

PRIVACY POLICY OF BERRIES&CO STORE

This Privacy Policy (hereinafter: the "**Policy**") contains information on the processing of your personal data in connection with the use of the online store "BERRIES&CO", operating at the Internet address [www.berriesandco.pl] (hereinafter: the "**Store**"), in accordance with the provisions of 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: the "**GDPR**"), the Act of 10 May, 2018 on the protection of personal data and other data protection regulations.

Any capitalized terms not otherwise defined in the Policy shall have the meaning given to them in the Regulations, available at <https://berriesandco.pl/en/pages/regulamin>.

Personal data controller

The controllers of your personal data are:

- 1) Sandra Sienkiewicz, conducting business activity under the business name Sandra Sienkiewicz – partner in the civil law partnership "Berries&Co. Spółka Cywilna" (permanent business address: ul. Ludwika Rydygiera 11 lok. 214, 01-793 Warszawa), registered in the Central Register of Information on Business Activity kept by the minister responsible for economy, holding NIP number: 7792352295, REGON number: 142507460 and
- 2) Sarah Kisielewska-Falkowska, conducting business activity under the business name Sarah Kisielewska-Falkowska – partner in the civil law partnership "Berries&Co. Spółka Cywilna" (permanent business address: ul. Jana Karola Chodkiewicza 10 lok. 63, 02-593 Warszawa), registered in the Central Register of Information on Business Activity kept by the minister responsible for economy, holding NIP number: 5482456993, REGON number: 147046985,

running jointly the business activity within the framework of a civil law partnership under the business name "Berries&Co. Spółka Cywilna" (address of the civil law partnership: ul. Zelwerowicza 4, 02-928 Warszawa), registered in the Central Register of Information on Business Activity kept by the minister responsible for economy, holding NIP number: 7010517464, REGON number: 362910109 (hereinafter jointly: "**the Controller**").

For all matters related to the processing of personal data, you may contact the Controller via email, at shop@berriesandco.pl.

Information about the personal data processed

I. Data processed pursuant of Article 6(1)(b) of the GDPR for the performance of an agreement to which the data subject is a party or to take steps at the request of the data subject to enter into an agreement			
Purpose of processing	Personal data processed	Legal basis	Processing time
Conclusion and performance of the Agreement for the provision of the Account Service	<ol style="list-style-type: none"> 1) first and last name 2) email address 3) date of birth 	Processing is necessary for the performance of the Agreement for the provision of the Account Service or for taking steps to conclude the Agreement.	Until the expiration of the statute of limitations for claims arising from the Agreement for the provision of the Account Service.
Provision of the aforementioned personal data is a prerequisite for the conclusion and performance of the Agreement for the provision of the Account Service. The provision of this data is voluntary, but the consequence of failing to provide such data will be the inability to conclude and perform the Agreement for the provision of the Account Service, including the creation of an Account.			
Purpose of processing	Personal data processed	Legal basis	Processing time
Conclusion and performance of the Sales Agreement	<ol style="list-style-type: none"> 1) first and last name 2) email address 3) address of residence/business (street, house number, apartment/premises number, city, postal code, country) 4) delivery address (if different from residence/business address) 5) optionally - company and NIP number (if the Buyer is an Entrepreneur or Entrepreneur with Consumer rights) 	Processing is necessary for the performance of the Sales Agreement concluded with the data subject, or to take steps to conclude it	Until the expiration of the statute of limitations for claims arising from the Sales Agreement.
Provision of the aforementioned personal data is a prerequisite for the conclusion and performance of the Sales Agreement (the provision of such data is voluntary, but the consequence of failing to provide such data will be the inability to conclude and perform the Sales Agreement).			
Purpose of processing	Personal data processed	Legal basis	Processing time
Conclusion and performance of the Agreement for repair of Used Goods	<ol style="list-style-type: none"> 1) first and last name 2) email address 3) residential address 	Processing is necessary for the performance of the Agreement for repair of Used Goods concluded with the data subject, or to take steps to conclude it	Until the expiration of the statute of limitations for claims arising from the Agreement for repair of Used Goods.
Provision of the aforementioned personal data is a prerequisite for the conclusion and performance of the Agreement for repair of Used Goods (the provision of such data is voluntary, but the consequence			

of failing to provide such data will be the inability to conclude and perform the Agreement for repair of Used Goods).

Purpose of processing	Personal data processed	Legal basis	Processing time
Conclusion and performance of the Agreement for the provision of the Newsletter in the form of email or text messages	email address or telephone number	Processing is necessary for the performance of the Agreement for the provision of the Newsletter concluded with the data subject, or to take steps to conclude it and the performance of the Controller's legitimate interest, in this case to inform you of new products and promotions available in the Store.	Until such time as an objection is effectively raised or the purpose of the processing is achieved, or until the statute of limitations for claims arising from the Agreement for the provision of the Newsletter expires (whichever occurs first).

Provision of the aforementioned personal data is voluntary, but necessary in order to receive the Newsletter (the consequence of failing to provide such data will be the inability to receive the Newsletter).

II. Data processed pursuant to Article 6(1)(c) of the GDPR to fulfil a legal obligation of the controller

Purpose of processing	Personal data processed	Legal basis	Processing time
Conducting the complaint procedure	<ol style="list-style-type: none"> 1) first and last name 2) residential address 3) email address 	Processing is necessary to fulfill the following obligations: <ul style="list-style-type: none"> ! respond to a complaint – Article 7a of the Consumer Rights Act; ! exercise of the Customer's rights under the provisions on the Controller's liability in the event of non-compliance of the Physical Goods with the Sales Agreement or the Subject of Digital Service with the Agreement relating to it) 	For the duration of the complaint procedure and, in the case of the exercise of the aforementioned rights of the Customer – until their statute of limitations expires.

Provision of the aforementioned personal data is a prerequisite for receiving a response to a complaint or for exercising the Customer's rights under the provisions on the Controller's liability in the event of non-compliance of the Physical Goods with the Sales Agreement or the Subject of Digital Service with the Agreement relating to it (the provision of such data is voluntary, the consequence of failing to provide such data will be the inability to receive a response to a complaint and to exercise the aforementioned rights).

Purpose of processing	Personal data processed	Legal basis	Processing time
Fulfillment of tax obligations (including issuance of VAT invoice, keeping accounting records)	1) first and last name/company; 2) residence address/registered office address 3) NIP no.	Processing is necessary to fulfill obligations under tax law.	For a period of 5 years following the end of the year in which the deadline for payment of tax for the previous year expired.

Provision of the aforementioned personal data is voluntary, but necessary in order for the Controller to fulfill their tax obligations (the consequence of failing to provide such data will be the Controller's inability to fulfill the aforementioned obligations).

Purpose of processing	Personal data processed	Legal basis	Processing time
Fulfillment of obligations related to the protection of personal data	1) first and last name 2) the contact information you provided (email address; forwarding address; telephone number)	Processing is necessary to fulfill obligations under data protection laws.	Until the expiration of the statute of limitations for claims for violations of data protection laws.

Provision of the aforementioned personal data is voluntary, but necessary in order for the Controller to properly perform their duties under the data protection laws, including the exercise of rights granted to you by the GDPR (the consequence of not providing the aforementioned data will be the inability to properly exercise the aforementioned rights).

III. Data processed pursuant of Article 6(1)(f) of the GDPR, in order to pursue the legitimate interest of the Controller.

Purpose of processing	Personal data processed	Legal basis	Processing time
Sending email notifications	email address	Processing is necessary for the purpose of informing Customers about the activities undertaken in connection with the performance of the Agreements concluded with Customers.	Until such time as an objection is effectively raised or the purpose of the processing is achieved (whichever occurs first).

Provision of the aforementioned personal data is voluntary, but necessary in order to receive information on activities related to the performance of the Agreements concluded with Customers (the consequence of failing to provide such data will be the inability to receive the aforementioned information).

Purpose of processing	Personal data processed	Legal basis	Processing time
Handling inquiries	1) first and last name	Processing is necessary	Until such time as

submitted by Customers	2) email address 1) other data included in the message to the Controller	for the case of responding to an inquiry received.	an objection is effectively raised or the purpose of the processing is achieved (whichever occurs first).
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Provision of the aforementioned personal data is voluntary, but necessary in order to receive a response to your inquiry (the consequence of failing to provide such data will be the inability to receive a response).

Purpose of processing	Personal data processed	Legal basis	Processing time
Determination, investigation or defense of claims	1) first and last name/company; 2) email address 3) residence address/ registered office address 4) PESEL number 5) NIP no.	Processing is necessary for the purpose of establishing, investigating or defending against claims that may arise in connection with the performance of Agreements entered into with the Controller)	Until the expiration of the statute of limitations for claims that may arise in connection with the performance of the Agreements concluded with the Controller.

Provision of the aforementioned personal data is voluntary, but necessary in order to establish, assert or defend against claims that may arise in connection with the performance of the Agreements concluded with the Controller (the consequence of failing to provide the aforementioned data will be the Controller's inability to take the aforementioned actions)

Purpose of processing	Personal data processed	Legal basis	Processing time
Analysis of your activity in the Store	1) dates and times of visits 2) IP number of the device 3) type of operating system of the device 4) approximate location 5) type of web browser 6) time spent in the Store 7) viewed Goods 8) visited subpages and other actions taken within Store	Processing is necessary to obtain information about your activity in the Store.	Until such time as an objection is effectively raised or the purpose of the processing is achieved.

Provision of the aforementioned personal data is voluntary, but necessary in order for the Controller to obtain information about your activity in the Store (the consequence of failing to provide such data will be the Controller's inability to obtain the aforementioned information).

Purpose of processing	Personal data processed	Legal basis	Processing time
Administering the Store	1) IP address 2) server date and time 3) information about web browser 4) information about operating system	Processing is necessary to ensure the proper operation of the Store.	Until such time as an objection is effectively raised or the purpose of the processing is achieved.

	The aforementioned data is recorded automatically in the so-called server logs, each time you use the Store (administering it without the use of server logs and automatic recording would not be possible).		
Provision of the aforementioned personal data is voluntary, but necessary to ensure the proper operation of the Store (the consequence of failing to provide such data will be the inability to ensure the proper operation of the Store).			

Profiling

In order to create your profile for marketing purposes and to target you with direct marketing tailored to your preferences, the Controller will process your personal data by automated means, including profiling – but this will neither have any legal effect on you nor similarly materially affect you.

The extent of the personal data profiled corresponds to that indicated above with regard to the analysis of your activity in the Store and the data you save in your Account.

The legal basis for the processing of personal data for the aforementioned purpose is Article 6(1)(f) of the GDPR, according to which the Controller may process personal data in order to pursue its legitimate interest, in this case to conduct marketing activities tailored to the preferences of the recipients. The provision of the aforementioned personal data is voluntary, but necessary for the realization of the aforementioned purpose (the consequence of failing to provide such data will be the Controller's inability to conduct marketing activities tailored to the preferences of the recipients).

The Controller will process personal data for profiling purposes until an effective objection is raised or the purpose of the processing is achieved.

Recipients of personal data

Recipients of personal data will be the following external entities cooperating with the Controller:

- a) hosting company;
- b) logistics operator and courier companies;
- c) online payment system providers;
- d) newsletter service provider;
- e) companies that provide tools to analyze activity in the Store and target direct marketing to individuals using it (including Google Analytics);
- f) accounting services company;
- g) legal services company.

In addition, personal data may also be transferred to public or private entities if such an obligation arises from generally applicable laws, a final court judgment or a final administrative decision.

Transfer of personal data to a third country

In connection with the Controller's use of services provided by Google LLC your personal data may be transferred to the following third countries: the United Kingdom, Canada, USA, Chile, Brazil, Israel, Saudi Arabia, Qatar, India, China, South Korea, Japan, Singapore, Taiwan (Republic of China), Indonesia and Australia. The basis for the transfer of data to the aforementioned third countries is:

- ! in the case of the United Kingdom, Canada, Israel and Japan, decisions of the European Commission stating an adequate level of protection for personal data in each of the aforementioned third countries;
- ! in the case of the USA, Chile, Brazil, Saudi Arabia, Qatar, India, China, South Korea, Singapore, Taiwan (Republic of China), Indonesia, and Australia - contractual clauses providing an adequate level of protection, in accordance with the standard contractual clauses set out in Commission Implementing Decision (EU) 2021/914 of 4 June 2021 on standard contractual clauses for the transfer of personal data to third countries under Regulation (EU) 2016/679 of the European Parliament and of the Council.

You can obtain from the Controller a copy of the data transferred to a third country.

Rights

In connection with the processing of your personal data, you have the following rights:

- 1) the right to know what personal data concerning you is processed by the Controller and to receive a copy of this data (the so-called right of access). the issuance of the first copy of the data is free of charge, for subsequent copies the Controller may charge a fee;
- 2) if the data processed becomes outdated or incomplete (or otherwise incorrect), you have the right to request its rectification;
- 3) in certain situations, you may ask the Controller to delete your personal data, such as when:
 - a) the data will cease to be needed by the Controller for the purposes communicated;
 - b) you have effectively withdrawn your consent to data processing - unless the Controller has the right to process the data on another legal basis;
 - c) processing is unlawful;
 - d) the need to delete the data arises from the Controller's legal obligation;
- 4) in the event that your personal data is processed by the Controller on the basis of your consent to processing or for the purpose of performing the Agreement concluded with the Controller, you have the right to transfer your data to another controller;
- 5) in the event that personal data is processed by the Controller on the basis of your consent to processing, you have the right to withdraw this consent at any time (withdrawal of consent does not affect the lawfulness of processing carried out on the basis of consent before its withdrawal);
- 6) if you consider that the processed personal data is incorrect, its processing is unlawful, or the Controller no longer needs certain data, you may request that for a certain necessary period of time (e.g., to verify the correctness of the data or to assert claims) the Controller not perform any operations on the data, but only store it;
- 7) you have the right to object to the processing of personal data based on the legitimate interests of the Controller. If an objection is effectively raised, the Controller will stop processing personal data for the aforementioned purpose;
- 8) you have the right to lodge a complaint with the President of the Office for Personal Data Protection if you consider that the processing of your personal data violates the provisions of the GDPR.

Cookies

1. The Controller informs that the Store uses "cookies", installed on your terminal device. These are small text files that can be read by the Controller's system, as well as by systems owned by other entities whose services the Controller uses (e.g. Facebook, Google).
2. The Controller uses cookies for the following purposes:
 - a) ensuring proper operation of the Store – thanks to cookies, it is possible to ensure proper functioning of the Store, use its functions and move comfortably between individual subpages;
 - b) increase the comfort of browsing the Store – thanks to cookies, it is possible to detect errors on certain subpages and to continuously improve them;
 - c) creation of statistics– cookies are used to analyze how users use the Store. Thanks to this, it is possible to constantly improve the Store and adapt its operation to users' preferences;
 - d) conduct marketing activities – thanks to cookies, the Controller can target users with ads tailored to their preferences.
3. The Controller may place both permanent and temporary (session) files on your device. Session files are usually deleted when the browser is closed, while closing the browser does not delete persistent files.
4. Information about the cookies used by the Controller is displayed in the panel located at the bottom of the Store's website. Depending on your decision, you can enable or disable cookies of each category (except for essential cookies) and change these settings at any time.
5. The data collected using cookies does not allow the Controller to identify you.
6. The Controller uses the following cookies or tools that use them:

TOOL	SUPPLIER	FUNCTIONS AND SCOPE OF DATA RETRIEVED	PERIOD OF OPERATION
Necessary cookies	Controller	The operation of these files is necessary for the proper functioning of the Store's website, so you can't turn them off. Thanks to these files (which collect, among other things, your device's IP number), it is possible, among other things, to inform you about cookies running on the Store's website	Most of the necessary cookies are of a session nature, but some remain on your terminal device for a period of 12 months or until they are deleted;
Google Analytics	Google	This tool allows us to collect statistical data about how Customers use the Store, including the number of visits, duration of visits, search engine used, location. The collected data helps improve the Store and make it more customer-friendly.	Up to 2 years or until they are removed (whichever occurs first)
Facebook Pixel	Facebook	This tool makes it possible to determine that you have visited the Store, as well as to target you with ads displayed on the social networks Facebook and Instagram and to measure their effectiveness.	Up to 3 months or until they are removed (whichever occurs first)

7. Through most commonly used browsers, you can check whether cookies have been installed on your terminal device, as well as delete installed cookies and block the Store from installing them in the future. However, disabling or restricting the use of cookies may cause quite serious difficulties in the use of the Store, such as the need to log on to each subpage, longer loading time of the Store's website, limitations in the use of certain functionalities.

Final Provisions

The policy is effective as of .11.09.2023