

Data Protection Policy.

This policy covers GDPR compliance processes and rules.

1. CONTEXT

Starting from the 25th of May, General Data Protection Regulation (GDPR) came into force, obliging the organization across the EU and those working with EU companies to enforce Personal Data protection and implement processes to comply with the requirements of GDPR.

2. PURPOSE OF THE POLICY

The purpose of this policy is to define processes and practices that are to be followed by Forbytes and its employees and contractors to limit the usage of personal data and protect it according to the principles set in the article 5 of GDPR and listed in s. 3 of this Policy. Information that is being collected by Forbytes is listed in The Statement of the information Forbytes collects and processes, and the purpose for processing (Appendix A)

3. PRINCIPLES RELATING TO PROCESSING OF PERSONAL DATA

Personal data shall be:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation');
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimization');
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) of GDPR subject to implementation of the appropriate technical and organizational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures ('integrity and confidentiality').

4. DEFINITIONS OF KEY TERMS

Data subject

A data subject is a natural person. Examples of a data subject can be an individual, a customer, a prospect, an employee, a contact person, etc.

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, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Data 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, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Controller

The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Processor

A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

5. KEY REQUIREMENTS AND CONTROLS

Key requirements and controls that define compliance with principles set in GDPR are describe in Appendix.

Appendix A

Statement of the information Forbytes collects and processes, and the purpose for processing.

INFORMATION THAT IS BEING COLLECTED BY FORBYTES:

Operations department (responsible role – COO)

Purposes:

- software development (discovery, design, development, delivery)
- software failure recovery (situations when client's systems/applications are not working or working improperly causing the financial damage to client which requires access to production environment)

PURPOSE	PERSONAL DATA COLLECTED
Software development (discovery, design, development, delivery)	No personal data collected. Forbytes employees or contractors do not have access to personal information and work with fake / anonymized data.
Software failure recovery	Forbytes employees or contractors may get temporary access to production environment (including Database, logs and sessions) to resolve the problem. In this case, the following personal data can be accessed (but not collected): <ul style="list-style-type: none">▪ Name▪ Social security number▪ Delivery Address▪ Billing address▪ Electronic address▪ IP

Marketing and sales department (responsible role - CEO)

Purposes:

- to know who contact in a prospective client-partner organization
- advertisement and content marketing

PURPOSE	PERSONAL DATA COLLECTED
To know who contact in a prospective client-partner organization	No personal data collected. Forbytes employees or contractors do not have access to personal information and work with fake / anonymized data.
Advertisement and content marketing	<ul style="list-style-type: none">▪ Name of employee/supplier▪ Employee's/supplier's photos

Financial department (responsible role – CEO)

Purposes:

- payment of wages
- payment of fees
- bookkeeping

PURPOSE	PERSONAL DATA COLLECTED
Payment of wages	<ul style="list-style-type: none">▪ Name of employee▪ Age of employee▪ Employee's address▪ Employee's banking information
Payment of fees	<ul style="list-style-type: none">▪ Supplier's name▪ Supplier's address▪ Supplier's banking information
Bookkeeping	<ul style="list-style-type: none">▪ Name of employee/supplier▪ Age of employee▪ Employee's/supplier's address▪ Employee's/supplier's banking information

Human resources department (responsible role – CHRM)

Purposes:

- recruiting of potential employees/suppliers (candidates)
- human resource management

PURPOSE	PERSONAL DATA COLLECTED
Recruiting of potential employees/ suppliers (candidates)	<ul style="list-style-type: none">▪ Name of candidate▪ Date of birth of candidate▪ Candidate's address▪ Candidates contact details (phone number, e-mail, skype account)▪ Candidate's banking information▪ Photo (when present on provided CV)▪ CV information (including education, working experience, interests)
Human resource management	<ul style="list-style-type: none">▪ Name of employee/suppliers▪ Age of employee/suppliers▪ Employee's/supplier's address▪ Employee's/supplier's banking information▪ Employee's/supplier's personal interests▪ Employee's/supplier's photos▪ Employee's/supplier's wife name and phone number

LEGITIMATE INTERESTS

Legitimate interests are the key needs of Forbytes that enable company functioning and development, and they include:

- fraud detection and prevention;
- compliance with law, foreign law, law enforcement, court and regulatory bodies' requirements;
- information, system, network and cyber security;
- employment data processing;
- supplier data processing;
- general corporate operations and due diligence;
- product (service) development and enhancement;
- communication, marketing and intelligence;
- human resource management and teambuilding.

Appendix B

Key requirements and controls.

CONTROL 1 – IDENTIFY LAWFUL BASIS

Processing shall be lawful only if and to the extent that at least one of the following applies:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Standard operations to comply with control:

LAWFUL BASIS	USAGE/REQUIREMENTS	ACTIONS / DOCUMENTS
Consent	<ol style="list-style-type: none">1. The controller must inform the data subject about:<ol style="list-style-type: none">a. what personal information is collected and stored;b. what is the purpose of collecting, storing and processing personal information.2. The controller must be able to demonstrate that the data subject has consented to processing of his or her personal data.3. The data subject shall have the right to withdraw his or her consent at any time	<p>The controller must obtain a written consent.</p> <p>All written consents must be kept as long as personal data of data subject is being processed or stored.</p> <p>Register of written consents shall be created and maintained to provide easy search of consents.</p>
Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.	<p>Data subject shall be clearly informed about the need to process his/her personal data for the performance of a contract.</p> <p>If contract is signed, it is highly recommended to include consent clause into the contract.</p> <p>This basis is also applicable to processing invoices and other documents that are required according to contracts.</p>	<p>The controller must ensure that the personal data collected is used for the purpose of performing of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p> <p>The register of personal data obtained under this basis shall be created and maintained.</p>

LAWFUL BASIS	USAGE/REQUIREMENTS	ACTIONS / DOCUMENTS
<p>Processing is necessary for compliance with a legal obligation to which the controller is subject.</p>	<p>The controller must inform the data subject if possible about the processing of personal data and the legal obligations he is subject to and under which personal data is processed.</p>	<p>The register of personal data obtained under this basis shall be created and maintained.</p>
<p>Processing is necessary in order to protect the vital interests of the data subject or of another natural person</p>	<p>The controller must not keep the personal data longer than is needed to protect the vital interests of the data subject or of another natural person.</p>	<p>The register of personal data obtained under this basis shall be created and maintained.</p>
<p>Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller</p>	<p>Not applicable at the time.</p>	<p>Not applicable at the time.</p>
<p>Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child</p>	<p>The collector must ensure that:</p> <ul style="list-style-type: none"> ■ legitimate interests when personal data processing may occur are identified. ■ only necessary data is collected; ■ whenever it is possible – inform data subject about the data that is processed and reasons; ■ ensure that sensible and effective retention policy is used. 	<p>The list of legitimate interests when personal data processing may occur is created and maintained. List of legitimate interest is enclosed in Appendix A.</p> <p>The controller must ensure that the personal data collected is used for the legitimate interests pursuing.</p> <p>The register of personal data obtained under this basis shall be created and maintained.</p>

CONTROL 2 – IDENTIFY AND DOCUMENT PURPOSE

According to Article 5(1) “b” of GDPR “personal data shall be ... collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’)”.

The collected data and legitimate purposes are listed in Appendix A.

Standard operations to comply with control:

PURPOSE LIMITATION	USAGE/REQUIREMENTS	ACTIONS / DOCUMENTS
Purposes are specified.	The collector/processor must ensure that purposes according to which personal data is collected or processed are specified in Appendix A. If any new purpose arises – it must be informed to Responsible person to add it to the Appendix A before collecting or processing the data starts.	Statement of the information Forbytes collects and processes, and the purpose for processing.
Personal data is collected or processed for specified purposes	The collector/processor must ensure that personal data is collected or processed only according to specified purposes.	When collecting or processing any personal data collector/processor must check if it is collected/processed for the purposes that are specified in Appendix A.