, restriction, erasure or destruction.
- **Personal data controller** - FERMATA a.s.
- **Consent to processing** – wilful, specific, informed and explicit indication of individual's will by which the data subject expresses, through a statement or other obvious confirmation, his/her agreement to the processing of his/her personal data. It is an active and voluntary manifestation of will of the data subject that may not be forced in any way.

2. Controller of personal data

The controller of personal data is the company FERMATA, a.s., identification number 60196351, headquartered Čelákovice, Zárubova 1678, Prague-East district, zip code 25088, registered with the Municipal Court in Prague, File Reference B, Entry 2496.

3. Contact Details of Controller

FERMATA, a.s., identification number 60196351, headquartered Čelákovice, Zárubova 1678, Prague-East district, zip code 25088, e-mail cdf@fermata.cz, website FERMATA: www.fermata.cz, section Personal data protection.

4. Legal Grounds for Processing

FERMATA processes personal data always and exclusively on the basis of any of the below legal grounds (titles):

- fulfilment of legal obligation,
- performance of a contract,
- protection of the vital interests of the data subject or other individuals,
- carrying out a task in the public interest,
- the processing is necessary for the purposes of the legitimate interests of FERMATA or third parties,
- granting the consent of the data subject to the processing of personal data.

Only processing performed on the basis of one of the abovementioned legal reasons is lawful and in compliance with the GDPR Regulation.

5. Processing of Personal Data by FERMATA

FERMATA processes personal data of its clients, employees, business partners - individual entrepreneurs and potential visitors to FERMATA.

5.1 FERMATA's clients:

Personal data being processed:

- Identification – first name, surname, date of birth, home address,
- Contact - phone, e-mail,
- needed for advertising and marketing – first name, surname, phone, e-mail, discount entitlements,
- Necessary to ensure the protection of life, health and property of the client - photos, video recordings (CCTV).

Purpose of processing:

- entering into a contract for the provision of services and the fulfilment of its purpose, fulfilment of legal obligations, advertising and promotion, ensuring the supply of goods, provision of debt recovery and evidence logistics.

Legal titles:

- fulfilment of a contract, compliance with a legal obligation, legitimate interest of FERMATA.

5.2 Employees:**Personal data being processed:**

- Identification – first name, surname, date of birth, home address,
- Contact - personal data - phone, e-mail.

Purpose of processing:

- entering into an employment contract and the fulfilment of its purpose, the fulfilment of legal obligations (esp. Act No. 262/2006 Coll., Labour Code).

Legal titles:

- fulfilment of a contract, compliance with a legal obligation, legitimate interest of FERMATA.

5.3 Business partners – entrepreneurs - individuals:**Personal data being processed:**

- Identification – first name, surname, identification number, VAT registration number, registered office,
- Contact personal data - phone, e-mail, websites, payment data,
- For advertising and marketing purposes – first name, surname, phone, e-mail, data on existing business cooperation.

Purpose of processing:

- entering into an employment contract and the fulfilment of its purpose, the fulfilment of legal obligations, advertising and promotion, accounting and debt collection.

Legal titles:

- fulfilment of a contract, compliance with a legal obligation, legitimate interest of FERMATA.

5.4 Visits to FERMATA:**Personal data being processed:**

- Identification - records from the camera system.

Purpose of processing:

- protection of life, health and property of employees, business partners and visitors, preventing crime.

Legal titles:

- legitimate interest of FERMATA.

6. Transfer of Personal Data Abroad

FERMATA does not transfer personal either to other Member States of the European Union, or to any other countries outside the European Union.

7. Sharing of Processed Personal Data

FERMATA shares personal data of data subjects with other personal data controllers only if those are required by law to have established responsibilities or authorised to do so, or if a data subject has given written consent to such an act.

7.1 Statutory obligation to provide personal data

The statutory obligation to provide personal data applies primarily to the following subjects:

- State institutions – the Czech Police, courts, criminal justice, social security institutions, labour offices, municipal offices, etc.),
- Bailiffs;
- Insolvency administrators,
- Health insurance companies.

7.2 Third parties that personal data is provided to

FERMATA uses external service providers who primarily provide legal services, receivables management, accounting, reporting, marketing and promotion, IT, transport and logistics. In order for these entities to be able to fulfil their purposes and obligations, FERMATA shall provide them with certain personal data of employees, clients, business partners or visitors.

The above listed entities are always verified by FERMATA and provide sufficient guarantees with regard to confidentiality and protection of personal data of employees, clients, business partners or customers. FERMATA entered into a written agreement on the processing of personal data with all these providers, in which the providers have committed to privacy and compliance with the FERMATA's standards to ensure security of personal data.

Individual legal norms establish the conditions under which such entities may apply for the provision of data and to what extent.

7.3 Legal relationship with processors of personal data

Sharing of personal data with personal data processors does not require the consent of data subject. Entities to become processors of personal data are contractually (i.e. via a contract for processing) committed to protect that data adequately.

Each entity that might within their activity for FERMATA get into the role of processor of data that is controlled by a FERMATA as the controller, FERMATA enters into a contract for the processing of personal data with, and that processor is only authorised to process personal data of data subject to the extent strictly necessary to carry out its task, in order to fulfil the task and for an agreed period.

At the same time, the entity acting in the role of processor of personal data for FERMATA is required to provide personal data with the same level of protection as FERMATA does.

8. Security of Processed Personal Data

FERMATA has been developing all possible efforts to ensure the confidentiality, integrity and availability of personal data processed by it. FERMATA has introduced and continues to maintain and improve adequate technical, security and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or damage to personal data.

Access to personal data is only permitted to individually designated persons that are properly trained in the area of processing and protection of personal data, and that are bound by a statutory or contractual obligation of confidentiality.

9. Period of Storing Processed Personal Data

The period of storage (processing) personal data at FERMATA applies to individual processing purposes and stems from legal obligations, contractual relations, legitimate interest, research activity or granted permission. FERMATA's policy is based on the following legal sources:

- GDPR Regulation,
- Act No. 101/2000 Coll., on Personal Data Protection and on changes of some laws,
- Act No. 563/1991 Coll., on Accountancy, as amended.

Personal data that is processed by FERMATA based on the subject's consent for the intended purpose, is processed for a period for which the consent is valid, i.e. until it is withdrawn.

In accordance with the principle of data minimising, FERMATA aims to only process that personal data that FERMATA needs for that purpose, and the storage of that data is set so as to leave it for the necessary time to ensure the interests of the data subject or for the protection of the data subject's rights or the rights to protect the interests of FERMATA. Once such period or the grounds for keeping have expired, personal data are erased, i.e. anonymised.

10. Running CCTV

In its premises, FERMATA operates a CCTV system to record. The locations scanned by the camera system are always marked with a camera pictogram with a text informing on the conduct of a camera recording, including contact information of FERMATA as the controller of personal data and a telephone contact for more information, including details of the commissioner for Personal Data Protection.

Processing of personal data through camera records is conducted by FERMATA solely for the purpose of protecting the life and health of FERMATA employees, clients, business partners, including any third parties, and also to protect the assets of the Company and its employees, including any third party.

11. Rights under GDPR Regulation

Employees, clients, business partners – entrepreneurs - individuals - or FERMATA's third parties are entitled to the below rights, in accordance with the provisions of Articles 12 to 21 of GDPR. If employee applies those rights against FERMATA, the Company is obliged to implement the rights applied by the employee. These are the following rights:

11.1 Right to Information

The fundamental right of data subject, fulfilling the principle of transparency in the processing of personal data which provides the data subject with proper awareness concerning the processing of the individual's personal data.

11.2 Right of Access to Personal Data

Data subject has the right to obtain confirmation from FERMATA stating, whether the personal data concerning them is or is not being processed, and if so, they have the right to gain the access to such personal data and to the following information:

- purpose of the processing,
- the categories of the personal data concerned,
- the recipients or categories of recipients to whom personal data have been or will be made available; in particular any recipients in third countries or international organisations,
- the scheduled time during which personal data will be stored or, if that time is not possible to determine, the criteria used to determine that period,
- the existence of the right to request that the controller rectifies or erases personal data concerning the data subject, or limits its processing, or object to that processing,
- the right to file a complaint with a supervisory authority,
- all available information about the source of personal data, unless obtained from the data subject,
- the fact that automated decision making takes place, including profiling, referred to in Article 22. 1 and 4 GDPR and, at least in these cases, meaningful information concerning the technique used, as well as the importance and the foreseeable consequences of such processing for the data subject.

11.3 Right to Correct and Supplement

Data subject has the right to make FERMATA promptly correct any inaccurate personal data relating to it. With regard to the processing purposes, the data subject is entitled to supplement incomplete personal data, also providing an additional statement.

If FERMATA receives such request of the data subject, it is required to develop adequate action to investigate the request and, if necessary, implement that right in the form of correction or addition.

FERMATA is not obliged to actively seek inaccurate personal data of data subjects.

11.4 Right of Erasure ("Right to Be Forgotten")

Data subject has the right to demand that the controller (FERMATA) promptly deletes any personal data relating to the data subject, and the controller (FERMATA) is responsible for erasing personal data without undue delay, if one of the following reasons exists:

- personal data is no longer needed for the purpose for which it was collected or otherwise processed;
- the data subject withdraws the consent on the basis of which the information referred to in Article 6, par. 1 (a) or Article 9 (a), GDPR Regulation was processed, and there is no other legal ground for processing;
- the data subject objects to the processing in accordance with Article 21 par. 1, GDPR Regulation, and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing in accordance with Article 21 par. 2, GDPR Regulation;
- personal data was processed unlawfully;
- the personal data must be deleted to comply with the legal obligation under the European Union law or the law of a Member State which is subject to the controller;
- personal data has been collected in connection with the offering of services of an information company under Article 8. 1 and 2, GDPR Regulation.

11.5 Right to Limit the Processing

Data subject has the right to request that the controller (FERMATA) limits the processing of personal data in any of the following cases:

- the data subject denies the accuracy of the processed personal data, with the processing being limited for the time necessary to enable the controller (FERMATA) to verify the accuracy of personal data;
- the processing is unlawful and the data subject refuses the erasure of personal data and asks that its use is limited instead;
- the controller (FERMATA) no longer needs the personal data for the processing, but the data subject wants it to determine, exercise or defend legal claims;
- the data subject has objected to the processing under Article 21 par. 1, GDPR Regulation, until verified whether legitimate reasons of the controller outweigh the legitimate reasons of the data subject.

Limiting the processing means identifying of the stored personal data with the aim of limiting its processing in the future. The essential feature of the limitation to the processing is the temporality of this measure (this differs it from the liquidation of personal data).

An example of the application of the above right is a situation where, due to an inaccurate entry of an e-mail address, listings on the use of services are, for example, sent to another person, and that person objects the inaccuracy of personal data (e-mail address). Until that inaccuracy is removed, the controller is required to reduce the processing of the incorrect e-mail address, and not to send data of another individual to a wrong recipient.

11.6 Right to Data Portability

Data subject has the right to request that the controller forwards the personal data relating to that data subject that he/she provided to the controller (FERMATA) in a structured, conventional and machine-readable format, (e.g. CSV, XML, JSON, ZIP, etc.), as well as the right to pass this information to another controller without the controller (FERMATA) whom the personal data were supplied obstructing that. This right of the data subject may only be exercised for cumulative fulfilment of the two below conditions:

- **the processing is based on consent or agreement**
- and is an **automated process**.

11.7 Right to Object

For reasons relating to a particular situation, data subject has the right to object to the processing of personal data relating to him/her at any time, but only if the processing of personal data is established under Article 6. 1, GDPR Regulation:

- **(e)** – the processing is necessary to protect the vital interests of the data subject or other individuals,
- **(f)** - the processing is necessary for the purposes of the legitimate interests of the controller (FERMATA) or third parties, except in cases where such interests outweigh the interests or the fundamental rights and freedoms of the data subject which require protection of personal data, especially if the data subject is a child, including profiling based on the said provisions.

The controller (FERMATA) is not entitled to further process personal data, unless it proves serious legitimate reasons for the processing, that outweigh the interests or rights of the data subject, or in order to determine the performance, exercise or defence of legal claims.

11.8 Right to Withdraw Consent to the Processing of Personal Data

The data subject has the right to withdraw the granted consent to the processing of his/her personal data by the controller (FERMATA). Recalling the consent does not affect the lawfulness of personal data processing based on a consent which was given prior to the withdrawal, before its cancellation, i.e. does not have a retroactive effect.

If the above right is exercised, the controller (FERMATA) is required, from the moment when the withdrawal of consent is received, to immediately stop the processing of personal data of the data subject, upon which it has been processed until that moment.

11.9 Right to Complain

Should the data subject believe that the processing of his/her personal data in FERMATA is a violation of GDPR Regulation, the data subject has the right to file a complaint with a supervisory authority, which is in the Czech Republic the Office for the Protection of Personal Data, headquartered Pplk. Sochora 27, 17000 Praha 7, website: <https://www.uoou.cz>, e-mail posta@uoou.cz, phone +420 234 665 111 (PBX) or with a supervisory authority of another Member State.

The data subject may file a complaint with a supervisory authority at their place of habitual residence or place of work or in the place where the alleged violation occurred. Similarities are treated on the website of the supervisory authority.

FERMATA is obliged to respond to the above rights within a period of one month. In exceptional cases this period may be extended, subject always to promptly informing the data subject.

Data subject can submit a request in one of the following ways:

- in writing to the address of FERMATA, a.s. Čelákovice, Zárubova 1678, Prague-East district, zip code 25088,
- personally at the reception of FERMATA, a.s.,
- electronically to the e-mail address gdpr@fermata.cz or to the data box ID eekd37s.

12. Final Provisions

These principles of processing personal data by FERMATA, a.s. are valid and effective as of May 25, 2018.

FERMATA, a. s.