

PRIVACY POLICY

Motionlab s.r.o., Company ID: 076 829 56, registered office at Novobranská 532/20, 602 00 Brno, registered in the Commercial Register kept by the Regional Court in Brno, section C, insert 88175 (hereinafter the “**Operator**”), as the controller of personal data and the operator of the “Adina” platform enabling the creation of personalized video campaigns (hereinafter the “**Platform**”), hereby informs about the processing of personal data that take place in connection with the operation and use of the Platform and about the rights that data subjects have in connection with this processing.

The Operator acts as a controller in relation to the personal data of Clients (or persons acting on their behalf with the Operator). In relation to the personal data of the Clients' customers (customer data), which the Client uploads to the Platform and processes on the Platform, the Operator acts as a data processor for the Client. The Operator's obligations as a processor are governed by a Data Processing Agreement, which is part of the Operator's terms for use of the Platform available at <https://www.motionlab.io/terms-of-use> (hereinafter the “**Terms and Conditions**”).

For any questions regarding the protection of privacy and the exercise of your rights, use the e-mail hello@motionlab.io.

1. For what purpose, on the basis of what grounds and what personal data do we process?

1.1. Conclusion and performance of a contract

The Operator allows the use of the Platform to its clients (hereinafter “**Clients**”) on the basis of a contract concluded with the Client according to the Terms and Conditions of the Operator (hereinafter the “**Contract**”). The Operator requires the following personal data to negotiate and conclude the Contract and its subsequent performance:

- identification and contact details of the Client – natural person (name, surname, Company ID, VAT ID, registered office, e-mail, telephone),
- access data to the Client account,
- invoicing data of the Client – natural person,
- data from communication with the Client and other data about the fulfilment of the Contract.

Without the above-mentioned data, it is not possible to conclude and/or fulfil the Contract, i.e. without providing this data, it is not possible to make the Platform available to the Client and enable its use. The legal ground of processing such data is the making and fulfilment of the Contract at the Client’s request.

1.2. Fulfilment of obligations arising from legal regulations

The Operator must process personal data in cases where this is required by a legal regulation. For this purpose the Operator processes especially personal data to the extent required by the applicable legal

regulations in connection with the Operator's obligation to keep the books and in the fulfilment of related tax obligations and, as the case may be, for the fulfilment of obligations set out in the Archiving Act.

1.3. Legitimate interests of the Provider

In justified cases the Operator may also process personal data on the legal grounds of protection of its legitimate interests. However, the Operator always thoroughly assesses and takes care to ensure that the interest in the processing of your data for this purpose does not unreasonably interfere with your privacy.

Identification of persons acting on behalf of the Client: These are typically members of statutory bodies, employees or other authorized persons who are not parties to the Contract, but conclude the Contract with the Operator on behalf of the Client and otherwise act on behalf of the Client. We need the personal data of these persons in order to be able to communicate and act through them with the Client for the purpose of concluding the Contract and its further performance. We usually process their name, surname, e-mail, telephone number, delivery address, information about the job position or other relationship with the Client and data from communication with them.

Proof of agreement with the Terms and Conditions: The Operator concludes the Contract with the Client by electronic means when the Client expresses their consent to the Terms and Conditions by sending an electronic form on the Operator's website. Therefore, in order to protect the legitimate interests of the Operator (proof that a specific Client has given consent to the Terms and Conditions in a specific wording), the Operator stores the data necessary to identify the Client as a contractual party and information about the approval of the Terms and Conditions in the form of a so-called time stamp.

Defence and exercise of legal entitlements of the Operator: The Operator processes the personal data for the purposes of protection of the legitimate interest of securing defence of the Operator in any legal disputes or legal proceedings or during inspections by government authorities or other public authorities. This data is processed by the Operator in order to be able to prove, if necessary, that it acted in accordance with his contractual obligations and legal regulations.

Analysis and improvement of the Platform: The Operator also processes data about the Client's activity, or of individual users, within the Platform (activity logging) for the purposes of protecting its legitimate interest – analysing the use of the Platform and its further improvement. For these purposes, the Operator collects and further processes data such as the IP address, date and time of access to the Platform, use of its functions, login history, information about the user's internet browser, device used or language settings.

1.4. Sending commercial messages

In the case of Clients with whom we concluded the Contract and in connection with this we obtained their e-mail and/or telephone number, or in the case of other persons who actively and voluntarily subscribed to our newsletters (e.g., on the Operator's website), we process the personal data of these persons in the scope of e-mail and telephone number for the purpose of sending information and news about our services and products (business communications).

In the case of our Clients, the processing of personal data for the purpose of sending business communications is the legitimate interest of the Operator. The Client has the option to refuse further sending of commercial communications at any time, free of charge, by following the procedure specified in each commercial communication sent, possibly within the user account, or they can contact us at any time at the contact e-mail listed above herein.

The title for personal data processing for the purpose of sending business communications is, in the case of persons who have actively subscribed to the newsletter themselves (regardless of whether they are Clients or not), their consent, which was granted by signing up for our business communications.

If you do not want to receive these messages from us, you can unsubscribe at any time for free. The option to do so is always included in each newsletter sent, or you can unsubscribe from newsletters at any time in the interface of your user account.

1.5. Targeting of commercial communications (profiling)

In order to send content-relevant business messages tailored to a specific Client, we may perform Client profiling based on the information that the Client has provided to us about itself as part of the performance of the Contract and data on the use of the Platform.

In the case of Clients whose contact information we obtained in connection with the conclusion of the Contract and did not reject commercial communications, and to whom we send commercial communications on the basis of our legitimate interest (see above), we carry out such processing (profiling) also on the basis of our legitimate interest (sending as many relevant business communications corresponding to the Client's preferences).

In the case of Clients and other persons to whom we send commercial communications on the basis of their express consent to sending commercial communications, we also carry out this processing (profiling) on the basis of the Client's consent.

If you do not want us to process your personal data in this way for the purpose of advertising targeting, you can object to such processing at any time in the same way that you can withdraw your consent to the sending of commercial communications, see above. If you do so, we will no longer process your personal data for advertising and content targeting purposes.

2. Who do we get the personal data from and who do we hand them to?

We get personal data primarily from data subjects. We do not collect any other data about you, except for such that you provide to us or that is created through the activity on the Platform (logging). You are obliged to provide us only with exact data and if any changes of your personal data occur, you have to update them.

On the conditions set out by legal regulations we may transfer personal data to public authorities in situations where we are obliged to do so under a legal regulation or where a given authority requests such

data within the scope of its powers.

We use the following processors to process data:

- Microsoft Ireland Operations Limited, One Microsoft Place, Leopardstown, Dublin, Ireland.
- Adobe Systems Software Ireland Limited, 4-6, Riverwalk Drive, Dublin, Ireland.
- Solitea, a.s., Drobného 555/49, Brno, PSČ 602 00, Company ID 015 72 377, Czech Republic.
- Google Analytics, Google Ireland Inc., Google Building Gordon House, Barrow St, Dublin 4, Ireland.
- Integromat s.r.o., Company ID: 29152861 and INTEGROMAT LLC, 16192 Coastal Highway, Lewes, Delaware 19958 USA.
- Auth0 Inc., 10800 NE 8th Street, Suite 700, Bellevue, WA 98004, USA.
- ActiveCampaign, LLC, 1 North Dearborn St, Chicago, IL 60602, USA.

Personal data is not transferred outside the EU, unless stated otherwise above. When data is transferred outside the EU, the Operator ensures adequate data protection according to EU legislation, especially that the transfer is always based on Standard Contractual Clauses concluded with individual processors.

3. How do we process personal data?

We process your personal data manually in accordance with the respective purpose where manual processing is necessary or suitable. Our employees or other persons working for us may participate in the administration of personal data in order to rectify errors, inaccuracies, etc., and for other purposes. However, these persons may process the personal data only with regard to the conditions and scope defined above and they are pledged to secrecy about personal data and security measures, whose publication would threaten the security of personal data.

The personal data may be processed electronically using automatized means, namely within the software securing the Platform operation or systems of individual processors mentioned above.

We always process the personal data in accordance with relevant legal norms and we process them with appropriate care and protection. We make sure you would not suffer any harm of your rights, especially your right to human dignity and your private and personal life.

4. How long do we process personal data?

4.1. Contract with the Client

We process personal data processed for the purpose of concluding and fulfilling the Contract for the duration of the conclusion and fulfilment of the given Contract (i.e., for the time necessary to fulfil the obligations arising from it). Afterwards we may process personal data for the following purposes:

4.2. Performance of legal obligations

We process personal data that is processed as a result of our legal obligations within the time limits set by these laws.

We must process personal data that is required by law governing the tax and accounting obligations of the Operator (typically invoicing data and information about the provision of services) for the purposes of accounting and the fulfilment of tax obligations. The processing period is five years from the end of the accounting period, in the case of documents relevant for VAT payments, it is 10 years from the end of the tax period in which the performance took place. We archive relevant personal data in accordance with the requirements of the Archiving Act for the period specified therein.

4.3. Legitimate interests

After the end of the Contract, we process the personal data for the protection of our legitimate interests (i.e., for the purposes of defence against any claims of Clients or third parties, even before court, and for the purposes of demonstrating agreement to the Terms and Conditions) for the duration of the limitation periods which may last, in the Czech Republic, up to 15 years from the relevant event. Unless a relevant claim is made, such period is usually 5 years from the end of the Contract.

We process information about the use of the Platform for the purposes of analysing its use and improving it to protect our legitimate interests for the duration of the Contract. After expiry of this period we may continue to process such data only in anonymized form.

4.4. Sending commercial messages

We may send commercial communications as described above until you unsubscribe from them. The option to withdraw consent is included in each message sent and is free of charge. Consent can be revoked at any time via the account or contact e-mail address listed above.

Personal data may also be processed for a period longer than stated above if there is a relevant ground for further processing, which typically means commencement of administrative or legal proceedings for which the personal data are relevant.

5. What rights do you have?

First, you have the right to request access to your personal data, including obtaining a copy of all your personal data. You may exercise this right through the e-mail address stated at the top of this document.

Withdrawal of consent to the processing: Where we process your personal data on the basis of your consent, you can revoke your consent to its processing at any time and free of charge through your user account, the contact e-mail address listed above or otherwise as stated elsewhere in this document. In this case, we will no longer process your personal data processed on the basis of your consent.

As regards the personal data that are not processed on the grounds of consent, the consent to the processing may not be withdrawn. However, on the basis of your request we will always assess whether it is still necessary to process your personal data for any of the purposes stated above.

Your other rights:

We will always inform you about:

- the purpose of the personal data processing,
- the personal data, possibly categories of personal data that are processed including all available information on their sources,
- the character of automatized decision-making including profiling and the information on the used procedure as well as the meaning and the supposed consequences of such decision-making to the data subject,
- the recipients, possibly categories of recipients to which the personal data were or will be transferred and, in the event of a transfer of personal data to a third country, the appropriate safeguards applying to the transfer for ensuring security of the personal data,
- the estimated time period for which the personal data will be preserved or (if it cannot be stated) the criteria used to determine that period,
- all available information on the source of personal data if they are not provided by you.

Your rights include also to

- ask us for an explanation,
- ask us to settle the occurred situation, namely any blocking, rectification, addition, restriction of processing or erasure of personal data (right to be forgotten),
- ask for a copy of the personal data being processed, or ask for personal data concerning you in a structured, commonly used and machine-readable format and to transmit these data to another controller without any obstructions from our side,
- submit a question or a complaint to the Personal Data Protection Authority (*in Czech: Úřad pro ochranu osobních údajů*)
- object to the processing of personal data concerning you.

6. How do we protect your personal data?

We protect your data. In particular, the following security means are used to this end:

- TLS 1.2 encryption. ("transport layer security") for all data transmission within all parts of the primary service;
- the processor's website and web software run on a secure https protocol;
- Security elements such as firewall, encryption, backup, multi-factor authentication, anti-malware,

physical infrastructure security and others are fully utilized within the Microsoft Azure platform
<https://www.microsoft.com/en-us/TrustCenter/Security/azure-security>

This version of the Privacy Policy is effective from 01.09.2022.