

PRIVACY POLICY AND PROCESSING CONTRACT

Motionlab s.r.o., company ID: 076 82 956 residing at Drobného 296/20, Černá Pole, 602 00 Brno, registered in the commercial register maintained by the Krajský soud v Brně, Section C, Insert 88175 (hereinafter referred to as the "**Provider**") as Provider and provider of the services consisting of the delivery of a comprehensive solution for advertising consisting of data analysis, video production and personalization using its own rendering platform and subsequent analytics; Part of the service is also the use of a platform including the rendering and analytics platform and the content of the website <http://www.motionlab.io> (hereinafter referred to as the "**Platform**", collectively referred to as the "**Services**") pursuant to the Service contract, (hereinafter referred to as the "**Service contract**"), has the honor to inform you about the method and extent of processing of a personal data of Clients using the Services (hereinafter referred to as the "**Client**"), including the extent of the rights of the Client in connection with such processing. The provisions below are binding for the Provider and the Client as data processing agreement (DPA).

The Provider is the relation to the Client, who is a natural person, the administrator of the Client's personal data, and in the case of the personal data provided by the Client, the processor.

For any questions about privacy and your rights, please contact us via email hello@motionlab.io

1. For what purpose do we process personal data?

- 1.1. The content of the Services is, in particular, to develop a comprehensive solution for the Client's advertising campaign using personalized videos and to enable the Client to use the Platform. Therefore, we primarily process personal data of Clients - natural persons entrepreneurs or individuals in the engagement / employees of the Clients - legal persons, so that we can provide them with our Services. In addition, we process personal data as a data processor (described in detail below).
- 1.2. We process personal data primarily for the purpose of concluding and fulfilling the Service contract. The Service contract is concluded in electronic form, so for this purpose, we collect data for the identification of the contracting party (name and surname, company ID, VAT number, registered address in the case of the Client - natural person entrepreneur, in the case of the Client - legal person a name and surname of the member of its statutory authority or other person authorized to represent the legal person and contact details (e-mail, telephone). Further, we process personal data for the purpose of fulfilling the Service contract (here it is information about the performance of the Service contract, the types of the Services provided, and other Client personal data entered by the Client in the Platform, otherwise transmitted to the Provider or other data generated in connection with the use of the Services).
- 1.3. In justified cases, we also process personal data to protect our interests, typically in the case of legal disputes, court proceedings, etc. Here we have to prove that we have acted in accordance with the law, when providing the Services.
- 1.4. In order to protect our legitimate interests, we collect data on the use of the Services (logging of all activities).

- 1.5. Frequently, the processing of personal data is also required by law, such as accounting, archiving, etc.
- 1.6. The processing of these data is obligatory, without them we are unable to provide the Services.
- 1.7. We do not perform any automated decision making, we perform profiling as processors only.

2. From whom do we receive personal information and to whom we pass it?

- 2.1. We get personal data primarily from you, the data subject. We do not collect any other data except those you provide us with, respectively which will arise from your activity within the Platform (logging). You are obliged to provide us with accurate data and if your personal data is changed, you must update such data.
- 2.2. We use the following processors to process the personal data of the Client:
 - Microsoft Corporation, registration number 600413485, One Microsoft Way, Redmond, WA 98052, United States of America, as processor of personal data through Microsoft Azure and Office 365, the personal data are transferred to the US under the terms of privacy shield (<https://www.privacyshield.gov/participant?id=a2zt0000000KzNaAAK&status=Active>),
 - Adobe Systems Software Ireland Limited, 6 Riverwalk, Naas Road, 24, Dublin, Ireland, the personal data may be transferred to the US under the terms of privacy shield
- 2.3. The Personal Data of the Clients are processed within the Platform in electronic form by automated means, eventually in electronic form by automated means by the above-mentioned processors for the above-mentioned purposes.
- 2.4. Personal data of the Client may be processed manually, and the processing may be performed by our employees or other persons working for us, inter alia for the purpose of erasure of mistakes, inaccuracies, etc. However, such persons may process personal data only under the conditions and to the extent stated above and they are bound by the obligation to maintain confidentiality of the personal data and security measures which would jeopardize the security of personal data, if disclosed.
- 2.5. We always process the personal data in accordance with applicable legal regulations and provide them with due care and protection. We take care that you do not suffer any harm to your rights, in particular the right to maintain a human dignity, as a result of the use of the Services. In connection with the provision of the Services, we also protect you against unauthorized interference with your private and personal life.

3. How long do we process personal data?

Personal Data provided during the conclusion of the Service contract and during its performance shall be retained for the duration of the Service contract.

However, even after the termination of the Service contract, we are authorized to continue with the processing of the personal data, that is necessary for these purposes:

3.1. **Accounting and archiving of documents**

Personal data required by law must be processed for accounting and tax purposes (eventually for archiving purposes). The processing period is 5 years after the end of the accounting period, in the case of documents relevant to VAT payments, it is 10 years after the end of the taxable period in which the transaction took place.

3.2. **Authorized interests**

We also process personal data to protect our Authorized interests, i.e. to defend ourselves against eventual claims of our customers, even before a court (for example, during the respective lapse of rights periods that may in the Czech Republic last up to 15 years from the occurrence of a relevant event). In this connection, the Provider processes your identification details (name and surname, company ID, VAT number, seat, or name and surname of the person authorized to represent the Client - legal entity) and contact details (e-mail, telephone), information on the performance of the Service contract (its content, information about its fulfilment) and logging information within the Platform. Typically, this period is 5 years from the termination of the Service contract.

We cannot delete these data even at the request of the Client, as they are not processed on the basis of the consent. However, based on your request, we will always consider whether the need to process the data is no longer necessary.

3.3. **Sending commercial messages**

The business messages as stated above are sent until you sign out. This option is included in each announcement and is free of charge. At the same time, you can contact us via the above-mentioned email at any time that you do not wish to receive any more messages.

3.4. **Copyright**

If you have provided us with **copyrighted content** (or similar rights), we need to keep track of who is the author and which license did you provide to us. That all during the validity of the respective copyright (in the Czech Republic 70 years since death of the last of the authors of such a work).

3.5. **Law**

In the case that processing is ordered by law, we have to process the data to the extent required by law.

Personal data are not processed on the basis of the consent, so it is not possible to withdraw the consent to the processing. However, based on your request, we will always consider whether the need to process the data is no longer necessary.

4. **What are your rights?**

Firstly, you have the right to ask us for an access to your personal data, including the production of a copy of all your personal data.

4.1. We will always inform you about:

- a) the purpose of the processing of personal data,

- b) the personal data, eventually the categories of personal data, processed, including any available information on their source,
- c) the nature of the automated processing, including profiling, and information on the procedure followed, as well as the significance and expected consequences of such processing for the data subject,
- d) recipients, or categories of recipients,
- e) estimated period, for which the personal data will be stored or, if it is not possible to determine it, the criteria used to determine such period,
- f) all available information about the personal data source, unless it is obtained from you.

4.2. Your other rights include right to:

- a) ask us for an explanation,
- b) require that we eliminate the emerged situation, in particular, it may be blocking, repairing, supplementing, limiting or disposing of personal data (the right to be forgotten)
- c) require personal data that concern you in a structured, commonly used, and machine-readable format, and pass on this information to another administrator, without any obstructions from our side
- d) submit a question, eventually a complaint to the Office for personal data protection
- e) object to the processing of personal data relating to you.

5. How do we protect your personal information?

We protect your data. The following security resources are used for this purpose:

- a. TLS 1.2 encryption. ("transport layer security") for all data transmissions across all parts of the primary service;
- b. The web site and developer's web software runs on a secure https protocol;
- c. Security features such as firewall, encryption, backup, multi-factor authentication, anti-malware, physical infrastructure security, and more are fully used within the Microsoft Azure platform
<https://www.microsoft.com/en-us/TrustCenter/Security/azure-security>

6. Processing obligations

Considering that the Client is transmitting personal data to the Provider in connection with the performance of the Service contract, the Provider will process such data as a processor for the duration of the Service contract for the purpose of provision of the Services to the Client (for production of personalized videos).

The Provider will process the personal data in accordance with the Service contract for the duration of the provision of specific Services in accordance with a Client's partial order and if he does not receive any other instruction of the Client pursuant to the Letter. g) below in this article, he will delete such data within 3 months from the fulfilment of the partial order.

The subject of the processing will be personal data of the customers of the Clients.

The categories of data subjects are customers of the Client.

Following data types will be processed:

- in the case of Clients customers: identification and contact details, details of the purchased goods / service, including the delivery date, delivery point, or other, which the Client provides to the Provider in connection with the provision of the Services

The Provider undertakes that he will:

- a) process personal data only on the basis of the Client's documented instructions, including the matters in relation to the transfer of personal data to a third country or international organization
- b) ensure that persons authorized to process personal data are bound by confidentiality or subject to a statutory duty of confidentiality;
- c) take all technical and organizational measures pursuant to Article 32 of the GDPR to ensure a level of security appropriate to the risk involved, the following security means are mainly used:
 - SSL / TLS encrypting ("secure sockets layer" / transport layer security) for all data transmission across all parts of the primary service;
 - The web site and developer's web software runs on a secure https protocol;
 - Security features such as firewall, encryption, backup, multi-factor authentication, anti-malware, physical infrastructure security, and more are fully used within the Microsoft Azure platform
<https://www.microsoft.com/en-us/TrustCenter/Security/azure-security>
- d) Comply with the conditions for the involvement of another processor. The Provider is entitled to engage another processor in the processing of personal data only with the prior consent of the Client. The Provider is obliged to ensure that any other processor involved in the processing of personal data complies with the terms and conditions of processing at least in the same extent as set forth in this Privacy Policy, especially in case of the implementation of technical and organizational measures. The Provider is obliged to inform the Client about the involvement of another processor via the contact email of the Client mentioned in the Service contract in advance so that the Client can object to these changes. In case the Client does not deliver justified objections in 5 working days, the Provider is entitled to use another processor. The Client hereby expressly agrees to the involvement of this other processor:

- Microsoft Corporation, registration number 600413485, One Microsoft Way, Redmond, WA 98052, United States of America, as processor of personal data through Microsoft Azure and Office 365, the personal data are transferred to the US under the terms of so-called privacy shield (<https://www.privacyshield.gov/participant?id=a2zt0000000KzNaAAK&status=Active>),
 - Adobe Systems Software Ireland Limited, 6 Riverwalk, Naas Road, 24, Dublin, Ireland, the personal data may be transferred to the US under the terms of so-called privacy shield (<https://www.privacyshield.gov/participant?id=a2zt0000000TNo9AAG&status=Active>)
 - other natural persons providing IT services whose list is submitted to the Client
- e) take into account the nature of the processing, will assist the Client, by appropriate technical and organizational measures, if possible, to fulfil the Client's obligation to respond to requests for the exercise of the data subject's rights pursuant to the Article 28 GDPR and Article 12 GDPR Article 22, as well as with the fulfilment of other obligations in the sense of GDPR (in particular Articles 32 to 36 GDPR);
- f) assist the Client during the ensuring of the compliance with the obligation to provide personal data, report security incidents, etc.;
- g) in accordance with the Client's decision, either erase all personal data or return them to the Client after the termination of the provision of processing-related services, and delete existing copies, unless otherwise stated by the law. If the Provider does not receive any other instruction of the Client, all data, which the Provider processed as a processor, shall be deleted without undue delay, no later than 3 (three months) after the fulfillment of the partial order;
- h) provide the Client with all the information necessary to prove that the obligations set out in this Article have been met and allow audits, including inspections, performed by the Client or other auditor assigned by the Client to contribute to these audits (but this auditor must be bound with confidentiality and it cannot be the Provider's competition);
- i) notify the Client of the breach of personal data security in a way that the Client can proceed in accordance with Article 33 (1) of the GDPR, without undue delay.