

## **CONDITIONS FOR THE PROCESSING OF PERSONAL DATA FOR TIED AGENTS**

### **1. DATA CONTROLLER**

- 1.1 The Controller of personal data is Total Brokers a.s., ID No: 273 79 345, with its registered office in Prague 4, Za Skalkou 421/10, postal code 147 00 (hereinafter referred to as the “**Controller**”), e-mail: info@totalbrokers.cz.
- 1.2 The purpose of this document is to comply with certain obligations of the Controller arising from 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 the “**GDPR**”) and other data protection regulations towards the tied agents (hereinafter referred to as the “**Agents**”) who mediate the conclusion of insurance contracts for the Controller within the meaning of Section 2(e) of Act no. 170/2018 Coll, on the distribution of insurance and reinsurance, as amended (hereinafter referred to as the “**Insurance and Reinsurance Distribution Act**”), who are natural persons.

### **2. LEGAL BASIS AND PURPOSES OF PERSONAL DATA PROCESSING**

- 2.1 The legal basis for processing personal data is:
  - Performance of the contract;
  - Compliance with legal obligations;
  - Legitimate interest.
- 2.2 The processing of the personal data of Agents is carried out for the following purposes:
  - The conclusion and performance of a contract between the Controller and the Agent (performance of the contract);
  - Compliance with legal tax and other obligations (compliance with legal obligations);
  - The provision of evidence necessary for enforcing the Controller’s rights and enforcing and defending the Controller’s rights (legitimate interest).

### **3. CATEGORIES OF PERSONAL DATA PROCESSED**

- 3.1 The Data Controller processes the personal data of the Agents to the extent that
  - Address and identification data: first name and surname (name), ID number, VAT number, date of birth, correspondence address, registered office, telephone number, e-mail;
  - Descriptive data: bank account, subject of the contract and statement of activities, remuneration;
  - Or any other data necessary for the proper performance of the contract;

### **4. CATEGORIES OF RECIPIENTS OF PERSONAL DATA**

- 4.1 The recipients of the personal data of the Agents may be, in specific cases
- Public authorities (e.g. courts, administrative authorities);
  - External providers of professional and specialised services (processors of personal data);
  - Business partners (insurance companies);
  - Providers and customers, including sales Agents and visitors.
- 4.2 Where personal data is also processed by processors other than the Controller, this will be done based on data processing agreements concluded following the GDPR, in which the processors have strict obligations to protect and secure personal data.

## **5. TRANSFER OF PERSONAL DATA TO THIRD COUNTRIES**

- 5.1 The personal data of Agents will not be transferred to a third country (outside the EU).

## **6. DURATION OF THE PROCESSING OF PERSONAL DATA**

- 6.1 The personal data of Agents shall be processed for the duration of the contract between the Controller and the Agent and thereafter for a maximum of three (3) years after its termination (the period corresponding to the general limitation period). In the case of processing based on compliance with legal obligations, personal data will be processed for the period specified in the relevant legal regulation.

## **7. RIGHTS OF THE AGENT**

- 7.1 As a result of the processing of personal data, each Agent has the following rights
- 7.1.1 The right to request access to their personal data from the Controller;
  - 7.1.2 The right to have inaccurate personal data processed about their by the Controller rectified;
  - 7.1.3 The right to restrict the processing. Restriction of processing means that the Controller must mark the personal data in respect of which processing has been restricted and may not process it for the duration of the restriction, except to store it. An Agent has the right to restrict processing if
    - Disputes the accuracy of the personal data for the period necessary to allow the Controller to verify the accuracy of the personal data;
    - Processing is unlawful, and the Agent refuses to erase the personal data and instead requests a restriction on its use;
    - The personal data are no longer needed by the Controller for the purposes of the processing but are needed by the Agent for the establishment, exercise or defence of legal claims;

- Has objected to the processing under clause 7.1.7 of these Terms and Conditions, pending verification that the Controller's legitimate grounds for processing outweigh the interests or rights and freedoms of the Agent;

7.1.4 The right to erasure of personal data. The right to erasure exists if the personal data processed are no longer necessary for the purpose if the processing is based on consent and this is withdrawn by the Agent, if the Agent objects and there are no overriding legitimate grounds for further processing, if the personal data have been processed unlawfully if erasure is ordered by the Controller by law, or if the personal data have been collected in connection with the provision of information society services according to Article 8(1) GDPR. The right to erasure does not apply in the cases set out in Article 17(3) of the GDPR;

7.1.5 Right to Data Portability. The Agent may request that the data controller provide them with their personal data to transfer to another Data Controller or that the data controller transmit it to another data controller. However, the Agent has this right only concerning personal data that the controller processes by automated means based on the Agent's consent or a contract with the Agent;

7.1.6 The right to lodge a complaint with the supervisory authority if the Agent believes that the processing of personal data is in breach of data protection legislation. The Agent may lodge a complaint with the Office for Personal Data Protection at Pplk. Sochora 27, 170 00 Prague 7, website: [www.uoou.cz](http://www.uoou.cz);

7.1.7 If the data controller processes the Agent's personal data for their or another person's legitimate interests, the Agent has the right to object to such processing at any time. The Agent may oppose at the address of the Controller's registered office or at the Controller's e-mail address specified above in these Terms and Conditions. If the Agent raises such an objection, the Controller shall be entitled to continue the processing only if it demonstrates compelling legitimate grounds for the processing that override the interests or rights and freedoms of the Agent and the processing is necessary for the establishment, exercise or defence of legal claims;

7.1.8 where the Controller processes the Agent's personal data for the purposes of direct marketing or profiling of the Agent (see paragraph 8.2), the Agent shall have the right at any time to object to the processing of personal data relating to them for such marketing insofar as it relates to such direct marketing or profiling. The personal data will no longer be processed if the Agent objects to the processing for direct marketing purposes.

## **8. PROCESSING AND PROTECTION OF PERSONAL DATA**

- 8.1 The processing of personal data is mainly carried out at the headquarters and branches of the Data Controller by their individual authorised employees. The processing is primarily carried out with the help of computer technology (electronic) or, in the case of personal data in paper form, manually.
- 8.2 The data for calculating the commissions paid to the Agents based on their brokerage activities are evaluated using automated procedures - special software, and thus, the Agents are profiled. Profiling of the Agents is carried out by the Administrator solely to calculate the Agent's commission (remuneration), i.e. to fulfil the contract between the Administrator and the Agent.

8.3 To ensure the protection of the personal data processed and that the processing is carried out in accordance with the GDPR, the Controller has implemented appropriate organisational and technical measures in accordance with Articles 24 and 25 of the GDPR.

## **9. FINAL PROVISIONS**

9.1 The present Terms and Conditions are available on the website of the Controller:  
<https://totalbrokers.cz/cs/>.