

# KRASIMIRA KADIEVA

INTELLECTUAL PROPERTY LAW

Last change: .....

## **I. INTRODUCTION**

Welcome to <http://thesunnyhouse.bg/> (the "Website" or "Internet page"), operated by "Evria Group" LTD and is accessible worldwide.

BY USING THIS WEBSITE YOU HEREBY AGREE TO THE TERMS AND CONDITIONS WITH REGARD TO THE COLLECTION, USE AND DISCLOSURE OF YOUR PERSONAL DATA IN ACCORDANCE WITH THIS PRIVACY POLICY.

PLEASE, READ THIS PRIVACY POLICY CAREFULLY PRIOR TO USING THIS WEBSITE AND IN CASE YOU SHOULD HAVE ANY QUESTIONS AS REGARDS THE PRESENT PRIVACY POLICY, PLEASE CONTACT US AT: [info@thesunnyhouse.bg](mailto:info@thesunnyhouse.bg). IF YOU DO NOT AGREE TO ANY OF THE TERMS CONTAINED IN THE PRESENT PRIVACY POLICY THEN YOU SHOULD NOT USE THIS WEBSITE.

## **DATA CONTROLLER**

"Evria Group" LTD (hereinafter referred to as "Controller") is a commercial company, entered in the Commercial Register at the Registry Agency with UIC: 175353969, with registered seat and management address in the city of Sofia, p.c. 1517, Poduyane district, 24 "Prof. Anton Mitov" Str., phone No: +359 87 7 316 177, e-mail address: [info@thesunnyhouse.bg](mailto:info@thesunnyhouse.bg) and Internet page: <http://thesunnyhouse.bg/>.

## **II. PERSONAL DATA, BEING COLLECTED AND PROCESSED BY THE CONTROLLER**

### **A. Processing of special categories of personal data (the so called "sensitive data")**

**1.1** The controller shall not collect and shall not process special categories of personal data, such as: personal data, revealing racial or ethnic origin, political views and opinions, religious or philosophical beliefs or membership in trade unions, genetic data, biometric data for the purposes solely of identifying of a natural person / individual/, data about the state of health or data about the sex life or sexual orientation of the natural person. The natural persons should not provide such sensitive data to the Controller. In the event that the natural person deliberately provides

sensitive data to the Controller, then the Controller shall be obligated to delete them immediately.

## **B. Personal data, collected directly from the natural persons**

### **Personal data, collected directly from the natural persons, when the persons get in contact with the Controller by e-mail**

**2.1** The natural persons provide personal data to the Controller, when they get in contact with the Controller by means of electronic mail. When the person sends an e-mail to the Controller, the Controller collects and processes the electronic mail address, as well as the other information, provided by the person in the e-mail sent, such as name, telephone number, address. These data shall be processed for the purposes of communication with the natural person and keeping of registers. The processing of these personal data shall be necessary for the purposes of the legitimate interests of the Controller, which legitimate interests are sending of reply to the e-mails received, as well as keeping and storing the e-mails received. The Controller shall use the services of a service provider of the e-mail service for storage of the e-mails received, which provider is located in the Republic of Bulgaria.

### **Personal data, collected directly from the natural persons, when the persons get in contact with the Controller by phone**

**2.2** The natural persons provide personal data to the Controller, when they get in contact with the Controller by phone. When the person get in contact with the Controller by phone, the Controller collects and processes only the name and the telephone number of the natural person, and in some cases the address of the electronic mail of the natural person as well. These data shall be processed for the purposes of communication with the natural person and keeping of registers. The processing of these personal data shall be necessary for the purposes of the legitimate interests of the Controller, which legitimate interests are replying to the calls received and sending of e-mails in relation to questions and inquiries received by phone. The Controller shall use the services of telephone services provider, which provider is located in the Republic of Bulgaria.

### **Personal data, collected directly from the natural persons, when the persons register themselves at check-in at the house for guests of the Controller**

**2.3** The natural persons provide personal data to the Controller when they register themselves at check-in for accommodation at the house for guests of the Controller. At check-in for accommodation of the natural person at the house for guests there should be filled in an address card, for the purpose of which the Controller shall collect and

process given name, father's name and family name of the natural person, personal identification number /PIN/, address and number of identity card. The collecting and processing of these personal data shall be necessary for the compliance with a statutory obligation, the latter being applied in relation to the Controller, that is to say compliance with the requirements of the Tourism Act and the Foreigners in the Republic of Bulgaria Act.

### **C. Personal data of natural persons, provided by third parties**

**2.4** The Controller does not normally receive personal data about natural persons by third parties. However, in some cases, if the Controller has got valid reasons to suspect that a particular individual is in breach of the intellectual property rights of the Controller, then the Controller shall be entitled to get and obtain personal data of the suspected person from public records or registers, such as the Commercial Register, the register for registered trade marks maintained by the Patent Office of the Republic of Bulgaria etc. These data may be collected and processed with the aim of filing of a claim for infringement against the offender. The processing of personal data, collected from a public register, shall be necessary for the purposes of the legitimate interests of the Controller, which legitimate interests shall be filing of a claim for infringement committed against the offender.

### **D. Data, collected automatically**

**2.5** When visiting the website the Controller shall automatically collect the following data, that is:

- Address of the Internet Protocol (IP) of the device, from which the natural person accesses the platform (usually being used to determine the country or city/town, from which the natural person has an access to the platform);
- Type of the device, from which the natural person makes an access to the platform (such as a personal computer, mobile phone, tablet etc.);
- Type of the operating system;
- Type of the browser;
- The particular actions, undertaken by the natural person, inclusive of the web pages visited, the frequency and the duration of the website visits;
- Date and time of the visits.

**2.6** When using the information collected, the Controller does not make any profiling of the natural persons.

## **III. PURPOSES, FOR WHICH THE PERSONAL DATA HAS BEEN PROCESSED**

**3.1 The Controller shall collect and process the personal data of the natural persons, which has been provided directly by them, only for the following purposes, and namely:**

- With a purpose of provision of services, offered by the Controller, and for identifying of the natural persons (future and current clients);
- For making contact with the natural person through e-mail, so as the Controller to be able to reply to the inquiry which has come in by the natural person;
- For the performance of obligations under a contract, wherein the natural person, to whom the data relates /data subject/, is a party, as well as for actions, preceding the entering into contract and undertaken at his/her request;
- For the performance of a statutory obligation of the Data Controller, in accordance with the applicable law;
- For accounting purposes;
- For statistical purposes.

**3.2 The Controller shall collect and process the personal data of the natural persons, which has been collected automatically, for the following purposes, that is to say:**

- improving the performance and functionality of the website;
- preparing of anonymous statistical data about the manner the website has been used.

**3.3** The Controller shall not be entitled to use the personal data of the natural persons for purposes different from the purposes as specified under this section of the present Policy on protection of personal data /Privacy Policy/. The Provider shall not make any profiling.

## **IV. PERIOD FOR STORING OF THE PERSONAL DATA**

### **A: Period for storing of the personal data**

**4.1 Inquiries and correspondence through electronic mail:** the Controller shall store the personal data and the messages received through electronic mail for a period, necessary to reply to the message received and to meet and satisfy the request of the natural person, as well as for a period of five years, after the Controller has replied to the message received, which period shall be the period of legal prescription for storing of data, which are processed on the grounds of the legitimate interest of the Controller.

**4.2 Accommodation of guests:** the Controller shall store and keep the personal data of the natural persons, who have checked in as guests of the house for guests for a period of ten years.

**B. Criteria for determining of the period, for which the personal data shall be stored**

**4.3** In other cases, not specified hereinabove, the Controller shall store the personal data of the natural person for not longer than what is necessary, taking into consideration the following criteria, and namely: - whether the Controller is obligated – in order to comply with a legal obligation – to continue the processing of the personal data of the natural person; - the purpose of storing of the personal data both at the time being and in the future; - whether there is a contract entered into between the Controller and the natural person, and the Controller is obligated to continue to process the personal data, so as to perform the obligations under the contract; - purposes for using of the personal data at the time being and in the future; - whether it is necessary to get into contact with the natural person in the future; - whether the Controller has legal grounds to continue with processing of the personal data of the natural person; - any and all other valid and well-grounded reasons, such as the nature of relations with the natural person.

**V. MANDATORY AND VOLUNTARY NATURE OF PROVISION OF PERSONAL DATA**

**5.1** The personal data, which are required to be provided by the natural persons, shall be consistent with the services, offered by the Controller and are of mandatory nature. The provision of personal data by the natural persons shall be voluntary. In the event of a refusal to provide the personal data:

- the Controller shall not be able to provide the service requested by the natural person;
- the Controller shall not be able to receive the mail from the consumer, if the latter should not fill in the required information in the form for sending e-mails.

**VI. RECIPIENTS, TO WHOM PERSONAL DATA MAY BE DISCLOSED**

**6.1** The Controller shall be entitled to disclose the processed personal data to the following categories of persons, that is to say:

- To the natural persons, to whom the data shall relate;
- To persons, in case this is provided for under a legal enactment;
- To persons processing the personal data /data processors/, who provide services in favour of the business activities of the Provider, and these persons shall be bound by an obligation to observe and adhere to confidentiality, and

also these persons should have provided sufficient proof and guarantees for the application of appropriate technical and organizational measures in such a manner, that the processing to proceed in accordance with the requirements of the Regulation and to ensure protection of the rights of the natural persons.

**6.2** Only certain employees /officers/ of the Controller shall have an access to the personal data of the natural persons. These employees have signed in advance declarations of confidentiality and shall be obligated to protect the personal data, to which they have an access, as well as not to use the data for any other purposes other than providing the services, ordered by the client.

**6.3** The provider shall not sell personal data, provided by the natural person, to any third parties.

## **VII. RIGHTS OF THE NATURAL PERSONS**

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#### **Right of access**

**7.1** The natural person shall have the right to obtain from the Controller a confirmation about whether personal data relating to him/her are being processed, and if so – to obtain an access to the data – the respective categories of personal data.

#### **Right of rectification**

**7.2** The natural person shall be entitled to ask the Controller to correct and rectify, without any undue delay, the inaccurate personal data, relating to him/her. In view of and having regard to the purposes of the processing the natural person shall have the right the incomplete personal data to be filled in, including through adding a declaration /statement/.

#### **Right to erasure (right “to be forgotten“)**

**7.3** The natural person shall be entitled to ask the Controller to erase the personal data relating to him/her without any undue delay, and the Controller shall be under the obligation to erase without any undue delay the personal data, when any of the grounds referred to in Art. 17 of Regulation 2016/679 are applicable.

#### **Right to restrict processing**

**7.4** The natural person shall have the right to require from the Controller to restrict the processing, when one of the conditions specified in Art. 18 of Regulation 2016/679 is being applied. When a restriction of processing is carried out such data shall be processed, except for their storage, only with the consent of the natural person or for the establishment, exercising or the protection of any legal claims or for protection of the rights of another natural person, or due to important reasons and grounds of public interest for the Union or a Member-state. When the natural person has requested a restriction of the processing the Controller shall inform him/her prior to repealing of the restriction of processing.

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

**7.5** The natural person shall have the right to obtain the personal data, concerning him/her, which he/she has provided to a controller, in a structured, widely used and machine readable format, when the processing is based upon a consent in accordance **or** upon a contractual obligation **and** the processing is carried out in an automated manner.

#### **Right of objection**

**7.6** The natural person shall have the right – at any time and on grounds, related to his/her particular situation – of objection against processing of personal data, relating to him/her.

#### **Rights upon profiling**

**7.7** The natural person shall have the right not to be the subject of a decision, based solely on automated processing, including profiling, which produces legal consequences for the data subject or affecting him/her in a similar way to a significant extent.

#### **Right to notify of a personal data breach**

**7.8** When there is a possibility the personal data breach to pose a high risk to the rights and freedoms of the natural persons, then the natural person must be notified without any undue delay about the personal data breach.

#### **Right to judicial and administrative remedy**

#### **A: Right to appeal to a supervisor**

**7.9** The natural person shall have the right to appeal to a supervisor, particularly in the Member-state of usual residence, place of work or place of the supposed breach, if the natural person considers that the processing of personal data, relating to him/her, is in breach of the provisions of the Regulation.

**B: Right to effective judicial protection against a supervisor**

**7.10** Every natural and legal person shall have the right to effective judicial protection against a decision of compulsory nature, relating to him/her, by a supervisor. The proceedings against a supervisor shall be instituted before the courts of law of the Member-state, where the supervisor has been established.

**B: Right to effective judicial protection against an administrator /controller/ or processor of personal data**

**7.11** Without prejudice to any available administrative or non-judicial remedies whatsoever, including the right to appeal to a supervisor, the natural person shall have the right to effective judicial protection, when he/she deems that his/her rights under the Regulation have been infringed as a result of processing of his/her personal data, which is not in accordance with the Regulation. The proceedings against a particular administrator /controller/ or processor of personal data shall be instituted before the courts of law of the Member-state, where the Administrator /Controller/ or the processor of personal data has a place of establishment.

**Right to compensation for damages suffered**

**7.12** Every person, who has suffered material or non-material damages as a result of a breach of the Regulation, shall have the right to obtain a compensation from the Administrator /Controller/ or processor of personal data for the damages caused. The judicial proceedings in relation to the exercising of the right to compensation shall be instituted before the courts of law of the Member-state, in which the Administrator / Controller/ or processor of personal data has a place of establishment.

**VIII. CHANGES TO THE PRIVACY POLICY**

**8.1** This Privacy Policy may be updated at any time in the future. When this happens the modified policy shall be published on this website with a new date "Last change" at the top of this Privacy Policy and shall be in force and effect as of the date of publication thereof. Therefore it is recommended that you periodically review this Privacy Policy to make sure that you are aware of all changes. By using the website

after the publication of the updated Privacy Policy, you shall be deemed to agree to the changes made.

## **IX. CONTACTS**

**9.1** In the event that you should have any further questions or inquiries as regards the present Privacy Policy, please, do not hesitate to contact us by electronic mail at the following e-mail address: [info@thesunnyhouse.bg](mailto:info@thesunnyhouse.bg)