

# PRIVACY TERMS

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Dear Users,

These Privacy Terms ("**Terms**") apply to you, a user of the "Transportly Bidding System", a web application available at [www.bidding.transportly.eu](http://www.bidding.transportly.eu). It is a combined communications platform and online software application for small and medium-sized carriers ("**App**") that was developed and is used for transport managed by intelligent logistics. The App is designed for you to enter a request for transporting freight, obtain quotes from individual suppliers, create your own supplier database, and store a history of your shipments, among other things.

These Terms apply to you as a user of the App, in particular when you are using its functions and entering your information and data therein, or subscribing to the newsletter or similar marketing content in the App, or if you are a data subject in relation to contests we organize.

As the App is intended for use by businesses, please note that these Terms apply only to the protection of personal information. **Personal Data** means any information relating to an identified or identifiable natural person ("data subject" - a person to whom the personal data relates). An identifiable natural person is a person, who can be identified directly or indirectly, in particular by reference to an identifier, such as the name, identification number, location data, and, online identifier, or by reference to one or more elements specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

In other words, were the user of the App is, for example, a limited liability company, these Terms would cover the processing of the personal data of a corporate director providing his or her personal data in order to register for the App or a natural person employed by the company that is using the App. If the user is a natural person conducting business with a trade license, these Terms apply to the processing by us of his or her personal data in relation to the use of the App.

## 1. Who are we?

The company is Transportly s. r. o., Tolstého 170/22, 040 01 Košice - Sever, Reg. No. 53 692 462, incorporated in the Business Register maintained by the Košice City Court, Section: Sro, Insert No. 51258/V ("**Transportly**" or "**we/us**" or "**Company**"), owner, operator and administrator of the App, through which Users are able to take advantage of its various functionalities.

Your privacy will always be taken into account when the Company provides its products and downstream services, and also when it innovates them. The Company is aware of its obligations to its users required by legislation governing your privacy and the protection of your personal data. Your personal data will be treated by us responsibly and with respect. That is why we are working with experts in different fields such as the legal sector, security and IT to be sure that no decision is ever made that does not respect your privacy.

There are several different ways for you to manage your privacy while you are using the Company's service. You will always have the opportunity to exercise your rights under Regulation (EU) No. 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 No. 95/46/EC (General Data Protection Regulation, "GDPR") and Act No. 18/2018 on the protection of personal data and the amendment of certain laws ("Personal Data Protection Act").

Under the GDPR, the Company has the status of controller. Your personal data will be processed and protected by us while you are using the App.

The purpose of these Terms for the protection of your personal data is to provide you with information on who is processing your personal data, why and how; to whom your personal data are provided; what rights you have under the GDPR and the Personal Data Protection Act; and how you can exercise them.

## **2. What kinds of information about you do we collect?**

In order for us to provide you with the services and products we offer and to continually improve them, information about you is collected.

The information collected by us about you and how we use it depends on whether and how you order a service, how you use the App's specific functionalities and how you manage your privacy controls when you come to us. In principle, the information we process about you can be broken down as follows:

### **Information you transfer to us in direct connection with the provided service or in relation to an organized contest:**

- Information necessary to register for the App and create an account therein - registration data such as your full name, email address and phone number
- Information necessary to issue an order and use the App's functions such as your full name, email address and phone number; delivery address; payment details; geolocation; and vehicle information (including registration plate), efficiency and driver ratings. Depending on the functions you select, proper operation of them may also require the processing of data shown in your driving license, identity card, images of you, police record and/or financial information, if these are considered to be personal data
- Information you provide when you are using a selected service, such as images of you, posts and commentaries
- Information required to enter a contest we have organized and for us to administer and judge it such as your full name, permanent address and images of you
- Information provided when you take part in the Company's promotions and contests if you opt to participate
- Information related to your enquiries the Company's customer support group handles such as complaints, suggestions and alerts

### **Information received by us from other sources:**

- Information about you may be collected by us from other users, for example, when they contact us about you, alert us to certain action you have taken or when they recommend you as a possible user of services we provide or arrange
- Information about you may come from analytical data on traffic and use of the Company's services

**Information collected in relation to the use of our services:**

- information about your interactions with us such as how you have used the services, how you logged in, from what location you accessed the Company's site and how long you were connected to it, response times, download errors and how you accessed and exited the services, among other things.
- Technical details of the devices and settings you used such as IP address, browser settings, operating system, platform and cookies. For more information on how we use cookies, please visit [www.bidding.transportly.eu](http://www.bidding.transportly.eu)

**3. Why do we process your personal data?**

The law requires us to have a predefined purpose for processing your personal data. Below are the purposes for which your personal data are collected and later processed.

**For purposes of registration, creating an account and managing it in the App and for provision of the following services**

You are required to register for the App and create a user account therein to use the App and its functions. In most cases, the legal basis for the Company's processing of your personal data is the performance of a contract.

Here, we will be working with the contact details you provide us in the contact or reservation form.

Your user account lets you do the following:

- Place a request to transport freight (place, time, cargo specifications)
- Obtain quotations from carriers
- Develop your own carrier database
- Select a quote from one of the carriers and assign it your transport
- Store your history of transports and documents

In doing so, your personal data are collected by us because we are providing you with use of the Company's App, which you have freely chosen to do in accordance with the terms and conditions governing provision of the selected service. Acceptance of the Company's terms and conditions governing the provision of the service you have chosen therefore constitutes the conclusion of a contract between you and the Company.

**To comply with legal obligations**

Specific legislation may impose various obligations upon us, as a provider of services, which requires us to process your personal data. Legislation where processing of personal data is necessary for compliance is the Accounting Act, which obliges us to retain certain data on paid services for the period of time set out therein. Another example is the proper management and administration of records in the Archives and Registries Act.

**For keeping records and handling legal disputes and other litigation**

A purpose for processing personal data is to keep records and handle legal disputes and other litigation, whereby Transportly particularly monitors the establishment, exercise and defense of legal claims. In this case, the legal basis is the legitimate interests of the Company as controller of the App, whereby it monitors the proving, asserting and/or defending of its legal claims.

**For recording postal communications**

Another purpose for processing personal data is to keep a record of both posted and electronically mailed communications that have been received and sent. The Company can primarily and generally register postal communications in order to manage a transparent list.

**To assess, maintain and improve our products and services as well as develop new products and services**

Your information ensures that our products and services are working as you expect of them, for example by us monitoring outages and troubleshooting problems you report to us.

It is also used to help us innovate the Company's products and services, such as using your input to identify a need to enhance its services, to see a demand for a new product or service, or to assess the need for greater user protection.

The information we collect from our existing products and services helps us raise the quality of new products and services we are developing.

**To provide customized products and services, including content and advertising**

Information received from you lets us customize the products we sell and the services we provide to fit your needs and preferences.

We provide you with personalized content, such as displays of recommended articles or relevant and attractive offers we believe to be possibly appealing and interesting to you, along with other recommendations or similar ways for you to use the Company's products and services more easily and to improve your user experience when you are using its services or selecting and purchasing its products.

Another objective in processing your personal data for this purpose is to facilitate the use of the Company's services, such as storing completed orders, preferred methods for future payments of products and services, or recommending relevant articles in the App.

The information we collect from your various devices, (operating system version, application version, and device hardware) helps us consistently offer you goods and services across all of your devices.

**To secure and manage your participation in the contests we organize**

If you opt to be a contestant in an event organized by the Company and you grant us consent to process your personal data for this purpose, it will be processed for the purpose of securing and managing your participation in the contest. The information we process for this purpose depends on the specific contest's rules and conditions.

**To upgrade the security of our services, prevent abuse and to investigate violations of our terms**

Transportly is committed to offering you services securely. In order to keep the Company's services secure, we also process your personal data to prevent spam, phishing, harassment, misuse of your user accounts and other prohibited activities.

Processing includes a commitment to you that the Company's IT environment is safe against attacks and other interference so you can feel secure when you are using its services. We make sure that other users respect the terms of the Company's services to guarantee quality and safe use of them.

Depending on the permissions you grant, information from the computers, telephones and other devices on which you install and use the Company's services or purchase its products will provide you with greater protection of your privacy. The collected data helps us provide and support the Company's services and enhance your security. As our team of technicians continually strive with technologies such as HTTPS encryption of both communications and other content (such as images) to protect your account, what is collected from your devices assists us in verifying your identity.

#### **4. What is the legal basis in the Personal Data Protection Act and the GDPR for processing your personal data?**

The lawfulness of us processing your personal data is justified on the following legal bases:

To a predominant degree, the processing of your personal data is necessary for the performance of a contract you entered into with us, wherein you accepted our terms of use.

Other legal bases include compliance with the Company's legal obligations, both your and its legitimate interests, and your consent to the processing of your personal data. Where we process your personal data at your consent, you are entitled to withdraw it at any time.

#### **5. To whom do we provide or disclose your personal data?**

The Company's status under the Personal Data Protection Act is as a controller, which means that the Company defines the purposes of processing.

In connection with its activities, your personal data may be transferred or disclosed to other entities in the status of either data controller or processor.

As the data controller, we make sure that anyone who receives your personal data from us maintains a high standard of data protection. In no case will your personal data be provided to an entity that cannot ensure such a standard.

##### **Categories of recipients:**

- Transportly's contractors providing administrative and other related services based on a separate contractual relationship;
- Payroll and financial accounting companies;
- Companies protecting intellectual property and performing due diligence of the Company;
- People investing in the Company and providing it with advice;
- Providers of IT services and companies providing security within Transportly's premises.

#### **6. How long will we be processing your personal data?**

Your personal data are processed by us in accordance with legal requirements, which means that no personal data are kept longer than needed for processing.

If there is a legal basis for processing your personal data, such as for performance of a contract, they will be processed by us for the entire duration of the contractual relationship between you and us. Upon termination of the contract, we will proceed to destroy your personal data, unless they still have to be processed because of another legal basis. For example, if you ask us to cancel your customer account, we will be obliged to proceed with the destruction of your personal data. However, if during your use of the Company's services you

purchased goods or taken advantage of some of its paid services, we will be entitled to continue processing data relating to your payments in order to comply with the Company's obligations in tax and accounting legislation.

If we process your personal data to comply with legal obligations, then they will be processed for the period of time the law specifies.

If your personal data are processed on the legal basis of the Company's legitimate interest or the legitimate interest of third parties, we will process them for the duration of the legitimate interest.

If your personal data are processed because you have granted us consent, we will process them for the period of time you have given it. When processing your personal data for your participation in a contest organized by the Company to promote its products or services, this period will be indicated in a specific rule of the contest or in its terms.

## **7. Transfer of personal data to third countries**

Your personal data may be subject to cross-border transfers to third countries, which are neither members of the European Union nor a signatory to the Agreement on the European Economic Area. Nonetheless, these third countries have to guarantee adequate protection of personal data. The Company will not transfer personal data to third countries that do not guarantee such adequate protection.

Should they be transferred to third countries, Transportly will always undertake to ensure an adequate level of protection of data subjects' personal data.

If Transportly will be in the future transferring personal data to third countries that will not guarantee an adequate level of protection, the Company will undertake to proceed in accordance with the GDPR and Personal Data Protection Act, as well as other generally binding legislation.

## **8. Automated personal data processing, individual decision-making, including profiling**

The performance of the contract may also include automated personal data processing. In such processing, the automatic information systems are used, e.g. software, IT applications, and other support systems.

The goal of the automated personal data processing is the effective fulfillment of the contract.

'Profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that the person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements.

In connection with the processing of the personal data of data subjects, the Company does not apply decision-making, which is based exclusively on automated processing, including profiling, and which has legal effects concerning or in a similarly significant way affecting the data subjects.

Your personal data may be subject to cross-border transfers to third countries, which are neither members of the European Union nor a signatory to the Agreement on the European Economic Area. Nonetheless, these third countries have to guarantee adequate protection of personal data. The Company will not transfer personal data to third countries that do not guarantee such adequate protection.

## **9. What rights do you have in relation to our processing of your personal data?**

Both the Personal Data Protection Act and the GDPR provide you with a number of rights that let you keep the protection of your personal data under your own control. The Company fully respects your rights. These section tells you what your rights are.

### **Right of access to personal data**

You have the right to obtain from us confirmation as to whether personal data concerning you are being processed. Therefore, if personal data about you are being processed by us, you have the right of access to your personal data and to be informed about the following:

- Why we are processing your personal data (the purpose for processing them)
- What information about you we are processing (categories of personal data)
- To whom your personal data can or will be disclosed (identifying the recipients or categories of recipients)
- How long your personal data will be retained (retention period for personal data)
- You have the right to request from us rectification or erasure of your personal data or restriction of processing of them or to object to such processing
- You have the right under the Personal Data Protection Act to initiate action to protect your personal data and the right under the GDPR to lodge a complaint with a supervisory authority, which in Slovakia is the Office for Personal Data Protection
- Where your personal data comes from (information about the source) unless you provided them directly to us yourself
- Whether we are using automated decision-making, including profiling, referred to in Section 28 (1) and (4) of the Personal Data Protection Act and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject
- Information about adequate safeguards if your personal data are transferred by us to a third country or to an international organization

The right of access also means that you can obtain the personal data we process about you. The Company will provide you with a copy of them. However, if you make repeated requests for the provision of your personal data, you may be charged a reasonable administrative fee in connection therewith.

### **Right to rectification of your personal data**

You will be asked to provide us with the correct data as part of the Terms for service. Nevertheless, if inaccurate data about you happens to be processed, you are entitled to request rectification by us of inaccurate personal data concerning you. Taking into account the purposes for processing of your personal data, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

### **Right to erasure (right to be forgotten)**

You have the right to have us erase personal data concerning you and where at least one of the following grounds applies:

- Your personal data are no longer necessary in relation to the purpose(s) for which they were collected or otherwise processed
- You withdraw consent on the basis of which your personal data is processed by us and where there is no other legal ground for further processing of them
- You object to the processing of your personal data pursuant to the legal basis of public interest or legitimate interest and there are no overriding legitimate grounds for the processing
- Your personal data have been unlawfully processed

- Your personal data have to be erased for compliance with a legal obligation in Slovakian or European Union law
- Your personal data have been collected in relation to the offer of information society services referred to in Section 15 (1) of the Personal Data Protection Act

However, your right to erasure of your personal data may not be particularly granted, taking account of specific circumstances, if the processing of your personal data is necessary for the following reasons:

- For exercising the right of freedom of expression and information
- For compliance with a legal obligation
- To exercise the Company's legal claims
- For archiving, historical research or statistical purposes in so far as the right of erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing

### **Right to restricting the processing of personal data**

You have the right to have us restrict the processing of personal data concerning you where at least one of the following grounds applies:

- The accuracy of your personal data is contested by you, for a period enabling us to verify the accuracy thereof
- the processing of the personal data is unlawful and you oppose the erasure of the personal data and request the restriction of the processing thereof instead
- We no longer need your personal data for any of the purposes of processing them, or you will require them for the establishment, exercise or defense of your legal claims
- You have objected to processing of your personal data pending the verification whether the Company's legitimate grounds override yours

### **Right to personal data portability**

If the Company's right to process your personal data is based on your consent or on a contract we have entered into with you, you have the right to request the transfer to another data controller of the data concerning you that you have provided us.

### **Right to withdraw consent**

Where we process your personal data on the legal basis of your consent, you have the right at any time to withdraw it even before the expiry of the period for which the consent was given. The withdrawal of the consent does not affect the lawfulness of processing based on consent before its withdrawal.

### **Right to terminate automated individual decision-making including profiling**

You have the right to terminate any automated individual decision-making involving your personal data, including the profiling thereof.

### **Right to object**

If you have grounds relating to your particular situation, you have the right to object to the processing of your personal data where the legal basis for such processing is the Company's legitimate interest.

However, if its legitimate interest overrides yours, the Company may continue processing your data even though you have objected thereto. Accordingly, we are entitled to continue processing your personal data if this is necessary for the establishment, exercise or defense of the Company's legal claims.

Direct marketing (including analysis for direct marketing purposes):



You have the option of withdrawing your consent to the processing of your personal data for the purposes of direct marketing. The objection also covers the analysis of personal data (aka “profiling”) in the context of direct marketing. If you object to direct marketing, the Company will cease to process your personal data for this purpose and also for the purpose of all types of direct marketing events.

Of course, you can easily refuse to receiving messages and personal offers on specific channels. For example, you can opt to be emailed offers from us, but not receive them by SMS.

You can change your settings at any time in the App’s user environment or by emailing [info@transportly.eu](mailto:info@transportly.eu). Contact our customer service any time you need help with settings.

If you, as a data subject, do not have full legal capacity, your rights under the GDPR and the Personal Data Protection Act may be exercised by your legal guardian. Both the GDPR and the Personal Data Protection Act allow a close person to exercise the rights of a data subject no longer alive.

Unless your requests as a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, we may charge a reasonable fee based on administrative costs, or refuse to act on the request.

## **10. How you can contact us**

You can contact us if you have any questions about the processing of your personal data. Please either email at [info@transportly.eu](mailto:info@transportly.eu) or send a letter to Tolstého 170/22, postcode 040 01 Košice-Sever. You can also phone or SMS us at +421 902 271 969.

If you are not satisfied with the reply we give you, or you believe that your data are being processing unlawfully, you can lodge a complaint with a supervisory authority, which in Slovakia is the Office for Personal Data Protection. To get more information about Slovakia’s supervisory authority and the procedure for lodging complaints, please visit its official website at <https://dataprotection.gov.sk/uouu/>.

These Privacy Terms come into effect on 21 June 2023