

# ONLINE SHOP PRIVACY POLICY

## SKLEP.BFRESH.PL

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## 1. GENERAL PROVISIONS

- 1.1. This Privacy Policy of the Online Shop is of informative nature, which means that it is not a source of obligations for Service Recipients or Customers of the Online Shop. The Privacy Policy contains, above all, the principles concerning the processing of data by the Controller in the Online Shop, including the basis, purpose and period of personal data processing and the rights of data subjects as well as information regarding the use of cookies and analytical tools in the Online Shop.
- 1.2. The Controller of the personal data collected via the Online Shop shall be Marek Stępień who operates a business enterprise under the name BFRESH MAREK STĘPIEŃ entered into the Central Register and Information on Economic Activity of the Republic of Poland run by the Minister of Economy, having: the address of the business place and correspondence address: ul. Lubelska 65, 26-600 Radom, Poland, VAT ID no. NIP: 7961604056, National Economy Register no. REGON 147166880; e-mail address: bfresh@bfresh.pl and telephone number: 601 500 738 or 48 365 06 37 – hereinafter referred to as “**Controller**” and being simultaneously the Service Provider of the Online Shop and the Seller.
- 1.3. Personal data in the Online Shop shall be processed by the Controller in accordance with the binding legal regulations, in particular the 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 (General Data Protection Regulation) - hereinafter referred to as “**GDPR**” or “**GDPR Regulation**”. The official text of the GDPR Regulation: <http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX%3A32016R0679>.
- 1.4. Using the Online Shop, including shopping, is voluntary. Similarly, providing personal data by the Service Recipient or the Customer using the Online Shop is voluntary, subject to two exceptions: (1) **entering into contracts with the Controller** – failure to provide the personal data necessary for the conclusion and performance of the Sales Contract or a contract for the provision of an Electronic Service with the Controller in the cases and within the scope indicated on the website of the Online Shop and the Regulations of the Online Shop and this Privacy Policy shall result in no possibility to enter into the contract. Providing personal data is a contractual requirement in such a case and if the data subject is willing to enter into the contract with the Controller, they shall be obligated to provide the required data. The scope of the data required to enter into the contract is each time specified in advance on the website of the Online Shop and in the Regulations of the Online Shop; (2) **statutory obligations of the Controller** – specifying the personal data is a statutory requirement resulting from the commonly binding legal regulations obligating the Controller to process the personal data (e.g. processing data to keep tax books or ledgers) and failure to specify the data will render it impossible for the Controller to perform the obligations.
- 1.5. The Controller assures due diligence to protect the interest of persons being data subjects, in particular being responsible and liable for and assuring that the data collected are: (1) processed in accordance with the Act; (2) collected for specific, legal purposes and not subject to further processing inconsistent with the purposes; (3) correct as regards the subject matter and adequate as regards the purpose of the processing; (4) stored in a form making it possible to identify the people they apply to, no longer than it proves necessary to attain the purpose of processing and (5) processed in a manner ensuring security of the personal data, including the protection against illicit or illegal processing or accidental loss, damage or destruction, with the use of appropriate technical and organisational measures.

- 1.6. Taking into account the nature, scope, context and purpose of processing as well as the risk of breaching the rights or freedoms of natural persons with varied likelihood and degree of threat, the Controller is implementing appropriate technical and organisational measures so that the processing takes place pursuant to the GDPR Regulation and it is possible to show it. The measures are reviewed and updated, as necessary. The Controller applies technical measures preventing the acquisition and modification of personal data sent electronically by unauthorised persons.
- 1.7. Any words, phrases and acronyms used in this privacy policy starting with a capital letter (e.g. **Seller, Online Shop, Electronic Service**) shall be understood in accordance with the definition contained in the Regulations of the Online Shop available on the websites of the Online Shop.

## 2. BASIS FOR THE PROCESSING OF DATA

- 2.1. The Controller is authorised to process the personal data in cases, and to the extent, when at least one of the following conditions is met: (1) the data subject consented to the processing of their data to one or more specified ends; (2) processing is necessary for contract performance the data subject is a party to, or to take actions to the request of the data subject, prior to contract conclusion; (3) processing is necessary to meet the legal obligation of the Controller; or (4) processing is necessary for the needs resulting from the legally justified interests of the Controller or third party, except for situations when the interests or basic rights and freedoms of the data subject override such interests and they require personal data protection, especially when the data subject is a child.
- 2.2. The processing of personal data by the Controller each time requires having at least one basis indicated in item 2.1 of the privacy policy. Specific bases for processing personal data of the Service Recipients or the Customers of the Online Shop by the Controller are specified in the following point of the privacy policy – as regards the specific goal of processing personal data by the Controller.

## 3. PURPOSE, BASIS AND PERIOD OF PROCESSING DATA IN THE ONLINE SHOP

- 3.1. Each time, the purpose, basis and period as well as the recipients of personal data being processed by the Controller result from actions undertaken by a given Service Recipient or Customer in the Online Shop. For instance, in the case the Customer decides to purchase a Product in the Online Shop and selects collecting the purchased Product personally instead of shipment, their personal data will be processed with a view of performing the Sales Contract entered into, but they will not be made available to the courier delivering the shipment to the Controller's order.
- 3.2. The Controller may process the personal data in the Online Shop for the purposes, on the bases and within the periods as follows:

Purpose of data processing	Legal basis for processing data	Period of data storage
The performance of the Sales Contract or a contract for the provision of an Electronic Service, or taking actions to the request of the data subject, prior to entering into the above contracts.	Article 6, par. 1, point b) of the GDPR Regulation (contract performance) – the processing is required to perform the Sales Contract of which the data subject is party or to take action to the request of the data subject, prior to entering into the contract.	The data shall be stored for the period necessary for the performance, termination or expiry of a contract entered into in a different manner.
Direct marketing	Article 6, par. 1, point f) of the GDPR Regulation (legitimate interest of the controller) – the processing is required for achieving the goals based on the legitimate interest of the Controller which includes upholding interests and strengthening reputation of the	The data shall be stored for the period of the legitimate interest of the Controller, however no longer than the period of limitation of claims as regards the data subject under the business activity of the Controller. The period of limitation shall be specified by legal provisions, in particular the Civil Code

	Controller and the Online Shop as well as his commitment for increasing sales of Products	(the basic period of limitation in the case of claims related to business activity amounts to three years, and for a Sales Contract two years).  The Controller may not process the data for the needs of direct marketing in the case of expressing clear objection in this field by the data subject.
Marketing	Article 6, par. 1, point a) of the GDPR Regulation (consent) – the data subject expressed the consent to process its personal data for marketing purposes by the Controller	The data are stored until the data subject withdraws the consent to further process their data to that end.
Expressing an opinion on the concluded Sales Contract by the Customer	Article 6, par. 1, point a) of the GDPR Regulation (consent) – the data subject expressed the consent to process its personal data for purpose of expressing an opinion	The data are stored until the data subject withdraws the consent to further process their data to that end.
Keeping tax books	Article 6, par. 1, point c) of the GDPR Regulation (legal obligation) in relation with Article 86 §1 of Tax Ordinance Act, consolidated text of 17 January 2017 (Journal of Laws of 2017 item 201 with amendments) – the processing is required for the Controller due to their statutory obligations	The data shall be stored for the legally required period, requesting the Controller to store tax books (till the lapse of the period of limitation of a tax obligation, unless acts on taxes stipulate otherwise).
Use of the Online Shop website and ensuring its proper functioning	Article 6, par. 1, point f) of the GDPR Regulation (legitimate interest of the controller) – the processing is required for the purposes resulting from the legitimate interests of the Controller which includes operating and maintenance of the Online Shop	The data shall be stored for the period of the legitimate interest of the Controller, however no longer than the period of limitation of claims as regards the data subject under the business activity of the Controller. The period of limitation shall be specified by legal provisions, in particular the Civil Code (the basic period of limitation in the case of claims related to business activity amounts to three years, and for a Sales Contract two years).
Preparing statistics and analysing the manner of the data subject conduct on the website of the Online Shop	Article 6, par. 1, point f) of the GDPR Regulation (legitimate interest of the controller) – the processing is required for the purposes resulting from the legitimate interests of the Controller which includes preparing statistics and analysing the manner of the data subject conduct on the website of the Online Shop in order to	The data shall be stored for the period of the legitimate interest of the Controller, however no longer than the period of limitation of claims as regards the data subject under the business activity of the Controller. The period of limitation shall be specified by legal provisions, in particular the Civil Code (the basic period of limitation in the case of claims related to business

	improve the functioning of the Online Shop and increase sales of Products	activity amounts to three years, and for a Sales Contract two years).
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#### 4. DATA RECIPIENTS IN THE ONLINE SHOP

- 4.1. For the needs of proper Online Shop functioning, inclusive of the performance of the Sales Contract entered into, it shall be necessary for the Controller to make use of external companies' services (e.g. software provider, courier, or payment system provider). The Controller uses solely the services of such processing entities which ensure sufficient guarantee to implement appropriate technical and organisational measures so that the processing meets the requirements set out in the GDPR Regulation and protects the rights of data subjects.
- 4.2. The Controller may provide personal data to a third country, while the Controller ensures that it shall only be a third country which is considered to provide adequate level of protection – in accordance with the GDPR Regulation, and in the case of other countries, the data transfer will occur on the basis of the standard contractual clauses. The Controller ensures that the data subject has a right to get a copy of their data. The Controller provides personal data to a third country only in case and scope necessary to execute a certain purpose of data processing consistent with this privacy policy.
- 4.3. Providing data by the Controller does not take place in every case and not to all the recipients or categories of recipients defined in the privacy policy – the Controller provides the data only in the case it proves necessary to attain a given purpose of personal data processing and solely within the necessary scope. For instance, in the case the Customer decides to purchase a Product in the Online Shop and selects collecting the purchased Product personally instead of shipment, their data will not be made available to the courier delivering the shipment to the Controller's order.
- 4.4. Personal data of the Online Shop Service Recipients or Customers may be provided to the following recipients or categories of recipients:
- 4.4.1. **carriers/forwarders/couriers/subjects operating warehouses and/or responsible for shipping process** – in the case of a Customer who selects the Online Shop to deliver the Product by post or courier, the Controller makes the collected Customer's personal data available to the selected carrier, forwarder or agent performing shipment for the Controller, and if the delivery is to be made from the external warehouse – to the subject operating warehouse and/or responsible for shipping process – to the extent necessary to deliver the Product to the Customer.
- 4.4.2. **e-payments or payment card service providers** – in the case of a Customer who uses in the Online Shop the option of e-payment or payment card, the Controller makes the collected Customer's personal data available to the selected payment service provider in the Online Shop for the Controller to the extent necessary to perform the payment of the Customer, including:
- 4.4.3. **opinion poll system providers** – in the case of a Customer who consented to express their opinion on the Sales Contract, the Controller makes the collected personal data of the Customer available to the selected entity providing the system of opinion polls on Sales Contract concluded in the Online Shop to the order of the Controller within a scope necessary for the Customer to present their opinion by means of an opinion poll system.
- 4.4.4. **service providers rendering for the Controller technical, IT or organisational solutions, making it possible for the Controller to conduct a business, inclusive of the Online Shop and Electronic Services provided via it** (in particular computer software providers for the Online Shop, e-mail companies and hosting providers as well as software providers for company management and technical aid for the Controller) – the Controller makes the collected personal data of the Customer available to the selected provider operating to their order only in the case and to the extent necessary for attaining a given purpose of data processing in accordance herewith.
- 4.4.5. **accounting, legal and counselling services providers rendering for the Controller accounting, legal or counselling services** (in particular an accounting agency, law firm or debt collection company) – the Controller makes the collected personal data of the Customer available to the selected provider operating to their order only in the case and to the extent necessary for attaining a given purpose of data processing in accordance herewith.
- 4.4.6. **providers of social plugins implemented in the Online Shop, of scripts and other similar tools enabling a person using the Online Shop to download content from the providers of the said plugins** (i.e. logging in via social media profile) and for this purpose providing the providers with the personal data of the visitor, including also:

- 4.4.6.1. **Meta Platforms Ireland Ltd.** – the Controller uses Facebook social plugins in the Online Shop (e.g. “Like it” or “Share” button, logging in via Facebook profile) and therefore collects and discloses personal data of the Service Recipient using the Online Shop to Meta Platforms Ireland Ltd. (4 Grand Canal Square, Grand Canal Harbour, Dublin 2 Ireland) to the extent and in accordance with the privacy principles available here: <https://www.facebook.com/about/privacy/> (this data may include information about activities in the Online Shop - including information about the device, the visited websites, purchases, displayed ads and how to use the services - regardless of whether the Service Recipient has a Facebook account and is logged in to Facebook).

## 5. PROFILING IN THE ONLINE SHOP

- 5.1. The GDPR Regulation obligates the Controller to inform about the automated decision-making process, including profiling referred to in Article 22, par. 1 and 4 of the GDPR Regulation, and – at least in those cases – the vital information concerning the decision-making process as well as the meaning and foreseeable consequences of processing for the person being the data subject. Bearing in mind the above, the Controller specifies in this point of the privacy policy the information concerning the possible profiling.
- 5.2. The Controller may use profiling in the Online Shop for direct marketing purposes, yet the decisions made on its basis by the Controller do not concern the conclusion or rejection to conclude the Sales Contract, or the possibility to make use of Electronic Services in the Online Shop. The result of profiling in the Online Shop may be e.g. discount for a given person, sending a discount code, reminding about unfinished purchase process, sending Product offers, which may be related to the interests or preferences of the person, or offering better conditions as compared with the standard offer of the Online Shop. Regardless of profiling, the person makes decisions freely, whether they want to use the discount given, or better conditions and buy a Product in the Online Shop.
- 5.3. Profiling in the Online Shop consists in automatic analysis or forecast of the conduct of a given person on the website of the Online Shop, e.g. by adding a given Product to the cart, browsing the page of a given Product in the Online Shop, or the analysis of the history of purchase in the Online Shop. The condition for such profiling is for the Controller to have the personal data of the person, so that they can later send them e.g. a discount code.
- 5.4. The data subject shall have the right not to depend on the decision which is only based on automated processing, including profiling, and has some legal effects on the person or similarly affects them.

## 6. THE RIGHTS OF THE DATA SUBJECT

- 6.1. **The right to access, rectify, restrict, erase or transmit** – the data subject shall have the right to demand the Controller to have access to their personal data, rectify, erase (“the right to be forgotten”) or restrict the processing and shall have the right to object to the processing and transmit their data. Detailed conditions of the above rights shall be indicated in Articles 15-22 of the GDPR Regulation.
- 6.2. **The right to withdraw the consent at any time** – the person whose data are being processed by the Controller on the basis of the consent given (pursuant to Article 6, par. 1, point a) or Article 9, par. 2, point a) of the GDPR Regulation), they shall have the right to withdraw their consent at any time without any impact on the compatibility with the right to process made based on the consent prior to the withdrawal.
- 6.3. **The right to lodge a complaint with a supervisory body** – the person whose data are being processed by the Controller shall have the right to lodge a complaint with a supervisory body in a manner and mode specified in the provisions of the GDPR Regulation and the Polish law, in particular the Polish Personal Data Protection Act. The supervisory body in Poland shall be the President of the Office for Personal Data Protection.
- 6.4. **The right to object** – the data subject shall have the right, at any time, to lodge a complaint – for reasons related to their particular situation – as regards the processing of their personal data based on Article 6, par. 1, point e) (public interest or official authority) or f) (legitimate interest of the controller) in the case of profiling based on the provisions. The Controller in such a case must stop processing the personal data, unless they show the existence of legally significant and justified bases for the processing, overriding the interests, rights and freedoms of the data subject, or the bases for determining, pursuing or defending the claims.
- 6.5. **The right to object as regards direct marketing** – in the case the personal data are being processed for the needs of direct marketing, the data subject shall have the right, at any time, to lodge a complaint as regards the processing of their personal data for the needs of such marketing, including profiling, to the extent to which the processing is related to direct marketing.
- 6.6. To perform the rights mentioned in this point of the privacy policy, one may contact the Controller by sending them an appropriate message in writing, via e-mail to the address of the Controller indicated at the beginning of the privacy policy or by using the contact form available on the Online Shop website.

## 7. COOKIES IN THE ONLINE SHOP AND ANALYTICS

- 7.1. Cookies are small pieces of text files sent by the server and saved at the visitor's of the Online Shop (e.g. on the hard disk of a computer, laptop, or smartphone's memory card – depending on the type of device used by the Online Shop's visitor). Detailed information on Cookies as well as the history of their origin can be found e.g. at: [https://en.wikipedia.org/wiki/HTTP\\_cookie](https://en.wikipedia.org/wiki/HTTP_cookie).
- 7.2. Cookies, which can be sent via the Online Shop website, can be divided into various types, according to the following criteria:

With regard to the provider:	With regard to the period of their retention on the appliance of the Online Shop's visitor:	With regard to the purpose of their usage:
<ol style="list-style-type: none"> <li>1) own (created by the Controller's Online Shop website) and</li> <li>2) belonging to other persons/third parties (other than the Controller)</li> </ol>	<ol style="list-style-type: none"> <li>1) session cookies (stored till the moment of logging out or closing of the website or a browser) and</li> <li>2) persistent cookies (having some expiration period, defined by parameters of each file or until they are removed by hand)</li> </ol>	<ol style="list-style-type: none"> <li>1) strictly necessary cookies (enabling proper functioning of the Online Shop website),</li> <li>2) functional/preferential cookies (enabling adjustment of the Online Shop website to the visitor's preferences),</li> <li>3) analytical and performance cookies (collecting information on the use of the Online Shop website),</li> <li>4) targeting, advertising or social cookies (collecting information on the visitor of the Online Shop website in order to display advertisements, personalization and measuring the effectiveness of advertisements and for other marketing activities, including those performed on sites different from the Online Shop website, such as social medias and other websites belonging to the same advertising networks as the Online Shop).</li> </ol>

- 7.3. The Controller may process information contained in Cookies during visiting of the Online Shop website for the following particular reasons:

Purposes of using Cookies on the Controller's Online Shop website	
	Identification of the Service Recipients as logged in to the Online Shop and showing them that they are actually logged in (strictly necessary Cookies)
	Saving Products added to the cart to place an Order (strictly necessary Cookies)
	Saving data from the filled-in forms, questionnaires or login data for the Online Shop (strictly necessary Cookies and/or functional/preferential Cookies)
	Adjustment of the Online Shop website contents to individual preferences of the Service Recipient (e.g. colours, font size, layout) and optimisation of the use of the website (functional/preferential

	Cookies)
	Keeping anonymous statistics presenting the visitor's behaviours on the Online Shop website (analytical and performance Cookies)
	Displaying and rendering the advertisements, limiting the number of ads display, ignoring ads which the Service Recipient wish not to see, measuring ads effectiveness and ads personalization, namely evaluating the conduct of visitors of the Online Shop through anonymous analysis of their activities (e.g. repeated visits on particular pages, key words etc.) to create their profile and provide them with adverts matching their interests, also when they visit other websites in the advertising network of Google Ireland Ltd. and Meta Platforms Ireland Ltd. (marketing, advertising and social Cookies)

7.4. Checking in the most popular internet browsers, which Cookie files (including the expiry period of Cookies and their provider) are being sent in a given moment by the Online Shop website can be done, as follows:

<b>In Chrome browser:</b> (1) in the address bar, click the 'locked' icon on the left, (2) go to the benchmark „Cookie files”.	<b>In Firefox browser:</b> (1) in the address bar, click the 'shield' icon on the left, (2) go to the benchmark „Allowed” or „Blocked”, (3) click the button „Tracking cookies between websites”, „Tracing elements of social networks or „Content with tracing elements”	<b>In Internet Explorer browser:</b> (1) Click „Tools” menu, (2) go to „Internet options” benchmark, (3) go to „General” benchmark, (4) then go to „Settings”, (5) click the button „Display files”
<b>In Opera browser:</b> (1) in the address bar, click the 'locked' icon on the left, (2) go to the benchmark „Cookie files”.	<b>In Safari browser:</b> (1) click menu „Preferences”, (2) go to „Privacy” benchmark, (3) click the button „Manage website data”	<b>Independent of the browser used, you can apply tools available e.g. at:</b> <a href="https://www.cookie-matrix.com/">https://www.cookie-matrix.com/</a> or: <a href="https://www.cookie-checker.com/">https://www.cookie-checker.com/</a>

7.5. As a standard, most internet browsers on the market accept saving Cookies by default. Every person has the possibility to specify the conditions of using Cookies in the browser settings. It means that one may, e.g. partially restrict (e.g. temporarily) or fully disable saving Cookies – in the latter case it may have an impact on some functionalities of the Online Shop (for instance it may prove impossible to go through the Order using the Order Form owing to failure to save the Products in the cart in the course of subsequent stages of Order placement).

7.6. The browser settings concerning Cookies are essential as regards the consent to use Cookies by our Online Shop – in accordance with the law, such consent may also be expressed in the browser settings. In view of lack of such consent, change the browser setting accordingly as regards Cookies. Detailed information concerning the change in Cookies settings and their individual removal in the most common browsers is available in the help section of the browser and the following websites (click the link):

- [Chrome](#)
- [Firefox](#)
- [Internet Explorer](#)
- [Opera](#)
- [Safari](#)
- [Microsoft Edge](#)

7.7. The Controller may use Google Analytics and Universal Analytics services in the Online Shop, which are provided by Google Ireland Limited (Gordon House, Barrow Street, Dublin 4, Ireland). The services help the Controller to analyse the frequency of visits in the Online Shop. The data collected are processed under the

above services to generate statistics helpful while administering the Online Shop and analysing the frequency of visits in the Online Shop. The data are of collective nature. Using the above services in the Online Shop, the Controller collects such data as the sources and medium of acquiring visitors of the Online Shop and the manner of their conduct on the website of the Online Shop, information concerning their devices and browsers used to visit the website, IP and domain, geographical data and demographic data (age, sex) and interests.

- 7.8. It is possible to easily block sharing information with Google Analytics as regards the activity on the website of the Online Shop – install to that end an opt-out add-on made available by Google Ireland Ltd. available at: <https://tools.google.com/dlpage/gaoptout?hl=pl>.
- 7.9. Due to the use of advertising and analytical services in the Online Shop provided by Google Ireland Ltd., the Administrator indicates that detailed information on the rules of processing the data of visitors to the Online Shop (including information stored in Cookie files) by Google Ireland Ltd. is made available in the privacy policy of Google services available at: <https://policies.google.com/technologies/partner-sites>.
- 7.10. The Controller may use Facebook Pixel service, which is provided by Meta Platforms Ireland Limited (4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland). The service helps the Controller to measure an effectiveness of adverts and to find out what actions the users of the Online Store undertake in order to show them matching adverts. You can find detailed information on the Facebook Pixel at the following internet address: [https://www.facebook.com/business/help/742478679120153?helpref=page\\_content](https://www.facebook.com/business/help/742478679120153?helpref=page_content).
- 7.11. Managing Facebook Pixel is possible through ads settings on a Facebook user's account: [https://www.facebook.com/ads/preferences/?entry\\_product=ad\\_settings\\_screen](https://www.facebook.com/ads/preferences/?entry_product=ad_settings_screen).
- 7.12. The Controller may use the TrafficWatchdog system in the Online Shop, which means that when the Service Recipient uses the Online Shop, data about the Service Recipient and their visits are automatically collected and processed. These data include: IP (Internet Protocol) address, basic information about the computer device that is used to access the Online Shop, ID (which is assigned to the device from which visits are generated), end device parameters, system parameters operating parameters, browser parameters, general geographic location of the visit, the way the Customer interacts with the Online Shop website and activity data in the Online Shop, time spent on the website, HTTP header parameters, marketing campaign parameters. This data can be collected by cookies, the Google Analytics tool and the Google re-Captcha tool. This data is collected and processed in order to identify ad fraud marketing abuses.

## **8. FINAL PROVISIONS**

- 8.1. The Online Shop may contain links to other websites. The Controller encourages that at the time of being transferred to other websites, become familiar with the privacy policy. This privacy policy shall apply only to the Online Shop of the Controller.