

Protection of Personal Data

Definition of used terms

The law No. 136/2014 of Coll. of Laws, the complete wording of the law No. 122/2013 of Coll. on protection of personal data and on changes and amendments of some laws as it follows from the changes and amendments executed by the law No. 84/2014 of Coll., hereafter, as “**Law**”

ÚOOÚ- Office for Protection of Personal Data

OÚ- Personal Data

IS OÚ – Information System Systematically Processing the OU

The Operator– the one who is processing personal data in IS OU

Authorized person– natural person (individual), who was instructed according to § 21 of Law.

Person concerned– individual, citizen, who is an e-shop customer. The Law does not apply to self-employed person (SZČO) or to other business entity.

Intermediary– entity authorized by the Operator, processing OU of the concerned person in the name of the operator (e.g. accounting company)

Third Party is everybody who is not the person concerned, providing personal data by the operator, his/hers representative, intermediary or authorized person.

IS e-shop (E-shop) – can be defined as remote sale of goods eventually services by means of the internet. On the one hand of a business relationship is e-shop operator, i.e. the seller and on the other is e-shop customer i.e. the buyer. Business relationship concludes a business contract. IS is processing OU, necessary for contract conclusion and delivery of goods and services.

IS marketing – IS processes data necessary for sending newsletters and adverts etc.

Name, surname, address and email can also be OU.

IS loyalty program, competition etc.

IP address, cookies– data which are stored into PC and serve for identification of PC

They do not contain OU, it is computer identification not the person concerned.

E-mail address– electronic postal address of the person concerned.

According to §15 par.1 of Law, the operator notifies the person concerned with this information:

Trade name for e-shop: www.choralis.art

The operator: Natália Messner Bakošová, Veterná 836/5, 053 42 Krompachy, IČO: 37179381.

Intermediary: EDAMS, s.r.o., Maurerova 51, 053 42 Krompachy, IČO: 36809152.

Third party:

General Logistics Systems Slovakia s.r.o. (GLS), Lieskovská cesta 13, 962 21 Lieskovec, IČO: 25642642.

Slovenská pošta, a. s., Partizánska cesta 9, 975 99 Banská Bystrica

IS e-shop

For the conclusion of a business contract and delivery of goods or services, the operator needs data on the customer. If the customer is a business entity then the operator is processing the following details: trade company name, IČO, DIČ, IČ DPH (if he pays VAT), invoice and delivery address. In this case OÚ are not processed. Exceptionally OÚ can also be processed e.g. the name of a firm employee, phone number, email address if goods are received by hand, the courier has to identify (e.g. sale on invoice). If the customer is not a business entity, but a citizen, then the operator is processing the following data: name and surname, invoice and delivery address, phone number and customer's email, i.e. the person concerned. The purpose for processing customer's personal data is the conclusion of a business contract and delivery of goods or services, alternatively for the seller's

fulfilment of complaints obligations.

The person concerned does not give consent to processing OÚ and also can not withdraw the consent.

OÚ processing time is conditioned by other laws that concern the conclusion of a business contract. OÚ are provided to intermediary for processing of accounting documents and to the third parties for a shipment delivery to the person concerned- e-shop customer. OÚ are disclosed only according to § 10 par. 2 of Law.

Legal basis of OÚ processing of the person concerned in IS e-shop is § 10 par. 3 letter b) of Law.

IS loyal customers (loyalty program)

E-shops regular customers receive discount. For joining the loyalty program the person concerned gives a voluntary consent for processing their OÚ. The operator processes the same OÚ, as applies in e-shop. The loyalty program even it is an independent IS is connected with e-shop. OÚ serve exclusively for offering shopping discounts. OÚ are provided to intermediary for processing accounting documents. Validity period of the consent of the person concerned is 5 years and the person concerned can withdraw the consent in writing any time.

The consent withdrawal is not retroactive. The operator will not perform a cross-border OÚ transfer to the third world countries. OÚ are available only according to § 10 par. 2 of Law.

Legal basis of OÚ processing in IS loyal customers (loyalty program) is § 11 par.1- of Law – demonstrable voluntary consent of the person concerned.

IS marketing

The operator is processing OÚ of the person concerned when sending newsletters. The person concerned gives a written consent for processing of personal data before they are processed. One's own consent is voluntary, the form of an on-line click-through agreement. The consent is not conditioned by anything.

The operator processes the following personal data: email address. OÚ serve only for sending commercial information. The validity period of a consent of the person concerned is 5 years and the person concerned can withdraw the consent in writing any time. The consent withdrawal is not retroactive.

The operator does not perform a cross-border OÚ transfer into the third world countries OÚ are available only according to § 10 par. 2 of Law.

Legal basis for processing of OÚ in IS marketing is § 11 par.1 of Law – demonstrable voluntary consent of the person concerned.

According to § 16 of Law, the person concerned i.e. e-shop customer is obliged to provide only truthful personal data to IS. Who provided false personal data to IS is responsible for it. Personal data are considered correct until the contrary is proved.

In case of any changes, the person concerned can update the OÚ after login into e-shop by himself/herself. The person concerned is obliged to use his/her own chosen password or operator allocated password when login into e-shop. In case of password misuse and carrying out purchase in the name of the person concerned, the operator takes no responsibility. In case of any damage to operator caused by providing incorrect data, the operator can ask the concerned person for recovery of incurred loss.

According to § 17 of Law is:

(1) The operator is obliged to erase OU without any delay after processing purpose is completed.

(2) Paragraph 1 is not used if personal data are part of registry record.

The operator ensures liquidation of registry record according to special regulation.

(3) The operator ensures liquidation of personal data without any delay apart of personal data stated in § 10 par. 3 letter d) even if the reasons ceased that did not enable to get an approval of the person concerned according to the law § 11 par. 4 and the consent was not given. (4) If person concerned raise an objection according to the law § 28 par. 3 letter a), the operator is obliged to liquidate processed personal data without any delay except personal data stated in § 10 par. 3 letter d)

(5) If person concerned raise an objection according to law § 28 par. 3 letter a), the operator is obliged to finish the use of personal data without undue delay stated in § 10 par. 3 letter d) in postal contact.

(6) If person concerned raise on objection according to § 28 par. 3 letter a), the operator is obliged to notify each person in writing without undue delay no later than 3 working days, to whom he provided personal data stated in § 10 par. 3 letter d), prohibition for the operator and each person to provide mentioned personal data any further to whom they been given from the day following the date of receipt of the objection regarding the person concerned, alternatively receipt of operators written notification.

According to § 18 of Law if the operator has been notified by the person concerned or if the person concerned use his/hers right to operator or if the operator discovers himself that he gave the third party incorrect, incomplete or not current personal data or if he provided them without legal basis, he is obliged without undue delay to notify each person to whom he provided it in writing.

The operator states in his notification, what he has done to rectify his action, especially if he blocked, corrected, updated or liquidated the personal data and what measures he requires from the third party.

According to § 28 of Law the person concerned can claim the following rights against the e-shop operator:

(1) The person concerned reserves the rights on the basis of written request to claim from the operator

a) confirmation of his/hers personal data are or are not processed,

b) in general comprehensible form the information on processing of personal data in information system according to law § 15 par. 1 letter a) second to sixth point; when decision is issued according to paragraph 5 the person concerned reserves the right to be acquainted with procedure and evaluation of operations,

c) in general comprehensible form the exact information on source from that his/her personal information was obtained of processing,

d) in general, comprehensible form list of his/her personal information that are the subject of processing,

e) correction or liquidation of his incorrect, incomplete or non-current personal data, that are subject of processing,

f) liquidation of his personal data, which subject of processing was concluded; if the official documents containing personal data are subject of processing, one can ask for their return,

g) liquidation of his personal data, which are subject of processing, if it came to breach of law, blocking of his personal data due to withdrawal of the consent before expiry date if the operator

processes personal data of the person concerned on the basis of his consent.

(2) The right of the person concerned according to paragraph 1 letter e) and f) can be restricted only if this restriction that follows from a specific law or by its application, the protection of the person concerned would be violated, or the rights and freedom of other persons would be violated.

(3) The person concerned reserves the rights on the basis of written request to object at the operator against

a) processing of their personal data, that he assumes are or will be processed for the purpose of direct marketing without his consent and ask for their liquidation,

b) use of personal data stated in § 10 par. 3 letter d) for purpose of direct marketing in postal contact or

c) providing of personal data stated in § 10 par. 3 letter d) for the purpose of direct marketing.

(4) The person concerned on the basis of written request or personally if the matter cannot be postponed has the right to object to operator any time against processing of personal data in cases according to law § 10 par. 3 letter a),

e), f) or g) expressing his/her rightful reasons or presentation of evidence on illegitimate interference in his/hers rights and by protected interests which are or may be in specific cases damaged by this way of processing personal data; if lawful reasons don't prevent and is proved that the objection of the person concerned is rightful, the operator is obliged to block and liquidate all personal data of the person concerned without undue delay and immediately when possible.

(5) The person concerned on the basis of written request or personally if the matter cannot be postponed

Has the right to object at any time to operator and not to submit to operator's decision that could have legal consequences or importance for the person concerned if such a decision is made solely on basis of automatic processing of his/her personal data. The person concerned has the right to demand the operator to review the issued decision by different method from automatic form of processing where the operator is obliged to comply with request from the person concerned by allowing the person concerned have the deciding role with decision of the inquiry; on the method of the review the operator informs the person concerned on final investigation in due time according to § 29 par. 3.

The person concerned does not have this right only in case of a specific law, that modifies provisions for protection of legitimate interests of the person concerned or if under pre-contract terms or during contract terms the operator made a decision where he complied with a claim of the person concerned or if the operator took appropriate arrangements on the basis of the contract for protection of eligible interests of the person concerned.

(6) If the person concerned applies his/her right

a) in writing and the from the content of his/her request follows that she/ he applies the right, then the request is considered submitted according to this law; request submitted by e-mail or by fax must be delivered in written form at latest within 3 days from the day of its sending,

b) in person by verbal form recorded in minutes, where must be clear, who used the right, what is claimed, when and who made the minutes, his signature and signature of the person concerned, the operator is obliged to give the person concerned a copy of the minutes,

c) at intermediary according to letter a) or letter b), is obliged to devolve this request or minute to

the operator without undue delay.

(7) The person concerned on suspicion that his/her personal data are processed without authorization can file a proposal to the authority for an initiation of a procedure on protection of personal data.

(8) If the person concerned has no legal capacity 15) his/her right can be applied by a legal representative .16)

If the person concerned is not alive, the rights her /his rights that had according to this law can be applied by a close person.17)

According to § 29 of Law the operator is obliged to deal with the request of the person concerned according to § 28 par. 1 letter a) to c), e) to h) and paragraph 3 to 5 the operator settles free of charge.

The request of the person concerned according to § 28 par. 1 letter d) the operator settles free of charge apart from the amount of compensation which cannot exceed the amount of effectively invested materials connected with making of copies, obtaining of technical carriers and sending information to the person concerned, unless stated otherwise in specified law.

The operator deals with request of the person concerned in writing according to paragraphs 1 and 2 no latest within 30 days from the date of delivery of the request.

According to § 19 of Law the e-shop operator accepted safety measurements for processing OÚ, that are documented in the operators Safety measurements.