



# Privacy Policy

Last updated: 22 July, 2024

The present Privacy Policy has been established in order to protect the privacy of the users of our services and to meet the requirements imposed by law, which describes how the personal data obtained during the use of the Motifray platform or the use of other services referred to in the Terms and conditions are processed and secured.

The Service Provider is committed to respecting the privacy of the users using our Platform and therefore takes the utmost care to ensure the security of the personal data processed and the compliance of the processing with the provisions of the applicable law, in particular the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals' data in relation to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (hereinafter: "GDPR"). Personal data shall mean any information relating to an identified or identifiable natural person.

The rules described in this Privacy Policy apply to Users and Service Recipients who are natural persons, as well as to other natural persons who are recipients of the Services. In this Privacy Policy, User and Service Recipient are referred to as "user".

Cookies and similar technologies are also used. Please read the [Cookie Policy](#) for information on how they work.

## 1. Controller of personal data

The Controller of the personal data is the Service Provider, Motifray PSA, with its registered office at Tytusa Chałubińskiego 9/2, 02-004 Warsaw, Poland, registered in the Register of Entrepreneurs of the National Court Register under the number KRS: 0001100024, NIP: PL7011200166, Regon: 528356194, hereinafter referred to as the "Controller".

For matters concerning the processing of personal data, including the exercise of rights, you can contact the Controller by writing to email address: [privacy@motifray.com](mailto:privacy@motifray.com)

## 2. Categories of personal data processed

The Controller processes data that the user submits or leaves when using the Platform, e.g. via forms, cookies (including ID numbers, browser "user agent" data). The controller receives information on payments from banks and payment institutions.

## 3. Purposes and legal basis for processing personal data

- Personal data of users who are natural persons is collected and used for purposes related to the provision of services, including the management and improvement of the Platform/application; in addition, for analytical and statistical purposes - the legal basis for the processing of personal data is the legitimate interest of the Controller (Article 6.1.f of GDPR). The provision of data required for the conclusion of a contract is required for the conclusion and performance of the contract. The provision of other data is voluntary. The data is stored for the duration of the legitimate interest or until an objection is successful.
- Where the processing of the user's personal data is related to the provision of electronic services, the personal data is processed in order to offer content or services (e.g. Platform/application functionality) - the legal basis for the processing of the personal data of the User who is a natural person is the necessity of the processing for the conclusion and performance of the contract (Article 6.1.b of GDPR, Article 6.1.c of GDPR in connection with the Act of 18 July 2002 on the provision of electronic services). The provision of personal data is necessary for the conclusion and execution of the contract. Failure to provide data may prevent the conclusion of the contract. The data is stored for the period necessary to conclude and perform the contract.
- Where the processing of personal data is related to the provision of electronic services to the Service Recipient on whose behalf the person using the services is acting (i.e. the User) - the legal basis for the processing of User's personal data is the Controller's legitimate interest (Article 6.1.f of GDPR), i.e. the conclusion and performance of a contract for the represented entity. The provision of data is required in order to conclude and perform the contract. Failure to provide data may prevent the conclusion of the contract. Data is stored for the duration of the legitimate interest or until an objection is successful.

- Personal data may be processed for the purpose of establishing, pursuing or defending against claims - the legal basis for processing is the Controller's legitimate interest (Article 6.1.f of GDPR). Data is stored until the statute of limitations for claims or the conclusion of the proceedings.
- In the case of consent to receive the newsletter - the legal basis for the processing of personal data is the Controller's legitimate interest (Article 6.1.f of GDPR). The provision of data is voluntary but necessary in order to receive the newsletter. Personal data is stored for the duration of the legitimate interest or until an objection is successful.
- When a message is addressed to the Controller (e.g. by completing a form, sending an email), personal data will be processed in order to respond to the enquiry or take other actions requested by the sender of the message - the legal basis for the processing is the Controller's legitimate interest (Article 6.1.f of GDPR). The provision of data is voluntary, but necessary in order to obtain a response or take other (requested) actions. Personal data is stored for the duration of the legitimate interest or until an objection is successful.
- Personal data is processed to ensure the security of the IT system and the management of this system, for analytical and statistical purposes - the legal basis for the processing is the Controller's legitimate interest (Article 6.1.f of GDPR). Personal data is stored for the duration of the legitimate interest or until the objection is successful.
- Personal data is processed for the purpose of sending technical messages to users (e.g. information on service interruptions) - the legal basis for processing is the Controller's legitimate interest (Article 6.1.f of GDPR). Personal data is stored for the duration of the legitimate interest or until an objection is successful.

The provision of personal data is required for the conclusion of a contract. Failure to provide the data may make it impossible to conclude an agreement and use the services. Provision of data required to issue the relevant accounting documents is required by law. Failure to provide data may result in the impossibility to conclude a contract. Otherwise, the provision of data is voluntary.

## **4. Data sharing**

When necessary, the Controller will make personal data available to entities providing services to the Controller, e.g. ICT support of the services, legal advice. Personal data may be provided to Trusted Partners. Data may be shared with partners, in particular companies belonging to the Controller's capital group, in order to present an offer.

## **5. Data transfer**

The Controller does not transfer personal data to international organisations.

Personal data may be transferred outside the European Economic Area (in short: EEA). Because the level of protection of personal data in countries outside the European Economic Area may

differ from the level provided by European law, the transfer of personal data is carried out with an adequate level of protection, including the safeguards described in Chapter V of the GDPR. In particular, standard contractual clauses approved by the European Commission are used.

## **6. User rights**

The user has the following rights:

### **a. Right of access**

The Controller will, at the user's request, make the personal data concerning the user available to the user and answer questions about its processing.

### **b. Right to rectification**

If the personal data processed by the Controller is incomplete, outdated or untrue, then the user may address a request to the Controller for the rectification of the personal data.

### **c. Right to object**

The user may object to the processing of personal data. If the user's rights, interests and freedoms outweigh the Controller's rights and obligations and interests in using the personal data, the scope of processing will be restricted or the personal data will be deleted.

### **d. Right to restriction of processing**

There are a number of situations in which the user may request a restriction on our use of personal data relating to them, which includes (but is not limited to) cases where:

- effectively raised a general objection (as described above);
- questions the accuracy of the personal data held by the Controller;
- the Controller is using the personal data unlawfully, but you do not want the data deleted.

### **e. Right to have personal data erased**

There are situations where the user may request erasure of your personal data, which includes (but is not limited to) cases where:

- there is no longer a need for the Controller to process the personal data;
- the user's objection (as described above) has been successful;
- the personal data has been unlawfully processed.

### **f. Right to data portability**

The right to data portability enables the transfer of personal data between organisations. It applies to data that the user has provided. It will be exercised when the processing is carried out by automated means and on the basis of consent or contract.

### **g. Right to file a complaint with the data protection supervisory authority**

The user has the right to file a complaint with the supervisory authority, i.e. the authority dealing with the protection of personal data - the President of the Data Protection Authority (at the address: 2 Stawki Street, 00-193 Warsaw).

### **h. Right to withdraw consent**

The user may withdraw consent at any time. The withdrawal of consent will not affect the lawfulness of actions taken on the basis of consent before its withdrawal.