

General Privacy Policy

Last edited on: 01/04/2024

At smartphoto we value your privacy. To enjoy our service, we need certain information from you. In this summary of the General Privacy Policy you will find what we do with this information, and the legal grounds on which this use is based.

This 'General Privacy Policy' governs the processing of your Personal Data by the entity responsible for the processing: smartphoto Nordic AB, headquartered at Kalendegatan 10 F, 211 35 Malmö, Sweden, and registered with Bolagsverket (the Swedish Companies Registration Office) under number 556334-8100 (hereinafter referred to as 'smartphoto').

This summary of the General Privacy Policy contains your rights and obligations with regard to smartphoto and may be revised or updated. We advise you to read it carefully and review it regularly.

What Personal Data do we collect from you?

1. Data related to your use of the website without registration, such as the IP address and your preferences, the choice of language, choice of region or country, choice of items in the shopping cart.
2. Data related to your smartphoto account: e-mail address, password, first and last name, preferences, other data provided by you, orders made, personal events in the calendar functionality.
3. Data related to the order and delivery of products: first and last name, e-mail address, address, payment and billing data.
4. Data related to the newsletter: e-mail address: first and last name, e-mail address and content of your communication.
5. Data related to the use of images and texts.
6. Information related to your preferences regarding the use of cookies.

For what purpose do we collect and process your Personal Data?

We collect your Personal Data primarily to provide the services of smartphoto (hereinafter "smartphoto services"), as well as to provide you with the best possible experience on the smartphoto website and application.

We also collect and process your Personal Data to keep you informed of news, offers and promotions from smartphoto.

What legal basis do we use to process your Personal Data?

We process your Personal Data based on the following legal bases:

- Execution of the agreement;
- Your (explicit) consent;
- The legitimate interest of smartphoto.

Who has access to your Personal Data?

Your Personal Data will never be made available to other parties. Only a limited number of employees within smartphoto that needs access to your data for delivering our services, will actually have access to your data.

How long do we store your Personal Data?

We do not retain your Personal Data any longer than is necessary to fulfill the purpose for which it was collected. If you do not want your data to be kept during these retention periods, you can apply your right to erasure.

What are your rights?

For any processing of your Personal Data, you can exercise the following rights by sending an e-mail to contact@smartphoto.ie:

- Right of access: you have the right to request a copy of your Personal Data that the company stores and processes;
- Right of rectification (adjustment): you have the right to have your data adjusted if it turns out to be incorrect;
- Right of objection to processing: you can ask us at any time to, for example, stop direct marketing communication;

- Right of withdrawal of your consent: you have the right to stop a previously granted permission for processing;
- Right to submit a complaint with the Data Protection Authority (GBA): you have the right to file a complaint if you suspect that your Personal Data is not being handled correctly by smartphoto.

You can also exercise the following rights with limited commitment, depending on the legal basis of processing and legal retention periods:

- Right to erasure: you may ask the company to erase your Personal Data;
- Right of restriction of processing: you may ask to limit the processing of your Personal Data;
- Right of data transfer: you have the right to request your personal data in a structured and machine-readable format, or in another standard format so that it is readable by another controller.

Article 1 - General information

Your privacy is very important to us. This privacy statement has been drawn up to inform you as a visitor to the smartphoto website or the user of smartphoto services (hereinafter also "you" or "your") about how we handle your Personal Data, i.e. all information relating to an identified or identifiable person (hereinafter "Personal Data"), and how you can control this information. Please read this privacy statement carefully, as it contains your rights and obligations towards smartphoto.

This privacy statement may be regularly revised. The date of the last revision of the Privacy Policy is mentioned at the beginning of this document.

The person responsible for the processing of your Personal Data is smartphoto Nordic AB (hereinafter 'smartphoto'), located at Kalendegatan 10 F, 211 35 Malmö, Sweden and registered with Bolagsverket (the Swedish Companies Registration Office) under number 556334-8100.

The collection and processing of Personal Data is subject to strict conditions.

Smartphoto acts in accordance with:

1. The European Regulation 2016/679 of 27 April 2016 concerning the protection of Personal Data; and/or
2. all (future) Irish laws implementing this Regulation.

This privacy statement, among others, applies to the use of your Personal Data in the context of our smartphoto services, namely the services related to visiting the smartphoto website, managing your personal images and ordering smartphoto products.

You are under no obligation to share Personal Data with us. However, we may not be able to provide you with the desired services if you choose not to share this Personal Data with us.

Article 2 - Personal data collected

2.1. Personal Data you provide to us

Data	Details	Context
Category 1: Data related to your use of the website without registration	Your IP address, preferences such as country, region, items in the shopping cart	By visiting the website and using the smartphoto services without creating an account.
Category 2: Data related to your smartphoto account	Your e-mail address, password, first and last name, preferences, other data provided by you, placed orders, personal events in the calendar functionality	By creating a smartphoto account and filling in additional information.

or personal events in
the calendar
functionality

Category 3:
Data related to the
ordering and delivery
of products

First and last name,
E-mail address,
Address, Payment
and billing
information

By placing an order
on the website.

Category 4:
Data related to the
newsletter, your
contact and/or
communication with
us via the smartphoto
website

First and last name,
E-mail address,
Content of your
communication

By contacting us via
the contact form. By
subscribing to the
smartphoto
newsletter.

Category 5:
Data related to the
use of images and
texts

Personal images and
texts

By uploading your
own images and texts
in your smartphoto
account.

Category 6:
Data collected from
cookies on the
smartphoto website

Cookie preferences

By visiting the
smartphoto website
or accepting optional
cookies, and where
appropriate by
indicating your

preferences for the use of cookies on the smartphoto website.

Article 3 – Purposes of the processing

Smartphoto primarily collects and processes your data to be able to offer you the smartphoto website and the associated services.

Furthermore, we only use your Personal Data for the following purposes:

3.1. General purposes:

Legal basis	Purpose
Category 1: Legitimate interest:	To improve our website for the purpose of remembering the preferences you have set.
Category 2: Execution of the agreement or explicit consent	To be able to offer the services of smartphoto with regard to your account.
Category 3: Execution of the agreement	To be able to offer the services of smartphoto with regard to the order you have made.
Category 4: Permission	To be able to provide an answer to your questions to smartphoto. To keep you informed of news, actions and promotions of smartphoto.

	This is based on the data that you actively leave behind on the smartphoto website.
Category 5: Execution of the agreement	To be able to offer and optimise the services of smartphoto with regard to your account and your orders.
Category 6: Legitimate interest or Explicit consent	To remember your preferences when you visit our website.

3.2. Direct marketing:

If smartphoto has obtained your Personal Data in the context of the sale of smartphoto products or the provision of smartphoto services, smartphoto may use your contact details to send you promotional context regarding similar products and/or services. This is based on the legitimate interest of smartphoto. Other promotional material will only be sent to you if you have given your prior consent.

Smartphoto may also pass on some of your Personal Data to its processors for direct marketing purposes regarding smartphoto and its smartphoto products and/or smartphoto services.

You can object to receiving such e-mails at any time, free of charge and without justification, by clicking the opt-out button at the end of a promotional e-mail or by sending an e-mail to contact@smartphoto.ie

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:

Smartphoto may have to disclose your Personal Data as a result of a court order or 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

The Personal Data is stored and processed by us for the period for which we are legally obliged to do so or for as long as this is necessary to fulfil the purposes of the processing, or for the contractual relationship between you and smartphoto.

You have the option at any time to stop using the smartphoto services and/or delete your account on the smartphoto website.

If you delete your account, you will be given the choice to save or delete some data. If you wish to delete your data, this means that you exercise your right to erasure.

If you do not exercise your right to erasure, your Personal Data will be retained for the following periods:

- **Category 1:** The Personal Data from category 1 will be stored by smartphoto during the duration of your visit to the website, and possibly another 24 hours.
- **Category 2:** The Personal Data from category 2 will be stored by smartphoto for the duration of the customer relationship, and will be deleted 2 years after the termination of the customer relationship, upon deletion of the account.
- **Category 3:** The Personal Data from category 3 will be stored by smartphoto for the duration of the customer relationship, and will be deleted 2 years after the last order you placed with smartphoto.
- **Category 4:** The Personal Data from category 4 will be stored by smartphoto for the duration of the customer relationship, and will be deleted 2 years after the last communication with you.
- **Category 5:** When the Category 5 Personal Data is part of a product that you ordered, then this Personal Data uploaded by you, will be stored by smartphoto for a period of 60 days after your order of the relevant product, regardless of whether or not you have an account on our website.

When the Category 5 Personal Data was uploaded by you on the smartphoto website but you have not yet proceeded to ordering a product, the retention period depends on whether you have an account on our website or not:

- If you have an account on our website, these Personal Data will be stored by smartphoto for a period of 2 years, if you have stored your product on our website. This retention period is extended by 2 years after placing a new order.
- If you uploaded this Personal Data without creating an account, this Personal Data will be stored by smartphoto for a period of 90 days.

- Category 6: The cookies are stored in accordance with the provisions of our Cookie Policy. More information on this matter can be found under Article 7 of this privacy statement.

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 rectification, deletion and restriction

You are free to provide certain Personal Data to us, or not.

You always have the right to request us to adjust your Personal Data. In addition, you can change the information linked to your account on the smartphoto website at any time.

You may also request that the processing of your Personal Data be restricted if you believe that your Personal Data is inaccurate.

In addition, you have the right to request smartphoto to delete your data insofar as we are unable to make it anonymous.

However, if you refuse to provide certain Personal Data, or if you ask us to delete it, we may no longer be able to offer our smartphoto services in an optimal manner.

5.3. Right to object:

You also have a right to object to the processing of your Personal Data for serious and legitimate reasons.

Although smartphoto will not use your Personal Data for direct marketing purposes without your prior consent, you also have the right to object to the use of your Personal Data for direct marketing purposes. In this case, no specific justification will be requested.

5.4 Right of free data portability

You have the right to obtain your Personal Data processed by us in a structured, standard and machine-readable format and/or to transfer it to other data controllers.

5.5. Right of withdrawal of consent:

You have the right to withdraw your prior consent to the processing of your Personal Data, even if the processing of your Personal Data was based on your consent.

5.6. Automated decisions and profiling

You have the right to ask us not to be the subject of a decision based solely on automated processing, including profiling, which produces legal effects concerning you, or significantly affects you.

5.7. Exercising your rights

You can exercise your rights by contacting us with a copy of your identity card attached, by e-mail to contact@smartphoto.ie or by letter to :

smartphoto Nordic AB

Kalendegatan 10 F

211 35, Malmö, Sweden

5.8. Right to submit a complaint:

You have the right to submit a complaint with a competent supervisory authority if you have concerns about whether the processing of your personal data complies with the law.

You can find a list of national supervisory authorities within the EU on the following web page:

https://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm.

This does not exclude the possibility of a claim in a civil court.

Article 6 - Security and confidentiality

We have developed technical, administrative and organisational security measures to prevent the destruction, loss, falsification, modification, unauthorised access or accidental disclosure to third parties of your Personal Data, as well as any unauthorised processing of this data. However, in the event that this should occur and it concerns your Personal Data, smartphoto will inform you about the breach, including a description of the potential impact and a recommendation to limit the possible negative consequences of the breach.

Smartphoto also provides a secure, user-controlled environment for using the smartphoto website and our smartphoto services. We securely store your Personal Data on our servers located within the European Economic Area.

Under no circumstances can smartphoto be held liable for any direct or indirect damage resulting from incorrect or unlawful use by a third party of the Personal Data.

In addition, you bear the responsibility for maintaining privacy and security when you use the smartphoto website or our smartphoto services. For example: by preventing all unauthorised access to the smartphoto services on your behalf. You are solely responsible for the use of the smartphoto website or our smartphoto services on your devices, your IP address and identification data, as well as for their confidentiality.

Article 7 – COOKIES

7.1. What are cookies?

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. Why does smartphoto use cookies?

The website uses cookies and similar technologies to distinguish your usage preferences from those of other users of the website. This helps us to provide you with a better user experience when you visit or use our website and also allows us to optimise our website. Cookies help smartphoto, for example, to facilitate your visit to the website, such as remembering technical choices (for example, a choice of language, a newsletter, etc.), or to show you more relevant smartphoto services and offers.

As a result of the European e-Privacy Directive, all websites targeting certain parts of the European Union are required to obtain your consent to use or store non-essential cookies and similar technologies on your computers or mobile devices. This article provides you with clear and complete information about the cookies smartphoto uses, including their purpose.

The cookies we use are safe. The information we collect using cookies helps us identify any errors, or show you specific smartphoto services that we think may be of interest to you.

7.3. Types of cookies

There are many different cookies that can be distinguished by functionality, origin or retention period. In our Cookie Policy we give a general description of the types of cookies that may be used on the smartphoto website. A detailed overview of these different cookies is then given.

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

7.4. Your permission

On your first visit to our website you will be asked to accept or refuse cookies. With this permission you agree to the different types of cookies that we use.

Article 8 – APPLICABLE LAW AND COMPETENT COURT

This privacy policy is governed, interpreted and executed in accordance with Irish law, which is exclusively applicable.

The courts of Malmö have exclusive jurisdiction to hear any dispute that may arise from the interpretation or implementation of this General Privacy Statement.