

# PRIVACY POLICY

**Last updated: 08.09.2021**

## 1. PREAMBLE

- 1.1. Your privacy is one of our fundamental commitments, and therefore, we take utmost care to process your personal data in accordance with the principles set forth in the applicable legislation, including without limitation the General Data Protection Regulation no. 679/2016 (“**GDPR**”). We recognize the importance of maintaining the confidentiality, integrity and security of your personal information ("**Personal Data**") and have written this privacy policy (“**Policy**”) to explain how your Personal Data is collected, stored, used and disclosed by Ebriza Software SRL, a company incorporated under the Romanian law, having its headquarters at Aleea Valeriu Bologa, Nr 3, SC5, Cluj Napoca, Cluj county, Tax Code 34933438, registered with the Trade Registry under no. J12/2344/2017 ("**Ebriza**", "**Us**"), as a data controller, with respect to your access and use of our website available at the URL [www.ebriza.com](http://www.ebriza.com) („**Platform**”) and to the content of the Platform including of the Services.
- 1.2. Each time we are required by the applicable law or, otherwise, want to use this legal basis, we will request your free, informed, specific and unequivocal consent for the processing of your Personal Data. By expressing your consent, you agree that we can collect, use, reveal, process and transfer your Personal Data in accordance with this Policy.
- 1.3. We reserve the right to amend the provisions of this Policy from time to time. If we make changes to this Policy, we will make the updated version available on the Platform and we will update the "Last updated" date. We will also inform you on the changes that have occurred, to ensure that you are aware of how we use your Personal Data. Any amendments to this Policy will apply on the date that they are made, with the exception of changes which require your prior consent, and which will apply as of the moment when you express such consent.
- 1.4. For the avoidance of any doubt, we are not obliged to inform you, by using the contact details associated with your account on the Platform, in respect to any and all of the changes to this Policy.

Any capitalized term which is not defined in this Policy will have the meaning set forth in the Terms and Conditions applicable to the Platform, which can be found here: [www.ebriza.com/termsandconditions](http://www.ebriza.com/termsandconditions).

## 2. **APPLICABILITY**

This Policy applies strictly to the processing of Personal Data carried out by Ebriza, as a data controller.

For the avoidance of any doubt, this Policy does not apply to:

- a. Processing of Personal Data stored and used by Ebriza Clients in the Platform;
- b. Processing of Personal Data carried out by the Applications Developers commercializing applications in Ebriza Marketplace.

For more information on how Ebriza Clients and Applications Developers process your Personal Data, please see their privacy policies.

## 3. **CATEGORIES OF PERSONAL DATA, PURPOSES OF PROCESSING, AND LEGAL GROUNDS**

### 3.1. **Browsing data**

Computer systems and software procedures used for the Platform's operation acquire, during their normal operation, some Personal Data (so-called *log files*), the transmission of which is implicit in the use of internet communication protocols.

This information is not collected in order to be associated to identified persons, but due to its nature can, by means of processing and integration with data held by third parties, allow users to be identified. Such information includes the IP addresses, the time of the request, the method used to submit the request to the server, the size of the file obtained in reply, and other parameters concerning the user's operating system and computer environment.

Insofar such information leads to the identification of a user, the provisions of this Policy shall become applicable.

Purpose of processing	Legal ground
We use this data for the sole purpose of obtaining anonymous statistical information concerning the use of the Platform and to check its correct operation.	<ul style="list-style-type: none"><li>• Our legitimate interest in the improvement of our Platform and in managing the server capacities, and in the bug-free preservation of our Platform (<i>art. 6 para. 1, let. f GDPR</i>);</li></ul>

	<ul style="list-style-type: none"> <li>Compliance with our legal duties concerning the security aspects of our systems, including without limitation those resulting from the Ebriza obligation to take appropriate technical and organizational measures for the processing of Personal Data (<i>art. 6 para. 1, let. c GDPR</i>).</li> </ul>
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### 3.2. Creating an account

On our Platform you can register and create an account. In this case, we will need your first and last name, username, email address and phone number.

Purpose of processing	Legal ground
The purpose of this processing is to create the account, to provide our services through the Platform and to provide help in using the Platform.	<ul style="list-style-type: none"> <li>Processing is necessary for the 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 (<i>art. 6 para. 1, let. b GDPR</i>);</li> </ul>

### 3.3. Informing the users added to the account

Once created the account, there is a possibility of adding new users (e.g., manager, waiter, accountant). In this case, we will use the first name, last name, username to create their account and use their email address and telephone number to inform them of the creation of the account.

Purpose of processing	Legal ground
The purpose of this processing is to create the user account and to inform the newly added user of the creation of his account.	<ul style="list-style-type: none"> <li>Processing is necessary for the 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 (<i>art. 6 para. 1, let. b GDPR</i>);</li> <li>The legitimate interest of the Ebriza Client in using our</li> </ul>

	Platform ( <i>art. 6 para. 1, let. f GDPR</i> );
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The source of this Personal Data is the Ebriza Client.

### 3.4. Using the Platform

Once created the account, our Platform can be used by several users within the Ebriza Client (e.g., manager, waiter, accountant). In this case, we will use the Personal Data collected at the time of creating the account and of adding users. Also, each user can add his or her image and can add its personal identification number.

Purpose of processing	Legal ground
The purpose of this processing is to provide our services through the Platform, especially in providing the possibility of using the Platform by multiple users within the Ebriza Client.	<ul style="list-style-type: none"> <li>Processing is necessary for the 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 (<i>art. 6 para. 1, let. b GDPR</i>);</li> <li>Your consent (<i>art. 6 para. 1, let. a GDPR</i>).</li> </ul>

### 3.5. Use of Intercom, Optivoice and Freshdesk services

The Platform uses the messaging and communications applications provided by Intercom R&D Unlimited Company, a company incorporated in Ireland, having its headquarters at Dublin, St. Stephen's Green, No. 18-21, Stephen Court ("**Intercom**"). In this situation, we process the following Personal Data: username, email address, phone number, location, operating system version, browser version, IOS App version, session number.

The Platform also uses the Optivoice services provided by Opticom Consulting SRL, a Romanian company, having its headquarters at at Sibiu, Gutuilor Street, No. 15, registered with the Trade Registry under no. J32/448/2012, tax code RO30203988 ("**Optivoice**"). In this situation we use the following Personal Data: phone number.

The Platform also uses Freshdesk services, provided by Freshworks, Inc., a company incorporated in the United States, having its headquarters at San Bruno, BayHill Drive, No. 1250 ("**Freshdesk**"). In this situation we process the following Personal Data: first name, last name, username, email address, phone, location, operating system version, browser version, IOS App version, session number.

Purpose of processing	Legal ground
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This data will be processed to ensure the communication with our customers in the Platform.	<ul style="list-style-type: none"> <li>Processing is necessary for the 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 (<i>art. 6 para. 1, let. b GDPR</i>);</li> <li>Our legitimate interest in improving our Platform and ensuring communication with our customers (<i>art. 6 para. 1, let. f GDPR</i>);</li> </ul>
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We are not responsible for the processing by the Intercom, Optivoice and Freshdesk of your Personal Data. For more information about how Intercom, Optivoice and Freshdesk process your Personal Data, see their privacy policies.

### 3.6. Contractual notifications

During the provision of our services, we will use your email address and your phone number to notify you of any changes in the Terms and Conditions of the Platform and in connection with any other issues related to the performance of the contract between you and Ebriza.

Purpose of processing	Legal ground
The purpose of this processing is to carry out contractual notices in accordance with the Terms and Conditions of the Platform.	<ul style="list-style-type: none"> <li>Processing is necessary for the 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 (<i>art. 6 para. 1, let. b GDPR</i>);</li> </ul>

### 3.7. Contact

You can contact us in different ways: by email, by phone, through feedback or support form. In this case, we will process the following Personal Data: first name, last name, email, phone number and any other information you voluntarily provide when you contact us.

Purpose of processing	Legal ground
In this situation, we will use your Personal Data only to contact you in connection with the requested offer or in	<ul style="list-style-type: none"> <li>Processing is necessary for the performance of a contract to which the data subject is party or</li> </ul>

connection with the resolution of the problem.	<p>in order to take steps at the request of the data subject prior to entering into a contract (art. 6 para. 1, let. b GDPR);</p> <ul style="list-style-type: none"> <li>• Our legitimate interest in ensuring communication with our customers and providing the necessary support for the use of the Platform (<i>art. 6 para. 1, let. f GDPR</i>);</li> </ul>
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### 3.8. Marketing messages

You can opt in to receive marketing messages via e-mail, SMS, or via phone calls.

Purpose of processing	Legal ground
If you opt to receive such marketing messages, we will use your email address and telephone number to send you marketing messages about our activities and promotions.	<ul style="list-style-type: none"> <li>• Your consent. (<i>art. 6 para. 1, let. a GDPR</i>).</li> </ul>

You can revoke your prior consent at all times and without any costs, with altering consequences for the future.

### 3.9. Technical support

If you report technical issues to us regarding the operation of the Platform, we have the possibility to access your user account to identify and fix the problem. In this case, we will have access to and use the Personal Data collected when creating the account, adding users and using the Platform.

Purpose of processing	Legal ground
The purpose of this processing is to provide the technical support necessary for the operation of the Platform, at the request of the data subject.	Execution of a contract to which the data subject is a party or to take steps at the request of the data subject before concluding a contract (art. 6 paragraph 1, letter RGPD);

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### 3.10. **Failure to provide Personal Data**

You may refuse to provide certain Personal Data (indicated above) but, in such a case, you may not be able to benefit from certain Platform services and features, including, but not limited to, the creation of a user account or contacting you to solve your problem and to provide support.

## 4. **AUTOMATIC PROCESSING OF PERSONAL DATA**

Your Personal Data will not be processed for taking decisions based solely on automatic processing that would result in legal effects concerning you or could similarly significantly affect you.

## 5. **STORAGE PERIOD**

As a rule, we will process your Personal Data during the existence of your account in our Platform.

Personal Data collected for sending marketing messages will be processed until the date of withdrawal of the consent.

The Personal Data collected in order to provide technical support in connection with the operation of the Platform will be processed for the time necessary to solve the problem reported by you.

In certain circumstances, we may retain your Personal Data for longer periods of time, for example if we are obliged to do so in accordance with the legal, regulatory, tax or accounting requirements.

We may also keep your Personal Data for longer periods of time so that we have accurate records of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your Personal Data or dealings.

## 6. **TRANSFER OF PERSONAL DATA**

Your Personal Data is filed and stored on the servers of our contractual partners that are helping us to provide our services to you.

We may transfer Personal Data, as far as necessary, to the following categories of recipients:

- contractual partners;
- subcontractors;

- companies offering courier services;
- companies offering IT services;
- software or hardware vendors;
- market research companies;
- marketing companies;
- public authorities, courts of law or arbitral tribunals, and authorities competent to investigate criminal offence.

These recipients can be located in the European Union and/or in the European Economic Area. Where recipients are located outside the European Union and the European Economic Area, including in countries not recognized as ensuring an adequate level of protection, the transfer of Personal Data shall be carried out only if there are appropriate guarantees, in accordance with applicable law. In this respect, we rely on several guarantees, such as the Privacy Shield certificate or the standard contractual clauses issued by the European Commission. You may receive from us a list of recipients from third countries, as well as a copy of the agreed provisions that ensure an adequate level of protection of Personal Data. For any request to this effect, please contact us at the contact details mentioned below.

## 7. SECURITY

The security of your Personal Data is important to us. Your Personal Data will therefore be processed by applying reasonable technical and organizational measures to protect Personal Data, such as limiting access to Personal Data, encryption or anonymization of Personal Data, storage on secure environments. However, despite our efforts, we cannot always guarantee the effectiveness of the security measures implemented, and therefore we cannot guarantee the security of Personal Data at any time

## 8. RIGHTS IN CONNECTION WITH THE PROCESSING OF YOUR PERSONAL DATA

### 8.1. Your rights

You have the following rights in connection with the processing of your Personal Data:

**Access right:** You have the right to obtain from us confirmation that your Personal Data is processed by us, as well as information on the specific processing, such as: the purposes of processing, categories of processed Personal Data, recipients of Personal Data, the period for which Personal Data is stored, if we transfer the Personal Data abroad and how we protect it, your rights, the right to lodge a complaint before the supervisory authority, the source of your Personal Data.



**Right to rectification:** You have the possibility to request rectification of your Personal Data, provided that the applicable legal requirements are met. In the event of errors, after notification, we will immediately correct your Personal Data.

**Right to erasure:** In certain cases, you have the possibility to request the deletion of Personal Data, namely when: **(i)** the Personal Data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; **(ii)** you withdraw consent on which the processing is based according and where there is no other legal ground for the processing; **(iii)** you exercise the right to object to the processing; **(iv)** the Personal Data have been unlawfully processed. We are not obliged to comply with your request when the processing is necessary (among others) for compliance with a legal obligation or for the establishment, exercise or defense of legal claims. There are also other circumstances in which we are not obliged to comply with this request for the deletion of Personal Data.

**Restriction of processing:** You may request us to restrict the processing of your Personal Data in the following circumstances: **(i)** you contest the accuracy of the Personal Data, for a period enabling us to verify the accuracy of the Personal Data; **(ii)** the processing is unlawful and the you oppose to the erasure of the Personal Data and request the restriction of their use instead; **(iii)** we no longer need the Personal Data for the purposes of the processing, but you require them for the establishment, exercise or defense of legal claims; **(iv)** you have objected to processing, pending the verification whether our legitimate grounds override yours. However, we can continue to process your Personal Data **(i)** when you consent; **(ii)** for the establishment, exercise or defense of legal claims or **(iii)** for the protection of the rights of another natural or legal person.

**Right to data portability:** Insofar the Personal Data is processed based on your consent or on the execution of the agreement and the processing is carried out by automated means, you have the right to have your data Personal Data provided to you in a structured format, which is currently used and can be read automatically and you have the right to request us to transfer this Personal Data to another controller. This right shall not adversely affect the rights and freedoms of others.

**Right to opposition:** In certain situations, such as when we process your Personal Data on the basis of a legitimate interest, you have the right to object to the processing of your Personal Data by us. In the event of unjustified objection, Ebriza is entitled to continue processing Personal Data.

**Objection to direct marketing:** You can also object to the processing of your Personal Data for the purpose of sending marketing messages.

**Revocation of consent:** Insofar you consented to the processing of your Personal Data, you can at all times revoke your consent, without affecting the lawfulness of processing based on consent before its withdrawal.

**Right not to be subject to any automatic individual decisions:** You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. Such right cannot be exercised when the decision: **(i)** is necessary for entering into, or performance of, a contract between you and us; **(ii)** is authorized by law which lays down suitable measures to safeguard your rights and freedoms and legitimate interests; or **(iii)** is based on your explicit consent.

**Right to lodge a complaint with the supervisory authority:** You have the right to lodge a complaint with The National Supervisory Authority for Personal Data Processing (“DPA”) in relation to any breach of your rights regarding the processing of your Personal Data. The contact details of the DPA are: 28-30 Gheorghe Magheru Boulevard, District 1, Postal Code 010336, Bucharest, Romania; e-mail: [anspdcp@dataprotection.ro](mailto:anspdcp@dataprotection.ro)

## 8.2. How to exercise your rights

To learn more about the manner in which you may exercise the aforementioned rights, please contact us at [office@ebriza.com](mailto:office@ebriza.com).

**Identity verification:** We take utmost care of the confidentiality of all Personal Data and we reserve the right to verify your identity if you make a request in relation to your Personal Data

**Fees:** As a rule, you can exercise your rights free of charge. However, we reserve the right to request a reasonable fee if your claims are manifestly unfounded or excessive, in particular because of their repetitive nature.

**Response Time:** We make every effort to respond to your request within one month of receiving the request. This period may be extended by two further months where necessary, taking into account the complexity and number of the requests, in which case we will inform you of any such extension and of the reasons for the delay

## 9. CONTACT

If you have any questions or concerns about this Policy or its implementation, you may contact us at [office@ebriza.com](mailto:office@ebriza.com).