



PRINCIPLES FOR THE PROTECTION OF PERSONAL DATA

1. Introduction

- 1.1. Allow us to formally introduce ourselves. We are ThePay, a.s. You can find us in the commercial register under identification number 281 35 261. We are located at Masarykovo nám. 102/65, Jihlava, Czech Republic and on the web page www.thepay.eu, where you can also find our current phone number and email address. Our activities are supervised by the Czech national bank.
- 1.2. This Privacy policy provides basic information regarding the processing of personal data. They are processed under the 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) and Act No. 110/2019 Coll., on the processing of personal data. Valid from 1. 10. 2020 and may be amended and supplemented at any time. You will be notified of any changes.
- 1.3. In simple terms, this policy tells you on what basis we process your personal data, what we process, how we protect it and what rights you have in relation to it.

2. Definition of terms

- 2.1. To make our communication clearer we wrote down some terms we are using in this document. If any capitalised term is used in this Policy and is not defined here, the definition in the Terms and Conditions shall apply. You can find the Terms and Conditions [here](#).
- 2.2. **ThePay:** ThePay is an all-smart, online, secure system solution that allows payments to be made to your customers, enabling Electronic Money Operations. You can see your ThePay account in ThePay and you have a User Account set up for it. It may be that we distinguish between ThePay for entrepreneurs and ThePay for consumers.
- 2.3. **ThePay Account:** An account that holds Electronic Money visible in the form of Current and Available Balances. You can have more than one account and for better understanding, it can be thought of as a regular bank account.
- 2.4. **GDPR:** 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) effective from 25 5. 2018.
- 2.5. **Applicant:** You are the one in the decision-making phase, whether you are a natural person, an entrepreneur or a legal entity. You are interested in using our services, and for this purpose, you enter your e-mail and telephone number on the website and then also your chosen password. At this stage, the Framework Contract has not yet been concluded, but you have already given your consent to the processing of personal data, and we are making ThePay available to you.
- 2.6. **Client:** That's you – after all, we concluded the Framework Contract together. You are our Client, and we are happy about it.
- 2.7. **Customer:** A natural person or a legal entity that executes or is interested in executing a payment in your favour through the Payment Gateway service.

- 2.8. Personal data controller: This is us – ThePay. We determine the purpose and method of personal data processing and we are responsible for ensuring that the processing is carried out in accordance with legal regulations, in particular in regards to the protection of your privacy and your rights.
- 2.9. **Personal Data of the Applicant:** e-mail address, telephone number, chosen password for access to ThePay, IP address and connection time of the device, information about the browser and operating system, other data that you give us.
- 2.10. **Personal Data of the Client:** name, surname, title, birth certificate number, address of permanent residence, identification number, tax identification number, business name, distinguishing appendix, place of business, e-mail address, website address of the Project, telephone number, copy of identity cards, citizenship, bank account number, bank account statement, IP address and connection time of the device, information about the browser and operating system, information about whether you are a politically exposed person, our communication, data about transactions with electronic money, data about transactions made through the Project, masked data about payment card (debit, credit,...) of the Customer, the amount of the transaction from the Customer, the Customer's e-mail, the Customer's bank account number, information about the products used, price plans for the products, the status of ThePay accounts, other data that you provide to us.
- 2.11. **Personal Data of the Customer:** name, surname, title, identification number, tax identification number, business name, distinguishing addendum, place of business headquarters, address of permanent residence, delivery address, email address, telephone number, order number, order price, communication between the Customer and the Client.

3. Lawfulness of personal data processing

- 3.1. At the stage when you are an Applicant and request access to ThePay, you consent to the processing of personal data. The purpose of processing personal data based on this consent is to create and send informational, advertising and marketing messages with information about our service offers and to create a client history, based on which these messages can be appropriately individualised. You grant this consent for a period of three (3) years from the date of its granting. You can revoke this consent at any time [Art. 6 paragraph 1 letter a) GDPR].
- 3.2. If we reach the stage where the Framework Contract is concluded and the Payment Gateway service is launched, we process personal data to ensure the conclusion and subsequent fulfilment of the contractual obligation [Art. 6 paragraph 1 letter b) GDPR]. Such a relationship results in other legal obligations arising, in particular, from Act No. 253/2008 Coll., on certain measures against the legalisation of proceeds from criminal activity and the financing of terrorism, and we are thus obliged to process personal data for this purpose as well [Art. 6 paragraph 1 letter c) GDPR]. Furthermore, we process the data to protect our legitimate interests [Art. 6 paragraph 1 letter f) GDPR], which is the proper and timely fulfilment of the agreed contractual obligation, the fulfilment of legal obligations arising from the contractual relationship, the protection of our reputation and the protection of property interests for possible legal disputes.

4. How we access personal data

- 4.1. First and foremost, we understand them as data that you certainly consider sensitive. That's why we protect them as much as possible. We make every effort to prevent unauthorised processing. Any leakage is completely unacceptable to us.
- 4.2. We process personal data electronically in an automated manner. Personal data may be used for profiling or automatic decision-making in the field of marketing activities and risk coverage or as a result of the fulfilment of contractual obligations from service providers (banks, card associations). We

use analysis of activities on our website, and in the ThePay system, as well as profiling in terms of risk, profiling in terms of categories of business activities, and profiling in terms of turnover categories.

- 4.3. Personal data will be processed for the duration of negotiations on the conclusion of the Framework Contract and any Addendum or other contracts between us and you, for the purpose of concluding contracts, and for the following 10 years from the termination of the business relationship, as stipulated by Act No. 253/2008 Coll. , on certain measures against the legalisation of the proceeds of crime and the financing of terrorism. After the expiry of the period, we will destroy the personal data.
- 4.4. If we pass on personal data to someone, then this will only be in accordance with the administrative regulations of the Czech Republic, e.g. to the relevant state authorities (e.g. Financial Analytical Office, Police of the Czech Republic, Czech National Bank), cooperating entities and only to the extent necessary. These include, for example, suppliers of certain services – for example, if your Customer will pay with a payment card for a certain amount, the information will naturally flow through various information channels. These are so-called acquirers, banks and other financial institutions. We may also transfer personal data to consultancy entities, e.g. accountants, tax advisors, lawyers, and providers of e-shop solutions if you run your Project with them. We do not transfer personal data outside the EU or to any international organisation.
- 4.5. Personal data are stored in the secure data centres of VSHosting s.r.o., ID number: 61505455, with registered office at Sodomkova 1579/5, 102 00 Prague 10. This company is ISO 27001 (Information Security Management System) certified. We also use the services of Google LLC – G Suite and the Basecamp service, the operation of which is in accordance with European standards for the protection of personal data.

5. What are your rights?

- 5.1. You have the right to withdraw your consent to the processing of the provided personal data at any time in cases where the processing is based on consent. However, withdrawal of consent to the processing of personal data is not possible to the extent and for the purposes of fulfilling our legal obligations. Withdrawal of consent does not affect the lawfulness of processing based on the consent granted before the withdrawal. Withdrawal of consent does not affect the processing of personal data that we process on a different legal basis other than consent, i.e. especially if the processing is necessary to fulfil a contract, legal obligation or for other reasons specified in the applicable legal regulations. Consent can be withdrawn directly in ThePay in the My profile – Marketing communications tab or by sending your withdrawal to the address of our headquarters, or by e-mail to podpora@thepay.eu.
- 5.2. You can request information from us as to whether or not your personal data is being processed. If they are processed, you have the right to request information about our contact details, our representatives, and data protection officers in particular. Furthermore, on the purposes of processing, on the categories of personal data concerned, on the recipients or categories of recipients of personal data, on the period for which personal data will be stored, on our legitimate interests, on the list of your rights, on the possibility to contact the Office for the Protection of Personal Data, on the source of processed personal data and on automated decision-making and profiling, as well as the meaning and expected consequences of such processing, information and guarantees in the event of the transfer of personal data to a third country or international organization. You have the right to be provided with Copies of processed personal data. However, the right to obtain this copy must not adversely affect the rights and freedoms of others.
- 5.3. If we intend to further process personal data for a purpose other than that for which it was obtained, we will provide you with information about this other purpose and other relevant information before further processing.

- 5.4. If, for example, you have changed your place of residence, telephone number or other facts that can be considered personal data, you have the right to request correction of the processed personal data. In addition, you have the right to complete incomplete personal data, including by providing an additional statement or changing it directly in ThePay.
- 5.5. In certain specified cases, you have the right to request that we delete your personal data. Such cases include, for example, that the processed data are no longer needed for the aforementioned purposes or you withdraw your consent based on which we process the personal data. The request is subject to individual assessment, and we will inform you of the processing of your request.
- 5.6. We only process personal data to the extent necessary. If you feel that we exceed the stated purposes for which we process personal data, you may submit a request to have your personal data processed solely for the most necessary legal purposes. The request is subject to individual assessment, and we will inform you of the processing of your request.
- 5.7. You have the right to receive automatically processed personal data concerning you in a structured and commonly used machine-readable format. Furthermore, you have the right to request that we transfer your personal data to another administrator, if this is technically feasible and if there are no legal or other significant obstacles to this.
- 5.8. If you consider that we are processing personal data in violation of the protection of your private and personal life or violation of applicable law, in particular, if the personal data is inaccurate with regard to the purpose of its processing, you may ask us for an explanation by emailing us at podpora@thepay.eu or at our registered office; you may also object to the processing and request that we ensure that the situation so arising is rectified (e.g. by blocking, rectification, completion or destruction). The objection is subject to individual assessment, and we will inform you of its resolution.
- 5.9. You may at any time contact the supervisory authority, the Office for Personal Data Protection, located at Pplk. Sochora 27, 170 00 Prague 7, website <https://www.uoou.cz/>.
- 5.10. In the case of requests, for example, for information about the scope or method of processing your personal data, we will endeavour to provide the information immediately, but no later than one month after receiving the request.
- 5.11. If you exercise the right to access personal data in electronic form, we will also provide the requested information in electronic form, unless you request a different method of providing the information.
- 5.12. In the event of a repeated and unjustified request to provide a physical copy of processed personal data, we are entitled to charge a reasonable fee for the administrative costs involved.
- 5.13. In matters related to personal data protection, you are entitled to contact our personal data protection officer, which is the company aCompliance poradenství, company ID 2571901, with registered office at Školská 694/32, Nové Město, 110 00 Prague 1. You can contact the officer by email at dpo@thepay.eu or by phone at +420 776 212 120.