

LAW FIRM

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CONDITIONS FOR THE PROTECTION AND PROCESSING OF PERSONAL DATA

(hereinafter referred to as 'The Terms')

LAW FIRM JUDr. Martin BARTKO - JUDr. Silvia BARTKOVÁ, established in Piaristická 6667, 911 01 Trenčín, Number of: 42 02 16 26, (hereinafter referred to as the "Controller") in the processing of personal data, takes care of consistent compliance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data ('GDPR') and Act No. 18/2018 Coll. on the protection of personal data and on the amendment of certain laws as amended (hereinafter referred to as the "Data Protection Act"), in particular on compliance with the principles on which this legislation rests. If you have any questions about the processing of your personal data, you can contact us by phone on 032/658 65 00, by email at martin.bartko@advokatbartko.sk or silvia.bartkova@advokatbartko.sk by post at our registered office.

When processing personal data, we are primarily governed by the EU General Data Protection Regulation ("GDPR"), which also governs your rights as a data subject and those provisions of the Data Protection Act that apply to us (in particular Section 78), the Law on The Advocations (Section 18), as well as other regulations. We also comply with the Code of Conduct for the Processing of Personal Data by Lawyers adopted by the Slovak Bar Association ("SAK"), which further explains the processing of personal data by lawyers.

Why do we process personal data?

Lawyers derive several purposes of processing directly from legislation which order or permit lawyers to process certain personal data about their clients and other natural persons.

The processing of personal data is therefore essential on our part, in particular in order to:

- provide legal services to our clients and pursue a legal profession;
- comply with various legal, legal and contractual obligations;
- protect the legitimate interests of us, our clients and others.

For what purposes and on what legal basis do we process your personal data?

The processing of personal data by a lawyer may typically result in the processing of personal data within the following purposes:

Purposes of processing	Primary legal basis	Related regulations
Professional exercise (provision of legal services)	Compliance with the legal obligation under Article 6(1)(b) of Regulation (EC) No 1782/2003 In 1,000(1) shall be (c) the GDPR, the performance of the contract referred to in Article 6(1) of In 1,000(1) shall be (b) the GDPR or the legitimate interest referred to in Article 6(1) of In 1,000(1) shall be (f) GDPR	Law on Advocacy, Law Code, Civil Code and Commercial Code
Provision of non-legal services	Compliance with the legal obligation under Article 6(1)(b) of Regulation (EC) No 1782/2003 In 1,000(1) shall be (c) the GDPR,	Law on the Register of Public Sector Partners, E-Government Act, Civil Code and Commercial Code, Law on the Leasing of

	the performance of the contract referred to in Article 6(1) of In 1,000(1) shall be (b) the GDPR or the legitimate interest referred to in Article 6(1) of In 1,000(1) shall be (f) GDPR	Non-Residential Premises
Ensuring compliance with the legislation and regulations of the Slovak Bar Association	Compliance with the legal obligation under Article 6(1)(b) of Regulation (EC) No 1782/2003 In 1,000(1) shall be (c) the GDPR, the legitimate interest of lawyers or third parties pursuant to Article 6(1) of In 1,000(1) shall be (f) the GDPR or the public interest referred to in Article 6(1) of In 1,000(1) shall be (e) GDPR	Advocacy Act, Law Code, Law on protection against the legalisation of proceeds of crime, Whistleblowing Act, GDPR
Purposes relating to the protection of legitimate interests	The legitimate interest of lawyers or third parties pursuant to Article 6(1)(b) of Regulation (EC) No 1782/2003 shall be In 1,000(1) shall be (f) GDPR	GDPR, Civil Code and Commercial Code, Criminal Code, Criminal Code, Criminal Code, Civil Dispute Code, Civil Non-Contentious Code, Administrative Code, Administrative Code, Offences Act
Marketing purposes	The consent of the data subject pursuant to Article 6(1) of Regulation (EC) No 1782/2003 shall In 1,000(1) shall be (a) the GDPR or the legitimate interest of lawyers or third parties pursuant to Article 6(1) of In 1,000(1) shall be (f) GDPR	Law on Advertising, Electronic Communications Act, Advertising Act, Consumer Protection Act, Civil Code
Statistical, archival, public interest and historical and scientific research purposes	Legal basis which allowed personal data to be collected for original purposes under the Article 89 GDPR regime	Law on Archives
Personnel and wages	Compliance with the legal obligation under Article 6(1)(b) of Regulation (EC) No 1782/2003 In 1,000(1) shall be (c) the GDPR, the legitimate interest referred to in Article 6(1) of In 1,000(1) shall be (f) the GDPR and, where applicable, the performance of the contract referred to in Article 6(1) of In 1,000(1) shall be (b) GDPR	Labour Code, Law on The Law on The Law on The Law on
Accounting and tax purposes	Compliance with the legal obligation under Article 6(1)(b) of	Specific laws in the field of accounting and tax

What legitimate interests do we pursue when processing personal data?

In the framework of the provision of legal services and the exercise of advocacy, our law firm also has legitimate interests. The protection of legitimate interests in the exercise of advocacy is mainly related to the provision of premises, equipment and software of the Law Office, as well as to the legal claims of our Advokátskving Office against various natural persons, e.g. failure to fulfil the contract, incurrence of damages, etc., which may result in the processing of personal data for the purpose of enforcement. In this case, we could also process personal data on the basis of Article 6(1)(f) gdpr.

To whom do we disclose your personal data?

We only make personal data of our clients and other natural persons available to the extent necessary and at all times, while maintaining the confidentiality of the data recipient e.g. our employees, persons we instruct by performing individual acts of legal services, representing or cooperating lawyers, our accounting advisors, the Slovak Bar Association or the provider of software equipment or support of our office, including employees of such persons. Although we have a limited obligation to provide your personal data to public authorities for reasons of confidentiality, we are obliged to prevent the commission of a criminal offence and we also have an obligation to communicate information in the field of prevention of money laundering and terrorist financing.

To which countries do we transfer your personal data?

Our Law Firm does not intend to transfer personal data to a third country or international organization as a matter of priority. However, in individual cases, the transfer of personal data may occur, for which reason the controller undertakes to carry out transfers to third countries and international organisations in full compliance with the GDPR, while ensuring a consistent distinguishing between countries ensuring and not ensuring an adequate level of protection. Where there is a transfer to third countries not guaranteeing an adequate level of protection and in the absence of a decision on the adequacy or absence of adequate safeguards for transfers of personal data to a third country or international organisation, the controller undertakes to deal individually with such situations, always deeming it necessary to inform the data subject of the risks that such transfers may pose to him in the absence of a decision on adequacy and adequate safeguards.

Storage of personal data:

We store personal data for the most part as long as necessary for the purposes for which the personal data are processed. In the retention of personal data, we follow the recommended retention periods within the meaning of Resolution 29/11/2011 of the Slovak Bar Association, e.g.:

- The inventory list shall be kept by the lawyer for 10 years after its writing;
- Where a lawyer keeps the names of clients and a client file protocol in paper form and saves them in the office without a time limit;
- The application period of the client file is 10 years and runs from the date on which all the conditions for depositing the file in the archive are met.

Lawyers are subject to estates of transcripts of attorneys' obligations under the Law on The Advocations, according to which there are certain circumstances that prolong our retention periods or prevent us from shredding certain documents for obvious reasons. E.g.:

- The client file which contains the original documents handed over to the lawyer by the client cannot be shredded;
- Logs of client files and names of client files cannot be shredded;
- It is not possible to shred the client file or part thereof, which the lawyer is obliged to hand over to the State Archives;
- It is not possible to shred the client file if any proceedings are pending before a court, a state administration, law enforcement authorities, the Slovak Bar Association, which is in its own right or the subject of a procedure or an omission of a lawyer in the provision of legal assistance in the client case.

If we obtain personal data by consent (e.g. in the contact form on our website), we retain it for a period of three years from the date of such consent.

To collect personal data:

If you are our client, we most often collect your personal data directly from you. In this case, obtaining your personal data is voluntary. Depending on the case, failure to provide personal information to clients may affect our ability to provide quality legal advice or, in exceptional cases, our obligation to refuse to provide legal advice. We may also obtain personal data about our clients from publicly available sources, from public authorities or from other persons. If you are not our client, we most often collect your personal data from our clients or from other public or legal sources such as by requesting from public authorities, extracting from public registers, obtaining evidence for the benefit of the client, etc. In such a case, we may collect personal data about you without informing you and against your will on the basis of our legal authority and obligation to conduct an advocacy in accordance with the Law on The Advocations.

Rights of the data subject:

Ak o Vás spracúvame osobné údaje na základe Vášho súhlasu so spracúvaním osobných údajov máte právo kedykoľvek svoj súhlas odvolať. Bez ohľadu na to máte právo kedykoľvek namietat' proti spracúvaniu osobných údajov na základe oprávneného alebo verejného záujmu ako aj na účely priameho marketingu vrátane profilovania, prípadne, ak by sme spracovávali osobné údaje na základe oprávneného záujmu podľa čl. 6 ods. 1 písm. f) GDPR.

a) Práva klienta ako dotknutej osoby pri spracúvaní osobných údajov v súvislosti s poskytovaním právnej služby výkonom advokácie

Klient má právo:

- na prístup k osobným údajom a informáciám podľa čl. 15 GDPR
- na opravu Vašich osobných údajov (čl. 16 GDPR);
- podať návrh na konanie o ochrane osobných údajov na Úrade na ochranu osobných údajov podľa čl. 99 a nasl. zákona č. 18/2018 Z. z. o ochrane osobných údajov, alebo podať sťažnosť na Slovenskej advokátskej komore.

Klient nemá právo:

- na obmedzenie spracúvania (čl. 18 ods. 2 GDPR);
- na vymazanie a zabudnutie (čl. 17 ods. 3 písm. b), d) a e) GDPR);
- na prenosnosť (čl. 20 ods. 1 GDPR, § 18 ods. 8 Zákona o advokácii)
- právo odvolať súhlas, keďže Vaše osobné údaje nie sú spracúvané na základe Vášho súhlasu ale na inom právnom základe podľa čl. 6 ods. 1 písm. b), c) a prípadne aj d) GDPR;
- namietat' (čl. 21 GDPR).

b) Práva inej osoby ako klienta ako dotknutej osoby pri spracúvaní osobných údajov v súvislosti s poskytovaním právnej služby výkonom advokácie

Ak nie ste našim klientom (napr. ste protistrana nášho klienta) a Vaše osobné údaje spracúvame v súvislosti s poskytovaním právnej služby klientovi výkonom advokácie, podľa ustanovenia § 18 ods. 8 zákona o advokácii výslovne, nie sme povinní poskytnúť Vám informácie o spracúvaní osobných údajov, ani Vám umožniť prístup alebo prenosnosť osobných údajov podľa ustanovení GDPR v prípade, ak sa tieto informácie týkajú výkonu advokácie, na ktorý sa vzťahuje povinnosť zachovávať mlčanlivosť podľa zákona o advokácii.

Iná osoba ako klient má právo:

- na opravu vašich osobných údajov (čl. 16 GDPR);
- podať návrh na konanie o ochrane osobných údajov na Úrade na ochranu osobných údajov podľa čl. 99 a nasl. zákona č. 18/2018 Z. z. o ochrane osobných údajov, alebo podať sťažnosť na Slovenskej advokátskej komore.

Iná osoba ako klient nemá právo:

- na informáciu o spracúvaní osobných údajov podľa čl. 15 GDPR;

- na prístup k osobným údajom a informáciám podľa čl. 15 GDPR (čl. 18 ods. 8 Zákona o advokácii);
 - na obmedzenie spracúvania (čl. 18 ods. 2 GDPR);
 - na vymazanie a zabudnutie (čl. 17 ods. 3 písm. b) a e) GDPR);
- na prenosnosť (čl. 20 ods. 1 GDPR)
- právo odvolať súhlas, keďže Vaše osobné údaje nie sú spracúvané na základe Vášho súhlasu;
- namietat' (čl. 21 GDPR).

Informácia o tom, či je poskytovanie osobných údajov zákonnou alebo zmluvnou požiadavkou, alebo požiadavkou, ktorá je potrebná na uzavretie zmluvy, či je dotknutá osoba povinná poskytnúť osobné údaje, ako aj možné následky neposkytnutia takýchto údajov

Poskytovanie osobných údajov je čiastočne vyžadované zákonom alebo môže vyplývať aj zo zmluvných ustanovení (napríklad informácie o zmluvnom partnerovi). Ak je potrebné uzatvoriť zmluvu, napr. zmluvu o poskytovaní právnych služieb, dotknutá osoba nám poskytne jej osobné údaje, ktoré musíme následne spracovať. Dotknutá osoba je napríklad povinná poskytnúť nám jej osobné údaje pri uzatvorení zmluvy s našou Advokátskou kanceláriou. Neposkytnutie osobných údajov by malo za následok, že zmluva s dotknutou osobou by nemohla byť uzatvorená. Predtým, ako dotknutá osoba poskytne osobné údaje, môže kontaktovať zamestnanca našej Advokátskej kancelárie. Zamestnanec našej Advokátskej spoločnosti objasní dotknutej osobe, či je poskytnutie osobných údajov požadované zákonom alebo zmluvou alebo je nevyhnutné pre uzatvorenie zmluvy, či existuje povinnosť poskytnúť osobné údaje a aké sú dôsledky neposkytnutia osobných údajov.

Zmeny podmienok ochrany súkromia

Ochrana osobných údajov pre nás nie je jednorazovou záležitosťou. Informácie, ktoré sme Vám povinní vzhľadom na naše spracúvanie osobných údajov poskytnúť sa môžu meniť alebo prestať byť aktuálne. Z tohto dôvodu si vyhradzuje možnosť kedykoľvek tieto podmienky upraviť a zmeniť v akomkoľvek rozsahu. V prípade, sa zmeníme tieto podmienky podstatným spôsobom, túto zmenu Vám dáme do pozornosti napr. všeobecným oznámením na tejto webstránke alebo osobitným oznámením prostredníctvom emailu, pokiaľ nám tento e-mail je známy.