

PRIVACY POLICY

I. GENERAL

1. This policy (hereinafter the “**Policy**”) sets out the principles governing the protection and processing of the NEST application personal data (hereinafter the “**Application**”) whose administrator is ESPORTS LAB Sp. z o.o. with its registered office at ul. Upalna 1A unit 76, 15-668 Białystok (hereinafter the “**Administrator**”).
2. The Application Administrator is a controller of personal data of the Application users (the “**Users**”).
3. The use of the Application is possible through an online service (hereinafter the “**Service**”).
4. The Service processes the following personal data of Users:
 - a. data provided by the User during registration: email address, password;
 - b. data collected automatically by the Service from the monitoring band /smartwatch: heartbeat, circadian rhythm, sleep quality, step number, energy expenditure, number of floors climbed;
 - c. data collected automatically by the Service from the User’s account in a computer game selected by the User: account identifier, time in a computer game, number of games played, current rank in the game, list of games being in possession;
 - d. data which may be given by the Users during the Service use: weight, height, handedness, fatigue self-assessment, performance level self-assessment, sleep quality self-assessment, sleep time self-assessment, self-assessment of readiness to take effort.
5. Individual data collected by the Application serves the following purposes:
 - a. data for the registration in the Service, account recovery, password reminder is: email address email;
 - b. data for making analyses and producing statistics related to body form and condition (data collected by the monitoring band /smartwatch) includes: heartbeat, circadian rhythm, sleep quality, step number, energy expenditure, number of floors climbed;
 - c. data for making analyses and producing statistics related to results in computer games selected by the User includes: statistics from a given game, number of played games, type of played games, information about other game team members, information about players in the opposing team, a role in the game, information about the type of equipment used in the game;
 - d. data used for communications with the User in accordance with the Application Policy.
6. Service displays messages for the User related to the User’s conduct in the game, level of mental fatigue, level of physical fatigue, sleep quality, recommended time spent on the game, recommended time spent on activities other than the game, suggested physical activities, suggested mental activities. Messages may be based on data collected by the Application. It is displayed to the User based on the Application algorithm, data is not analysed and archived by the Administrator and not made available to other users.
7. The Administrator does not verify authenticity of personal data provided by the User. If the User provided third party data upon registration or use of the Application, causing any damage, the Administrator will be entitled to demand appropriate indemnity from the User. If the actions constitute an unlawful act, the Administrator may provide information about the User to competent public authorities.
8. The Application is dedicated to individuals over 16 years old. Data of younger individuals will not be processed by the Application.

9. Collection of data by the Service from the monitoring band /smartwatch is a necessary element of the Application use. The Service may also collect data from the monitoring /smartwatch in the background.
10. Providing personal data by the Users is voluntary. However, providing data necessary to register an account in the Service is necessary to conclude an agreement with the Administrator and use the Service.
11. Personal data of Users are protected by technical and organisational means to guarantee adequate level of protection, in accordance with applicable regulations.

II. COOKIES

1. The Service uses the following cookies:

Name	TYPE (necessary/analytical /session/persistent)	Validity Term	Description
"_ga"	Persistent, analytical (a third party cookie)	13 months	This external Google Analytics cookie is used to differentiate between users in order to collect information about visits on the site. This cookie helps us to identify the website areas which require improvement. Cookie „_ga” does not allow us to personally identify the user because no information or personal data is collected.

2. In order to delete cookies installed by the Service from a device, the User will clear browser data

3. The Application uses the following cookies:

Name	TYPE (necessary /analytical/session/persistent)	Validity Term	Description
"_ga"	Persistent, analytical (a third party cookie)	13 months	This external Google Analytics cookie is used to differentiate between users in order to collect information about visits on the site. This cookie helps us to identify the website areas which require improvement. Cookie „_ga” does not allow us to personally identify the user because no information or personal data is collected.

III. LEGAL GROUNDS OF PERSONAL DATA PROCESSING

1. The Administrator processes personal data of Users as part of the performance of the agreement on providing services electronically which is concluded by the User with the Administrator, by registering an account in the Service. Article 6 (1) (b) of the General Data Protection Regulation No 2016/679 dated 27 April 2016 (hereinafter the “**GDPR**”) constitutes legal grounds of data processing.
2. The User data is processed also as part of the legitimate interests of the Administrator which involves production of anonymous statistics and identification of errors in the Service operation, based on the User data – in order to ensure its proper operation and improvement of functionalities (legal grounds: Article 6 (1) (f) GDPR.)

3. The Service may also enable granting additional consents to personal data processing by the Administrator or other entities. In that case, a granted consent will constitute legal grounds of processing (legal grounds: Article 6 (lit(a) of the GDPR).

IV. RECIPIENTS OF PERSONAL DATA

4. Unless this Policy or the Application Policy provides otherwise, the Administrator will not make data regarding the User available to other entities.
5. The Administrator may provide statistical data collected in the Service to its partners only in anonymous form.
6. Profiles, statistics and analyses related to specific Users will be made available only to such Users or entities to which the User has granted an explicit consent.
 - a. **Google LLC** (with its registered office in the US, 1600 Amphitheatre Parkway, Mountain View, California 94043 USA) with respect to its delivery of Google Cloud Service – storage of data in the cloud at the Administrator’s request, also outside of the EU).
7. Data is processed by Google LLC pursuant to a decision of the European Commission of 12 July 2016 on the adequacy of the protection provided by the EU-U.S. Privacy Shield (Google LLC declared to follow the requirements arising from the Privacy Shield). Moreover, Google LLC declared that it will use “model contract clauses” available at: <https://cloud.google.com/terms/eu-model-contract-clause>

V. DATA PROCESSING PERIOD

8. Unless this Policy or the Application Policy clearly provide otherwise, personal data of the Users is processed only for the term of the agreement between the User and the Administrator (i.e. from the moment of the registration in the Application until the account in the Application is deleted). The time of processing individual personal data may be shorter – in case cookie collecting User data expires or in case the User individually deletes data or modifies Service settings.
9. It is possible to delete an account by selecting an account delete option in the Service settings. Deleting an account in the Application results in deletion and irrevocable anonymisation of all personal data related to the User in the Service.
10. The Administrator may terminate the agreement with the User – delete the account and personal data of the User in cases specified in the Application Policy. In case it is necessary to modify or delete User data by the Administrator pursuant to this Policy, Application Policy or law, the Administrator will notify the User thereof by a message sent to an email address given during the registration of the account in the Application.
11. The User personal data may be processed longer than arising from the above sections, if it is necessary because of the complaint or claim made by the User (until the matter is resolved), because of the obligation arising under law or any order issued by the court, police or other competent authorities.

VI. USER RIGHTS

12. Each User will be entitled to:
 - a. receive information about the processing of his or her personal data, including categories of processed personal data and potential data recipients,
 - b. demand rectification of inaccurate personal data or completion or incomplete personal data,

- c. demand erasure or restrict personal data processing – and this demand will be met if legal requirements related to such request are met,
 - d. object – in case data is processed based on the Administrator’s legitimate interests (Article 6 (1) (f) of the GDPR),
 - e. withdraw consent to personal data processing (is processing is made based on the User’s consent) – and this will not affect the lawfulness of processing that was made prior to the withdrawal of the consent,
 - f. personal data portability – by receiving data from the Administrator in a format which enables its transfer to a selected third party,
 - g. lodge a complaint with supervisory authority – President of the Personal Data Protection Office, ul. Stawki 2, 00 - 193 Warsaw – in case it is found that personal data is processed contrary to law.
13. If the exercise of the rights referred to in Section 1 does not allow for the Application functionalities, the User may submit an application, inquiry or a demand related to the processing of his or her personal data by sending a message to the following email address: mojedane@esportslab.gg or the following mailing address: ul. Upalna 1a/76, 15-668 Białystok.

VII. FINAL PROVISIONS

1. The Administrator reserves the right to change the contents of this Policy in case the method of the Application operation is changed, impacting the scope and the method of the processing of the User’s personal data, and also in case regulations are amended or a decision or a ruling is received, forcing such change.
2. The Administrator will use its efforts to provide notification about any changes of the Policy at least seven days in advance. Any change of the Policy will be announced by a proper message in the Application or by sending emails to the Users’ email addresses.
3. If the change of the Policy does not apply to rights or obligations of the Users who have already been registered and the Administrator or if the change does not force a broader scope or purpose of personal data processing than originally specified in the Policy – new contents of the Policy do not have to be confirmed by the User. In other cases, any change of the Policy will require a confirmation by the User (in a manner specified in the notification). In case no confirmation is made, the Administrator may decide about the termination of the agreement for the Application use with the User at the time when the change comes into force (in accordance with information given in the notification about the change of the Policy) which will not take place earlier than seven days from sending the notification to the User.
4. The provisions of the Application Policy and mandatory regulations will apply to matters not provided under this Policy.
5. This Policy comes into force as at 01.12.2019.