

# **Notification of data subjects**

## **-participating in polls, competitions and public surveys**

**of information being provided while collecting personal data from data subjects, including information needed for securing the lawful and transparent processing of personal data (hereinafter referred to as „the Notification“)**

pursuant to the regulation of the European Parliament and Council (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as „the Regulation“) and Act no. 18/2018 Coll. on personal data protection as amended (hereinafter referred to as „the Act“)

Folk & Milk Studios s.r.o., the company seated at Klemensova street 4, 811 09 Bratislava, Registration no.: 36 768 138, registered within the Commercial register of District court Bratislava I, section: Sro, insert no.: 45599/B, e-mail: [office@folk.ad](mailto:office@folk.ad) (hereinafter referred to as „the Controller“), as a provider of filing systems processing personal data

hereby notifies data subjects, that the Controller shall process the following personal data provided personally by the data subjects to the Controller:

- a. first name, surname and degree,
- b. date of birth/age,
- c. sex,
- d. education,
- e. job position/function,
- f. residence address,
- g. delivery address,
- h. e-mail address and telephone number,
- i. online identifiers,

(hereinafter referred to as „the PD“).

The Controller shall process the PD in the filing systems (hereinafter referred to as „the FS“) under the following conditions:

### **1. FS „Polls, competitions and public surveys“**

1. the purposes of the PD processing: providing and realization of polls, competitions and public surveys provided by the Controller, evaluating, processing, publishing and public dissemination and archiving of their results/outputs and their future contacting and participations in the polls, competitions and public surveys;
2. the list of the PD being processed: the PD being processed according to the letters a. to i. of this Notification in the extent, wherein the data subject actually provides the Controller with the PD;
3. the legal grounds of the processing: consent of the data subject;
4. the recipients of the PD:

- a. third parties, for which the Controller provides the respective poll, competition or public survey,
  - b. third parties, which processes the PD (e. g. providers of software and IT services, providers of webhosting, subjects sending information outputs, legal advisors etc.) based on the Controller's or processors' authorization,
  - c. public and court authorities related to which the controllers fulfill their legal obligations according to the generally binding legislation;
5. the transmission of the PD to the third countries: to the third countries, wherefor the European Union decided that the respective third country, territory or one or more sectors in the given third country offers the adequate level of personal data protection.

## **2. FS „Advertising and marketing“**

1. the purposes of the PD processing: advertising and marketing purposes – purposes of announcing the recent activities, projects and events of the Controller to the data subjects, their presentation and propagation, purposes of market researches, public opinion and satisfaction of the data subjects and their analytical evaluation, including sending the reports/presentations about offered projects, activities and events of the Controller;
2. the list of the PD being processed: the PD according to the letters a. to i. hereof in the extent actually provided by the data subject;
3. the legal grounds of the processing: consent of the data subject;
4. recipients of the PD:
  - a. third persons, who processes the PD (e. g. providers of software and IT services, providers of webhosting, subjects sending information outputs, legal advisors etc.) based on the Controller's or processors' authorization,
  - b. public and court authorities related to which the controllers fulfill their legal obligations according to the generally binding legislation;
5. the transmission of the PD to the third countries: to the third countries, wherefor the European Union decided that the respective third country, territory or one or more sectors in the given third country offers the adequate level of personal data protection.

The Controller shall store the PD:

- a. in the FS “Polls, competitions and public surveys”
  - for the period of participating of the data subject in polls, competitions and public surveys provided by the Controller and for the period wherein the Controller is obliged to keep the PD in the evidence and/or in the period wherein it is needed for protection of rights and legitimate interests of the Controller, no longer than for five (5) years after the last participation of the data subject
- b. in the FS “Advertising and marketing”
  - for the period of participating of the data subject in polls, competitions and public surveys provided by the Controller and not longer than for five (5) years after the last participation of the data subjects.

**The data subjects shall have right to the following in connection to the processing of the PD by the Controller:**

### **1. right of access to their PD**

- a. right to obtain confirmation as to whether or not personal data concerning the data subject, are being processed by the Controller,

- b. where the Controller processes such PD, right of access to the PD and the information about:
  - i. the purposes of processing,
  - ii. the categories of the processed PD,
  - iii. the recipients and categories of recipients,
  - iv. the period for which the PD will be stored, the criteria used to determine that period,
  - v. the existence of the right to request from the controller rectification or erasure of the PD or restriction of processing of the PD concerning the data subject or to object to such processing;
  - vi. the right to lodge a complaint / motion to initiate proceedings before a supervisory authority – The Data Protection Office of Slovakia
  - vii. where the PD was not collected from the data subject, any available information as to their source,
  - viii. the existence of automated decision-making, including profiling pursuant to the Regulation / the Act

**2. right to rectification of the PD, within which the data subject shall have the right to:**

- a. obtain from the Controller without undue delay the rectification of inaccurate personal data concerning the data subjects;
- b. obtain from the Controller the completion of the incomplete PD.

**3. right to erasure (“to be forgotten”), within which the data subject shall have the right to:**

- a. obtain the erasure of the PD concerning the data subjects without undue delay and the Controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:
  - i. the PD are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
  - ii. the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;
  - iii. the data subject objects to the processing pursuant to the Regulation and/or the Act and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant the Regulation and/or the Act,
  - iv. the personal data have been unlawfully processed,
  - v. the personal data have to be erased for compliance with a legal obligation according to Union law, Slovak law or international agreements to which the Slovak republic is subject,
  - vi. the personal data have been collected in relation to the offer of information society services pursuant to the Regulation and/or the Act.

The right to erasure shall not be applied to the extent that processing of the PD is necessary: i) for exercising the right of freedom of expression and information; ii) for compliance with a legal obligation which requires processing according to Union law, Slovak law or international agreements to which the Slovak republic is subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; iii) for reasons of public interest in the area of public health pursuant to the Regulation and/or the Act; iv) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes of the Regulation and/or the Act in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing; or v) for the establishment, exercise or defence of legal claims.

**4. right to restriction of processing of the PD, within which the data subject shall have the right to:**

- a. obtain the restriction of processing of the PD by the Controller where one of the following applies:
  - i. the accuracy of the PD is contested/objected by the data subject, for a period enabling the Controller to verify the accuracy of the personal data;
  - ii. the processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
  - iii. the Controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
  - iv. the data subject has objected to processing pursuant to the Regulation and/or the Act pending the verification whether the legitimate grounds of the Controller override those of the data subject.

**5. right to portability of the PD, within which the data subject shall have the right to:**

- a. to receive the personal data concerning the data subject, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and
- b. to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:
  - i. the processing is based on consent of the data subject pursuant to the Regulation and/or the Act and the processing is necessary for performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
  - ii. the processing is carried out by automated means.

In exercising their right to data portability, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible. The performance of right to portability of the PD shall not adversely affect the rights and freedoms of others.

**6. right to object the processing of the PD and to automated individual decision-making, within which the data subject shall have the right to:**

- a. object on grounds relating to their particular situation, at any time to processing of the PD concerning the data subject, which is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller; or it is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, including the objection of profiling based on those legal grounds.
- b. object at any time to processing of personal data concerning the data subject for such marketing, which includes profiling to the extent that it is related to such direct marketing;

The data subject may exercise his or her right to object by automated means using technical specifications;

- c. not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning the data subject or similarly significantly affects the data subject;

This right shall not apply if the decisions: i) is necessary for entering into, or performance of, a contract between the data subject and the Controller; ii) is authorised by Union law, Slovak law or international agreements to which the Slovak republic is subject, and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or iii) is based on the data subject's explicit consent.

### **The provision of personal data for the processing to the Controller**

- a. in the FS „Polls, competitions and public surveys“:
  - is a contractual requirement (agreement of the data subject and the Controller) and
  - the possible consequences of failure to provide such data, is an impossibility of participating of the data subject in the polls, competitions and public surveys provided by the Controller;
- b. in the FS “Advertising and marketing”
  - is a contractual requirement, the data subject is not obliged to provide the PD, and
  - the possible consequences of failure to provide such data, is an impossibility to announcing the recent activities, projects and events of the Collector.

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This Notification to data subjects is published and available for inspection at the office of the Controller at Palisády 59, Bratislava and at the webpage of the Controller [www.folk.ad](http://www.folk.ad)