Data Protection Informative Notice

1. **Introduction**

This Data Protection Informative Notice (the “**Notice**”), sets out information about how [*Partner Outlet]* (the “**Partner Outlet**”or “**Data Controller**”) and These Modern Times Limited, a private limited liability company, registered in Malta, bearing company registration number C 100505 and registered office situated at Level 4, The Penthouse, Suite 2, Ewropa Business Centre, Triq Dun Karm, Birkirkara BKR 9034, Malta (the “**Processor**”), process Personal Information pertaining to users of Surprize Me (the “**Users**”) in respect of the Surprise Me application. We are firmly committed to respecting individuals’ privacy and the confidentiality of their Personal Information.

All Personal Data will be processed in accordance with the Data Protection Act (Chapter 586 of the Laws of Malta) and subsidiary legislations thereunder (hereinafter referred to as the “**Act**”) and the 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 (hereinafter referred to as the “**General Data Protection Regulation**” or “**GDPR**”).

1. **Key definitions**

“**Application**” or “**App**” refers to the Surprize Me application which will serve as an online medium through which customers shall interact with the Surprize Me game and win vouchers and/or prizes redeemable at the Partner Outlets.

“**Controller**” or “**Data Controller**” means the [*Partner Outlet]* i.e., a legal person, which determines the purposes and means of the processing of personal data.

“**Customer**” or “**Participant**” refer to any individuals who engages with the Surprize Me Game through the App.

“**Data Subject**” refers to any living person (natural person) whose personal data is being collected, held or processed.

“**Game**” or “**Surprize Me**” or “**Surprize Me Game**” refer to to the specific gaming experience facilitated by the App. This game involves interactive elements through the online medium, allowing participants or users to play and potentially win vouchers and/or prizes. The Surprize Me game is a central feature of the Surprize Me application, serving as a means for customers to engage with the platform and earn redeemable rewards at the respective Partner Outlets.

"**Information Society Services**" refer to services that are provided at a distance, typically by electronic means, and at the specific request of a recipient (i.e., the Data Subject). This term encompasses a wide range of online services and activities conducted over the internet; such as the offering of the Surprize Me Game through the App.

“**Minors**”, in the context of data processing in relation to the offer of Information Society Services, means individuals who have not yet reached the age of thirteen (13) years.

"**Partner Outlets**" refers to the affiliated establishments or businesses (which may include various retail stores, restaurants, entertainment venues, or other service providers) that have entered into a collaborative agreement with the Company with respect to the App. These outlets participate in the Surprize Me program by accepting and facilitating the redemption of vouchers and/or prizes won by customers through the Surprize Me game.

“**Personal Data**” or “**Personal Information**” means any information relating to an identified or identifiable natural person (i.e., the 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.

“**Processor**” or “**Data Processor**” means These Modern Times, a legal person, which processes personal data on behalf of the Controller.

“**Processing**” means any operation/s which is/are 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.

1. **Controller and Processor**

When processing Personal Data of Data Subjects for the purposes indicated in this Notice, the Controller link and These Modern Times Limited, a private limited liability company, registered in Malta, bearing company registration number C 100505 and registered office situated at Level 4, The Penthouse, Suite 2, Ewropa Business Centre, Triq Dun Karm, Birkirkara BKR 9034, Malta, is the Processor.

1. **Information We Collect**

We collect Personal Data from Data Subjects when they engage with the game, make use thereof, purchase products in store, redeem offers and/or rewards won via Surprize Me and communicate with us. The Personal Data collected is the Data Subject’s name, surname, gender, e-mail address or phone number.

We also collect transaction data. This means that we keep a record of the Data Subject’s offers/vouchers won via Surprize Me, the redemption of such vouchers, the Partner Outlet in which such voucher can be redeemed, the total amount spent by the Data Subject in the particular Partner Outlet and the benefit received by the Data Subject.

Furthermore, we also collect information about the Data Subject’s device(s), which include: (i) information about the web browser; (ii) information about the Data Subject’s use of the Game; (iii) IP address; (iv) time zones; and (v) cookies.

The information immediately preceding this paragraph is processed through the use of the following technologies:

* Cookies which are data files that are automatically placed on the Data Subject’s device or computer and often include an anonymous unique identifier. For more information about how we process cookies, please visit our cookie policy on https://www.surprizeme.shop/cookie-policy
* Log files are track actions occurring on the website that automatically collect data including your IP address, browser type, internet service provider, referring/exit pages, and date/time stamps.

Partner Outlet personnel may also request identification documentation to confirm the Customer’s minimum age and may deny participation to the Game to any person not providing such evidence.

1. **Purposes for Processing**

The Controller and the Processor require the collection and use of certain Personal Data on Data Subjects to create an e-wallet for the Data Subject and facilitating the redemption of the voucher/prize s/he would have won by using the App.

Additionally, we process Personal Data:

* to send out communication related to the offers/vouchers won by the Data Subject (such as sending a reminder to make use of an unused voucher and its expiration, circulating a notification regarding the amount of money saved in a particular month and similar)

NB: You may opt-out of receiving such emails by sending an email to **support@surprizeme.shop** or following the instructions in such correspondence. Once the Controller and/or the Processor have processed your opt-out request, we will no longer send you promotional emails unless you opt back in to receiving such communications.

* to analyze your preferences, behaviour, and interactions with Surprize Me to provide personalized content, offers, and recommendations; and
* as may be required by law.

The collected Personal Data shall only be processed for the purposes outlined above or any ancillary purposes thereto. We shall inform Data Subjects if we are required to process Personal Data for any other purpose.

1. **Collection of data of Minors**

If, at any time, the Data Controller and/or the Data Processor become aware that the consent for processing personal data was provided by an individual who is determined to be a Minor (kindly refer to the definition set out in section 2 above) under the applicable data protection laws, the Data Controller and/or the Data Processor shall not consider such consent as valid. In such a case, the Data Controller and/or the Data Processor will promptly undertake the necessary steps to delete the Minor's e-wallet and associated Personal Data from their systems as soon as possible. This includes but is not limited to, ceasing any further processing of the Minor's personal data and taking measures to ensure that no further collection or storage of the Minor's personal data occurs.

In the event that we become aware of any Personal Data collected from a Minor, without parental consent, the necessary steps will be taken to ensure that the information is removed expeditiously and efficiently. Should the public be aware or believe that we may be holding any information collected with regards to a without obtaining prior consent of the parents or legal guardian/s, kindly inform us as soon as possible by sending an email on [ ].

1. **Lawfulness of Processing**

Personal Data shall **only** be processed when the Data Subject has given explicit consent to the processing of his/her Personal Data for the purposes set out above.

1. **Personal Data Sharing**

Personal Data shall be shared between the Data Controller and/or the Data Processor.

We do not sell your personal information to third parties (as "sell" is defined in EU law). A "sale" would not include a situation where someone is buying all or part of our business (as is explained further below). Where third parties acquire or propose to acquire all or a substantial part of our operations or any of our affiliates or subsidiaries, including by merger or acquisition, amalgamation, corporate reorganisation or restructuring or a sale of assets, including as part of the related due diligence.

Personal Data may be disclosed to Third Parties, namely, certain service providers (IT services in the event that technical issues arise, cloud computing solutions or platforms, data hosting, data processing, analysis and research, printing, professional consulting).

In order to ensure that Data Subjects are provided with the best possible experience, the collected Personal Data may be accessed by the Surprize Me team.

Neither the Data Controller nor the Data Processor shall transfer Personal Data to any third party without the prior consent of the Data Subject, except where such a transfer is required by operation of law.

Personal Data may be transferred to third parties located **outside** the EU or European Economic Area (EEA), only if the Data Subject provided his/her explicit consent. Provided that in such circumstances, the Controller must first refer to the European Commission (EC) Guidelines to determine if the destination country offers an adequate level of data protection (and hence, no additional safeguards need to be implemented prior to the transfer) or otherwise (in which case, the Controller would need to use Standard Contractual Clauses (SCCs) approved by the EC to ensure a sufficient level of protection for the rights of Data Subjects.

Where we believe release is appropriate to comply with applicable laws or regulations, enforce our policies, or protect our or others' rights, property or for safety.

1. **Data Retention**

A Data Subject’s e-wallet and history on Surprize Me shall be stored to optimize the redemption process. This data shall be retained until the Data Subject withdraws his/her consent.

If a particular user remains inactive for more than twelve (12) months, the Company will send an email to the Customer concerned in order to verify whether the account is still required. If the Customer does not reply within a period of one (1) month from the Company’s email referred to herein, the Company shall, upon the lapse of the said month, delete any and all Personal Data pertaining to that particular Data Subject. In the event that the user confirms that the account is no longer required, then all Personal Data shall be deleted immediately.

1. **Data Subject’s legal rights**

Data Subjects have various rights vis-à-vis their Personal Data:

* **the right to be informed**: the Data Subject has the right to be given clear information regarding how his/her Personal Data is processed. We do this by means of this Notice which may be revised from time to time and by means of and any future communications directly with the Data Subject.
* **the right to access Personal Data**: the Data Subject may send us a request to access all Personal Data that the Firm holds in his/her respect. To avail of this right, kindly send an email to **compliance@surprizeme.shop**. We will do our best to attend to the Data Subject’s request within one (1) month. In case of more complex requests, the timeframe shall be extended by a further one (1) month. Should the Data Subject disagree with Our judgement, s/he can complain to the Information and Data Protection Commissioner (hereinafter referred to as the “IDPC”) on <https://idpc.org.mt/en/Pages/contact/complaints.aspx>
* **the right to rectification**: the Data Subject can also request that any inaccurate or incomplete Personal Data held by the Firm is corrected accordingly. In such instances, kindly send an email to **compliance@surprizeme.shop.**
* **the right to erasure**: there are certain instances where a Data Subject may also request the deletion of his/her Personal Data. On a general note, we will comply with the Data Subject’s request in this regard. However, we may have the necessity not to comply with the request if retention of the data is required for us to be compliant with a legal obligation and/or such data would be required by us to exercise or defend any legal claims.
* **the right to stop direct marketing messages**.
* **the right to object**: the Data Subject may object regarding his/her Personal Data being processed.
* **the right to data portability**: the Data Subject has the right to put forward a request asking us to provide him/her with certain Personal Data which s/he had provided the Company in a structured, commonly used and machine-readable format. When technically feasible, the Data Subject may also request that his/her Personal Data be transferred to a third-party controller of his/her choice.
* **the right to withdraw consent**: the Data Subject can also withdraw any consent given at any time by **sending an email at support@surprizeme.shop.** In this case, the Company shall delete the Data Subject’s Personal Data with immediate effect.
* **the right to lodge a complaint**: the Data Subject has the right to lodge a complaint against any Personal Data breach by communicating such breach to the Office of the Information and Data Protection Commissioner (the “IDPC”). The IDPC may be notified by filling in the complaint form available at <https://idpc.org.mt/en/Pages/contact/complaints.aspx>.

As a security measure, our Privacy Officer may request specific information from you in order to verify your identity prior to granting any requests. If we cannot respond to your request promptly or have to refuse the request, we will advise you of the reasons, subject to any legal restrictions.

Where permitted by law, we may refuse or charge a fee for repeat, abusive or inappropriate requests.

1. **Security of Personal Data**

We undertake to put in our best efforts to keep any disclosed Personal Information secure by implementing the appropriate and proportional technical and organizational measures with the aim of protecting such Personal Data against unauthorized or unlawful processing, encompassing also accidental losses, destruction, storage or access. Notwithstanding our efforts to protect Personal Data, no system can guarantee that the aforementioned scenarios will not occur.

1. **Accuracy of information**

The Company undertakes to hold accurate and where necessary up-to-date Personal Information. In view of this, Data Subjects are asked to keep us informed of any changes that might occur to Personal Data throughout the previously stipulated data retention timeframes.

1. **Changes**

We may update the Notice from time to time in order to reflect changes to our practices or for other operational, legal or regulatory reasons by providing you with notice of the changes. Notice includes but is not restricted to posting a link to the new notice, posting a new notice on the App, or sending you a link to the new notice via the contact information you have provided to us. Such changes will be effective with respect to your use of the App after the Data Controller and/or the Data Processor would have given notice of the changes.

Please review this Notice periodically to view whether it has been updated. Any use of Surprize Me’s services by you after the notice is issued, constitutes an acceptance to those changes.

1. **Contact**

For more information about our privacy practices, please contact the relevant Partner Outlet on the e-mail address provided (here).

You may also copy the Controller in your correspondence by using the following e-mail address: **compliance@surprizeme.shop.**

[ ]  I hereby confirm that I have read and understood the terms set out above, and hereby give my consent to the Data Controller and the Data Processor to process my Personal Data for the purposes indicated in this Data Protection Informative Notice.

*Forced read PP if required?*

*This must be ticked to be able to facilitate the redemption of the voucher*

I **consent** SM to analyze my preferences, behaviour, and interactions to provide me with personalized content, offers, and recommendations.

I **consent** to receiving Marketing offers from SM or **[PartnerName]** in the future. You may withdraw your consent at anytime.

I **consent** to SM using my email (mobile number) to facilitate the redemption of voucher/prize and for notification of vouchers expiration that I can unsubscribe to at any time.