

General Privacy Policy

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At smartphoto we attach great importance to your privacy. To fully benefit from our service, we need certain information from you. In this General Privacy Policy you can read what we do with this information and what are the legal grounds on which this use is based.

This “General Privacy Policy” governs the processing of your personal data by those persons responsible for the processing: smartphoto Nordic AB, with registered office at Östergatan 39, 211 22 Malmö, Sweden, and registered in the Swedish Central Database under the corporate registration number 556334-8100 (hereinafter: “smartphoto”).

This General Privacy Policy contains your rights and obligations with regard to smartphoto and can be revised or updated. We would advise you to read through them carefully and to review them regularly.

Article 1 - General information

By means of this General Privacy Policy, smartphoto is also in line with the European Regulation 2016/679 of 27 April 2016 regarding the protection of personal data (hereinafter referred to as the General Data Protection Regulations or as the “GDPR”) and any specific local data privacy regulation.

Data protection officer / DPO

It is the duty of the Data Protection Officer / DPO to ensure that the Company's Privacy Policy complies with the General Data Protection Regulation (GDPR). The Data Protection Officer / DPO acts as an advisor to the controller or the processor. He/she should also act as a contact person for the Data Protection Authority. The Data Protection Officer / DPO can be contacted by email: dpo.co.uk@smartphoto.com.

Article 2 - Personal data

2.1. Personal data that you share with us:

- Category 1: without registration: your IP-address;
- Category 2: at registration on the website/app when creating an account: Your e-mail address and password; and any supplementary personal data you voluntarily provided in your profile; such as your name, first name and/or personal events in the calendar functionality;
- Category 3: your first name & name and address details in order to make a delivery, your payment and invoicing data when placing an order;
- Category 4: when you subscribe to our newsletter: your e-mail address;
- Category 5: images that you save on your account or upload for the delivery of the goods;
- Category 6: via cookies: see Article 9;
- Category 7: transfer to third parties: your IP address, e-mail address, order data and other electronic data.

Activity	Examples	Context
Category 1: Using smartphoto services without registration	Your IP address, preferences	If you would make a photo album without creating an account, your IP address and preferences will be stored
Category 2: Creating a smartphoto account	Your e-mail address, password and all other additional personal details you have entered, such as your name, first name or personal events in	When creating a smartphoto account, certain personal details are required for registration. The other personal data can be entered freely

the calendar
functionality

Category 3:
Orders and deliveries

Your first name,
name, (e-mail)
address, payment and
billing information

These data are the
standard data for your
orders and deliveries

Category 4:
Subscription to the
newsletter

Your e-mail address

If you choose to
subscribe to our
newsletter, your
e-mail address will be
processed by us

Category 5:
Uploading images

Your images

Images that you
upload to your
account are stored by
us

Category 6:
Cookies

Information about
your clicking and
viewing behavior on
the website or on
other online
smartphoto services,
devices, IP address,
internet browser type,
location data,
preferences, ...

Certain information is
collected through
cookies. You can read
all about this in
Article 9

Category 7:	Your IP address,	Certain information is
Transfer to third	e-mail address, order	passed on to our
parties	data and other	partners when, for
	electronic data	example, you choose
		to post a review about
		smartphoto or
		choose a voucher
		from our partner
		network. More
		information on this in
		Article 3.3

2.2. Smartphoto can collect data from you (personal data) in various ways:

- by using cookies (see below);
- during your registration and use of the website or app.

Article 3 – Purposes of the processing

3.1. General purposes:

Smartphoto will only make use of the personal data collected from you for the following purposes:

- Category 1: your IP address for the purpose of maintaining and improving this website or mobile app and the inclusion of personal data in anonymous statistics from which the identity of specific persons or companies cannot be deduced, with the legal grounds being the legitimate interests of smartphoto to continually improve its website or mobile app and services. Using the IP address, the geographical information is also processed via Google. Furthermore, we also remember your preferences, in order to be able to give you suitable advice.
- Category 2: your e-mail address and password (and any supplementary personal data you voluntarily provided in your profile) for the purpose of managing your account on this

website or mobile app, with the legal basis being the implementation of an agreement that was requested by you, and, if indicated by you, for the sending of direct marketing, with the legal basis being your explicit, prior consent.

- Category 3: your first name, name and address details for the delivery, payment and invoicing of the products ordered by you, with the legal basis being the provision of a service that was requested by you. At each order you have the option to either allow to store your payment details or not. These are stored as an additional service for you.

- Category 4: your e-mail address for the purpose of sending you direct marketing, newsletters, special offers and promotions, with the legal basis being your explicit prior permission.

- Category 5: images that you save on your account or upload for the delivery of the goods.

- Category 6: cookies, see Article 9 for more information.

- Category 7: your IP address, e-mail address and certain order data are securely passed on to our partners with the aim of being able to perform the requested action. This action may include posting a review on smartphoto or receiving a voucher from our partner network. Furthermore, this information is passed on for accounting or security purposes. Therefore, smartphoto bases on the implementation of an agreement that was requested by you, and where necessary, on your prior permission.

You are not obligated to release your personal data, but you must understand that the provision of certain services becomes impossible if you refuse to allow the processing.

3.2. Direct marketing:

The personal data will also be used for direct marketing, if you gave your consent.

If you have already been included in our mailing list for receiving marketing materials in electronic form, smartphoto may use your personal data for sending you direct marketing with regard to smartphoto and its services.

This consent can be withdrawn simply at any time, without justification and free-of-charge, for example by clicking on the opt-out link provided for this at the bottom

of each promotional e-mail message or in your profile. You can also contact us by e-mail via contact@smartphoto.co.uk or by letter to the following address:

*smartphoto Nordic AB
Östergatan 39,
211 22 Malmö, Sweden*

3.3. Transfer to third parties:

Smartphoto will never pass on your personal data to third parties without your consent, with the exception of:

- companies that are directly or indirectly connected with smartphoto for the performance of the requested services (such as delivery of the ordered goods);
- third parties in the context of managing your file. Your data may be passed on to and processed by software and cloud providers, financial partners, suppliers or any other third party that plays a role in your file. The current list can be obtained on simple request by e-mail.
- companies with whom smartphoto has entered into a partnership such as a voucher partner network or a review platform.

The data passed on to third parties are adequately secured by appropriate measures such as encryption and pseudonymisation, so that your privacy is safeguarded at all times, and by concluding processing agreements where necessary.

Smartphoto will make reasonable efforts to inform you in advance of the fact that smartphoto discloses your personal data to the above-mentioned parties, but you also acknowledge that this is not technically or commercially feasible in all circumstances.

As such, we would like to inform you that we import your contact details into Facebook and or Instagram in order to send you our ads from our Facebook and or Instagram page. If you no longer want this, you can opt out. Smartphoto's use and transfer of information through Facebook Graph APIs (Application Programming Interfaces) and/or

Instagram Graph APIs comply with the [terms of use of Facebook/Instagram](#).

Smartphoto's use and transfer of information received from Google APIs to other apps will comply with the [Google API Services User Data Policy](#), including the Limited Use requirements.

Furthermore, smartphoto will not sell, rent, distribute or otherwise make your Personal Data commercially available to third parties, except in the cases as described above, or with your express prior consent.

3.4. Legal requirements:

In rare cases, it may occur that smartphoto is obliged to disclose your personal data pursuant to a court order, or in order to comply with other mandatory laws or regulations. Smartphoto will make reasonable efforts to inform you accordingly in advance, unless this is subject to legal restrictions.

Article 4 – Duration of the processing

We retain and process personal data for a period that is necessary to fulfil the purposes of the processing, depending on the contractual relationship between you and smartphoto.

- Category 1: without registration: your IP address for the duration of your visit to the website or app.
- Category 2: your e-mail address and password (and any supplementary personal data you voluntarily provided in your profile) will be retained for the duration of the customer relationship.
- Category 3: after you have placed an order, your first name, name and address details will be retained for the duration of the customer relationship.
- Category 4: your e-mail address will be retained for the duration of the customer relationship.
- Category 5: all images uploaded by using your account will be retained for 24 months. If a (new) order has been placed, your images will be kept for another 24 months. If images have been uploaded or used for an order without using your account, these will

be kept for one month.

- Category 6: cookies, see Article 9.

- Category 7: these data are stored during a limited period of time, in accordance with the contract that smartphoto has entered into with its partner.

Article 5 - Your rights

5.1. Right of access and inspection:

You have the right to access your personal data at any time and free of charge, as well as to be informed about the use smartphoto makes of your personal data.

5.2. Right of correction, deletion and limitation:

You are free to communicate your personal data to smartphoto, or not to do so. In addition, you have the right to ask us to correct, supplement or delete your personal data at any time. You acknowledge that the delivery of certain services and products will not be possible if you refuse to communicate personal data, or if you ask us to delete your personal data.

You may also request that the processing of your personal data be restricted.

5.3. Right of objection:

You also have the right to oppose the processing of your personal data for serious and legitimate reasons.

In addition, you always have the right to oppose the use of Personal Data for direct marketing purposes and, for example, to import your data into Facebook in order to be able to send you our advertisements; in such a case, you obviously do not have to give any reasons.

5.4. Right of free data transfer:

You have the right to obtain your personal data that is processed by smartphoto in a structured, standard and machine-readable form and/or to have your personal data transferred to other data processors.

5.5. Right of withdrawal of consent:

Insofar as the processing is based on your prior consent, you have the right to withdraw this consent.

5.6. Exercising your rights:

You can exercise your rights by contacting us, either by e-mail to contact@smartphoto.co.uk or by letter to (*provided you can identify yourself as a customer*):

*smartphoto Nordic AB
Östergatan 39,
211 22 Malmö, Sweden*

5.7. Right to submit complaints:

You have the right to lodge a complaint to the Information Commissioner's Office (ICO):
Information Commissioner's Office, 3rd floor, 14 Cromac Place, Belfast, BT7 2JB Phone: 029 2067 9400, Fax: 0292 067 8399 e-mail: registration@ico.org.uk.

A claim for compensation from the civil court will still be possible afterwards in the event you were to suffer damage as a result of the processing of your personal data.

Article 6 - Security and confidentiality

6.1. We have developed technical and organisational security measures of personal data protection to prevent the destruction, loss, falsification, modification, unauthorised access or inadvertent notification to third parties of personal data by error, as well as to prevent any other unauthorised processing of this data.

6.2. Under no circumstances can smartphoto be held liable for any direct or indirect damage that arises from the incorrect or unlawful use of the personal data by a third party. You guarantee that you have lawfully obtained permission from the people who are included in the images you submitted or uploaded, and if there is copyright or any other right on the images, that you have these rights; and that you will fully compensate

and indemnify smartphoto against any claim by a third party against smartphoto as a result of unlawful processing of that third party's personal data.

6.3. You must comply with the security regulations at all times, for example by preventing any unauthorized access to your login. You are therefore solely responsible for the use of our service from your computer or mobile device, IP address and for your identification data, as well as for the confidentiality thereof.

Article 7 – Access by third parties

7.1. In order to be able to process your personal data, we grant access to your personal data to our employees to the extent that is necessary for one of the described purposes of the processing.

7.2. We guarantee a similar level of protection by making contractual obligations that are similar to this Privacy Policy enforceable against the employees and appointees.

7.3. In order to guarantee an optimal service, our customer service department has access to your account, and this only in the context of providing our services to you.

Article 8 – Privacy Commission declaration

A declaration of the processing of personal data was made to the Belgian Data Protection Authority, de Gegevensbeschermingsautoriteit. You can always contact this authority,

- by letter:

Gegevensbeschermingsautoriteit

Drukpersstraat 35 - 1000 Brussel - België

- by phone:

+32 (0)2 274 48 00

+32 (0)2 274 48 35

- by e-mail:

contact@apd-gba.be

Article 9 - Cookies

For more information about the use of cookies, please refer to our Cookie Policy: [Cookie Policy](#)

Article 10 – Applicable law and competent court

This General Privacy Policy is governed, interpreted and implemented in accordance with Swedish law, which is exclusively applicable.

The courts that have jurisdiction over the company responsible for the processing of personal data have exclusive jurisdiction over any dispute that may arise from the interpretation or implementation of this General Privacy Policy.

In the case of any contradiction between the English General Privacy Policy with the Dutch version, the Dutch version will take precedence.