

# PRIVACY POLICY

## TS-TUTORING.COM

Privacy Policy version 2.0 is effective as of 22.02.2024 r

The previous version of the privacy policy can be found [here](#) .

### § 1 GENERAL INFORMATION

1. The Website Privacy Policy does not constitute a source of obligation for the Visitor (including the Visitor) and the Customer of the Website. It is for information purposes only and is not a contract or a regulation.
2. All expressions and words capitalized (e.g. Website, Customer, etc.) are to be understood as stated in the Website Terms and Conditions.
3. In the event of any discrepancy between this Privacy Policy and the consents given by an individual for the processing of personal data, the legal basis for determining the scope of the Data Controller's activities shall be the voluntarily given consents or the legal provisions that apply to the factual situation.

### § 2 PERSONAL DATA CONTROLLER

1. The Data Controller of your personal data is **Think Smart sp. z o.o.** with its registered office in Warsaw (Poland) at ulica Białej Floty 6a /83 (Białej Floty street), 02-654 Warsaw, Poland, KRS number: 0000959007, NIP number: 5213959545, REGON number: 52147541200000, hereinafter referred to as the (hereinafter: Data Controller).
2. For all data protection issues, we encourage you to contact us at the above address or via email address: **thinksmarttutoring@gmail.com**.
3. You can also send a request for information on what personal data we hold about you and for what purposes we process it to the address indicated.
4. The Data Controller informs that it stores the correspondence for statistical purposes and for the improvement of the support system in the scope of GDPR, as well as for the resolution of complaints and possible administrative intervention decisions based on the notifications. The addresses and data thus collected will not be used for communication for any purpose other than the fulfillment of the request, in particular not used for marketing purposes and not passed on to third parties.
5. When the Data Controller is contacted in order to perform a specific action (e.g. submission of a complaint), the Data Controller may again request the person concerned to provide data, including personal data, e.g. in the form of name, surname, residential address, e-mail address, in order to confirm his/her identity and enable a return contact on the matter and perform the requested action. The provision of this data is not obligatory, but may be necessary in order to carry out an activity or obtain information of interest to the person concerned.

6. If you have given your additional consent for us to use cookies, our trusted partners may also be the controllers of the data obtained from your online activities.

### **§ 3 DATA ACQUISITION AND PURPOSE OF DATA PROCESSING**

1. We process personal data in accordance with Regulation (EU) 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 95/46/EC, (hereinafter: GDPR) and other data protection legislation currently in force at the time of processing of certain data.
2. According to the wording of the indicated legislation, personal data is considered to be information about an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the natural person.
3. We ensure that the data we obtain from you is confidential, secure and only processed when necessary. We process data lawfully, fairly and transparently to the data subject. We process only such data and only of such content as is necessary for the legitimate purpose, i.e. the reason for processing. Personal data is collected with due care and adequately protected against access by unauthorised persons. We use appropriate and adequate security measures and state of the art technology to protect personal data against accidental loss and unauthorised access, use, alteration or disclosure. We keep personal data in a way that enables the identification of the data subject for no longer than is necessary for the purposes for which the data are processed.
4. The controller obtains information about personal data in the following ways:
  - a) by concluding an Agreement on the Website;
  - b) by voluntarily entering information in an e-mail message, a contact form or an external communicator (e.g. Whatsapp);
  - c) by sending a complaint, request, enquiry or letter of any other nature;
  - d) by means of the information voluntarily entered in the e-mail sent in connection with the desire to cooperate;
  - e) by posting service reviews;
  - f) via cookies, pixels or similar internet technologies.
5. Please be advised that the purpose and scope of the data processed by the Controller derives from the consent of the Website Visitor or the Client or from the provisions of the law, and in selected cases is further specified as a result of actions taken by these persons on the Website or through other communication channels.
6. The provision of personal data by the Visitor or Customer of the Website is voluntary, but necessary in order to use certain functionalities of the Website (e.g. the placing of an Order by the Customer and its settlement or the use of contact forms).
7. In each case, the scope of the data required to conclude the relevant agreement is indicated beforehand on the Website (we mark the data the provision of which is necessary to conclude an agreement/use a specific functionality), within the framework of other communication channels with the Visitor or the Customer or in the Terms and Conditions. The consequence of failing to provide personal data may

be the inability to effectively use the functionality of the Website, e.g. the inability to place an Order.

8. Your personal data is obtained by the Data Controller for the following purpose:

<b>Purpose of processing</b>	<b>Legal basis</b>	<b>Legitimate purpose, if any</b>
Keeping statistics.	Article 6(1)(f) GDPR.	To have information on the statistics of our operations, which allows us to improve our business operations.
Conducting marketing of its own products and services without the use of electronic communications.	Article 6(1)(f) GDPR.	Conducting marketing activities to promote the business.
Conducting marketing of its own products and services using electronic communications, including profiling.	Article 6(1)(f) of the GDPR, with these actions due to other applicable legislation, in particular the Telecommunications Act and the Act on the Provision of Electronic Services, are only conducted on the basis of the consents held (Art. 6(1)(a) GDPR).	Conducting marketing activities to promote the business using email addresses. Presenting advertisements, adjusting discounts and promotions.
Posting an opinion on the Website.	Article 6(1)(a) GDPR.	Service satisfaction survey.
Handling of requests made using the contact form, emails, complaints, other requests.	Article 6(1)(a) GDPR; Article 6(1)(c) GDPR.	Responding to requests and enquiries made using the contact form or in any other form, including storing sensitive requests and responses provided in order to maintain accountability. Handling requests, responding to consumer complaints. Investigation and defence of claims, including from third parties.
Conclusion and implementation of the Agreement.	Article 6(1)(b) GDPR.	To conclude and perform the Contract or to take action at the request of a prospective Customer prior to the conclusion of the Contract.
Archiving of sales documents.	Article 6(1)(c) GDPR.	Fulfilment of legal obligations arising from legislation, e.g. tax and accounting, especially in the case of contracts for a fee.

9. In the case of an adult Customer or an adult Website Visitor, with his/her additional consent, Personal Data may also be processed for the purpose of presenting, creating, granting, and executing advertisements, offers or promotions (discounts) dedicated to a given Customer regarding the products or services of the Data Controller and its partners, to the extent possible tailored to the Customer's preferences (profiling), as a result of automated decision-making, capable of producing legal effects towards him/her or significantly affecting him/her in a similar manner, e.g. by means of a short-term discount dedicated exclusively to such a person on a specific product that he/she has recently browsed on our Website (option not available to persons who are not of legal age or who are of legal age but have not given their consent to such action).

10. **Email contact.** When you contact us by e-mail, you provide us with your e-mail address as the sender address of the message. In addition, you may also include other personal data in the body of the message. The provision of data is voluntary, but necessary in order to get in touch with us.

Your data is processed in this case for the purpose of contacting you, and the basis for the processing is Article 6(1)(a) GDPR, i.e. your consent resulting from your wish to contact us. The legal basis for post-contact processing is the legitimate purpose of archiving correspondence for internal purposes (Article 6(1)(c) GDPR).

The content of your correspondence may be archived and we are unable to specify when it will be deleted, however, this will be for a maximum period of 5 years. You have the right to request the history of any correspondence you have had with us (if it has been archived) as well as to request its deletion, unless its archiving is justified by our overriding interests.

11. **Feedback.** If you would like to add your opinion on an entry product, you must complete the form.

Your data is processed in this case for the purpose of enabling you to post Opinions, and the basis for the processing is Article 6(1)(a) of the GDPR, i.e. your consent resulting from your wish to post on our website.

The data will be processed for the duration of the opinion on the website, unless you request the deletion of the opinion beforehand, which will delete your opinion-related data from the database.

You can correct your data in the feedback at any time, as well as request their deletion. You also have the right to data portability, contained in Article 20 of the GDPR.

12. **Contact form.** by filling in the contact form on our Website, you provide us with your e-mail address, name and telephone number. This is voluntary, but necessary in order to contact us effectively by this means.

Your data is processed in this case in order to answer your question, and the basis for the processing is Article 6(1)(a) of the DPA, i.e. your consent resulting from your wish to be contacted.

The data will be processed for the duration of the contact and afterwards for archiving purposes, unless you request deletion beforehand, which will delete your data from the database. The legal basis for post-contact processing is the legitimate

purpose of archiving correspondence for internal purposes (Article 6(1)(c) of the DPA).

You can request the deletion of your data at any time. You also have the right to data portability contained in Article 20 of the GDPR.

#### **§ 4 CATEGORIES OF PERSONAL DATA**

1. The controller may process the following categories of personal data:
  - a) personal data provided in the form when placing Orders on the Website, in particular: e-mail address;
  - b) personal data completed by the user when using the contact form, in particular: name; e-mail address, telephone number;
  - c) the personal data required to place the order, in particular: name and surname; e-mail address; contact telephone number and, in the case of non-consumers, additionally company name and tax identification number [NIP];
  - d) personal data provided for the purpose of posting reviews and sent by e-mail; or communicated when filing complaints, claims or requests, in particular: name and surname; e-mail address; contact telephone number; address [street, house number, apartment number, postal code, town, country], bank account number;
  - e) personal data provided for the purpose of participating in competitions/promotions: name and surname; e-mail address; contact telephone number; address of residence [street, house number, apartment number, postal code, town, country];
  - f) other data based in particular on the Customer's online activity, including that obtained through the Website or other channels of communication with the Customer, using cookies and similar technologies.

#### **§ 5 RECIPIENTS OF PERSONAL DATA**

1. Your personal data may be processed by our partners and subcontractors, i.e. entities whose services we use to process your data and provide services to you. To the best of our knowledge, all entities to whom we entrust the processing of personal data guarantee the application of the appropriate protection and security measures for personal data required by law.
2. Your personal data may be transferred by the Data Controller:
  - a) to state authorities or other entities entitled under the law, in order to fulfil the obligations incumbent upon us;
  - b) To a limited extent, the Data Controller's partners may be involved in the processing of personal data, in particular those who technically assist in the smooth running of the Website (e.g. support us in sending e-mails and, in the case of advertising activities, also in marketing campaigns), providers of hosting or ICT services, carriers or intermediaries carrying out the shipment of Orders, entities handling electronic payments or payment card payments on the Website, companies that maintain software, support the Data Controller in marketing campaigns, as well as providers of legal and advisory services and external accountants;
  - c) In addition, we may share fully anonymised data (data that cannot identify you) with entities with whom we work.
3. As part of its marketing (advertising) activities, the Data Controller uses the services

of third parties that use cookies, pixels or marketing functions similar to cookies on the Website. The catalogue of these entities is indicated in detail in § 8 of this Policy.

4. As part of our activities, we also pass your data to Tutors and Think Smart V.O.F KvK (Chamber of Commerce): 61886513 VAT-ID: NL854532626B01 Olympiaweg 40-III 1076 VZ, Amsterdam The Netherlands. Passing your data to these entities is necessary for the performance of the Agreement.
5. In the course of our business, your personal data may also be obtained by providers of software for the remote provision of the service by Tutors, e.g. **Google Ireland Limited** (registered number: 368047) based at: Gordon House, Barrow Street, Dublin 4, Ireland (in connection with the use of Google Meet) or **Zoom Video Communications, Inc.** 55 Almaden Blvd., San Jose, CA 95113. For more information on data processing by the aforementioned entity, please click here:
  - a. <https://explore.zoom.us/pl/privacy/>
  - b. <https://support.google.com/meet/answer/10382037?hl=pl>
6. Your personal data may also be obtained by WhatsApp LLC in connection with your communication with the Owner via WhatsApp messenger. For more information on data processing, please visit this link: <https://www.whatsapp.com/legal/privacy-policy-eea>
7. As part of our activities, we also transfer data to the following entities:
  - a. Hubspot - information on how this company processes data: <https://legal.hubspot.com/privacy-policy>
  - b. Teachworks - information on how this company processes data: <https://teachworks.com/privacy>.
  - c. Monday - information on how this company processes data: <https://monday.com/1/privacy/privacy-policy/>

## § 6 ARCHIVING OF PERSONAL DATA

1. The Data Controller will only retain your personal data for as long as is necessary for the purposes set out in this Privacy Policy and/or to comply with legal and regulatory requirements. After this period, the Data Controller will securely delete your personal data.
2. We retain the data for the periods indicated below:

Data linked to the sales procedure.	8 years
Data for marketing purposes.	In the case of processing based on consent, until the consent is withdrawn. In the case of processing on the basis of a legitimate purpose - until you object.
Data submitted using the contact form, e-mail.	For a period of 3 years to maintain accountability.
Opinion data.	In the case of processing based on consent - until the consent is withdrawn. In the case

	of processing on the basis of a legitimate purpose - until you object.
Personal data linked to cookies and similar functions.	Until such files are deleted using the settings of the website / browser / device (whereby the deletion of files is not always the same as the deletion of Personal Data obtained through such files - in which case Personal Data will be deleted until you object).
Data provided in the course of complaints and other procedures relating to customer claims.	6 years.
The remaining category of data (with the exception of data from cookies, about which more in our Cookies Policy).	5 years.

3. In any case, personal data will also be stored if legal regulations (e.g. accounting or tax regulations) oblige the Data Controller to process them; we will store personal data for longer in case the Customer has any claims against the Data Controller, in order for the Data Controller to assert claims, or in order to assert or defend against third-party claims, for the period of limitation prescribed by law, in particular the Civil Code.
4. Depending on the scope of the personal data and the purposes for which they are processed, they may therefore be stored for different periods. In each case, the longer period of retention of personal data is decisive.

## **§ 7 ENTITLEMENTS, ACCESSING AND UPDATING PERSONAL DATA, COMPLAINTS**

In accordance with Article 15 of the GDPR, you have the right to obtain information from the Data Controller as to whether your personal data is being processed.

If the Data Controller processes your personal data, then you have the right to:

- a) access to personal data;
- b) be informed about the purposes of the processing, the categories of personal data processed, the recipients or categories of recipients of that data, the intended period of storage of your data or the criteria for determining that period, your rights under the GDPR and your right to lodge a complaint with a supervisory authority, the source of that data, automated decision-making, including profiling, and the safeguards applied in connection with the transfer of that data outside the European Union;
- c) obtain a copy of their personal data.

In addition, you may request the rectification of your personal data (Article 16 GDPR), the erasure of your personal data (Article 17 GDPR), object to the processing of your personal data (Article 21 GDPR) and, where technically feasible, request the transfer of the personal data provided to another organisation (Article 20 GDPR).

In relation to the right to be forgotten, the Controller will update or delete your data unless it has a legal obligation to retain it for business purposes or to comply with the law. In some cases, you have the right to request the restriction of the processing of your personal data

(Article 18 GDPR). You may also contact the Controller if you have concerns about the collection, storage or use of your personal data.

The Data Controller shall endeavour to deal promptly with all requests concerning the above-mentioned operations on your personal data, but no later than within 30 days of receiving the request. Due to the complex nature of the request, the Data Controller has the right to consider your requests in a period exceeding 30 days, of which it will inform you in advance.

The controller aims to handle complaints conclusively, but if you are still dissatisfied with the response you receive, you may lodge a complaint with your local data protection supervisory authority. In Poland, the supervisory authority under the GDPR is the President of the Office for Personal Data Protection.

## **§ 8 PROCESSING OF PERSONAL DATA BY AUTOMATED MEANS, COOKIE POLICY**

1. Our Website, like almost all other websites, uses cookies, i.e., cookies. This cookie policy applies to both Website Customers and Website Visitors, i.e. users who browse the content of the Website but do not make a purchase.
2. The Cookie Policy is a document which forms an integral part of this Privacy Policy. The content of the Cookie Policy can be found [here](#).
3. The Website also uses functionalities similar to cookies. Accordingly, the individual provisions of the Cookie Policy must be referred to accordingly for these technologies as well.
4. Selected cookies process your personal data. The processing of personal data from cookies or similar technologies on our Website is carried out for the purposes of ensuring the functioning of the Website, the adaptation of the Website to the preferences of the Visitor and the Customer, or analytical purposes. The processing is carried out on the basis of our legitimate interest. The legal basis for the processing of personal data for advertising purposes will be your additional consent, expressed by making a selection and ticking the checkbox during the cookie consent process.
5. When a Visitor uses the Website, cookies are used to identify his/her browser or device - cookies collect various types of information which, in principle, do not constitute personal data. However, some information, depending on its content and use, may be linked to a specific person - the attribution of certain behaviour to a specific Visitor or Customer, e.g. by linking it to the data provided when registering an Account on the Website or a specific email address - and thus be considered personal data.
6. The provisions of the Website's Privacy Policy relating to personal data, in particular those relating to the rights of the data subject, apply to the information collected by cookies that can be linked to a specific person.
7. The Website makes use of profiling. Thanks to the cookies used on the Website, it is possible for the Data Controller to learn about the preferences of the Visitor/Customer - e.g. by analysing how often they visit the Website and whether and which products they buy. Analysing online behaviour helps to better understand the habits and expectations of Customers and Visitors and to adapt to their needs and interests. Thanks to this technology, it is possible to present Visitors with advertisements tailored to their needs and interests and to prepare better promotions and surprises for adult Visitors who have agreed to this.



## § 9 CHANGES TO THE PRIVACY POLICY

1. This Privacy Policy 1.0. is effective as of 22.02.2024 r.
2. The Data Controller declares that he has the right to amend this document for important reasons, including:
  - a) changes to the applicable legislation, in particular with regard to GDPR, telecommunications law, electronically provided services and regulating consumer rights, affecting the rights and obligations of the Controller or the rights and obligations of the Data Subject;
  - b) developments in electronic functionality or services due to advances in Internet technology, including the implementation of new IT, technological or technical solutions on the Website, which affect the scope of this Privacy Policy.
3. The Data Controller undertakes to inform Users of any changes in good time, allowing them to familiarise themselves with the content of the amended document, e.g. by posting the consolidated text of the Privacy Policy on the homepage of the Website.

