

## **PRIVACY POLICY**

### **§ 1 Contents of this document**

- (1) This document contains information on the processing of personal data and other information related to the use of the Profi Competence website available at <https://www.proficompetence.com>.
- (2) This document covers, in particular, the information which the Administrator of Personal Data is obliged to make available to data subjects in connection with the processing of personal data.
- (3) Detailed information on the use of cookies or other similar technologies is also contained in the Cookie Policy <https://www.proficompetence.com/legal-information>
- (4) In the event that the Competence Test is made available by an organisational user, this entity becomes the administrator of personal data.

### **§ 2 Definitions**

Whenever this Privacy Policy refers to:

- 1) Administrator - it shall mean the Personal Data Administrator;
- 2) Service - it shall mean the Profi Competence service available at <https://www.proficompetence.com>
- 3) User – it shall mean an individual who is at least 18 years old, has full legal capacity and has registered an account on the Website;
- 4) Organisational User - it shall mean a natural person running business activity, a legal person or an organisational unit which is granted legal personality under specific regulations, and an organisational unit without legal personality, capable of acquiring rights and incurring obligations in its own name, for which an account has been registered on the Website;
- 5) Representative – it shall mean a natural person who is at least 18 years of age and has full legal capacity, and who acts on behalf of an Organizational User, e.g. on the basis of a granted power of attorney, the scope of which includes in particular entering into agreements;
- 6) Participant - it shall mean a natural person filling in the Competence Test.
- 7) Profi Competence - it shall mean Profi Competence Europe Sp. z o.o. with the registered office in Szczecin, ul. Średnia 22, 71-812 Szczecin, entered into the Register of Entrepreneurs of the National Court Register kept by the District Court of Szczecin-Centrum in Szczecin, Economic Division 13 of the National Court Register under number 0000833219, holding NIP: 8522662767, initial capital: PLN 5,000.00;
- 8) Profi Competence License - it shall mean the service rendered by Profi Competence which consists in providing access to a specified number of Competence Tests for a predetermined period of time;
- 9) Individual Test Package - it shall mean the service provided by Profi Competence available to users which consists in the provision of access to a specified number of Competence Tests for a predetermined period of time

10) Competence Test - it shall mean data produced and delivered in a digital form, not fixed on a tangible carrier, which are the subject of transactions on the website

11) Products - it shall mean Competence Tests, Profi Competence License and Individual Test Packages;

### **§ 3 Personal Data Administrator**

The Administrator of the Personal Data of the persons visiting the Service, Users and Representatives is Profi Competence Europe Sp. z o.o. with the registered office in Szczecin, ul. Średnia 22, 71-812 Szczecin, entered into the Register of Entrepreneurs of the National Court Register kept by the District Court of Szczecin-Centrum in Szczecin, Economic Division 13 of the National Court Register under the number 0000833219, holding NIP: 8522662767, initial capital: PLN 5,000.00.

The Personal Data Administrator can be contacted:

- a. In writing to the address available at <https://www.proficompetence.com/contact>;
- b. By e-mail to the address: [kontakt@proficompetence.com](mailto:kontakt@proficompetence.com);
- c. By telephone at the telephone number available at <https://www.proficompetence.com/contact>.

### **§ 4 Nature, purposes and legal basis of personal data processing**

1. In order to ensure proper operation of the Service, personal data of visitors to the Service, Users and Representatives are processed, including:

- a. information contained in cookies or other similar technologies, session data;
- b. system logs, which contain such data are used solely for the purpose of administering the Service and to ensure the most efficient operation of the services provided. Viewed resources are identified by URL addresses. In addition, the following may be recorded: the time of the request, the time of the response, the name of the client's station - identification carried out by the HTTP protocol, information about errors that occurred during the HTTP transaction, the URL address of the page previously visited by the user (referrer link) - if the Service was accessed via a link, information about the browser, IP address information, information about the terminal device.

2. The data referred to in (1)(b) are not associated with specific individuals browsing the Website, but in combination with other information may constitute personal data and therefore the Administrator covers them with the full protection afforded under the GDPR.

3. The information contained in cookies defined as Necessary and Non-Confidential is processed pursuant to Article 6(1)(f) of GDPR as part of the Administrator's legitimate interest in ensuring the proper functioning of the Website, i.e. ensuring such functions as navigation through the Website and access to its secured areas. Without these cookies, the Website

cannot function properly.

4. Information contained in cookies defined as Functional, Statistical and Advertising are processed pursuant to Article 6 (1) (a) of the GDPR, i.e. on the basis of the consent given.

5. The information contained in cookies defined as *Functional* is processed in order to record information that changes the appearance or functioning of the Website.

6. The information contained in the cookies identified as *Statistics* is processed to determine the behaviour of visitors to the Website, Users and Representatives.

7. The information contained in the cookies identified as *Advertisements* is processed in order to display advertisements that are relevant and interesting to individual users, in particular corresponding to their preferences.

8. In order to properly provide services via the Website, in particular to register and maintain a User or Organisational User account, Users' personal data are processed, including:

- a. User name,
- b. email address.

9. In order to conclude and perform the contract of sale of the Products, additional data are processed, including:

- a. first and last name,
- b. business name, in the case of Organizational Users who are natural persons running business activity,
- c. Tax Identification Number, in the case of Organizational Users who are natural persons running business activity,
- d. business address, in the case of Organisational Users who are natural persons running business.

10. The data referred to in paragraphs 8 and 9 are processed on the basis of Article 6(1)(b) of the GDPR, as they are necessary for the conclusion and performance of the contract with the User or Organisational User.

11. Because the performance of the contract for the sale of the Products involves tax and billing obligations, data including:

- a. the name of the User,
- b. email address
- c. first and last name,
- d. Company name, in the case of Users who are natural persons running business,
- e. Tax Identification Number, in the case of Organizational Users who are natural persons running business activity,

- f. business address, in the case of Organizational Users who are natural persons running

business activity,

g. billing data,

are processed on the basis of Article 6(1)(c) of the GDPR, as they are necessary for the performance of legal obligations incumbent on the Administrator.

12. For the purpose of handling complaints, the Administrator processes the personal data of Users submitting complaints, in particular:

a. e-mail address,

b. first and last name of the

User, c. User's name,

d. content of the complaint,

e. circumstances of the event causing the complaint,

f. information obtained in the course of complaint handling, including explanation of the event causing the complaint.

In the course of complaint handling the Administrator may process a number of other information, including

g. information about the User's use of the services,

h. cookies or other similar technologies, device

information, i. system logs.

13. The data referred to in paragraph 12 are processed on the basis of Article 6(1)(b) of the GDPR, as they are necessary for the performance of the contract with the User or Organisational User.

14. When completing the Competence Test, the information provided by the User is subject to automated processing and profiling in order to determine the results of the Competence Test. Profiling is to be understood as any form of automated processing of personal data, which involves its use in order to prepare and make available the results of the User's Competence Test. The results of the Competence Test are compiled on the basis of the User's activity in connection with the answers they provide. These data being the results of the Competence Test, are not used to make any decisions regarding the User. .

15. In the event of an investigation concerning a possible breach of the terms of service or of the law, rules of social coexistence or good conduct, proceedings in order to assert claims by the Administrator or by other Users, Organisational Users, Representatives or third parties, as well as to defend against claims by these entities, the Administrator may process personal data of specific Users or Representatives, in particular those referred to in subsections 1, 8-9, 11-12, on the basis of the Administrator's legitimate interest in asserting or defending against claims.

16. In case of the need to communicate with Users, Representatives or Participants, the

Administrator may process personal data including:

a. email address

on the basis of the Administrator's legally justified interests consisting in conducting communication for purposes related to the functioning of the Service.

17. If the User gives their consent to the processing of personal data for marketing purposes, the Administrator may process personal data including:

a. first and last name of the

User, b. User name,

c. e-mail address.

18 In the case of processing personal data on the basis of consent, it is possible to withdraw it at any time. The withdrawal of consent does not affect the legality of processing, which was carried out on the basis of consent before its withdrawal.

The change of consent related to cookies is possible at any time by using the button



Moreover, the User may, at any time, withdraw their consent by changing the settings of their Internet browser regarding the permissibility of using cookies or other similar technologies.

20. In other cases, withdrawal of consent is possible by contacting the Administrator in the manner specified in § 3.2 or by writing to [zgody@proficompotence.com](mailto:zgody@proficompotence.com).

## **§ 5 Time period for processing personal data**

1. Personal data processed on the basis of the consent granted (Article 6(1)(a) or Article 9(2)(a) of the GDPR) shall be processed until revoked.

2. Personal data processed for the purpose of concluding or performing a contract (Article 6(1)(b) GDPR) shall be processed until the expiry of the statute of limitations for claims arising from that contract.

3. Personal data processed on the basis of a legal obligation incumbent on the Administrator shall be processed for the period specified in the provisions of law.

4. Personal data processed on the basis of a legitimate interest of the Administrator (Article 6(1)(f) GDPR) will be processed until such time as this interest is fulfilled, but no longer than for a period of 2 years from the end of the calendar year in which the data was collected.

5. In any case, the time period for personal data processing may be extended until the expiry of the limitation period for claims.

## § 6 Data recipients

1. The Administrator may transfer personal data of Website visitors, Users, Representatives or Participants to recipients operating outside the Administrator's structure for the purposes listed in § 4 to the extent necessary for their implementation. The recipients of the data are:

- a. entities to which the personal data must be disclosed under legal regulations, in particular public administration authorities such as tax authorities. The data may also be disclosed to authorities of other EU member states and courts in the scope of Community or national law;
- b. b. entities with which the Administrator cooperates in order to fulfil its tasks, exercise its rights or fulfil its obligations, in particular by providing IT, debt recovery, HR, accounting, transport, marketing, archiving or document shredding services;
- c. entities being independent data administrators, in particular such as:

- 1) entities providing legal, audit, tax advisory services;
- 2) certifying bodies, i.e. granting and verifying the rights held;
- 3) entities conducting payment activities (banks, payment institutions);
- 4) entities providing courier or postal services;
- 5) entities providing training services.

2. When cooperating with the entities referred to in paragraph 1(b) the Administrator entrusts them with personal data to the extent necessary for the performance of their tasks and duties. By entering into appropriate contractual provisions and applying other measures, such as inspections, the entrusted personal data are processed in a manner that protects privacy.

3. The Administrator shall have no influence on the manner and scope of processing of personal data by the subjects referred to in paragraph 1 point c.

## § 7 Transfer of data to third countries

Personal data of visitors to the Website, Users, Representatives or Participants will be processed in the country located in the European Economic Area, hereinafter referred to as the EEA.

If there should be a transfer of information outside the European Economic Area, this will only take place within the procedures required by data protection legislation.

## § 8 Rights of data subjects

1. Every data subject shall have the right to:

- a. **access the data** - to obtain confirmation from the Administrator as to whether or not their personal data are being processed. If data about the person are processed, they shall be entitled to have access to them and to obtain the following information: the purposes of the processing, the categories of personal data, the recipients or categories of recipients to whom the data have been or will be disclosed, the period for which the

data will be stored or the criteria for their determination, the data subject's right to request rectification, erasure or restriction of processing of personal data and to object to such processing (Article 15 of the GDPR);

b. **obtain a copy of the data** - obtain a copy of the data subject to processing;

c. **rectification** - request the rectification of personal data concerning them which are incorrect or need to be completed;

d. **erasure of data** - a request for erasure of personal data if the Administrator no longer has a legal basis for processing them or the data are no longer necessary for the purposes of processing;

e. **restriction of processing** - request to restrict the processing of personal data when:

1. the data subject contests the accuracy of the personal data - for a period enabling the Administrator to verify the accuracy of the data,
2. the processing is unlawful and the data subject opposes the erasure by requesting a restriction of use,
3. the Administrator no longer needs the data, but they are necessary for the data subject to establish, assert or defend a claim,
4. the data subject has objected to the processing - until such time as it is ascertained whether the legitimate grounds on the part of the Administrator override the grounds of the data subject's objection;

f. **to transfer data** – to receive in a structured, commonly used and machine-readable format the personal data concerning them which they have supplied to the Administrator and to request the transfer of such data to another Administrator where the data are processed on the basis of the data subject's consent or a contract concluded with them and where the data are processed by automated means;

g. **to object** - to the processing of their personal data for the Administrator's legitimate purposes on grounds relating to their particular situation, including profiling. The Administrator shall then assess the presence of valid legitimate grounds for processing which override the interests, rights and freedoms of the data subject, or grounds for the establishment, exercise or defence of claims. If, according to the assessment, the interests of the data subject override the interests of the Administrator, the Administrator shall be obliged to cease processing the data for those purposes;

h. **withdraw consent** at any time and without giving any reason, but the processing of personal data carried out before the withdrawal of consent will continue to be lawful. Withdrawal of consent will stop the Administrator processing personal data for the purpose for which the consent was given.

2. The rights indicated in paragraph 1 may be exercised by contacting the Administrator in the manner specified in § 3, section 2.
3. The right referred to in paragraph 1(f) may be exercised by clicking the "Download data" button available in the User's account profile.
4. In order to ensure that the applicant is entitled to exercise the rights set out in paragraph 1, the Administrator may ask the applicant to provide additional information to enable them to be identified.

## **§ 9 The President of the Office for Data Protection**

The data subject shall have the right to lodge a complaint with the supervisory authority, which in Poland is the President of the Office for Personal Data Protection with its seat in Warsaw, ul. Stawki 2,

which may be contacted as follows:

- 1) by post: ul. Stawki 2, 00-193 Warsaw;
- 2) via the Office's electronic inbox;
- 3) by telephone: (22) 531 03 00

#### **§ 10. Obligation to provide data**

1. Providing the data referred to in § 4 items 8 - 9, 12 is a contractual obligation. In case of refusal to provide such data, it shall not be possible to conclude or perform a contract with the Administrator.
2. Providing the data referred to in § 4.11 is a statutory obligation. The consequence of failing to provide such data is the Administrator's inability to provide services.
3. Otherwise, the provision of personal data is voluntary, but the refusal to provide it may make it impossible:
  - a. to achieve full comfort of using the Service - in the case referred to in § 4 item 5;
  - b. to keep statistics concerning the functioning of the Service and improving the quality of the services provided by the Administrator - in the case referred to in § 4, item 6;
  - c. to display customised marketing content - in the case referred to in § 4 (7), which shall not, however, affect the number of displayed advertisements;
  - d. to use the Service - in other cases.

#### **§ 11. Revision of Privacy Policy**

1. The Privacy Policy may be supplemented or updated in accordance with the Administrator's current needs in order to provide current and accurate information regarding the processing of personal data.
2. The Administrator will inform about any changes to the Privacy Policy on the Website. Users and Representatives will additionally be informed by a message through the internal communication system within the Website.
3. This Privacy Policy is effective from 01.06.2020