

PRIVACY POLICY

Controller:

Cybergroup Prosta Spółka Akcyjna [Simple Joint Stock Company]
with its registered seat in Gdynia
at ul. Mściwoja 9/5, 81-361 Gdynia, Poland
KRS: 0000974869, VAT number: PL5862381592,
REGON: 522368233.

Date of last update: 2 January 2024

1. Introductory information

A. Definitions

1.1. For the purpose of the Privacy Policy:

- a) **„The Controller”** means **Cybergroup Prosta Spółka Akcyjna** with its registered seat in Gdynia, ul. Mściwoja 9/5, 81-361 Gdynia, entered into the register of entrepreneurs maintained by the Regional Court Gdansk – North in Gdansk, 8th Economic Division of the National Court Register under KRS number 0000974869, Tax Identification Number (NIP) PL5862381592, Statistical Number (REGON) 522368233,
- b) **„The Controller of the IT Systems”** means a person acting under the authority of the Controller who manages the Information System and supervises it,
- c) **„Personal Data”** means the following types of Personal Data relating to the Data Subjects or their representatives: name, surname, e-mail address, contact telephone number, tax identification number, business name, address, business address, information on professional experience, education, competences and qualifications, nationality and citizenship, date of birth,
- d) **„The Provider”** means a body that delivers goods or services on behalf of the Controller,
- e) **„The Client”** means a body which the Controller provides or has provided a service with, under a separate contract or which expresses the will to be provided with the service by the Controller, by consisting in granting a nonexclusive and nontransferable license to use the System,
- f) **„the supervisory body”** means the President of the Personal Data Protection Office,
- g) **„Data Subject ”** means a body whose Personal Data is processed by the Controller, including the Client, the Provider and their representatives,
- h) **„Privacy Policy”** means this document,
- i) **„GDPR”** means the Regulation of the European Parliament and of the Council (EU) 2016/679 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 (General Data Protection Regulation) (EU Journal of Laws L 119, of 04.05.2016, p 1),
- j) **„System”** means an IT system, having the commercial name "Element", made available to the Client for use under the license granted on the basis of a separate agreement. System consists of an organised set of cooperating devices, programs, information processing procedures, software tools, designed to support the business processes taking place in enterprises engaged in recruitment and employment and in HR departments of other companies, including in particular, but not limited to, all information resources in electronic and paper form, as well as a set of information technology equipment and tools, including computer hardware and software, source codes of computer software, programming libraries, applications, databases, modules, IT system development strategies, protective procedures and emergency procedures, information in paper and electronic form, passwords and logins, regulations regarding rules of System use, data carriers, internal and

external infrastructure necessary for the functioning of the System, documents regulating the security policy of data stored in the System and any other devices, information and property components (tangible and intangible) that are necessary for functioning of the System or operate within the System, supported by information resources in the form of knowledge of the Controller's employees and associates.

- 1.2. For the purpose of the Privacy Policy, the definitions specified in the GDPR also apply, provided they do not contradict the definitions contained in section 1.1. above.

B. The aim of creating The Privacy Policy

- 1.3. Privacy Policy is a feature implemented by the Controller, the purpose of which is to define actions taken by the Controller in the protection of Personal Data made available to the Controller by Data Subjects, and also to inform Data Subjects about the procedure for handling Personal Data in the company run by the Controller, particularly on the purposes and legal basis of processing and the categories of recipients to whom Personal Data processed by the Controller are further transferred, and - in the remaining scope - the Controller's implementation of the information obligation as specified in the Article 13 of the GDPR.

2. The Controller and processing of Personal Data.

- 2.1. The Controller of personal data as stated in the GDPR is **Cybergroup prosta spółka akcyjna** with its registered seat in Gdynia, ul. Mściwoja 9/5, 81-361 Gdynia, entered into the register of entrepreneurs maintained by the Regional Court Gdansk – North in Gdansk, 8th Economic Division of the National Court Register under KRS number 0000974869, Tax Identification Number (NIP) PL5862381592, Statistical Number (REGON) 522368233. The above means that it is the Controller who sets the aims and means of processing personal data on their own and is responsible for it.
- 2.2. The Data Protection Officer has been designated for the Controller in the sense of the GDPR. Contact details: inspektorodo@elementapp.ai
- 2.3. Processing of Personal Data means all activities and operations performed against Personal Data.

3. The purposes and legal basis of the processing and the period of storage of Personal Data regarding the Client

- 3.1. The Controller processes Personal Data regarding the Client or their representatives for the following purposes:
 - a) correct execution of contract, on the basis of which the Controller undertook to provide service to the Client,
 - b) conducting direct marketing of the services or goods offered by the Controller, including via e-mail correspondence, such as a newsletter,

- c) performance of obligations resulting from legal provisions, including tax and accounting regulations,
 - d) conducting court, arbitration, administrative, court-administrative, execution and mediation proceedings,
 - e) investigation, determination or defence of claims or other rights resulting from legal provisions,
 - f) handling complaints and claims resulting from the contractual guarantees rights.
- 3.2. The legal basis for the processing of Personal Data for the purposes set out above in section 3.1. point a) is necessary to perform the contract concluded, with in case of the purpose contained in section 3.1. point a) this applies to execution of contract on the basis of which the Controller undertook to provide good or service to the Client. The legal basis for the processing of Personal Data for the purpose set out above in section 3.1. point c) is that the processing is necessary to fulfil the legal obligations incumbent on the Controller. The legal basis for the processing of Personal Data for other purposes indicated above in section 3.1. is the legitimate interest pursued by the Controller.
- 3.3. Processing of Personal Data for the purposes outlined in item 3.1 above includes in particular: collecting, modifying, storing, viewing, updating, analyzing, categorizing and archiving.
- 3.4. Client's Personal Data may be transferred for processing to other entities under a separate Personal Data processing agreement, in order for these entities to properly carry out the business contracts between the Controller and these entities, based on which these entities assume the obligation to provide service to the Controller or the Client.
- 3.5. The transfer of Personal Data to other bodies will be made each time in accordance with the provisions of the GDPR, and moreover, before transferring Personal Data for processing the Controller undertakes, if it is required by the provisions of generally applicable law on the territory of the Republic of Poland, to obtain the consent of the Client for the transfer of Personal Data to another body.
- 3.6. Client's Personal Data may be transferred to public administration bodies or other persons or third parties—to the extent that, and in cases in which the obligation to disclose it is imposed on the Controller by the provisions of the law. In addition, Client's Personal Data, to the extent necessary to achieve the purpose set out in paragraph 3.1. point c) above, may also be transferred to entities performing accounting and bookkeeping services for the Controller based on a separate agreement.
- 3.7. Client's Personal Data, to the extent necessary to achieve the purpose set out in paragraph 3.1. point d) and e) above, may be transferred to courts or other bodies appointed to hear cases or enforce claims, as well as to entities that perform for the Controller the services in the field of debt collection or legal assistance on the basis of a separate agreement.
- 3.8. Client providing Personal Data is a required condition of concluding an agreement with the Controller, on the basis of which the Controller undertook to provide service to the Client, and in the case of the purpose covered by section 3.1. it is a required condition of concluding an agreement on keeping a user's account in the IT System and in both cases it is not obligatory, but failure to do so will prevent the conclusion of this contract.

- 3.9. Personal Data concerning the Client will be kept by the Controller for the following period:
- a) in the case of Personal Data, the legal basis for the processing of which by the Controller is the fact that it is necessary for the proper performance of a contract—until the claims arising from the contract are time-barred,
 - b) in the case of Personal Data, the legal basis for the processing of which by the Controller is a legitimate interest—until such basis for processing ceases to exist, in particular until the time of expiration of the Controller’s or the Client’s claims resulting from the legal relationship between them, the end of legal existence of the Controller or valid or final determination or adjudication or satisfaction or defence of claim or other right of the Controller or the Client in court, arbitration, administrative, court-administrative, execution or mediation proceedings,
 - c) in the case of Personal Data, the legal basis for the processing of which is that it is necessary to fulfil the legal obligations incumbent on the Controller—until this legal basis for processing ceases to exist.

4. The purposes and legal basis of the processing and the period of storage of Personal Data regarding the Provider

- 4.1. The Controller processes Personal Data regarding the Provider or their representatives for the following purposes:
- a) correct execution of contract on the basis of which the Provider undertook to provide good or service to the Controller,
 - b) performance of obligations resulting from legal provisions, including tax and accounting regulations,
 - c) conducting court, arbitration, administrative, court-administrative, execution and mediation proceedings,
 - d) investigation, determination or defence of claims or other rights resulting from legal provisions,
- 4.2. The legal basis for the processing of Personal Data for the purpose set out above in section 4 point a) is that the processing is necessary to perform the contract concluded on the basis of which the Provider undertook to provide good or service to the Controller. The legal basis for the processing of Personal Data for the purpose set out above in section 4 point b) is that the processing is necessary to fulfil the legal obligations incumbent on the Controller. The legal basis for the processing of Personal Data for other purposes indicated above in section 4 is the legitimate interest pursued by the Controller.
- 4.3. Processing of Personal Data relating to the Provider includes in particular: collecting, modifying, storing, viewing, updating, analyzing and archiving.
- 4.4. Provider’s Personal Data may be transferred to public administration bodies or other persons or third parties—to the extent that, and in cases in which the obligation to disclose it is imposed on the Controller by the provisions of the law. Provider’s Personal Data, to the extent necessary to achieve the purpose set out in paragraph 4 point b) may also be

transferred to entities performing accounting and bookkeeping services for the Controller based on a separate agreement.

- 4.5. Provider's Personal Data, to the extent necessary to achieve the purposes set out in paragraph 4 point c) and d) above, may be transferred to courts or other bodies appointed to hear cases or enforce claims, as well as to entities that perform for the Controller the services in the field of debt collection or legal assistance on the basis of a separate agreement.
- 4.6. Provider providing Personal Data is a required condition of concluding an agreement with the Controller, on the basis of which the Provider undertook to provide good or service to the Controller, and it is not obligatory, but failure to do so will prevent the conclusion of this contract.
- 4.7. Personal Data concerning the Provider will be kept by the Controller for the following period:
 - a) in the case of Personal Data, the legal basis for the processing of which by Controller is the fact that it is necessary for the proper performance of a contract—until the claims arising from the contract are time-barred,
 - b) in the case of Personal Data, the legal basis for the processing of which by Controller is a legitimate interest—until such basis for processing ceases to exist, in particular until the time of expiration of the Controller's and the Provider's claims resulting from the legal relationship between them, the end of legal existence of the Controller or valid or final determination or adjudication or satisfaction or defence of claim or other right of the Controller or the Provider in court, arbitration, administrative, court-administrative, execution or mediation proceedings.

5. Rights of the Data Subject related to the protection of Personal Data

A. The right to information

- 5.1. The Controller or Client shall, at the time when Personal Data are obtained, provide the Data Subject with all the following information:
 - a) the identity and the contact details of the Controller/Client and, where applicable, of the Controller's/Client's representatives,
 - b) the contact details of the data protection officer, where applicable,
 - c) the purposes of the processing of Personal Data as well as the legal basis for the processing,
 - d) the recipients or categories of recipients of the Personal Data, if any,
 - e) where applicable, the fact that the Controller/Client intends to transfer Personal Data to a third country or international organisation,
 - f) the period for which the Personal Data will be stored, or if that is not possible, the criteria used to determine that period,

- g) whether the provision of Personal Data is a statutory or contractual requirement, or a requirement necessary to enter into contract, as well as whether the Data Subject is obliged to provide the Personal Data and of the possible consequences of failure to provide such data.
- 5.2. Where the Controller intends to further process the Personal Data for a purpose other than that for which the Personal Data were collected, the Controller shall provide the Data Subject prior to that further processing with information on that other purpose and with any relevant further information.

B. The right to withdraw consent to the processing of Personal Data

- 5.3. The Data Subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

C. Right of access to Personal Data

- 5.4. The Data Subject shall have the right to obtain from the Controller confirmation as to whether or not Personal Data concerning him or her are being processed, and, where that is the case, access to the Personal Data and the following information:
- a) the purposes of the processing;
 - b) the categories of Personal Data concerned;
 - c) the recipients or categories of recipient to whom the Personal Data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - d) where possible, the envisaged period for which the Personal Data will be stored, or, if not possible, the criteria used to determine that period;
 - 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 body;
 - g) where the Personal Data are not collected from the Data Subject, any available information as to their source;
 - h) the existence of automated decision-making, including profiling - as referred to in art. 22 paragraph 1 and 4 of the GDPR - and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the Data Subject.
- 5.5. The Controller shall provide the Data Subject a copy of the Personal Data undergoing processing. For any further copies requested by the Data Subject, the Controller may charge a reasonable fee based on administrative costs. Where the Data Subject makes the request by electronic means, and unless otherwise requested by the Data Subject, the information shall be provided in a commonly used electronic form.

D. Right to rectification and right to erasure of the Personal Data

- 5.6. The Data Subject shall have the right to obtain from the Controller without undue delay the rectification of inaccurate Personal Data concerning him or her. Taking into account the purposes of the processing, the Data Subject shall have the right to have incomplete Personal Data completed, including by means of providing a supplementary statement.
- 5.7. The Data Subject shall have the right to obtain from the Controller the erasure of Personal Data concerning him or her without undue delay and the Controller shall have the obligation to erase Personal Data without undue delay where one of the following grounds applies:
- a) the Personal Data are no longer necessary in relation to the purposes for which they were collected or otherwise processed,
 - b) the Data Subject withdraws consent on which the processing is based according to point (a) of Article 6 section 1, or point (a) of Article 9 section 2 of the GDPR, and where there is no other legal ground for the processing,
 - c) the Data Subject objects to the processing pursuant to Article 21 section 1 of the GDPR and there are no overriding legitimate grounds for the processing, or the Data Subject objects to the processing pursuant to Article 21 section 2 of the GDPR,
 - d) the Personal Data have been unlawfully processed,
 - e) the Personal Data have to be erased for compliance with a legal obligation in Union or Member State law to which the Controller is subject,
 - f) the Personal Data have been collected in relation to the offer of information society services referred to in Article 8 section 1 of the GDPR.
- 5.8. The Data Subject rights described herabove in the section 5.7. shall not apply to the extent that processing is necessary for exercising the right of freedom of expression and information, for the establishment, exercise or defence of claims, for compliance with a legal obligation which requires processing by Union or Member State law to which the Controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller, or reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9 section 2 of the GDPR as well as Article 9 section 3 of the GDPR, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 section 1 of the GDPR in so far as the right is likely to render impossible or seriously impair the achievement of the objectives of that processing.
- 5.9. The Controller is obliged to inform the Data Subject about any rectification or erasure of Personal Data, unless this proves impossible or involves disproportionate effort.

E. Right to restriction of processing of the Personal Data

- 5.10. The Data Subject shall have the right to obtain from the Controller restriction of processing his/her Personal Data where one of the following applies:
- a) the accuracy of the Personal Data is contested by the Data Subject, for a period enabling the Controller to verify the accuracy of the Personal Data;

- b) the processing is unlawful and the Data Subject opposes the erasure of the Personal Data and requests the restriction of their use instead;
 - c) the Controller no longer needs the Personal Data for the purposes of the processing, but they are required by the Data Subject for the establishment, exercise or defence of claims;
 - d) the Data Subject has objected to processing pursuant to Article 21 section 1 of the GDPR pending the verification whether the legitimate grounds of the Controller override those of the Data Subject.
- 5.11. The Controller is obliged to inform the Data Subject about any restriction of processing of Personal Data, unless this proves impossible or involves disproportionate effort.

F. The right to transfer Personal Data

- 5.12. The Data Subject shall have the right to receive the Personal Data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the Personal Data have been provided, where the processing is carried out by automated means and a) the processing is based on the Data Subject's consent or b) the processing is necessary for the performance of a contract.
- 5.13. In exercising the right specified in section 5.12. above, the Data Subject shall have the right to have the Personal Data transmitted directly from one Controller to another, where technically feasible. This right shall not apply to the processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller. This right may not also adversely affect the rights and freedoms of other entities.

G. The right to object and the rights associated with automated decision-making in individual cases

- 5.14. The Data Subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of Personal Data concerning him or her which is based on point (e) or (f) of Article 6 section 1 of the GDPR, including profiling based on those provisions. The Controller shall no longer process the Personal Data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the Data Subject or for the establishment, exercise or defence of claims.
- 5.15. Where Personal Data are processed by the Controller for direct marketing purposes, the Data Subject shall have the right to object at any time to processing of Personal Data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.
- 5.16. The Data Subject shall have the right to obtain information referred to above in sections 5.14. and 5.15. which shall be presented clearly and separately from any other information. The Data Subject may exercise his or her right to object by automated means using technical specifications.
- 5.17. Where the Data Subject objects to processing for direct marketing purposes, the Personal Data shall no longer be processed for such purposes.

- 5.18. Where Personal Data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89 section 1 of the GDPR, the Data Subject, on grounds relating to his or her particular situation, shall have the right to object to processing of Personal Data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 5.19. The Data Subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her, unless it is necessary for entering into, or performance of, a contract between the Data Subject and a Data Controller, is authorised by Union or Member State law to which the Controller is subject and which also lays down suitable measures to safeguard the Data Subject's rights and freedoms and legitimate interests or is based on the Data Subject's explicit consent.

6. „Cookies” Policy

- 6.1. The Controller, managing the website <https://www.elementapp.ai>, obtains access to cookie files and uses them. The cookie files (the so-called "cookies") are IT data, in particular text files, which are stored in the user's end device. Cookie files usually contain the name of the website from which they originate, their storage time on the end device and a unique identification number.
- 6.2. Cookies are used to create statistics that help to understand how users use the website, which then allows improving its structure and content.
- 6.3. The website <https://www.elementapp.ai> uses two basic types of cookies: "session" and "persistent" cookies. Session cookies are temporary files that are stored on the user's end device until they log out, leave the website or turn off the software (web browser). Persistent cookies are stored on the user's end device for the time specified in the cookie file parameters or until they are deleted by the user.
- 6.4. The web browser allows you to delete cookies. It is also possible to automatically block cookies. More detailed information on this subject is provided in the help section or documentation of the web browser. Restrictions on the use of cookies may affect some of the functionalities available on the website <https://www.elementapp.ai>.
- 6.5. Cookie files are stored on the end device of the user of the Internet website <https://www.elementapp.ai> and may also be used by advertisers and partners cooperating with the Controller. Cookie files may be used by advertising networks, in particular the Google network, to display advertisements tailored to the way the user uses the website. For this purpose, information about the user's navigation path or the time of staying on a given page may be preserved.

7. Security of Personal Data

- 7.1. The Controller processes Personal Data in a manner consistent with the provisions of the generally applicable law on the territory of the Republic of Poland. The Controller declares that he/she has implemented appropriate technical and organisational measures ensuring an adequate level of security corresponding to the risk related to the processing of Personal Data entrusted to him/her, as referred to in the Article 32 of the GDPR. The Controller

regularly verifies and updates the technical and organisational measures that he/she uses to ensure that the Personal Data entrusted to him/her are adequately protected.

- 7.2. The Controller declares that he/she has introduced the Personal Data Protection Policy in order to ensure the security of data processing. The Personal Data Protection Policy is a feature implemented by the Controller in accordance with the Article 24 (1) and (2) of the GDPR, the purpose of which is to introduce the procedure for handling Personal Data in the company run by the Controller, based on which their processing by the Controller will take place in accordance with the GDPR.

8. Contact details of the Controller

- 8.1. In all matters related to the processing of Personal Data, especially in matters related to the provisions of this Privacy Policy, the Data Subject should contact the Controller using the following contact details: **Cybergroup prosta spółka akcyjna** with its registered seat in Gdynia, ul. Mściwoja 9/5, 81-361 Gdynia, entered into the register of entrepreneurs maintained by the Regional Court Gdansk – North in Gdansk, 8th Economic Division of the National Court Register under KRS number 0000974869, Tax Identification Number (NIP) PL5862381592, Statistical Number (REGON) 522368233.
- 8.2. The Controller of the IT Systems in charge of day-to-day management of the IT System, contact details – mm@elementapp.ai.