

EXTRACT FROM JSC “SOFTNETA” DATA PROTECTION RULES: RIGHTS OF THE DATA SUBJECT

9. TRANSPARENT INFORMATION, COMMUNICATION AND MODALITIES FOR THE EXERCISE OF THE RIGHTS OF THE DATA SUBJECT

9.1. “Softneta” shall take appropriate measures to provide any information and any communication relating to processing to the data subject in concise, transparent, intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by any other means, including, where appropriate, electronic means. Where requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proved by other means.

9.2. Where requested by the data subject information may be provided orally only by “Softneta” Data Protection Officer.

9.3. The controller shall not refuse to act under the request of the data subject to exercise the rights conferred on unless the controller proves that he is not able to determine the identity of the data subject.

9.4. The controller shall without undue delay, however, in any case at the latest within one month of receipt of the request, shall provide the data subject with information on the actions taken with the data subject's request. This period may, if necessary, be extended by a further two months, depending on the complexity and the number of requests. The controller within one month from the receipt shall inform the data subject of such extension, together with the reasons for the delay. Where the data subject submits a request by electronic means, the information shall also be provided, if possible, by electronic means to the data subject, except when the data subject requests otherwise.

9.5. Requests for data subjects are managed in accordance with the procedure set out in the PR01-DOC “Documentation and Data Record Management” procedure. The administrator shall promptly submit the received requests to the Data Protection Officer who is responsible for providing responses to the data subjects. Responses to the data subjects in their preferred form are sent by the administrator after receiving the necessary data and information as well as confirmation from the Data Protection Officer.

9.6. If the controller fails to act on the request of the data subject, the controller shall immediately, but no later than within one month from receipt of the request, inform the data subject about the reasons for the failure and the possibility of complaints to the supervisory authority and the available remedy. In these cases, the Data Protection Officer shall prepare a response to the data subject and the administrator shall send it to the addressee (the data subject).

9.7. Where the data subject requests are manifestly unfounded or where they are disproportionate, particularly as regards their iterative content, the Data Protection Officer may decide:

- a) to charge a reasonable fee, considering the administrative costs of the provision of information or of the reports or actions requested; or
- b) may refuse to act on the request.

9.8. In the event of an unfounded or disproportionate request by the data subject, the Data Protection Officer shall prepare a letter “An unfounded or disproportionate request from the data subject”, which is appended to a separate annex to the request of the data subject and is stored to ensure the controller's duty to prove that the request is manifestly unfounded or disproportionate. Such letter is also submitted to the data subject together with the refusal to take action / charge a reasonable fee (the letter is prepared by the Data Protection Officer; the letter is sent by the administrator).

10. INFORMATION AND RIGHT TO KNOW THE PERSONAL DATA

10.1. When the personal data are collected from data subject the controller shall provide the data



subject at the time of receipt of his/her personal data with all this information:

- (a) the identity of the controller and the contact details;
- (b) the contact details of the Data Protection Officer;
- (c) the purposes for which the personal data is intended to be processed as well as the legal basis of processing;
- (d) the processing of data is necessary for the legitimate interest of the controller or the third party, unless such interests or fundamental rights and freedoms of the data subject entailing the protection of personal data are overridden by the legitimate interests of the controller or of the third party;
- (e) if available, recipients of personal data or the categories of recipients of personal data;
- (f) where applicable, the intention of the controller to transfer personal data to a third State or to an international organization, appropriate or adapted safeguards and means of obtaining or providing access to a copy thereof.

10.2. During the receipt of personal data, the controller also provides the data subject with the following other information necessary to ensure the integrity and transparency of the processing:

- (a) the period of storage of personal data or, if that is not possible, the criteria for determining that period;
- (b) the right to request that the controller perceive the data subject's personal data and correct or delete it, or restrict the processing of data, or the right to oppose the processing of the data, as well as the right to data portability;
- (c) where the processing is based on the consent of the data subject, the right to withdraw at any time without prejudice to the consent of the processing of the data prior to the legality of the withdrawal;
- (d) the right to complain to the supervisory authority;
- (e) Whether the provision of personal data is a statutory or contractual requirement, whether the requirement to be fulfilled in order to enter into a contract, and whether the data subject is required to provide personal data, and information on the possible consequences of failing to provide such data;
- (f) the existence (if any) of automated decision making, including profiling, and, at least in those cases, meaningful information on its logical justification, as well as the significance of the processing of such data and the expected consequences for the data subject.

10.3. If the controller intends to further process the personal data for a purpose other than that for which the personal data was collected, the controller submits to the data subject information for that other purpose and must obtain a new consent of the data subject for the management of his/her personal data before further processing.

10.4. When the personal data have not been obtained from the data subject the controller shall provide the data subject with this information:

- (a) the identity of the controller and the contact details;
- (b) the contact details of the Data Protection Officer;
- (c) the purposes for which the processing is to be processed, as well as the legal basis for the processing;
- (d) the categories of personal data concerned;
- (e) if available, recipients of personal data or categories of the recipient of personal data;
- (f) where applicable, the intention of the controller to transfer personal data to a third State or to an international organization, appropriate or adapted safeguards and means of obtaining or providing access to a copy thereof.

10.5. During the receipt of personal data, the controller also provides the data subject with the following other information necessary to ensure the integrity and transparency of the processing:

- (a) the period of storage of personal data or, if that is not possible, the criteria for determining that period;



(b) when the processing of the data is carried out to the legitimate interests of the controller or a third-party interest, except where such interests of the data subject or of the fundamental rights and freedoms for which it is necessary to ensure the protection of personal data is for them to take precedence over the legitimate the controller or a third-party interest;

(c) the right to request the controller to access the data subject's personal data and to correct or delete it, or to restrict the processing of data, and the right to disagree with the processing of data, as well as the right to data portability;

(d) when the processing is based on the consent of the data subject, the right to withdraw at any time without prejudice to the consent of the processing of the data prior to the legality of the withdrawal;

(e) the right to lodge a complaint with the supervisory authority;

(f) the origin of personal data and, if applicable, whether data obtained from publicly available sources;

(g) the existence of automated decision making, including profiling, and, at least in those cases, meaningful information on its logical justification, as well as the significance of the processing of such data and the expected consequences for the data subject.

10.6. The controller for the purposes of these Rules shall provide the information in a paragraph:

(a) within a reasonable period of time after receipt of personal data, but not later than within one month, taking account of the particular circumstances of the processing of personal data;

(b) if a personal data will be used for relations with a data subject to support – not later than the first time for communicating with the data subject; or

(c) if disclosure of personal data to another recipient – no later than at the time of disclosure of data for the first time.

10.7. Where the controller intends to continue the processing of personal data for a purpose other than those for which the data have been obtained, before further processing of such data, the controller shall provide information about the other purpose to the data subject and must obtain a new consent of the data subject for the management of his / her personal data.

10.8. For the purposes of these Rules of the provisions provided for in paragraph shall not apply to the extent that:

(a) the data subject already has information;

(b) the provision of the information is not possible or a disproportionate effort, in particular when the data are being processed for archiving purposes in the interests of the public interest in scientific or historical research purposes or for statistical purposes. In such cases, the controller shall take appropriate measures to the rights and freedoms of the data subject and legitimate interests, including public disclosure; for initiation of appropriate measures and their implementation shall be responsible the "Softneta" Data Protection Officer;

(c) the receipt or disclosure of data is clearly laid down in the Union law or in the law of the Member State and applies to the controller and which provides for adequate safeguards for the legitimate interests of the data subject; or

(d) when personal data must remain confidential in accordance with the law of the Union or the law of the Member State or shall be governed by the obligation of professional secrecy laid down in the statutes including the obligation to retain a secret.

11. RIGHT OF ACCESS BY THE DATA SUBJECT

11.1. The data subject shall have the right to obtain from the controller confirmation as to whether or not it involves personal data are processed and, if such data are being processed, shall be entitled to have access



to personal data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data;
- (c) the recipients or categories of recipients of the data which have been or will be disclosed personal data, in particular the recipients of data in third countries or international organizations;
- (d) when possible, the retention period of personal data or, if it is not possible, the criteria for determining that period;
- (e) the right to request the controller to correct or delete personal data or to restrict or refuse to process personal data relating to the data subject;
- (f) the right to lodge a complaint with the supervisory authority;
- (g) where personal data have not been obtained from the data subject, all available information on their sources;
- (h) the existence of automated decision making, including profiling, and, at least in those cases, meaningful information on its logical justification, as well as the significance of the processing of such data and the expected consequences for the data subject.

11.2. When personal data are transferred data to a third State or to an international organization, the data subject has the right to be informed of the appropriate security measures relating to the transfer of the data.

11.3. The controller shall provide a copy of the personal data processed. For any other copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject submits a request by electronic means and, except where the data subject requests it to be provided otherwise, the information is provided in a standard manner in an electronic form.

12. RIGHT TO RECTIFICATION OF PERSONAL DATA

12.1. The data subject has the right to require the controller to correct without delay the inaccurate personal data relating to him / her. Having regard to the purposes for which data have been processed, the data subject shall have the right to require that incomplete personal data be supplemented, including by submitting a supplementary statement.

13. RIGHT TO ERASURE ('RIGHT TO BE FORGOTTEN')

13.1. The data subject shall have the right to obtain from the controller to delete personal data relating to him / her without undue delay and the controller shall have an obligation to delete personal data without undue delay where one of the following reasons applies:

- (a) personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the identity of the person withdraws the consent on which the processing is based, and there is no other legal basis for the processing of the data;
- (c) the data subject disagrees with the processing of data and there is no overriding legitimate reason to process the data or the data subject disagrees with the processing of data for direct marketing purposes;
- (d) personal data were processed unlawfully;
- (e) personal data must be deleted in accordance with the legal obligations imposed by the law of the Union or by the law of the Member State which applies to the controller;



(f) personal data has been collected in the context of the provision of information society services.

13.2. When the controller publicly announced personal data and personal data must be deleted, the controller shall, having regard to the available technologies and implementation costs, shall take reasonable steps, including technical measures to inform data preparing to controllers that the data subject has requested that such controllers deleted all references to those personal data or copies or duplicates.

“Right to be forgotten” does not apply if processing is necessary:

(a) in order to exercise the right to freedom of expression and information;

(b) in order to comply with the law of the Union or of the law of the Member State, which applies to the controller, the legal obligations imposed on the processing of the data, or for the performance of a task performed in the public interest or the exercise of public authority entrusted to the controller;

(c) for reasons of public interest in the field of public health or when processing data is necessary for preventive or occupational medical purposes in order to assess the employee’s ability to work;

(d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in so far as the ‘Right to be forgotten’ is likely to render impossible or seriously impair the achievement of the objectives of that processing; or

(e) for the establishment, exercise or defence of legal claims.

14. RIGHT TO RESTRICTION OF PROCESSING

14.1. The data subject shall have the right to obtain from the controller restrict processing when the subject of one of the following cases:

(a) the data subject if their accuracy for a period enabling the controller may verify the accuracy of personal data.

(b) the processing is unlawful and the data subject does not agree that the data is deleted, and instead asks to restrict their use;

(c) the controller is no longer required for the processing of personal data, but is necessary for the data subject to bring, execute or defend legal claims;

(d) the data subject has opposed the processing of the data (the data subject's right to disagree) until it is verified that the legitimate reasons of the controller override the data subject's reasons.

14.2. When the processing of the data is restricted, as provided for in cases mentioned above, such personal data may be processed, except for storage, only with the consent of the data subject or in order to carry out or to protect legal requirements or to protect other natural or legal person’s rights, or due to significant Union or Member State’s public interest.

14.3. The data subject who has reached the restriction of the processing of data, informs the controller before the cancellation of the restriction to process the data (the information letter is prepared by the Data Protection Officer, the letter is sent to the addressee by the administrator).

15. NOTIFICATION OBLIGATION REGARDING RECTIFICATION OR ERASURE OF PERSONAL DATA OR RESTRICTION OF PROCESSING

15.1. Each recipient to whom the personal data have been disclosed, the controller shall notify it without delay of any rectification, erasure or restriction, unless this would not be possible or it would entail disproportionate effort. At the request of the data subject, the controller shall inform the data subject about those recipients of the data. Communication with the data subject shall take place in accordance with the same procedure as provided for in these Rules in chapter “TRANSPARENT INFORMATION, COMMUNICATION AND MODALITIES FOR THE EXERCISE OF THE RIGHTS OF THE DATA SUBJECT”.



16. RIGHT TO DATA PORTABILITY

16.1. The data subject shall have the right to receive the personal data concerning him / her, which he / she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

- (a) the processing of the data is based on the consent of the data subject and
- (b) the processing is carried by automated means.

16.2. In exercising his / her 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 right to data portability shall not apply where the processing of data 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.

17. RIGHT TO OBJECT AND AUTOMATED INDIVIDUAL DECISION-MAKING

17.1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on the public interest or in the exercise of official authority vested in the controller, or for the purposes of the legitimate interests pursued by the controller or by a third party, including profiling. The controller shall no longer process personal data unless the controller proves that the data is being processed for compelling legitimate reasons overriding the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

17.2. The data subject shall be clearly informed about the right to object without first contacting the data subject for the first time and this information shall be provided clearly and separately from all other information.

17.3. In the case of use of information society services, the data subject may exercise his right to refuse to accept automated means for which the technical specifications are used.

17.4. Where personal data is processed for scientific or historical research or statistical purposes, the data subject, on the grounds relating to his particular case, has the right to object to the processing of personal data relating to him / her unless the processing of the data is necessary in order to carry out a task carried out on the basis of public reasons of interest.

18. AUTOMATED INDIVIDUAL DECISION-MAKING, INCLUDING PROFILING

18.1. The data subject shall have the right to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.

18.2. The right of withdrawal shall not apply if the decision:

- (a) is necessary for entering into, or performance of, a contract between the data subject and a controller;
- (b) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- (c) is based on the data subject's explicit consent.

18.3. Where the right of withdrawal does not apply because the decision is necessary for the conclusion or execution of the contract between the data subject and the controller or the decision is based on the explicit consent of the data subject, the controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

