
PRIVACY POLICY

1. General Provisions

- 1.1 This Privacy Policy (the “**Privacy Policy**”) governs the processing of personal data of users and licensees (the “**User**” or “**You**”) to the software Jana2020 (the „**Software**“).
- 1.2 The licensor of the Software and the administrator of personal data within the meaning of Article 4 (7) of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the “**GDPR**”) is the Fyzikální ústav AV ČR, v. v. i., a public research institution incorporated in the Czech Republic, ID No.: 683 78 271, TAX ID No.: CZ68378271, with its registered office at Na Slovance 1999/2, 182 21 Prague 8, Czech Republic, registered in the Public Research Institutions Register maintained by the Ministry of Education, Youth and Sports (the “**Administrator**” or “**we**”).
- 1.3 Please read how we collect, process, and protect Your personal data (that is, any information directly or indirectly identified or identifiable to an individual) when You acquire a license and use the Software. This document contains information about Your rights.
- 1.4 The contact details of the Administrator are as follows:
- a) correspondence address: Na Slovance 1999/2, 182 21 Prague 8, Czech Republic;
 - b) contact e-mail: info@fzu.cz;
- 1.5 The Administrator has appointed a data protection officer (the “**Data Protection Officer**”). The contact details of the Data Protection Officer can be obtained at info@fzu.cz

2. Definition of Personal Data

- 2.1 The Administrator processes only personal data provided by the User. The User declares that all personal data provided by the User to the Administrator is true, accurate, up-to-date, correct, and complete. The Administrator assumes no obligation to verify this information. If You provide any information that is untrue, inaccurate, not current, or incomplete, or if we have reasonable grounds to suspect that such information is untrue, inaccurate, not current, or incomplete, we may suspend or terminate our cooperation and refuse any and all current or future use of the Software (or any part thereof).
- 2.2 In connection with Your use of the Software, the Administrator processes the following personal data:
- a) identification data (e.g. name, surname, address, username, and password);

- b) contact details (e.g. e-mail address, telephone);
- c) payment details (especially license payment information);
- d) other information that you provide to us or that we obtain in connection with Your use of the Software.

3. Terms and Purpose of Processing of Personal Data

2.1 The processing of personal data by the Administrator is lawful as at least one of the following conditions is always met:

- a) the User has consented to the processing of his/her personal data pursuant to Article 6 (1) (a) GDPR for one or more specific purposes;
- b) the processing of the User's personal data is necessary for the performance of a contract to which the User is a party or the implementation of measures taken prior to the conclusion of the contract at the request of that User pursuant to Article 6 (1) (b) GDPR;
- c) the processing of the User's personal data is necessary to comply with a legal obligation to which the Administrator is subject; or
- d) the processing of the User's personal data is necessary for the purposes of the legitimate interests of the Administrator pursuant to Article 6 (1) (f) GDPR.

2.2 In connection with the use of the Software, the Administrator processes Users' personal data for the following purposes:

- a) processing based on the necessity of such processing for the independent performance of a contract concluded in connection with the use of the Software;
- b) processing on the basis of our legal obligations for the purpose of fulfilling such legal obligations;
- c) processing on the grounds of our legitimate interest, whereby personal data is processed in particular for statistical and analytical purposes and for the storage of certain data for the purposes of any recovery of property claims.

2.3 Personal data are processed for the period of time strictly necessary for the purpose of their processing. In the case of a license granted, we retain personal data for at least the duration of the license. Personal data is retained for the duration of our contractual relationship, unless a longer period is required by law or unless we have agreed on a different period. If we are required by law to retain personal data (or documents containing Your personal data) for a longer period, we will retain it in accordance with the law. We also retain data for a period longer than the duration of our contractual relationship, which we may need as evidence to assert our claims or defend our rights or to deal with administrative authorities and bodies.

2.4 Personal data may be transferred on the basis of legal provisions to the entities specified in those legal provisions.

2.5 Your personal data may be processed both manually and automatically and is stored in paper and electronic form.

- 2.6 We are committed to storing your data securely. For this reason, we have implemented appropriate physical, technical, and organizational measures and plans to protect and secure the data we have collected from You (which does not, however, relieve You of Your obligation to take appropriate steps to secure Your data, particularly in the case of data transfer). The aim is to prevent unlawful or unauthorized processing of Your personal data or accidental, unauthorized or unlawful disclosure, use, transmission, processing, copying, transfer, alteration, loss or corruption of Your data. Despite all efforts to comply with the rules set out in the relevant legislation, it is not possible to ensure the security of Your data if it is transmitted in an unsecured manner.
- 2.7 If we have given You or You have chosen a password that allows You to access the Software or certain parts of it, You are responsible for keeping that password confidential. We ask that You do not share this password with anyone.

4. User's Rights as a Data Subject

- 4.1 Based on the rules set out in the GDPR, the User has in particular the following rights:
- a) *Right of access* (Article 15 GDPR). You have the right to know what personal data we process, for what purpose, on what legal basis, for how long, to whom the personal data is transferred, and what Your other rights are in relation to the processing of Your personal data. The purpose of this right is to enable You as a data subject to obtain information about the ongoing processing of Your personal data. Unlike the information obligation, which we fulfil by issuing this document, the right of access presupposes Your request. On the basis of this request, You have the right to receive information about whether or not we are processing Your personal data and information related to this. You may also request a copy of the personal data processed concerning You. We are obliged to provide You with the first such copy free of charge, and may charge a reasonable fee for any further copies.
 - b) *Right to rectification* (Article 16 GDPR). You have the right to request that we correct or complete the personal data processed without undue delay if You find that it is inaccurate or incomplete. We are obliged to restrict the processing of Your personal data until we have verified its accuracy (see below).
 - c) *Right to erasure* (Article 17 GDPR). In certain cases, You have the right to have Your personal data erased at Your request and not further processed. These are in particular the following cases:
 - if we no longer need Your personal data for the purposes for which it was processed;
 - if You withdraw Your consent to processing (this only applies where consent to processing is required) and there is no other legal basis for processing;
 - where there is an objection to processing (see below), and there are no overriding legitimate grounds for processing;
 - if we process Your personal data unlawfully.

In some cases provided for in the GDPR, we may refuse the requested deletion (e.g. the processing is necessary for the establishment, exercise or defense of our legal claims).

- d) *Right to restriction of processing* (Article 18 GDPR). In addition to the right to erasure, You also have the right to suspend the processing of personal data. This means that we are only allowed to store personal data and not to process it further (personal data is not subject to further operations). The right to restrict processing applies in the following cases:
- if You contest the accuracy of Your personal data, in which case the restriction applies for the time necessary for us to verify the accuracy of the personal data;
 - if we process Your personal data unlawfully, but instead of erasure You request only restriction of processing;
 - if we no longer need your data for the above processing purposes but You require it for the establishment, defense, or exercise of legal claims;
 - if You object to the processing (see below), we must restrict the processing of Your personal data for as long as we investigate its validity.
- e) *Right to data portability* (Article 20 GDPR). Where You have provided us with personal data the processing of which is based on Your consent or the performance of a contract, and at the same time the processing is carried out by automated means (i.e. not manually), You have the right to have such data provided to You in a structured, commonly used and machine-readable format, and You have the right to transfer such data to another administrator without us being able to prevent this.
- f) *Right to withdraw consent* (Article 7 par. 3 GDPR). If we process Your personal data on the basis of consent, this consent is always revocable. You may withdraw Your consent at any time by contacting us at the contact details provided in this Privacy Policy. Once consent is withdrawn, we can no longer process such personal data unless we have another lawful reason for its processing. It should be added that the processing of personal data on the basis of the other legal grounds mentioned above (necessity for the performance of our legal obligation, necessity for the performance of a contract to which You are a party, necessity for the purposes of our legitimate interests) is not subject to consent, therefore it is not possible to request that we do not process Your personal data that we must process.
- g) *Right to object* (Article 21 GDPR). You have the right to object to the processing of Your personal data that we carry out on the basis of our legitimate interest (Article 6 (1) (f) GDPR). Once You have objected, we are obliged to restrict the processing of the personal data concerned (see above right to restriction of processing). We then do not further process personal data until we have verified that there are compelling legitimate grounds for processing on our part which override Your interests or rights and freedoms, or for the establishment, exercise, or defense of legal claims. You can object to processing by contacting us using the contact details provided in this Privacy Policy.

- h) *Right to lodge a complaint.* You have the right to lodge a complaint with The Office for Personal Data Protection if You believe that the processing has violated Your right to protection of personal data during processing or a related legal regulation.
- 4.2 To exercise any of these rights, the User may contact the Administrator using the contact details provided above. The Administrator will assist the Users in exercising their rights with advice or assistance. You also have the right to lodge a complaint with the supervisory authority, The Office for Personal Data Protection of the Czech Republic. You can find out more at <https://www.uoou.cz>.

5. Final Provisions

- 5.1 By checking the consent box via the online form and/or by actively using the Software or related services, the User confirms that he/she is aware of this Privacy Policy and accepts it in its entirety.
- 5.2 This Privacy Policy is governed by the law of the Czech Republic. The general courts of the Czech Republic shall have jurisdiction over any related legal disputes between the Administrator and the User.
- 5.3 If necessary, the Administrator is entitled to unilaterally change the wording of this Privacy Policy. The Administrator shall always notify the change before it takes effect by displaying a notice in the Software user interface or on the Administrator's website and/or by sending a notice to the User's email.
- 5.4 This Privacy Policy shall take effect on the date You provided the personal data within registration in the JANA2020 web page.