



# Privacy & Data Protection Policy

TAKE THE WIND

## Introduction

**TAKE THE WIND, Lda.** (TTW) is a Portuguese SME with its headquarters in Coimbra (Portugal), created in 2008. Herewith is our Privacy & Data Protection Policy which main goal is to systematize how our privacy and data protection procedures are implemented. The security and privacy of the data of our Employees, Customers, Partners, Suppliers and all those who in some way interact with TTW are of crucial importance to our Company. TTW reserves the right to change the privacy policy whenever it may be necessary to comply with applicable law, regulation and policy, and in accordance with the legal rights of the individual.

This document has been updated considering the new General Data Protection Regulation (GDPR) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016. Besides strengthening and standardizing user data privacy across the EU nations, it will require new or additional obligations on all organizations that handle EU citizens' personal data, regardless of where the organizations themselves are located. In this Policy, we'll explain our methods and plans to achieve GDPR compliance, both for ourselves and for our Customers.

This Policy will take effect on the Terms Effective Date and, notwithstanding expiry of the Term, remain in effect until, and automatically expire upon, deletion of all Customer Personal Data by TTW as described below.

## Scope

This Policy sets out guiding principles to be applied to the collection, use, retention, and disclosure of Personal Data, including those relating to TTW's current, past and prospective employees, customers, suppliers, subcontractors and business partners. This includes all processing of files in an electronic form (including electronic mail and documents created with word Processing software), information held in manual files structured with reference to individuals, and information shared with third parties.

## The Policy

### 1. HOW AND FOR WHAT PURPOSES ARE YOUR PERSONAL DATA USED?

TTW will only obtain Personal Data by lawful and fair means and, where appropriate, with the knowledge and consent of the individual concerned. Personal Data will be processed in accordance with applicable law, regulation and policy, and in accordance with the legal rights of the individual. The collection of Personal Data is limited to what is necessary for the purposes identified in TTW's notice or communication with affected individuals.

TTW may collect and use the Personal Data for:

- a. various human resource purposes, including but not limited to, job applications, recruiting and hiring activities, evaluation, implementation and administration of human resource, compensation and benefits functions, programs and activities, performance appraisals, training, business travel, employee directories, human resources recordkeeping, compliance with legal requirements and other employment related purposes;
- b. access to TTW's office;
- c. access to and use of TTW's information processing infrastructure, including computers, communication devices, electronic devices, computer and communications networks, external networks, cloud applications, the internet, and services accessed by users of TTW's information processing infrastructure and the internet while using TTW's computers and information processing infrastructure.
- d. managing customer and supplier relationships, namely:
  - a. to assure the processes of creating accounts for TTW's products and services;
  - b. for invoicing, agreements and contracts, Customer Relationship Management;
  - c. to provide information about our services, activities or our online content by offering to subscribe you to newsletters, publications, event announcements;
  - d. for customer support.

## **2. NOTICE**

TTW will, when required by applicable law, regulation or policy, or where the company considers that it is reasonably practical and appropriate to do so, provide individuals with information as to the purposes of collecting and use of the Personal Data, the sources of the information, the categories of information collected and stored, the identity of the Data Controller, the types of agent and non-agent third parties to which TTW discloses or may disclose that information, and the choices and means, if any, TTW offers for limiting the use and disclosure of individuals' Personal Data. This notice will be provided in clear and conspicuous language at or before the time the Personal Data is collected, before the entity changes its privacy policies and procedures, or before Personal Data is used for new purposes not previously identified.

## **3. HOW DO WE COLLECT YOUR PERSONAL DATA?**

TTW will, when required by applicable law, regulation or policy, secure the consent of the individual prior to collection, use or disclosure of Personal Data. TTW, in a clear and concise manner, will endeavor to offer individuals the opportunity to choose (opt-out) whether their Personal Data is:

- a. to be disclosed to a non-Agent third party, or
- b. to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

In certain circumstances, where applicable law, regulation or policy requires that TTW collect certain items of information in a particular manner, the provision of such information may constitute a requirement for continued employment.

According to the data protection legislation in force in the European Union (the General Data Protection Regulation), the use of Personal Data must be justified by at least one legal basis<sup>1</sup> for the processing of Personal Data.

The legal basis applicable to the collection and use of your Personal Data is **your consent**.

Your Personal Data will be collected and processed in the following situations:

- a. If you complete your Personal Data and submit the Consent Form on our websites;
- b. If you purchase and / or use a TTW product or service.

#### 4. WHO IS RESPONSIBLE FOR THE PROCESSING OF YOUR PERSONAL DATA?

TTW, in the person of its Administration Board is responsible for the collected data.

In order to ensure the security of your data and maximum confidentiality, we treat the information you provided to us in an absolutely confidential manner in accordance with our **internal privacy policy procedures** and do not share your data with third parties for commercial purposes.

TTW is responsible for processing the Personal Data of its customers and / or potential customers that fill out their data and the submission of the Consent Form for marketing communications, information about TTW products and services, financial and billing services, customer management systems.

TTW will put reasonable measures in place to ensure that Personal Data that it holds and processes is accurate, complete, current, and otherwise reliable to the best of its knowledge in relation to the purposes for which the information is being used. It is recognized that it is the responsibility of the individual to provide Personal Data with these characteristics to TTW. TTW will only use Personal Data that TTW believes is adequate and relevant to the purposes for which it is to be used. Individuals will be informed about how they may obtain access to their Personal Data to review, update, and correct the information. Reasonable steps shall also be taken to accommodate employee privacy preferences, such as restricting access to the Personal Data to those who have a legitimate business need to know the information, making certain information anonymous, or assigning codes or pseudonyms when the actual names are not required for the business purpose at hand.

---

<sup>1</sup> Legal basis for the processing of Personal Data:

- When **you have given consent** to the processing of your personal data (for this purpose you will be presented with a consent form for the use of your data, which consent may subsequently be withdrawn);
- Where the treatment is necessary to conclude a contract with or carry it out;
- When the treatment is necessary to fulfill the legal obligations to which the TTW is subject;
- When treatment is necessary to achieve a legitimate interest and our reasons for its use prevail over your data protection rights;
- When treatment is necessary so that we can testify, exercise or defend a right in legal proceedings against you, us or a third party.

## **5. WHAT PERSONAL DATA CAN BE COLLECTED?**

The following categories of Personal Data may be collected through the channels and services described in this Policy:

- a. Your personal information: name, postal address, email address, telephone and fax numbers;
- b. Your present employment information (when customer, business partner, supplier): company name, company address, company registration number, company type, sector, designation, company email, telephone and fax numbers;
- c. Your billing information: name (individual or company), email, address, telephone, VAT number, bank details;
- d. Personal information required under the Portuguese Labour Code.

## **6. FOR HOW LONG DO WE KEEP YOUR PERSONAL DATA?**

TTW will process, store, and disclose Personal Data only for legal and customary business-related purposes, and at all times consistently with the values of TTW with respect for the privacy of the individual and the protection of Personal Data in accordance with applicable law, regulation and policy. TTW will use the Personal Data for the purposes identified in the notice, retained for no longer than necessary to fulfill the stated purpose, and will be disposed in a manner that prevents, loss, theft, misuse, or unauthorized access.

Once the maximum storage period has been reached, your Personal Data will be irrevocably anonymized (anonymized data may be retained) or destroyed in a secure way.

For the purposes described in this Policy your Personal Data will be retained for a maximum period of 2 years as of the collection of your consent or the last contact made (whichever occurs in and if, within that period, you have not withdrawn your consent, or if the purpose for which your data was collected does no longer apply).

If you have received an email from TTW asking for your consent to continue to keep your data and we did not get an answer (neither yes nor no) we will keep your data for 6 months. After that period of time, if no feedback has been received, we will delete your data from our database.

## **7. HOW DO WE KEEP YOUR PERSONAL DATA SAFE?**

TTW establishes safeguards to reasonably and appropriately protect Personal Data from unauthorized use, disclosure, destruction, and alteration. We use a variety of security measures, including firewalls, authentication tools, restricted information, to help protect and maintain the security, integrity, and availability of your Personal Data.

We and our service providers make every effort to implement and maintain physical, electronic, and procedural safeguards to protect your Personal Data in accordance with the applicable data protection requirements. Among others, we have implemented the following:

Restricted personal access to your Personal Data based on the criterion of "need to know" and only within the scope of the purposes communicated;

Protection of information technology systems through firewalls, with a view to preventing unauthorized access to your personal data;

Continuous monitoring of access to information technology systems in order to prevent, detect and prevent the misuse of your personal data.

In addition, we also benefit from security measures standards and procedures from our external suppliers, credited entities, namely suppliers of servers, internal networks, internet services.

## **8. ACCESS**

Upon request and where required or otherwise appropriate, TTW will endeavor to grant individuals reasonable access to Personal Data that it holds about them. Notwithstanding, such access may be denied by TTW where

- i. such access could potentially disclose Personal Data of another person, and therefore, violate his/her privacy rights;
- ii. such access could potentially disclose information relating to any ongoing TTW investigation;
- iii. such access could potentially disclose TTW's confidential information;
- iv. the cost of such access would be significantly disproportionate to the benefits derived or to the risks to the individual's privacy in the case in question;
- v. TTW has a reasonable good faith belief that the request is not to correct data but to hide or alter data that could adversely affect the associate requesting the correction; and
- vi. at any point it becomes clear that the frequency of any individual's access requests are unjustified and harassing in nature.

In the event a request is denied, TTW will notify the individual regarding the reasons for denial in writing.

In addition, the Company will endeavor to take reasonable steps to permit individuals to correct, amend, or delete information that is demonstrated to be inaccurate or incomplete, as follows:

### **8.1 HOW YOU CAN CHANGE OR WITHDRAW YOUR CONSENT?**

You may at any time change or withdraw your consent, with effect for the future.

Upon complete withdrawal of your consent statements you will no longer be contacted and receive communications for the purposes described in this Policy.

To withdraw your statements of consent submitted to TTW simply access the website Main Page, you may send a letter to the following address:

Take The Wind  
Rua Pedro Nunes, Instituto Pedro Nunes Edifício D  
3030-199 Coimbra, Portugal

You can also contact us sending an email to **dpo@takethewind.com**

## **8.2 WHO CAN YOU CONTACT TO ACCESS, RECTIFY OR DELETE THE DATA?**

Our Customers, Suppliers, Business Partners can at any time review, update and decide what type of data they allow to store, assuming the consequences it may have related to the use of our services and products.

The Data Protection Officer can be contacted directly by the email **dpo@takethewind.com** or by mail at Rua Pedro Nunes, Instituto Pedro Nunes Edifício D, 3030-199 Coimbra, Portugal, to whom they may request at any time the copy of the data related to him, the rectification, deletion, limitation, portability and opposition to the treatment of same.

The subsequent withdrawal of consent does not compromise the legality of the treatment performed on the basis of this consent.

## **9. CONTACT INFORMATION**

If you have any queries or complaints about our compliance with this Policy, or if you would like to make any recommendations or comments to improve the quality of our Privacy & Data Protection Policy, please email us at:

E-MAIL: **dpo@takethewind.com**

This Policy may be amended from time to time in compliance with the requirements of applicable law. Appropriate notice will be given concerning such amendments. To the extent there is any conflict between the applicable law and this policy, applicable law shall take precedence.