

PRIVACY POLICY AND PERSONAL DATA PROTECTION (HEREINAFTER: "POLICY")

INTRODUCTION

To fulfil the information provision requirement set out in Article 13 of the General Data Protection Regulation (GDPR), we would like to inform you that the controller of your personal data is: **Marek Russjan**, carrying on economic activity under the business name **RUSSJAN APARTMENT & HOUSE** (Marek RussjanNieruchomości) with the registered office in Sopot at ul. ArmiiKrajowej 137B/4, hereinafter referred to as "Controller" or "Russjan".

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

Personal Data means any information relating to an identified or identifiable natural person. An identifiable natural person is a person who can be identified, directly or indirectly, in particular on the basis of an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

Client, Clients - means any person who uses the services offered by Russjan.

Personal Data Processing – means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

The **Regulation** or **GDPR** means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

Website- means the website maintained at: <http://www.russjan.com/>.

THE SCOPE OF PERSONAL DATA COLLECTION

The Controller makes every effort to ensure that Personal Data are processed in accordance with the applicable legislation and protected against loss, destruction, disclosure, unauthorised access or misuse. The Controller ensures the confidentiality of any data received by undertaking effective Personal Data security and protection measures. If there is a suspicion that the Client's Personal Data are not properly secured or if there is evidence of fraud, please email us at kontakt@russjan.com.

In each case the purpose, scope and recipients of Personal Data processed by the Controller result from Client's consent or provisions of the law and are specified more precisely by the Client's actions undertaken via the Website of other communication channels available to the Client.

The Controller can process the following Personal Data of the Clients who use his services:

- name;
- mailing address;
- address of residence/registered office/seat,
- administrative addresses of properties and other data relating to the properties that are necessary for the performance of relevant agreements;
- email address;
- telephone number;
- bank account number;
- data/information relating to the payments made by the Client;
- IP address.

In the case of non-consumer Clients the Controller may also process the Client's company name and tax identification number (NIP).

PURPOSE OF PERSONAL DATA PROCESSING

Personal Data (in addition to the data used for marketing purposes) must be provided to conclude a real estate agency agreement. The Personal Data used for marketing purposes is provided voluntarily.

The Controller processes Personal Data in order to present property sale/lease offers, handle any complaints and ensure the performance of real estate agency agreements on the basis of Article 6 paragraph 1 point b) of GDPR (data are kept for a period equal to the period of performance of the agency agreement and the limitation period for claims arising out of the agency agreement or equivalent to the period of retention of records related to the performance of the agency agreement required by the mandatory provisions of the law, whichever of these periods is longer).

The Controller processes Clients' Personal Data for billing purposes to the extent necessary e.g. to issue an invoice. The legal basis for the processing of Clients' Personal Data contained in billing documents is Article 6(1)(c) of GDPR (compliance with a legal obligation to which the Controller is subject e.g. issuing an invoice). The processing of data in this respect shall continue until the end of the limitation period for claims under the concluded agreements. In addition, all the accounting documents issued, such as invoices, are included in the accounting records maintained by the Controller; consequently, Clients' data are processed in this respect for the period of time required by the mandatory provisions of the law.

In order to establish, investigate and enforce claims the Controller may process some of the Personal Data provided by the Client, in particular the name, contact details (e-mail, telephone number), data on the use of the services and other data that will be necessary to prove the existence of and enforce the claim, as well as in defence against any claims in legal proceedings before the courts and other state authorities.

The legal basis for data processing is Article 6(1)(f) of GDPR, i.e. the legitimate interests pursued by the Controller. In this respect, the data are processed for the statutory claims limitation period. The processing of data will, however, be limited to data storage only and exclude any other operations on these data, save for other obligations of the Controller specified by applicable provisions of the law or imposed by competent authorities.

Furthermore, the Controller processes Personal Data for marketing purposes on the basis of Article 6(1)(a) of GDPR (data are stored for a period of 3 months from the date of property viewing or, if an agreement is concluded, for the duration of that Agreement).

The Controller also monitors the quality of his services, with a view to meeting Clients' expectations. This is done by means of statistical analysis of the usage of the various Website functions using:

- internal analytics tools;
- statistical tools provided by partners offering analytical services.

To achieve this, Client's Website activity data are processed (e.g. the pages and subpages visited by the Client, the time spent on the Website, the Client's IP address, location, device ID and data relating to the browser and operating system used by the Client). The legal basis for data processing is article 6(1)(f) of GDPR, i.e. the legitimate interests pursued by the Controller, consisting of facilitating the Clients' use of the services provided by the Controller by electronic means and of improving the functionality of these services.

In his advertising activities the Controller uses, inter alia, the technologies provided by external advertising partners and affiliate networks. These include:

- Google (e.g. Analytics, Adwords campaigns),
- Facebook,
- LinkedIn.

PROFILING

The nature and form of advertising messages depends on the interests, place of residence and other parameters that allow customisation of advertising message. In the case of data processing for direct marketing of Controller's own products or services, the basis of such processing is the achievement of legally justified aims pursued by the Controller (pursuant to Article 23(4) of the Personal Data Protection Act, legally justified aims include, in particular, direct marketing of the Controller's products or services).

SOCIAL NETWORKS

The Controller processes the personal data of Users who visit his social media profiles (Facebook, YouTube, Instagram, LinkedIn, Twitter). These data are processed solely in connection with the running of the profile, inter alia, in order to inform the Users about the Controller's activities and to promote various events, services and products. The legal basis for the processing of Personal Data by the Controller for this purpose is his legitimate interest (Article 6(1)(f) of GDPR) of promoting his own brand.

COOKIES

The Website uses a technology that stores and accesses the information on the Client's computer or other device connected to the Internet (in particular with the use of cookies), in order to ensure maximum comfort for the Client when using the Website, including for statistical purposes and to tailor the content to the Client's interests. During the Client's visit of the Website the information relating to such visit (the domain name of the website linking to the Website, browser type, operating system type, IP address, Client ID, other information transmitted via HTTP) protocol may be automatically collected. In addition, the Controller may process usage data or information on the location of the device used to access the Website.

The cookies used on the Website are not harmful to the Client or the computer/device used by the Client and it is recommended not to disable them in browsers. The Website uses two types of cookies: session cookies, which remain on the Client's computer or mobile device until he logs off the Website or closes the software (Web browser) and persistent cookies, which remain on the Client's device for the time specified in the cookie parameters or until they are manually deleted from the Web browser.

The cookies allow the Controller to ensure the proper functioning of the Website, to improve the speed and safety of Website use and to use marketing tools.

It is possible to delete all the cookies saved on the end device. All the future cookies can be accepted or rejected in the browser settings, but one should keep in mind that disabling cookies may make part of the website content unavailable. For information on the control of cookies in the individual browsers use the links below:

- Internet Explorer: <https://support.microsoft.com/pl-pl/help/17442/windows-internet-explorer-delete-manage-cookies>
- Chrome: https://support.google.com/chrome/answer/95647?hl=en&p=cpn_cookies
- Firefox: <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences?redirectlocale=en-US&redirectslug=Enabling+and+disabling+cookies>
- Safari: <https://support.apple.com/?path=Safari/5.0/en/9277.html>

POSSIBLE RECIPIENTS OF PERSONAL DATA:

The recipients of Personal Data processed by the Controller are other parties operating within Russjan to present real estate sale offers, including agencies and property development companies cooperating with Russjan, notary public offices, law offices and the parties to the agreements concluded with Clients.

The Controller also provides Clients' data to public authorities if they request the Controller to do so in connection with their duties. These may include, in particular, organisational units of the prosecutor's office, the Police, the President of the Personal Data Protection Office, the President of the Office of Competition and Consumer Protection or the President of the Office for Electronic Communications.

PERIOD OF PERSONAL DATA STORAGE

The Controller guarantees that the Clients' Personal Data are not processed for a period longer than that required by law or specified in the Controller's internal regulations. The criteria for determining the data processing time for specific purposes are described in section 4 hereof.

STORED PERSONAL DATA CONSULTATION AND RECTIFICATION

The Clients have the following rights in connection with the processing of Personal Data by the Controller:

- the right to request access to and rectification or erasure of their Personal Data or restriction of processing of such data;
- the right to object to the processing of Personal Data;
- the right to transfer Personal Data;
- the right to withdraw their consent at any time, if such consent to data processing has been given by the Client;
- the right to lodge a complaint with a supervisory authority with regard to the processing by the Controller of the Client's personal data.

The Clients may exercise the rights referred to above in accordance with the principles described in Articles 16–21 of GDPR, by sending an email to the address: kontakt@russjan.com.

COMMUNICATION

The Controller may communicate with Clients using notifications, email, social media messages, the form on the Website, text messages, by telephone or by paper mail.

The Client may contact the Controller directly at any time by sending an appropriate message in writing or by email to the Controller's address indicated hereinabove or by phoning the number indicated hereinabove.

The Controller keeps the correspondence with Clients for statistical purposes and to ensure the best and fastest possible response to any queries received and with regard to complaint resolution. The addresses and data collected in this way will not be used to contact Clients for purposes other than handling their submissions.

When contacted by a Client to perform certain actions (e.g. to make a complaint), the Controller may request the Client again to provide data, including Personal Data, such as their name, email address, etc., in order to verify the identity of the Client and be able to reply later regarding the matter in question. The above applies to the same data, including Personal Data, that the Client already provided and to the processing of which he consented. Providing this data is not mandatory but may be necessary to perform the operations or obtain the information requested by the Client.

SECURITY

The Controller applies technical and organisational measures to ensure the protection of Personal Data processed appropriate to the risks and the category of data protected, and in particular protects the data against sharing with unauthorised persons, taking by an unauthorised person, processing in non-compliance with applicable regulations, as well as alteration, loss, damage or destruction of the data. Such measures include, inter alia:

- protecting the file system against unauthorized access;
- SSL certificate on the page where Client data are submitted.

The Controller wishes to emphasise that each Client who uses the Website should also ensure security of the devices used for accessing the Internet. Such devices should have antivirus software installed, together with up-to-date virus definitions, as well as an up-to-date and secure Web browser version and enabled firewall. The Client should also periodically check that the operating system and programs installed in it have the latest updates, since cyber-attacks take advantage of the security holes discovered in the installed software. It is recommended to exercise caution when opening attachments or clicking links in messages that the Client did not expect, e.g. received from unknown senders.

It is also recommended to run anti-phishing filters in the Web browser, i.e. tools that verify that the displayed web page is authentic and not used to obtain information fraudulently. When using a wireless home network (Wi-Fi), it is advisable to define a secure and effective network access password. It is also recommended to use the highest encryption standards for wireless (Wi-Fi) networks that are possible to run on your hardware, such as WPA2.

FINAL PROVISIONS

The Controller reserves the right to amend this Policy in future. This may be due the following important reasons:

- changes to the existing legislation, in particular relating to the protection of Personal Data, telecommunications law, electronically supplied services and consumer rights, which affect the rights and obligations of the Controller or of the Client;
- development of electronic service functionalities arising from web technology advancements, including the use/implementation of new technology solutions that affect the scope of this document.

In every case the Controller will post an appropriate notice on the Website to inform about the changes to the document. Following each change, the new version of the document will be published with a new date.

In case of any doubt or conflict between this document and the consents granted by the Client, notwithstanding the provisions hereof, the basis for any measures taken or defined by the Controller are the consents voluntarily granted by the Client or provisions of the law. This document, however, is of general nature, serving information purposes only (it does not constitute an agreement or terms and conditions).

This version of the document is valid from: 22/08/2019.

Komentarz [u1]: Proszę sprawdzić wersję oryginalną – wydaje mi się, że brakuje tam słowa "Administradora" (... prawa i obowiązki [Administradora] lub prawa i obowiązki Klienta)