

# PRIVACY POLICY ABOUT THE RELEVANT NATURAL PERSON'S RIGHTS AND THE PROCESSING OF PERSONAL DATA

## INTRODUCTION

At neopharma Japan, we are committed to protecting the data and privacy of our clients and individuals whom we work with.

This privacy policy explains how and why neopharma Japan uses personal data and what we do to ensure that your information is kept safe and secure in accordance with the General Data Protection Regulation (EU) 2016/679 (the 'Regulation') and applicable data protection and privacy laws.

This privacy policy covers the personal data of individual clients and suppliers, corporate representatives, website users and other individuals whose personal data we collect and process in connection with our work.

This information shall be published on the Company's website or sent to the person concerned upon request.

See what are your rights and how you can exercise them below.

## I. CHAPTER - NAME OF DATA CONTROLLER

Publisher of this document and the Data Controller:

Company Name: neopharma Japan

Headquarters: Iidabashi Grand Bloom 4F, 2-10-2, Fujimi, Chiyoda-Ku, 102-0071 Tokyo, Japan

Representative: Satofumi Kawata

Phone number: +81-3-6261-6940

E-mail address: info@neopharmajp.com

Website: <https://www.neopharmajp.co.jp>

**(hereinafter referred to as the Company)**

## II. CHAPTER - INFORMATION ON THE STORED PERSONAL DATA

### 1. The types of personal data we collect

The Company will be what is known as the 'Controller' of the personal data you provide to us. Unless otherwise agreed with you, we will only collect basic personal data about you, which does not include any special categories of personal information about you (often known as 'sensitive personal data'). This information does, however, include the likes of your name, work address, phone number, email address and job title.

The following personal information are collected by the Company.

- Staff of relevant contract research organizations managing the clinical research: *Name, contact details, connection data, such as logs, IP address, cookies.*  
The lawful basis of processing this kind of personal data is Article 6(1)(f) of the Regulation – Legitimate interests
- Consultants, contractors, managers and agents involved in the management of the clinical research: *Name, contact details, connection data, such as logs, IP address, cookies.*  
The lawful basis of processing this kind of personal data is Article 6(1)(f) of the Regulation-Legitimate interests

### 2. Our lawful basis and purposes for processing personal data

We typically use this personal data because it is in our legitimate interests to provide and promote our services and to build business relationships.

### **3. Why we need it**

We need to know this basic personal data in order to develop a new pharmaceutical drugs for curing diseases such as diabetes and to conduct clinical trials. They are also needed for contacting you. If you do not provide these information then we will be unable to conduct the clinical trials and we won't be able to develop the new drug to cure the diseases. We will not collect any personal data from you that we do not need for the conducting and overseeing of the trials.

### **4. What we do with it**

All the personal data we hold about you will be processed by our staff in Japan and by our third party data processor, a contracted research organization, that will conduct the clinical trials in Europe on behalf of us. They will have access to your personal data. Please, be aware, however, that your information may be stored on a cloud-based system whose servers are located within the European Union and in Japan. We take all reasonable steps to ensure that your personal data is processed securely including encrypted storage and transfer, access controls, etc.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, damaged or destroyed, altered or disclosed. Our security includes physical security measures (such as keeping paper files in secure, access-controlled premises), electronic security technology (such as encrypted digital back-ups and sophisticated antivirus protection) and organisational measures (such as internal training, policies and procedures relating to information security, data breaches and disaster recovery).

We limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to legal and contractual confidentiality obligations. We have put in place reporting procedures to deal with any suspected personal data breach and will notify you and any applicable supervisory authority of a breach when we are legally required to do so.

### **5. How long we keep it**

We will keep your personal data for 25 years after the completion of the clinical trial after which time it will be destroyed if it is no longer required for the lawful purpose(s) for which it was obtained.

### **6. How to inquire about your personal data**

The Company shall provide the data subject with all information concerning the processing of personal data and all information in a concise, transparent, comprehensible and easily accessible form. Regarding the procedures and steps of how to request information on your personal data processed by the Company, you can find more information in our *SUBJECT ACCESS REQUEST PROCEDURE AND FORM*.

## **III. CHAPTER - DESCRIPTION OF DATA PROCESSORS**

Data processor: any natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller; (Article 4 (8) of the Regulation)

The data processor does not need the prior consent of the data subject, but the data subject needs to be informed. Accordingly, we provide the following information:

[The Company's website provides personal information to the following third parties \(data processors\)](#)

### 1.1. Hosting Service

Name: iMobile, Inc.

Headquarters: Kioicho Park BLD.1F , 3-6 Kioicho, Chiyoda-Ku, Tokyo, 102-0094, Japan

E-mail address: [privacy@imobile.co.jp](mailto:privacy@imobile.co.jp)

Website: <https://www.imobile.co.jp/>

The website will only receive user data via the contact forms that the hosting provider will immediately forward to the Company via email.

### 1.2. Receiving and sending of emails

The Company uses its own internal mailing system which is fully compatible with the Regulation.

### 1.3. Postal services, mail delivery, parcel delivery

The following data processors will receive personal information (name, address, telephone number) required for the delivery of business letters, documents and products from our Company and will use them to deliver the items / products.

These providers:

#### **Courier Service**

Company Name: JAPAN POST Co., Ltd.

Headquarters: 2-3-1 Otemachi, Chiyoda-ku, Tokyo 100-8792

Representative: Kunio Yokoyama

Phone number: +81-3-3477-0111

Company Name: Yamato Transport Co., Ltd.

Headquarters: 2-16-10 Ginza, Chuo-ku, Tokyo 104-8125

Representative: Toshizo Kurisu

Phone number: +81-3-6757-1061

Company Name: SAGAWA EXPRESS CO., LTD.

Headquarters: 68 Tsunoda-cho, Kamitoba, Minami-ku, Kyoto, Japan

Representative: Masahide Motomura

Phone number: +81-75-691-6500

Company Name: Deutsche Post AG

Headquarters: Charles-de-Gaulle-Straße 20, 53113 Bonn

Registration number: Registration court Bonn HRB 6792

Tax Number: DE 169838187

Representative: Dr. Frank Appel, Chairman

Phone number: +49 (0) 228-18 20

## IV. CHAPTER - ENSURING THE LEGAL BASIS OF OUR DATA PROCESSING

### 1. Data processing based on the consent from the data subject

(1) If the Company wishes to perform consent-based data processing, the data subject's consent to the processing of his / her personal data shall be requested.

(2) It is also considered to be a consent if the data subject upon viewing the Company's website, selects a relevant box, performs the relevant technical settings in the use of information society services, as well as any other statement or action that in the given context, clearly indicates the data subject's consent to the planned

processing of his / her personal data. Silence, a pre-selected square, or a non-action is therefore does not constitutes as consent.

(3.) The consent shall cover all data processing activities carried out for the same purpose or purposes. If the data processing serves multiple purposes at the same time, the consent must state all data processing purposes.

(4.) In cases when the consent of the data subject is given in a written statement that covers other matters as well, such as the conclusion of a sales or service contract, the request for consent shall be presented in an easily accessible and clearly comprehensible way, separated from the other parts of the document. Any part of such a statement containing the consent of the data subject, which violates the Regulation, has no binding force.

(5) The Company cannot bind the signing of a contract to the processing of such personal data that is not necessary for the performance of the contract.

(6.) The withdrawal of consent shall be as simple as its granting.

(7) If the personal data were recorded with the consent of the data subject, the data controller may process the recorded data without further specific consent for the fulfillment of its legal obligation, unless the law provides it otherwise, and even after the withdrawal of the consent by the data subject.

## 2. Data processing based on compliance with legal obligations

(1) In case data processing is based on legal obligation, the provisions of the underlying legislation shall govern the scope of the data to be processed, the purpose of data processing, the period for which the data are stored and the recipients.

(2) Data processing based on the fulfillment of a legal obligation is independent from the consent of the data subject, as the data processing is determined by law. The data subject must be informed before the data processing begins, that data processing is mandatory. The data subject must be clearly and fully informed before any data processing begins, in particular about the purpose and legal basis of the data processing, the person authorized to process and manage the data, the duration of the data processing, the basis of the legal obligation to which the data subject is subjected, and who has access to the data. The information should also cover the data processing rights and remedies available to the data subject.

## 3. Promoting the rights of the data subject

The Company is obliged to ensure that the rights of the data subject are exercised during all data processing.

# V. CHAPTER - VISITORS' DATA PROCESSING ON THE COMPANY'S HOMEPAGE + NOTIFICATION ABOUT THE USE OF COOKIES

Visitors to the website should be informed about the use of cookies on the website and, with the exception of the session (cookies) that are technically essential, should be asked for their consent.

## 1. General information about cookies

1.1. Cookies are data that are sent by the visited websites to the visitor's browser (in variable name-value format) to be stored, so later the same web page can load its content. Cookies may have validity, either valid until the browser is closed or for an unlimited period of time. In case of the second one, along with all HTTP (S) requests, these data are also sent to the server by the browser. This will modify the data on the user's machine.

1.2. The meaning of the cookie is that by the nature of the web services, it is necessary to mark a user (eg. when accessing a website) and, based on that information, it will know how to manage the user accordingly. The danger is that the user is not always aware of this process and therefore it has the risk that the website operator or other service provider whose content is embedded in the site (eg Facebook, Google Analytics) may be able to follow the user, thus creating a profile about him/ her, and that is why the content of the cookie can be considered as personal data.

### 1.3. Types of cookies

#### 1.3.1. Session cookies are technically indispensable

Without them the page would simply not function properly, they could be used to identify and manage the users, eg. to whether they have accessed the site or not, what they put in their baskets, etc. This usually means the storage of a session ID, while the rest of the data is stored on the server, which makes it more secure. There is a security aspect, if the session cookie value is not generated well, then there is a risk of session-hijacking attack, so it is imperative that these values are generated correctly. Other terminologies are calling all cookies, that are deleted when users exit the browser, session cookies (a session is a browser usage from start to exit).

#### 1.3.2. Permanent cookies

These are cookies that remember the user's choices, such as how the user wants to see the page. These types of cookies are essentially the information about the settings stored in the cookies.

#### 1.3.3. Third-party cookies

These are installed by third parties with the aim of collecting certain information to carry out various research into behaviour, demographics etc. These are typically third-party applications (such as Google Analytics , AdWords , or Yandex.ru cookies). These are suitable for making profiles about the visitor.

You can find out about Google Analytics cookies here:

<https://developers.google.com/analytics/devguides/collection/analyticsjs/cookie-usage>

You can find out about Google AdWords cookies here:

<https://support.google.com/adwords/answer/2407785?hl=hu>

1.4. Accepting and authorizing the use of cookies is optional. Users can reset their browser settings to reject all cookies or to indicate when a cookie is being sent. While most browsers automatically accept cookies as a default, they can usually be changed to prevent automatic acceptance and offer the option of choosing each time.

**You can find the cookie settings for the most popular browsers at the following links :**

- Google Chrome: [https://support.google.com/accounts/answer/61416?hl=en\\_US](https://support.google.com/accounts/answer/61416?hl=en_US)
- Firefox: <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>
- Microsoft Internet Explorer 11: <http://windows.microsoft.com/hu/internet-explorer/delete-manage-cookies#ie=ie-11>
- Explorer 10: <http://windows.microsoft.com/home/internet-explorer/delete-manage-cookies#ie=ie-10-win-7>
- Microsoft Internet Explorer 9: <http://windows.microsoft.com/en-en/internet-explorer/delete-manage-cookies#ie=ie-9>
- Microsoft Internet Explorer 8: <http://windows.microsoft.com/hu/internet-explorer/delete-manage-cookies#ie=ie-8>
- Microsoft Edge: <http://windows.microsoft.com/hu/windows-10/edge-privacy-faq>
- Safari : <https://support.apple.com/HT201265>

However, we would like to draw your attention to the fact that some site features or services may not work properly without cookies.

## 2. Information on the cookies used on the Company's website and on the data generated during the visit

### 2.1. Data processed during the visit

The Company's website can record and process the following information about the visitor or the device used for browsing during the visit:

- The visitor's IP address
- Browser type,
- Operating system features of the device used for browsing (language setting, etc.),

- Date of visit,
- The visited (sub) pages, functions or services.

*This data is stored for up to 2 years and is primarily used to investigate security incidents.*

## 2.3. Cookies used on the website

### 2.3.1. Session cookies

Session cookies are technically essential.

The purpose of data processing is to ensure the proper functioning of the website. These cookies are necessary to allow visitors to browse the website, to use its functions and services available through the website smoothly and completely. The duration of the data handling of these cookies is limited to the actual visit of the visitor, after the session has ended or the browser is closed, this type of cookies is automatically deleted from the users' computers.

The legal basis for this data processing is written the Recital 26 and 30 of the Regulation, which provides that the service provider may process the personal data absolutely necessary for the provision of its services. The service provider shall process only those personal data that are strictly necessary for the provision of the service and for the fulfillment of other purposes specified in Recital 26 and 30 of the Regulation.

### 2.3.2. Permanent cookies

These cookies record the user's choices, such as how the user would like to see the page. These types of cookies are essentially, information on the settings stored in the cookie.

The legal basis for data processing is the visitor's consent.

The purpose of data processing: Increasing the efficiency of the service, increasing the user experience, making the use of the website more convenient.

*This data is stored on the user's computer, a website can only access it in order to recognized its visitor.*

### 2.3.3. Third-party cookies

They collect information about user behavior, time spent on and clicks within the site they visit. These are typically third-party applications (such as Google Analytics, AdWords).

Legal basis for data processing: consent of the data subject.

Purpose of data processing: analyzing the website, sending promotional offers.

### 2.3.4. The following cookies are used on the website

#### 1. Cookies Required

1.1. connect.sid

#### 2. Statistical cookies

2.1. \_sp\_id.b140

2.2. \_sp\_ses.b140

Cookies have an expiry date of 2 years.

#### 3. Other Cookies

3.1. NID

3.2. tfw\_exp

Cookies will be deleted upon closing the browser.

## VI. CHAPTER - INFORMATION ON THE RIGHTS OF THE DATA SUBJECTS

### 1. Transparent information, communication and promotion of the rights of the data subject

**1.1.** The controller shall provide the data subject with all information concerning the processing of personal data and all information in a concise, transparent, comprehensible and easily accessible form, in particular for any information regarding children. The information shall be provided in writing or otherwise, including, where appropriate, by electronic means. At the request of the data subject, oral information may be provided, if the identity of the data subject has been otherwise proven. Regarding the procedures and steps of how to request information on your personal data processed by the Company, you can find more information in our *SUBJECT ACCESS REQUEST PROCEDURE AND FORM* document.

**1.2.** The controller shall facilitate the exercise of data subject rights.

**1.3.** The controller shall, without undue delay, but in any case within one month of receiving the request, inform the data subject of the action taken on his request for the exercise of his rights. This deadline may be extended by two months under the conditions written the Regulation, but the data subject should be informed about the extensions.

**1.4.** If the data controller fails to take action on the request of the data subject, he shall inform the data subject without delay, and at the latest within one month of receiving his/ her request, of the reasons for not taking the action and of submitting the complaint to a supervisory authority and having recourse to a judicial remedy.

**1.5.** The data controller provides all the information, notifications and action on the rights of the data subject free of charge, however, in the cases specified in the Regulation, a fee may be charged. Detailed rules can be found in Article 12 of the Regulation.

### 2. Information to be provided where personal data are collected from the data subject

**2.1.** The data subject is entitled to be informed of all the facts and information related to data management prior to the data collection. In this context, the data subject must be informed of:

- (a) the name and contact details of the controller and its representative,
- (b) the data protection officer's contact details (if they have any);
- (c) the purpose of the intended management of the personal data and the legal basis for the processing;
- (d) in the case of data processing based on a legitimate interest, the legitimate interests of the controller or of a third party;
- (e) the recipients of the personal data and the categories of recipients, if they any;
- (e) where applicable, the fact that the controller wishes to transfer personal data to a third country or to an international organization.

**2.2.** In order to ensure fair and transparent data management, the controller must inform the data subject of the following additional information:

- (a) the duration of the storage of personal data or, where this is not possible, the criteria for determining that period;
- (b) the right of the data subject to apply to the controller for access to, rectification, erasure or restriction of personal data relating to him or her and to object to the processing of such personal data and his / her right to data portability;
- (c) in case the data processing based on the consent of the data subject, the right to withdraw the consent at any time, without prejudice to the lawfulness of the data processing carried out on the basis of the consent prior to the withdrawal;
- (d) the right to lodge a complaint with a supervisory authority;
- (e) whether the provision of personal data is based on a statutory or contractual obligation or a prerequisite for the conclusion of the contract and whether the data subject is obliged to provide personal data and what the possible consequences of the failure to provide the data may be;
- (f) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the Regulation 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.

**2.3.** If the controller wishes to process further data for personal purposes other than for the purpose for which they were collected, it must inform the data subject about this different purpose and all relevant additional information before further processing.

The detailed rules for the right of prior information are set out in Article 13 of the Regulation.

### 3. Information to be provided where personal data have not been obtained from the data subject

**3.1.** If the controller has not obtained the personal data from the data subject, the data subject shall be informed by the data controller within one month at the latest of the receipt of their personal data; if the personal data are used for the purpose of liaising with the data subject, at least during the first contact with the data subject; or, if the data is expected to be communicated to another addressee, at the latest at the time of the first communication about their personal data, it shall inform the facts and information referred to in paragraph 2 above, as well as the categories of personal data concerned and the source of the personal data and, where applicable, if the personal data was obtained from publicly available sources.

**3.2.** The additional rules are governed by the previous paragraph (Right to Preliminary Information). The detailed rules for this information are contained in Article 14 of the Regulation.

### 4. Right of access by the data subject

This gives you the right to receive a copy of the personal data we hold about you subject to certain exemptions.

**4.1.** The data subject has the right to receive feedback from the controller on whether the processing of their personal data is in progress and, if such data is being processed, is entitled to have access to these personal data and to the related information described in section 2.1. (Article 15 of the Regulation).

**4.2.** Where personal data are transferred to a third country or international organization, the data subject shall be entitled to be informed of the appropriate safeguards in accordance with Article 46 of the Regulation.

**4.3.** The controller shall make a copy of the personal data subject to the data management available to the data subject. For additional copies requested by the data subject, the controller may charge a reasonable fee as administrative costs.

The detailed rules about the right of access of the data subject are set out in Article 15 of the Regulation

### 5. Right to rectification

This gives you the right to have any incomplete or inaccurate personal data corrected.

**5.1.** The data subject shall be entitled to rectify the inaccurate personal data relating to him or her without undue delay upon request.

**5.2.** Depending on the purpose of data management, the data subject is entitled to request the correction of incomplete personal data.

These rules are written in Article 16 of the Regulation.

### 6. Right to erasure ("the right to be forgotten")

This allows you to request us to delete or remove personal data. You also have the right to request us to delete or remove your personal data where you have exercised your right to object to processing (see below). In certain circumstances this right may not apply, such as where we have a good, lawful reason to continue using the information in question and, if so, we shall inform you of such reasons at the relevant time.

**6.1.** The data subject shall have the right to request the deletion of his/her personal data without undue delay and the controller shall delete the personal data of the data subject without undue delay if:

(a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2) of the Regulation, and where there is no other legal ground for the processing;



- (c) the data subject objects to the processing pursuant to Article 21(1) of the Regulation and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) of the Regulation;
- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1) of the Regulation.

**6.2.** The right to erasure cannot be enforced if data management is required

- (a) to exercise the right to freedom of expression and information;
- (b) to comply with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (c) on grounds of public interest in the field of public health;
- (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the Regulation in so far as the right referred to in paragraph 1 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.

Detailed rules on the right to erasure are written in Article 17 of the Regulation.

## 7. Right to restriction of processing

You can limit how we use your personal data in certain circumstances. Where this applies, any processing of your personal data (other than storing it) will only be lawful with your consent or where required for legal claims, protecting certain rights or important public interest reasons.

**7.1.** The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- (a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- (d) the data subject has objected to processing pursuant to Article 21(1) of the Regulation pending the verification whether the legitimate grounds of the controller override those of the data subject.

**7.2.** Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

**7.3.** A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.

The relevant rules are written in Article 18 of the Regulation.

## 8. Notification obligation regarding rectification or erasure of personal data or restriction of processing

The controller shall communicate any rectification or erasure of personal data or restriction of processing carried out in accordance with Article 16, Article 17(1) and Article 18 of the Regulation to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests it. These rules are written in Article 19 of the Regulation.

## 9. Right to data portability

You can request that we provide you, or (where technically feasible) a third party, with a copy of your personal data in a structured, commonly used, machine-readable format. Note this only applies to personal data which we obtain from you and, using automated means, process on the basis of your consent or in order to perform a contract.

**9.1.** The data subject shall have the right to receive the personal data concerning him or her, which he or 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 is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1) of the Regulation; and
- (b) the processing is carried out by automated means.

**9.2.** The data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

**9.3.** The exercise of the right shall be without prejudice to Article 17 of the Regulation. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The right shall not adversely affect the rights and freedoms of others.

Detailed rules are written in Article 20 of the Regulation.

## 10. Right to object

You can object to us processing your personal data for legitimate interests purposes or for direct marketing. We must then stop processing your data unless we have a strong reason to continue which overrides your objection. If your objection is to direct marketing, we must always stop.

**10.1.** 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 point (e) or (f) of Article 6(1) of the Regulation, including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

**10.2.** Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

**10.3.** Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

**10.4.** At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.

**10.5.** In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

**10.6.** Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1) of the Regulation, the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

The relevant rules are written in the Article 21 of the Regulation.

## 11. Automated individual decision-makings, including profiling

**11.1.** The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

**11.2.** This shall not apply if the decision:

- (a) is necessary for entering into, or performance of, a contract between the data subject and a data 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.

**11.3.** In the cases referred to in points (a) and (c) above, the data 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. Further rules are written in Article 22 of the Regulation.

## 12. Restrictions

Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in (Article 12-22, Article 34, Article 5 of the Regulation) when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard. The conditions for this restriction are written in Article 23 of the Regulation.

## 13. Communication of a personal data breach to the data subject

**13.1.** When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay. This information shall clearly describe the nature of the personal data breach and shall include at least the following:

(a) the name and contact details of the data protection officer or other contact person providing further information;

(c) the likely consequences of the personal data breach must be described;

(d) the measures taken or planned by the controller to remedy the incident, including, where appropriate, measures to mitigate any adverse consequences arising from the personal data breach.

**13.2.** The data subject need not be informed if any of the following conditions are met:

(a) the controller has implemented appropriate technical and organisational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;

(b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise;

(c) it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

Further rules are written in Article 34 of the Regulation.

## 14. Right to lodge a complaint with a supervisory authority

You have the right to complain to a data protection supervisory authority if you are not satisfied with our response to a data protection request or if you think your personal data has been mishandled. Further information can be found in our *SUBJECT ACCESS REQUEST PROCEDURE AND FORM*.

Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes this Regulation. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy.

These rules are written in Article 77 of the Regulation.

## 15. Right to an effective judicial remedy against a supervisory authority

**15.1.** Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision of a supervisory authority concerning them.

**15.2.** Without prejudice to any other administrative or non-judicial remedy, each data subject shall have the right to an effective judicial remedy where the supervisory authority which is competent does not handle a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged.

**15.3.** Proceedings against a supervisory authority shall be brought before the courts of the Member State where the supervisory authority is established.

**15.4.** Where proceedings are brought against a decision of a supervisory authority which was preceded by an opinion or a decision of the Board in the consistency mechanism, the supervisory authority shall forward that opinion or decision to the court.

These rules are written in Article 78 of the Regulation.

## 16. Right to an effective judicial remedy against the controller or the processor

**16.1.** Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority, each data subject shall have the right to an effective judicial remedy where he or she considers that his or her rights under this Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with this Regulation.

**16.2.** Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the controller or processor is a public authority of a Member State acting in the exercise of its public powers.

These rules are written in Article 79 of the Regulation.

## VII. CHAPTER - UPDATES TO THIS POLICY

We will update this policy from time to time. The current version will always be posted on our website. This policy was last updated on December 14th, 2020.