

## Privacy Notice – employees and applicants

### ESKA Finance

This Privacy Notice ("**Privacy Notice**") describes the manner in which ESKA Finance, through the companies located in the European Union which are listed in Section 1 below ("**ESKA Finance**" or "**we/us**"), processes and protects the personal data of: (i) (potential) customers, (ii) (potential) suppliers and (iii) the persons authorized to act on behalf of (potential) customers and suppliers, (iv) the contact persons of (potential) customers and suppliers and (v) visitors to ESKA Finance's website(s) and profiles on social media.

We process personal data in compliance with the GDPR (as defined below) and the respective applicable local data protection acts implementing the GDPR.

In this document, we explain what type of data we process about you, the legal basis allowing us to do so, the purposes for which the data are processed, by whom they are accessible, how you can monitor the manner of their processing, and what technical and security measure in general we use to protect your personal data. Also, you will learn about the rights in relation to processing of your personal data, and how you can exercise those rights.

By this Privacy Notice, we fulfil the obligation to inform you (in your capacity as data subject) pursuant to Article 13 and/or 14 of GDPR.

We may change this Privacy Notice from time to time to reflect changes in our practices or in the law. These changes will come into effect upon publication of the new policy.

In the event of substantial changes, ESKA Finance will inform you of such changes by e-mail. Any changes related to processing of your personal data will be provided in form of an update of this document published on our website which we invite you to visit.

#### Basic Terms

**GDPR** - 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

**data Subject** - natural person whose personal data are processed by ESKA Finance or its authorized processors.

**personal data** - any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly

**processing** - any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

**controller** - legal person who, alone or jointly with others, determines the purposes and means of the processing of personal data

**joint controllers** - two or more controllers which jointly determine the purposes and means of processing

**processor** – any person who processes personal data on behalf of the controller

**recipient** – a natural or legal person, public authority, agency or another body, to which the personal data are disclosed.

## 1 Who we are and how can you contact us?

**ESKA Finance s.r.o.** with its registered office at: Tomášikova 1973/32, 831 04 Bratislava – Ružinov, Slovak Republic, corporate ID (IČO): 54 430 950, registered in the Commercial Register maintained by the Municipal Court Bratislava III, Section: Sro, Insert No.: 162405/B

**ESKA FINANCE sas** with its registered seat at 16 Avenue Fernand Dunan 06310 Beaulieu-sur-Mer, France Corporate ID (SIREN): 978 149 680 registered in the Commercial Register maintained by the Commercial Court of Nice

(the above companies hereinafter referred to as the "**ESKA Finance**" and any of them as the "**ESKA Finance Company**" or "**we**").

As EU-based companies, when processing personal data, we are in compliance with the GDPR when processing the personal data of our employees, as an employer based in :

- the Slovak Republic (ESKA Finance s.r.o.) : we are obliged to comply also with the provisions of Act No. 18/2018 Coll. on the Protection of Personal Data and on amendment and supplementation of certain acts, as amended ("**Slovak Act**"), which apply to us.
- France (ESKA FINANCE sas) : we are obliged to comply also with the provisions of the French Data Protection Act No. 78-17 Coll. on the Protection of Personal Data and on amendment, as amended ("**French Act**") and recommendations of the French data protection authority (the "CNIL") which apply to us.

The data controller is the entity with whom your employment contract has been signed.

We take privacy very seriously.

If you have any questions regarding processing of your personal data, please, contact us via e-mail at [privacy@eskafinance.com](mailto:privacy@eskafinance.com) or via registered mail at the address of registered office of the ESKA Finance (above).

If you wish to exercise your rights described below, please, use this form [Data Subject Right Request Form](#) or write us via email at [privacy@eskafinance.com](mailto:privacy@eskafinance.com).

## 2 What are the personal data? What kind of your personal data we process and how we collect them?

Personal data is any information allowing to establish your identity as individual, or any information specific to you.

We collect and process only such personal data which are necessary for us to:

- conclude an employment contract or one of the Agreements with you and exercise the rights and fulfil the obligations arising from them,
- include you in the selection process for a vacant job position in our company, recruitment
- fulfil our legal obligations,
- protect our legitimate interests.

In most cases, we obtain personal data directly from you.

If you are a close person of our (former) employee, personal data about you was most likely provided to us by him/her.

If you apply for a job in our company through a recruitment agency, we obtained your personal data from this recruitment agency.

**3 What categories of personal data we process about you, for what purposes and on what legal basis? How long do we keep your personal data? Is disclosure of your personal data mandatory or voluntary?**

	Purpose of processing	Legal basis of processing	Data subject	Personal data processed	Retention period	Mandatory/voluntary basis of disclosure, reasons for disclosure
1.	Exercise of rights and obligations arising from employment relations with employees (including keeping employees' personal files)	Article 6 (1) (b) of GDPR (performance of the contract to which the data subject is party)	employees and former employees	general personal data (e.g., title, first name, last name, residential address, date of birth, social security number, contact telephone number, e-mail address, bank account number, amount of salary, etc.) special categories of personal data: data concerning health in necessary extent	employees' personal files 70 years after the employee's birth – in the Slovak Republic; during the duration of the employment contract and 5 years after the date of departure of the employee – in France	Disclosure of your personal data is a requirement necessary for concluding an employment contract or any of the Agreements, and their subsequent fulfilment. If you do not provide us with the necessary personal data, we will not be able to properly fulfil our obligations as an employer towards you.
2.	Maintenance of payroll records/files	Article 6 (1) (c) of GDPR (fulfilment of legal obligation) <sup>1</sup>	employees, former employees, their spouses and dependent children	general personal data forming the basis for payroll processing and special categories of personal data: data concerning health in necessary extent	payroll sheets for 50 years, payslips, tax statements and other payroll agenda for 10 years in the Slovak Republic; 5 years (paper or electronic duplicate) from the payslip issuance date	Disclosure of relevant personal data is a statutory requirement and is therefore mandatory. If you do not provide us with the necessary personal data, we will not be able to maintain your payroll records.

<sup>1</sup> This relates to the fulfilment of obligations arising from the Slovak Act No. 595/2003 Coll. on Income Tax, as amended ("**Income Tax Act**") and from the Slovak Act No. 311/2002 Coll. the Labour Code, as amended ("**Labour Code**").

					50 years or until the employee's retirement age + 6 years in dematerialized version from the payslip issuance date – in France	
3.	Payment of levies for and on behalf of the employees	Article 6 (1) (c) of GDPR (fulfilment of legal obligation) <sup>2</sup>	employees, former employees, their spouses and dependent children	general personal data, the processing of which is necessary according to the relevant regulations on social and health insurance and  special categories of personal data: data concerning health in necessary extent	10 years – in the Slovak Republic;  6 years from the date on which the documents were drawn up or received – in France	Disclosure of relevant personal data is a statutory requirement and is therefore mandatory. If you do not provide us with the necessary personal data, we will not be able to properly pay contributions to the Social Insurance Company and to the relevant health insurance company for and on behalf of you.
4.	Withholding income tax advance payments and submitting tax returns on behalf of the employees	Article 6 (1) (c) of GDPR (fulfilment of legal obligation) <sup>3</sup>	employees, former employees, their spouses and dependent children	general personal data, the processing of which is necessary according to the Income Tax Act in Slovak Republic and to the applicable tax legislation in other countries.	10 years – in the Slovak Republic;  3 years from the end of the calendar year for which they are due – in France	Disclosure of relevant personal data is a statutory requirement and is therefore mandatory. If you do not provide us with the necessary personal data, we will not be able to properly withhold tax income advance payments and submit tax returns on your behalf.
5.	Monitoring/controlling the proper performance of employee's duties	Article 6 (1) (f) of GDPR (our legitimate interest in providing high	employees and former employees	general personal data (voice records of telephone calls with customers which do not qualify as biometric data, content of	60 days for the voice records, other data during the employment	Disclosure/processing of your personal data helps us to manage employee's duties, responsibilities, the business

<sup>2</sup> This refers to fulfilment of the obligations arising for example from the Slovak Act No. 461/2003 Coll. on Social Insurance, as amended, the Slovak Act No. 43/2004 Coll. on Old Age Pension Savings, as amended, the Slovak Act No. 650/2004 Coll. on Supplementary Pension Savings and on amendment and supplementation of certain acts, as amended, and the Slovak Act No 580/2004 Coll. on Health Insurance and on amendment and supplementation of the Act No 95/2002 Coll. on Insurance and on amendment and supplementation of certain acts, as amended.

<sup>3</sup> This refers to fulfilment of our obligations under the Income Tax Act and under the Slovak Act No. 563/2009 Coll. on Tax Administration (Tax Code) and on amendment and supplementation of certain acts.

		quality services to the clients and in monitoring the quality of work of our employees)		documents and other work products and communications created, stored or transmitted for professional or job-related purposes in our company using networks, workspaces, applications, devices, computers, or communications equipment, information systems)	relationship and 1 year after its termination	operational activities and interests, and to adopt related management decisions, for the safety and protection of employees and intellectual property. It is also necessary for providing high quality services by ESKA Finance, monitoring quality of services which employee as our representative provides for (perspective, former) customers and suppliers.
		Article 6 (1) (a) of GDPR (consent of data subject)	employees and former employees who granted consent with processing the respective data	special categories of personal data: voice records of telephone calls with customers	60 days	Disclosure of your personal data is voluntary.
6.	Filling vacant job positions, recruitment	Article 6 (1) (b) of GDPR (pre-contractual measures at the request of the data subject)	job applicants	general personal data (e.g., title, first name, last name, residential address, contact email and phone number, data on education and previous work experience, as well as other data listed in the resume or cover letter), letters of offer and acceptance of employment, references and interview notes	2 months from the end of the selection procedure for the relevant vacant position	Disclosure of your personal data is a requirement that is necessary for conducting pre-contractual negotiations and possibly concluding an employment contract, or any of the Agreements with you. If you do not provide us with the necessary personal data, we will not be able to include you in the selection process for a vacant job position.

#### 4 To whom we disclose your personal data?

According to Section 78 (3) of Act and under the French Labour Code, Social Security Code and Tax Code, ESKA Finance (as an employer) is authorised to disclose or provide personal data of its employees in the scope of title, first name, last name, job title, personal or employee number, professional department, place of work, telephone number,

work e-mail and the existence of the relevant employee's employment relationship with it, if this is necessary in connection with the performance of the work duties of the data subject. However, such disclosure or provision of personal data must not impair the seriousness, dignity and safety of the employee concerned.

In addition to the above, we may provide your personal data to the following recipients:

## **4.1 External suppliers**

We provide your personal data to some of our suppliers. In doing so, we ensure that the selection of our suppliers and their processing of your personal data is fully compliant with the GDPR.

Such external suppliers include providers of the following services:

*Provider of accounting and payroll services (based in the Slovak Republic, in France)*

*Standard software providers (e.g., Microsoft, Google)*

*Law firms providing legal services (based in Slovakia, in France)*

*Provider of cloud services (Google Cloud Service)*

*CRM providers (having servers based in Belgium and France, in the USA)*

*Provider of telecommunication services (based in Bulgaria and Spain)*

*Transport, courier and postal companies*

*Recruitment agencies*

## **4.2 Compliance with obligations resulting from legal regulations**

We may also provide your personal data to other persons in order to comply with our obligations resulting from the applicable legal regulations or lawful requests received from public authorities.

Such categories of recipients include various public authorities, including authorities competent to exercise control over our activities, or other authorised bodies in connection with archiving of documents.

## **4.3 Asserting and defending legal claims**

We may also disclose your personal data to other persons for the purpose of asserting our legal claims or defending ourselves effectively against claims brought against us.

Such categories of recipients include, in particular, courts (including arbitrators and arbitration tribunals), executors, notaries, translators, or other relevant public authorities.

#### **4.4 Our employees**

Your personal data can also be accessed by our employees. Our employees might have access to your personal data on a strictly need-to-know basis typically governed and limited depending on the working position of the particular employee.

#### **4.5 Prospective investors**

If we sell any part of our business or our assets, we may need to disclose your personal data to prospective investors for due diligence purposes.

### **5 Will your personal data be transferred to a third country or international organization?**

By default, we seek not to transfer your personal data to a third country outside EU and/or European Economic Area (collectively, "**Third Countries**") or to an international organization.

However, some of our external suppliers mentioned in Article 4 above or their suppliers/processors might have servers located in Third Countries, for example in the United States of America ("**U.S.**"). Any transfer of personal data outside EU or European Economic Area is done by us only under strict compliance with GDPR. In case of transfer of personal data to U.S., we require each recipient to be member of the EU-US Data Privacy Framework. In case of recipients in Third Countries which (under the opinion of the European Commission) not ensure adequate level of protection of personal data, we enter into concluding EU model Standard Contractual Clauses (SCC) with us or follow equivalent safeguards in place.

We seek not to transfer personal data to any international organization.

### **6 How do we protect your personal data?**

We constantly evaluate and modernize our implemented safety, technical and organizational measures to secure a safe processing of your personal data. We protect the personal data storing database against damage, destruction, loss and unauthorised use. Should you wish to receive more information concerning the security of your personal data, do not hesitate to contact us at [privacy@eskafinance.com](mailto:privacy@eskafinance.com).

### **7 How long do we store your data?**

We store your personal data only for periods of time as may be required to attain the purpose for which your data have been collected. However, please note that even if a reason for processing of your personal data ceases to exist, this does not automatically mean that we erase your personal data. As a matter of fact, we may – and in certain cases we are required to – continue processing personal data for a different purpose (e.g., archiving) supported by other legal basis.

In the event of a dispute or pre-litigation, we retain the necessary personal data until the dispute has been finally resolved.

For more detailed information concerning personal data storage periods, please see table in Section 3 above.

## 8 What rights do you have as a data subject?

As a data subject, you can exercise a number of rights as set out below during the process of your personal data. You can exercise these rights by filling in this online form [Data Subject Right Request Form](#) or sending an email to [privacy@eskafinance.com](mailto:privacy@eskafinance.com). We will inform you of the manner of disposal of your request within 30 days of its delivery. In justified cases, this time limit may be extended to 60 days; in such a case, we will notify you in advance.

### 8.1 Right of access

You have the right to access to your personal data according to Article 15 of GDPR.

In simple terms, you have the right to obtain from us a confirmation whether we do, or do not process your personal data. If we do, you have the right to be provided with access to such personal data, as well as the information about the categories of your personal data we process, for what purpose(s), to whom were your personal data disclosed, from what source we have obtained the data (unless we have obtained them from you), whether they were transferred to a Third Country, period of their storing, as well as how to request rectification, erasure or restriction on the processing of your personal data, the right to object to such processing and the right to file a complaint to the relevant supervisory authority.

### 8.2 Right to rectification

You have the right to rectification according to Article 16 of GDPR.

We really care that we process only correct and complete personal data. If, however, you discover or believe that this is not the case, you have the right to request that we either rectify, or update your personal data.

### 8.3 Right to erasure (right to be forgotten)

You have the right to erasure of personal data according to Article 17 of GDPR.

This means that you may request that we erase personal data concerning you that we process, provided that no exemption stipulated by law applies, and that one of the following conditions is satisfied:

- your data are no longer needed for the purposes for which they have been collected;
- you withdraw your consent to processing of personal data and, at the same time, there is no legal basis backing their processing;
- you raise an objection to the processing of your personal data backed by one of our legitimate interests and, at the same time, there are no overriding legitimate interests backing their continuing processing, or you raise an objection to their processing for direct marketing purposes;
- personal data were processed unlawfully.

Also, we will inform other recipients of your personal data that you have exercised your right of erasure. Accordingly, those additional recipients should erase all references/links to your personal data if this is feasible, having regard to the available technology and the costs of implementation of those steps.



#### **8.4 Right to restriction of processing**

You have the right to restriction of processing according to Article 18 of GDPR.

In simple terms, you may request that we restrict processing of your personal data, as long as one of the following reasons is concerned:

- if you believe that your personal data, we process are incorrect, until their accuracy is verified;
- processing of your personal data is unlawful and you chose to request restriction of their processing rather than their erasure;
- we no longer need your personal data for their processing; however, you may still need those data to evidence, enforce and defend your legal claims;
- if you object to processing of your personal data, until it is established whether legitimate reasons for their processing overrides your legitimate interests.

If your objection is successful and processing of your personal data is to be restricted, we will inform you in advance if restriction on processing is lifted.

#### **8.5 Right to data portability**

You have the right to data portability according to Article 20 GDPR.

Briefly speaking, if we process your personal data based on your consent (Article 6 (1) (a) of GDPR) and/or based on a contract concluded with you (Article 6 (1) (b) of GDPR) and the processing is performed through automated means, you have the right to obtain those data in a structured, commonly used and machine-readable format. You may transfer those data also to third persons and, on your request, we will thus transfer your data directly to a processor of your choice, provided that this is technically feasible.

#### **8.6 Right to object**

You have the right to object against processing (including profiling) based on legitimate or public interest and the right to object against the processing for direct marketing purposes (including profiling) according to Article 21 of GDPR.

This means that (on grounds relating to your particular situation) you have the right to object to processing of your personal data carried out on the basis of our legitimate interest, including profiling based on our legitimate interest. Unless we demonstrate compelling legitimate grounds for the processing which override your rights and freedoms, we are no longer allowed to process your personal data.

If we process your personal data for direct marketing purposes, you have the right to object at any time to such processing (including profiling) to the extent that it is related to such direct marketing. If you object to such processing, we will no longer be allowed to process your personal data for those purposes.

#### **8.7 Right to withdraw consent**

If we process your personal data under a consent given by you, you are entitled to withdraw such consent at any time e.g., by sending an official letter to the address of registered seat of ESKA Finance, by sending an email to the address [privacy@eskafinance.com](mailto:privacy@eskafinance.com) or by filling in this online form [Data Subject Right Request Form](#).

However, please be aware that withdrawal of your consent has no bearing on legitimacy of any processing of your personal data under your consent prior to its withdrawal.

### 8.8 Filing Complaints

If you believe that we process your personal data in breach of the applicable legal regulations governing the protection of personal data, you are entitled to lodge a complaint with our principal supervisory authority, namely the Office for Personal Data Protection of the Slovak Republic at the following address:

**Úrad na ochranu osobných údajov Slovenskej republiky**

Hraničná 12

820 07 Bratislava 27

Slovak Republic

<https://dataprotection.gov.sk/uouu/sk>

For France, the Office for Personal Data Protection is the “Commission Nationale de l’Informatique et des Libertés” (CNIL) :

**CNIL**

Service des Plaintes

3 Place de Fontenoy

TSA 80715

75334 PARIS CEDEX 07

<https://www.cnil.fr/fr>

If your habitual residence or place of work is in another Member State of the European Union, you may lodge your complaint also with the supervisory authority in that member state.

## 9 Existence of automated decision-making, including profiling

We do not make any decisions based solely on the automated processing of personal data that would have any legal effects on you or that would similarly significantly affect you.

We also do not perform any profiling that we would use to predict your future interests.

In Bratislava, 15.10.2024