

Privacy policy

What is personal data and what does it mean to process it?

Personal data is all information about an identified or identifiable natural person. The processing of personal data is by definition any action performed on personal data, regardless of whether it is done in an automated manner or not, e.g. collecting, storing, recording, ordering, modifying, browsing, using, sharing, limiting, deleting, or destroying.

Personal data collected by Toucan Systems sp. z o. o. is processed for different reasons; depending on the purpose, different collection methods, legal grounds for processing, use, disclosure, and retention periods may apply.

When does this Privacy policy apply?

It applies to cases in which Toucan Systems sp. z o. o. is the Administrator of personal data and processes personal data regardless of whether it was obtained directly from the data subject or other sources.

Who is the Administrator?

The Administrator of personal data is Toucan Systems sp. z o. o., based at ul. Chrzanowskiego 11, 80-278 Gdańsk, entered into the Register of Entrepreneurs of the National Court Register by the District Court Gdańsk-Północ in Gdańsk, VII Commercial Division, National Court Register, KRS: 0000433578, NIP: 5842728615, REGON: 221746010.

Contact details for Toucan Systems sp. z. o. o.: biuro@toucan-systems.pl

Contact details for the Data Protection Supervisor: Radosław Zdunek, iodo@toucan-systems.pl

What legal basis will personal data processed by the Administrator be based on? What types of personal data are processed?

The natural persons visiting the website or using the services provided by the Administrator by electronic means have control over the personal data which they provide to the Administrator. The Administrator limits the collection and use of information about their users to the minimum required to provide the services at the desired level, pursuant to Art. 18 of the Act of 18 July 2002 on the provision of services by electronic means (consolidated text in the Journal of Laws of 2017, item 1219, as amended).

Types of collected information:

1. **Information that the Administrator receives from people visiting the website or using the services provided electronically by the Administrator:** The Administrator receives and stores all the information provided by people using the services offered by the Administrator. One may resign from providing certain information, but then one may not have access to many of the services offered by the Administrator.

The information is transferred when:

- 1) searching for a product;
- 2) placing an order;

- 3) downloading files;
- 4) providing information on the user's account;
- 5) contacting us by phone, e-mail, or other channels;
- 6) filling out questionnaires, applications, or competition forms;
- 7) ordering a newsletter.

For example, the Administrator collects the following information:

Full name; address; phone number; payment data; age; location; details of people to whom the purchased products are sent; e-mail address, content of reviews and e-mails sent to the Administrator; information on identity and status; tax identification numbers and login files.

2. **Information received automatically:** we receive and store certain types of information automatically while individuals make use of the services offered by the Administrator. The Administrator uses "cookies" and collects specific types of information when the web browser or device uses access to the services offered by the Administrator.

Examples of information gathered and analysed by the Administrator include:

- 1) Internet Protocol (IP) address used to connect a computer or other device to the Internet;
- 2) login, e-mail address, and password;
- 3) information about the computer, device, and connection, such as the application on the device or the type and version of the browser, types and versions of browser plug-ins, operating system, or time zone settings;
- 4) location of a computer or another device;
- 5) history of purchases and use of content;
- 6) full list of Uniform Resource Locators (URLs) used during the session, cookie file number, products or content viewed or searched, page response times, download errors, information about the interaction on the page (scrolling, clicking, changing graphics after mouse cursor override, the so-called mouse-over);

Cookies

Cookies are small text files saved on a user's computer or other mobile device while using the website. These files are recorded, e.g. for using various functions provided on a given website or confirming that a given user has seen certain content from a given website. Among the cookies, you can distinguish those that are necessary for the operation of services offered by the Administrator. The cookies included in this category are used in order to:

- 1) maintain the user's session;
- 2) save the content of the user's session;

- 3) enable authorization using the login service;
- 4) save the information necessary for the operation of the internet basket in the case of online purchases;
- 5) monitor availability of services.

Another category of cookies are files that are not necessary for the use of services offered by the Administrator, but required to make it easier for the user to use those services. This type of cookies is used in order to:

- 1) restore the last visited view the next time you log in to the product;
- 2) restore the user session;
- 3) check if the cookie files are functioning correctly;
- 4) enable automatic login to the service (option “remember me”);
- 5) display recently viewed products in the online store.

The Administrator also uses the services of third parties that use cookies for the following purposes:

- 1) monitoring traffic on the Administrator’s website;
- 2) collecting anonymous, aggregate statistics;
- 3) controlling how often the selected content is shown to users;
- 4) examination of subscriptions to newsletters;
- 5) using the communication tool;
- 6) integration with a social network;
- 7) online payments.

To collect general and anonymous static data, the Administrator uses analytical tools such as Google Analytics and SalesManago (Cookies administrator: Benhauer sp. z o. o. with headquarters in Kraków).

Google Analytics is a service provided by Google Inc. (hereafter as “Google”), which analyzes web services through the use of the so-called “cookie” files, text files stored on the user’s computer, visiting the site or using the services of the Administrator. They allow to analyze the visitor’s use of the site.

The information generated by the cookies concerning the use of the Administrator’s website is usually transmitted to the Google server in the USA and stored there. In case of activation of IP anonymization on this website within the European Union Member States or in other countries that are parties to the Agreement on the European Economic Area, the IP address of the website visitors’ or users’ of the Administrator services will be, however, firstly reduced by Google. Only in exceptional cases is the full IP address transmitted to the Google server in the USA and shortened there.

On behalf of the Administrator, Google uses the data obtained from the cookie to analyze the use of the Administrator's website, compile reports on website traffic, and perform other services related to the use of the website and the Internet in favor of the Administrator.

Google may also transfer this information to third parties if it is required by law or if such third parties process the data on Google's behalf.

Google will not associate your IP address with any other data in its possession. The user may resign from the use of cookies by selecting appropriate settings on their browser.

In addition, you can prevent downloading data obtained by the cookie file and regarding your use of the website (including your IP address) by Google as well as processing this data by Google by downloading and installing the browser plugin available at the following link: tools.google.com/dlpage/gaoptout.

The legal basis for using Google Analytics is art. 6 (1)(1)(f) of the GDPR.

External supplier information: Google Dublin, Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland. Conditions: www.google.com/analytics/terms/de.html, information on personal data protection: www.google.com/intl/de/analytics/learn/privacy.html, as well as a statement on the protection of personal data: www.google.de/intl/de/policies/privacy

The Administrator also uses the services of SalesManago and its functionalities provided by Benhauer Sp. z o. o. The entity supports the administrator in analyzing the site and improving communication directed to its users in the form of banners and dynamic content.

SalesManago, along with advertising features, uses Cookies to create and monitor behavioral profiles and to analyze mass traffic on the Administrator's website.

The legal basis for using SalesManago is art. 6 (1)(1)(f) of the GDPR.

The Administrator has entered into a contract with SalesManago for the processing personal data, in which Salesmanago undertakes to protect the data of people using the Administrator's website or the Administrator's services and not to disclose them to third parties. More detailed information on the GDPR implementation by SalesManago can be found here: <https://www.salesmanago.pl/info/rodo.htm>

External supplier information: Benhauer Sp. z o. o., ul. Grzegórzecka 21, 33-332 Kraków. Detailed information on what type of data is collected with the participation of SalesManago can be found at: <https://support.salesmanago.pl/contact-monitoring-principles-of-operation-and-scope-of-collected-data/>

The user can manage cookies by changing the settings of their web browser. The Administrator also stipulates that after rejecting cookies, some of the features offered by the Administrator may not work properly, and even in some cases, it is associated with a complete disabling of their use.

Automatic processing of personal data

The Administrator will not make automated decisions, including decisions resulting from profiling.

Legal basis for processing

In the case of processing personal data in connection with the use of the services offered by the Administrator, we are confronted with diverse types of legal basis for processing. For example:

- 1) personal data of people visiting the website is processed on the basis of the legitimate interest of the data Administrator, e.g. on the basis of consent in the event that the Administrator requested the data subject to express their consent;
- 2) the Administrator processes personal data of people who use the online store and fill in the Internet form due to that fact, because it is necessary to perform the Agreement;
- 3) sometimes legal provisions require certain personal data to be processed for tax and accounting purposes.

The Administrator collects the following personal data: name, surname, address, telephone number, age, e-mail address, from natural persons who contact the Administrator in order to obtain information about the offer or share comments about services or products, as well as those who establish contact to conclude the Agreement with the Administrator.

The Administrator collects the abovementioned data:

- 1) based on the consent expressed by the user directing the above request to the Administrator,
or
- 2) in order to perform the Agreement (fulfilment of the request submitted by a given person),
or
- 3) based on the legitimate interest of the data Administrator.

The Administrator processes the provided data basing on the legitimate purpose of the data Administrator.

The Administrator also processes personal data of his clients and potential clients. This data may also include personal data of people associated with the Administrator's clients who are not natural persons (e.g. contact persons). Personal data of this type are processed in IT systems used by the Administrator. Personal data processed for these purposes include, e.g. name, surname, address, telephone number, age, details of persons to whom the purchased products are sent, e-mail address, tax identification numbers, payment details.

Processing personal data of natural persons who are the Administrator's clients is based on:

- 1) legitimate interest of the data administrator (e.g. direct marketing of own products, securing documentation for the purpose of defending against possible claims or for the purpose of pursuing claims);
- 2) consent (including, in particular, consent to e-mail marketing or telemarketing);
- 3) performance of the concluded agreement;
- 4) obligations arising from the law (e.g. tax law or accounting regulations).

Processing personal data of natural persons who are potential customers is based on:

- 1) legitimate interests of the data administrator (e.g. in the area of direct marketing of own products);
- 2) consent (including, in particular, consent to e-mail marketing or telemarketing).

For what purposes is the data processed?

Personal data is processed only for purposes for which the customer's consent has been granted (e.g. sending newsletters, downloading files), or to implement an Agreement (orders) and to take necessary measures before entering into the Agreement (e.g. taking orders, providing services, handling orders and requests, processing complaints); as well as for the fulfilment of legal obligations incumbent on the data administrator (e.g. storing tax documentation); arising from legitimate interests performed by the Administrator (e.g. direct marketing of own products, securing and pursuing claims, securing and protecting against claims on your part or third parties, handling requests via the contact form); marketing, not resulting from legally justified interests carried out by the Administrator (e.g. marketing services and products of third parties, own marketing that is not direct marketing).

How long does the Administrator process personal data?

The time during which the Administrator may process personal data depends on the legal basis constituting a legal condition for the processing of personal data; therefore:

- 1) in case of collection of personal data for the purpose of the performance of an order or conclusion of the Agreement (legal basis: Art. 6, para. 1, point b of the GDPR): from the moment of data collection before the conclusion of the Agreement to conclude it or from the collection of such data during the conclusion of the Agreement or from the moment the data is collected during the performance of the Agreement (in the event of the data being supplemented or updated during the performance) until the Agreement is terminated or the Agreement is completed after its termination (e.g. processing of complaints);
- 2) in case of collecting personal data in order to fulfil obligations resulting from legal regulations or in connection with the performance of tasks in the public interest (legal basis: Art. 6 para. 1, point c) for the period of performing duties and tasks resulting from individual legal provisions;
- 3) in case of processing personal data for purposes arising from the legitimate interests of the Administrator (legal basis: Art. 6, para. 1, point f) the data will be stored no longer than 5 years from the date of termination of the Agreement or until the substantiated objection against processing for this purpose is submitted or the completion of the request (data provided in the contact form);
- 4) in case of collection of personal data on the basis of submitting a consent (legal basis: Art. 6, para. 1, point a) or f) of the GDPR): from the moment of consent to the processing of data covered by it (also during the performance of the Agreement) until the moment of the execution of the request to withdraw the consent, in the case of its withdrawal, or until the notice of objection.
- 5) apart from the situations mentioned above, the data may be stored during the period of limitation of data processing established on your request, the request by the supervisory body – in situations provided by the GDPR in the Art. 18 and 58.

When and how does the Administrator provide personal data to third parties? Does it transfer data to third countries?

The Administrator transfers personal data to others only if it is permitted by law. In such a case, in a relevant agreement concluded with a third party, the Administrator provides for provisions and security mechanisms to protect data and maintain the standards regarding data protection, confidentiality, and security. These types of agreements are called entrusting agreements for the processing of personal data, and the Administrator has control over how and to what extent the entity entrusted with the processing of certain categories of personal data processes the data. In relation to the above, the Administrator indicates that the recipients of personal data that the Administrator processes may be:

- 1) persons authorized by the user;
- 2) persons employed and authorized by the Administrator;
- 3) entities processing data on commission and behalf of the Administrator as well as authorized persons employed in these entities (e.g. collection of receivables and pursuing claims based on services of external companies, marketing);
- 4) entities conducting payment and intermediary activities in payments (banks, payment institutions);
- 5) entities performing postal or courier activity;
- 6) third parties – if the Administrator uses his rights (e.g. in the event of the assignment of claims together with the transfer of personal data related to the claim);
- 7) public authorities which may receive data in cases other than within the framework of a specific proceeding conducted in accordance with the Union or Polish law.

What are the rights of data subjects and how are they implemented?

Data subjects have the following rights:

- 1) the right to request access to personal data, rectification, deletion, processing restrictions. In addition, the right to object to data processing and the right to data transfer. The implementation of the rights listed in this paragraph takes place in accordance with the provisions of the General Data Protection Regulation (GDPR) – basing on the definitions and mechanisms described in this Regulation;
- 2) if the Administrator processes personal data based on consent, the right to withdraw the consent at any time, without affecting the legality of the processing, which was made on the basis of the consent before its withdrawal;
- 3) the right to lodge a complaint to the supervisory body under the terms of the General Data Protection Regulation, in particular pursuant to the Art. 77 of this regulation. In Poland, since 25 May 2018, the Office for Personal Data Protection has been the supervisory authority.

The Administrator is responsible for the implementation of the rights in accordance with applicable law. In case of any questions and requests regarding the scope and implementation of the rights, as well as in order to contact the Administrator to exercise a certain right in the field of personal data protection, please contact us at the following e-mail address: iodo@toucan-systems.pl.

Natural persons have the right to limit the processing or object to the processing of their personal data at any time, due to their special situation, unless the processing is required by law.

A natural person may object to the processing of the personal data when:

- 1) the processing of personal data takes place on the basis of a legitimate interest or for statistical purposes, and the objection is justified by the particular situation in which that natural person found himself,
- 2) personal data is processed for direct marketing purposes, including profiling for this purpose.

In turn, in relation to a request to limit the processing of data, it is provided, e.g. when a person notices that the data is incorrect. In such a case, the person may demand restricting the data processing for a period allowing the Administrator to check the correctness of the data.

The right to delete data can be used, e.g. when the data of a natural person is no longer necessary for the purposes for which it was collected by the Administrator or when a natural person withdraws the consent to the processing of data by the Administrator. Additionally, the right to delete data can also be exercised when a natural person objects to the processing of the data or if the data is processed unlawfully. The data should also be deleted in order to fulfil the obligation resulting from the law.

The right to transfer data is applicable when the processing of a person's data takes place on the basis of the consent of a natural person or the agreement concluded with that person and when such processing is carried out automatically.

Other questions, doubts, and complaints

Should you have any questions, concerns, or doubts regarding the content of this Privacy Policy or the way in which the Administrator processes personal data, as well as complaints regarding these issues, please send an e-mail with detailed information regarding the complaint to: iodo@toucan-systems.pl.

Any complaints received will be considered and the Administrator will respond to them.

The persons whose personal data is processed by the Administrator are also entitled to file a complaint with the supervisory body, which is the Office for Personal Data Protection (address: Stawki 2, 00-193 Warsaw).

Contact with the Administrator is also possible directly at the Administrator's office, as well as by mail or telephone, and for this purpose, the Administrator provides the following contact details:

Toucan Systems sp. z o.o.

Ul. Chrzanowskiego 11, 80-278 Gdańsk

The Administrator undertakes to regularly review this Privacy Policy and change it when necessary or desirable due to: new legal regulations, new guidelines of bodies responsible for supervising the processes of personal data protection, or best practices applied in the area of personal data protection. The Administrator also reserves the right to change this Privacy Policy in the case of changes in technology through which he processes personal data (if the change

affects the wording of this document), as well as in the event of changes in the methods, purposes, or legal grounds for the processing of personal data.