

Privacy Policy of Berry Financial Services (Poland)

This is a courtesy translation. The legally binding version is the Polish original.

This Policy of the website <https://carmore.pl> (hereinafter: the "Privacy Policy") sets out and explains the principles and purpose of the processing by the Data Controller of data, including the personal data of the User, in connection with the User's use of the website <https://carmore.pl> and the websites associated with it (hereinafter: the "Website"), as well as other solutions, content and functionalities available outside the Carmore websites and relating to Carmore services, including Carmore's online profiles on social media.

A. Definitions

1. Data Controller (otherwise: "Berry Financial Services") - Berry Financial Services spółka z ograniczoną odpowiedzialnością with its registered office in Warsaw (02-676), at Postępu 15C, entered into the register of entrepreneurs of the National Court Register (KRS) maintained by the District Court for the Capital City of Warsaw in Warsaw, 13th Commercial Division of the National Court Register, under KRS number 0000871811, NIP: 7831827728, REGON: 387604502, e-mail address: admin@berry-fs.com, with a share capital of PLN 200,000;
2. User - any person who uses the Website;
3. Partner - an entity with which the Data Controller cooperates in the provision of services;
4. Regulations - the regulations for the provision of services by electronic means through the Website;
5. 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 (OJ EU L No. 119, p. 1);
6. Website - the Carmore.pl website and the websites associated with it.

B. Personal Data

I. General provisions

7. The Data Controller is the controller of personal data within the meaning of the GDPR and other provisions on the protection of personal data in force in the Member States of the European Union, as well as of other regulations concerning the protection of personal data processed through the Website, and also of such personal data as the Data Controller has obtained through other solutions, content and functionalities available outside the Website and relating to Carmore services, including Carmore's online profiles on social media.
8. Contact with the Data Controller is possible in writing - at the address Berry Financial Services sp. z o.o., ul. Postępu 15C, Warszawa 02-676, or electronically - at the e-mail address: admin@berry-fs.com, or by telephone - at the telephone number +48 22 103 31 01.
9. The Data Controller has appointed a data protection officer, whom you may contact on all matters relating to the protection of your personal data. Contact with the data protection officer is possible in writing at the address Inspektor Ochrony Danych Osobowych (Data Protection Officer), Berry Financial Services (Polska) sp. z o.o., ul. Postępu 15C, Warszawa 02-676, or electronically - at the e-mail address admin@berry-fs.com, or by telephone - at the telephone number +48 22 103 31 01.
10. The Data Controller exercises particular care to protect the interests of the data subjects, and in particular ensures that the data it collects are processed lawfully, collected for specified, lawful purposes and not subjected to further processing incompatible with those purposes, substantively correct and adequate in relation to the purposes for which they are processed, and stored in a form permitting the identification of the data subjects for no longer than is necessary to achieve the purpose of the processing.

II. Access data

The websites making up the Website may be accessed without providing personal data.

Upon each call to a website, the server automatically records only:

- a) the exact address of the website from which the redirection to the website within the Website took place;
- b) the exact address of the page browsed by the User within the Website;
- c) the name of the User's operating system;
- d) the name of the User's browser.

These data are analysed solely for the purpose of ensuring the proper functioning of the Website. They do not permit the identification of the User.

Personal data left on the Website by the User are processed in accordance with the principles described below.

III. Purpose and scope of data collection and data recipients; basis of data processing

11. Your personal data, provided to the Data Controller by you, are processed for the purposes of:

- a) registration on the Website and contact within the Website (i.e. setting up an account on the Website in accordance with the Regulations) - on the basis of Article 6(1)(b) of the GDPR, i.e. in connection with the performance of the contract covered by the Regulations. We inform you that if you register using a Facebook account or a Google account, we collect the first name and surname in the form in which they appear on the Facebook or Google account, as well as the identification number (Facebook or Google). Where, within the privacy settings of the Facebook or Google service, you give the relevant consent, the Data Controller may also obtain and process other information about you, including, among others, information concerning: gender, age, e-mail address or telephone number. Failure to consent to the obtaining and processing of certain data (first name, surname, e-mail address and telephone number) may make it impossible for the Service Provider to provide services;
- b) servicing the account on the Website - on the basis of Article 6(1)(b) of the GDPR, i.e. in connection with the performance of the contract for the provision of services by electronic means;

- c) handling the reservation process through the Website - on the basis of Article 6(1)(b) of the GDPR, i.e. for the purpose connected with handling such a reservation (the provision of services by electronic means);
- d) marketing of the Data Controller's products or services - on the basis of Article 6(1)(a) of the GDPR, i.e. on the basis of consent voluntarily given by you;
- e) telephone or other contact within the Website at your request - on the basis of Article 6(1)(a) of the GDPR, i.e. on the basis of consent voluntarily given by you;
- f) making your personal data available to the Data Controller's Partners for the purpose of handling the reservation process through the Website and activities during the reservation - on the basis of Article 6(1)(b) of the GDPR, i.e. for the purpose connected with the performance of the contract covered by the Regulations (in such a case the Partner becomes the controller of your data);
- g) making your personal data available to the Data Controller's Partners for marketing purposes - on the basis of Article 6(1)(a) of the GDPR, i.e. on the basis of consent voluntarily given by you (in such a case the Partner becomes the controller of your data);
- h) managing the applications/requests of data subjects for the purpose of exercising their rights arising from the GDPR - on the basis of Article 6(1)(c) and (f) of the GDPR, i.e. to fulfil a legal obligation incumbent on the Data Controller arising from the GDPR, and on the basis of the legitimate interest pursued by the Data Controller, which is the ability to give effect to the rights arising from the GDPR;
- i) establishing, pursuing or defending possible claims between you and the Data Controller or the Partners - on the basis of Article 6(1)(f) of the GDPR, i.e. on the basis of the legitimate interest pursued by the Data Controller, which is the ability to pursue claims or to defend against claims;
- j) processing information concerning geolocation in connection with the presentation of the offer on a computer and/or mobile device - on the basis of Article 6(1)(a) of the GDPR, i.e. on the basis of consent voluntarily given by you;
- k) profiling for the purpose of tailoring the offer - on the basis of Article 6(1)(a) of the GDPR, i.e. on the basis of consent voluntarily given by you;
- l) handling complaints - on the basis of Article 6(1)(f) of the GDPR, i.e. on the basis of the legitimate interest pursued by the Data Controller, which is the ability to handle complaints;
- m) analysing user sessions for the purpose of identifying errors in the operation of the Website - on the basis of Article 6(1)(f) of the GDPR, i.e. on the basis of the legitimate interest pursued by the Data Controller, which is the ability to improve the operation of the Website;
- n) analysing user sessions for the purpose of building profiles of User behaviour, e.g. what kind of products or services the User browses on the Website - if this is done by a User not logged in to the Website, the profile is built exclusively on the basis of cookies, whereas if it takes place as part of the use of an account on the Website, this information is combined with the account - on the basis of Article 6(1)(f) of the GDPR, i.e. on the basis of the legitimate interest pursued by the Data Controller, which is the ability to improve the operation of the Website.

12. The provision of personal data is voluntary, however the provision of data comprising first name, surname, e-mail address or telephone number is necessary in order for the Data Controller to contact you for the purpose of registration on the Website, while the provision of additional data may be necessary in order to use the Website or certain of its functionalities. We inform you that in the case of telephone contacts, all conversations are recorded. Failure to consent to the recording of telephone conversations or conversations via chat will result in the termination of the conversation, which may result in the impossibility of concluding or performing a contract provided by electronic means.

13. Your personal data may be processed for the purpose of profiling, including automated profiling. Profiling consists in the use of personal data to evaluate certain personal aspects of a natural person, in particular to analyse or predict their economic situation, personal preferences, interests, reliability, behaviour, or location. It serves to better tailor the content directed to you, including the display of personalised advertisements, or to carry out an automatic assessment of which services you may be interested in. The profiling applied by the Data Controller does not result in the taking of decisions or actions which produce legal effects concerning you or which significantly affect you. You may always object to the processing of data in this manner.

IV. Categories of data recipients

14. Your personal data may be disclosed to the following entities: employees and associates of the Data Controller, Partners, including dealers - owners of motor vehicles, IT service providers, entities providing advisory, legal, marketing, payment and other services necessary for the proper operation of the Data Controller and the services it provides. The legal basis for the transfer of data to entities providing services is Article 6(1)(b) and (f) of the GDPR.

15. Your personal data may be made available to entities and authorities authorised to process such data on the basis of the provisions of law. The legal basis for the transfer of data is Article 6(1)(c) and (f) of the GDPR.

16. In the event that your data are transferred outside the European Economic Area:

a) they are transferred only to those countries which the European Commission has recognised as ensuring an adequate level of protection of personal data. Which countries the European Commission has recognised as ensuring an adequate level of protection of personal data can be found at this link: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_pl

b) they may be processed on the basis of agreements approved by the European Commission. These agreements ensure that personal data enjoy the same protection as they enjoy in the European Union. Which types of agreements are approved by the European Commission can be found at this link: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_pl

That is, specifically to an entity with its registered office in the United States of America, personal data may be transferred to such an entity if it has been covered by the Privacy Shield programme, approved by Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 on the adequacy of the protection provided by the EU-US Privacy Shield, which obliges them to ensure similar protection with respect to data transferred between Europe and the United States.

The list of US entities participating in this programme is available at: <https://www.privacyshield.gov/list>

Information about the EU-US arrangement is available at: www.privacyshield.gov/EU-US-Framework

V. Period of personal data retention

17. Your personal data will be processed for the period necessary to achieve the purposes for which the data are processed, or until an objection is raised (if the basis of processing is the legitimate interest of the Data Controller) or until consent is withdrawn (if the basis of processing is the consent given) - whichever of these events occurs first.

18. The Data Controller may store the data until any possible claims become time-barred.

C. Marketing messages

19. Marketing messages, including offers or newsletters, are sent only to those Users who have consented to this and provided their e-mail address or telephone number. Consent to receive marketing messages may be withdrawn at any time by clicking the unsubscribe link provided in each message or during a telephone conversation or by contacting the Data Controller at the following address:

- i. in writing - at the address Berry Financial Services sp. z o.o., ul. Postępu 15C, Warszawa 02-676, or
- ii. electronically - at the e-mail address admin@berry-fs.com, or
- iii. by telephone - at the telephone number +48 22 103 31 01.

20. Marketing messages may in particular be sent to persons (always with their consent) who have made their personal data available to the Data Controller using social networking sites, i.e. in particular the website <https://www.facebook.com> and any other websites or applications associated with the website <https://www.facebook.com> or the Facebook social networking site (including international versions and applications/programs for mobile phones), the operating rules of which have been published by the entity responsible for those sites or applications, in particular at the address <https://www.facebook.com/legal/terms>, including by means of Facebook Lead Ads, the aim and purpose of which is the direct marketing of the Data Controller's own products or services. Within Facebook Lead Ads, the User provides the Data Controller only with those personal data which are in each case contained in the Facebook Lead Ads form, i.e. in particular: first name, surname, e-mail address, telephone number. The rules of processing of personal data by Facebook are available, for example, at: <https://www.facebook.com/policy.php>.

D. Cookies

21. The Data Controller uses cookies within the operation of the Website.

22. Cookies are small pieces of text information in the form of text files saved on the computer or in the browser of the person using the Website. Detailed information concerning cookies can be found by the User, among others, at the following link: <http://pl.wikipedia.org/wiki/Ciasteczko>.

23. If personal data are to be processed using cookies, you will be expressly notified of this.

24. The Data Controller uses:

- session cookies (transient cookies): i.e. files that are stored on the User's device each time until the end of the given browser session. Upon closing the browser, these files are permanently deleted from the device's memory;
- persistent cookies: i.e. files that are stored on the User's device until they are deleted - this means that, unlike session cookies, closing the browser does not result in the deletion of persistent cookies.

25. The Data Controller processes or may process data contained in cookies during the User's use for the following purposes:

a) in the case of functional cookies (cookies technically necessary for the proper use of the Website), this concerns the processing of information for the purpose of the proper functioning of the Website, i.e.:

- i. adapting the Website to the User's preferences;
- ii. optimising the use of the Website;
- iii. remembering the history of pages visited on the Website;
- iv. adapting the appearance of the Website, including font size, arrangement of graphics, etc.;
- v. creating anonymous statistics that help to understand how the Users of the Website use it;
- vi. ensuring the security and reliability of the Website.

The legal basis for the processing of personal data using cookies necessary for technical reasons is Article 6(1)(f) of the GDPR;

b) in the case of preference cookies, statistical cookies (cookies used to determine the manner and preferences of the User's use of the Website) and marketing cookies (cookies used for the purposes of addressing the User with commercial information) - the Data Controller uses these cookies for the purpose of analysing the manner of the User's use of the Website. For the purpose of analysing the manner of the User's use of the Website, the Data Controller uses the services of cooperating entities which use cookies.

If the Data Controller processes personal data by means of this type of cookies, it does so with the User's consent, in which case the legal basis for the processing of personal data using cookies for preference, statistical and marketing purposes is Article 6(1)(a) of the GDPR. With respect to preference and statistical cookies, the legal basis is also Article 6(1)(f) of the GDPR, because the Data Controller has a legitimate interest in the Website operating in an efficient and as effective and beneficial a manner as possible for the User.

26. The Data Controller uses or may use cookies placed by entities cooperating with the Data Controller, through the Website, for the following purposes:

- a) presenting multimedia content on the websites of the Website, which is downloaded from www.youtube.com (Google Inc. with its registered office in the USA);
- b) collecting general and anonymous statistical data by means of the tools:

- i. Google Analytics (Google Inc. with its registered office in the USA);
- ii. Hotjar (Hotjar Ltd. with its registered office in Malta);
- iii. MailChimp (Rocket Science Group LLC in the USA);

c) using the functions of social networking sites for the purposes of promoting the Website or Carmore:

- Facebook.com (Facebook Inc. with its registered office in the USA or Facebook Ireland with its registered office in Ireland)
- Instagram.com (Facebook Inc. with its registered office in the USA or Facebook Ireland with its registered office in Ireland)

d) On our pages, third parties place information in the form of cookies and other similar technologies on your end device (e.g. computer, smartphone) and obtain access to them. These are our trusted partners with whom we constantly cooperate in order to tailor to your needs and interests the advertisements on our and their pages, as well as the services which we and our trusted partners provide. Such a trusted partner is the entities of the Wirtualna Polska capital group. Detailed information on the processing of your data by Wirtualna Polska can be found in the privacy policy of Wirtualna Polska.

27. By default, most internet browsers available on the market accept the saving of cookies. Everyone has the ability to specify the conditions of the use of cookies by means of the settings of their own internet browser. This means that it is possible to partially restrict (e.g. temporarily) or even completely disable the ability to save cookies - in the latter case, however, this may affect certain functionalities of the Website.
28. The internet browser settings with respect to cookies are significant from the point of view of consent to the use of cookies by the Data Controller - in accordance with the provisions, such consent may also be expressed through the internet browser settings. In the absence of such consent, the internet browser settings with respect to cookies should be changed accordingly.
29. Detailed information on changing the settings concerning cookies and on deleting them independently in internet browsers is available in the help section of the internet browser used by the User.

E. EXTERNAL WEB ANALYTICS SYSTEMS

The Data Controller uses external web analytics systems, which allow it to assess the functionality of the Website in an anonymised manner (i.e. without the possibility of identifying the User). The Data Controller uses the following web analytics systems:

I. Google Analytics

This system is provided by Google Inc. (address of the main registered office: 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA). The system uses cookies to analyse the manner of use of the Website.

Every User has the ability to block the transfer of data from electronic devices to Google Analytics by downloading and installing a free browser plug-in, available at: <https://tools.google.com/dlpage/gaoptout>.

Detailed information on the manner of collecting and processing data by the above service is available at: www.google.com/intl/pl/policies/privacy/partners/.

II. Hotjar

This system is provided by Hotjar Ltd (address of the main registered office: St Julian's Business Centre, 3, Elia Zammit Street, St Julian's STJ 1000, Malta). This system:

30. monitors and records the User's behaviour (without the possibility of identifying them) on the Website;
31. records data concerning the User's behaviour (without the possibility of identifying them) on the Website, such as:
 - a) navigation,
 - b) scrolling of the page,
 - c) cursor movement.
32. Collects data (without the possibility of identifying the User) concerning:
 - the location of the device used by the User;
 - the IP of the device;
 - the type of Device used;
 - the type of operating system;
 - the browser.

More information on the privacy policy of the Hotjar tool can be found at the link: <https://www.hotjar.com/privacy>.

Every User has the ability to disable the activity measured by Hotjar by using the following link: <https://www.hotjar.com/opt-out>.

III. Mailchimp

This system is provided by Rocket Science Group LLC, 675 Ponce De Leon Ave. NE, Suite 5000, Atlanta, GA 30308, USA. This system helps:

- a) to organise and analyse the sending of newsletters (e-mail messages);
- b) to collect and analyse information concerning the sending of newsletter messages, i.e. among others:
 - a) whether the message sent to the recipient was opened and which links contained in it may have been clicked;
 - b) the time of downloading, the IP address, the type of browser and the operating system.

The information indicated above cannot be attributed to a given recipient (i.e. it does not permit their identification). It serves solely for the statistical analysis of the sending of newsletters. The results of these analyses may be used to better tailor the messages to the interests of the recipients.

If you do not wish to be subjected to MailChimp analysis, you may unsubscribe from the newsletter. In each newsletter message, an appropriate link is placed by means of which you can unsubscribe from the newsletter. Furthermore, you can unsubscribe from the newsletter directly from the account control panel on the Website or by contacting the Data Controller by telephone.

More information on the privacy policy of the MailChimp tool can be found at the link: <https://mailchimp.com/legal/terms/>

F. USER RIGHTS

33. You have the right of access to your personal data and the right to request its rectification, its erasure or the restriction of its processing.
34. You have the right to the portability of personal data, i.e. to receive from the Data Controller your personal data which you have provided to the Data Controller, in a structured, commonly used, machine-readable format. You may request the Data Controller to transmit these data to another controller.
35. To the extent that the basis of the processing of your personal data is the premise of the legitimate interest of the Data Controller, you have the right to object to the processing of your personal data.
36. In the event that you have given consent to the processing of personal data for the purpose of direct marketing of the Data Controller's own services, this consent may be withdrawn at any time.
37. In order to exercise the above rights, you should contact the Data Controller or the data protection officer, using the contact details indicated below:
- a) Contact with the Data Controller is possible in writing - at the address ul. Postępu 15C, Warszawa 02-676, or electronically - at the e-mail address admin@berry-fs.com, or by telephone - at the telephone number +48 22 103 31 01;
- b) Contact with the data protection officer is possible in writing at the address ul. Postępu 15C, Warszawa 02-676, or electronically - at the e-mail address admin@berry-fs.com, or by telephone - at the telephone number +48 22 103 31 01.
38. Moreover, you have the right to lodge a complaint with the supervisory authority dealing with the protection of personal data (the President of the Personal Data Protection Office), if you consider that the processing of data infringes the GDPR.

G. AMENDMENT OF THE PRIVACY POLICY

The Data Controller may amend this Privacy Policy if at least one of the important reasons indicated in the following catalogue arises:

39. a change in the provisions of applicable law which regulates the conduct of the Data Controller's activity;
40. the need to adapt the content of the Privacy Policy to the applicable provisions of law or the necessity to make editorial changes to the Privacy Policy which will not worsen the User's existing rights or obligations;
41. a change in the manner of conducting or operating the Website, which will be caused by objective and independent reasons of a technological or technical nature;
42. the necessity to update the Data Controller's data indicated in the Privacy Policy.

In the event that the User does not consent to the amendments to this Privacy Policy, the User should close their account on the Website by entering its settings and selecting the option to close the account.

H. EXTERNAL WEB ANALYTICS SYSTEMS

43. The Website may contain links to other websites. The Data Controller suggests that you familiarise yourself with the privacy policy of such a website also after navigating to it. This Privacy Policy relates solely to the Website.
44. The Data Controller applies technical and organisational measures ensuring the protection of the processed personal data, appropriate to the threats and the categories of data covered by protection, and in particular protects the data against their disclosure to unauthorised persons, their taking by an unauthorised person, their processing in breach of the applicable provisions, and their alteration, loss, damage or destruction.
45. The law applicable to this Privacy Policy is Polish law.
46. Contact on all matters concerning support and technical assistance takes place through messages sent to the e-mail address: admin@berry-fs.com