



**ONE-STOP SHOP**  
for market research  
in **Central and Eastern Europe**

## **Privacy and Data Protection Policy** **SODA Market Research S.C.**

### **I. Introduction**

As part of its social responsibility, SODA Market Research is committed to compliance with data protection laws, regulation and rules. This Policy adopts the fundamental principles of the EU's General Data Protection Regulation ("GDPR") as the minimum standard to which SODA Market Research, its employees and suppliers will have to adhere.

This privacy statement explains when and why we collect personal information, how we use it, the conditions under which we may disclose it to others and how we keep it secure. This Privacy Statement applies to the use of our market research, business development and marketing, hiring and contract fulfilment activities. To perform these activities SODA Market Research needs to collect and process certain types of information about people with whom SODA Market Research deals. These include current, past and prospective employees, suppliers, clients, respondents and others with whom it might communicate. In addition, SODA Market Research may occasionally be required by law to process certain types of Personal Data to comply with the certain legal requirements.

SODA Market Research depends on the collection and analysis of information about living individuals ("Data Subjects") to carry out its market research and associated business. Maintaining respondents' and the public's confidence requires that respondents do not suffer direct adverse consequences, risk or harm as a result of providing SODA Market Research's with their information or their Personal Data being processed for SODA Market Research's business purposes. The information may be obtained from any kind of individual or organisation.

This Policy describes the minimum standards of how Personal Data must be processed, collected, handled and stored to meet GDPR data protection standards.

### **II. Principles For Processing Personal Data**

All Personal Data must be dealt with properly, irrespective of how they are collected, recorded and processed – whether on paper, in a computer file, database, or recorded on other material. SODA Market Research regards the lawful and correct treatment of Personal Data and maintaining the confidence of those with whom it deals as a vital component of its business operations and is committed to act ethically and responsibly in respect of these Personal Data and to always provide a high degree of confidentiality and security. To demonstrate these commitments, SODA Market Research adheres to the principles relating to the processing of Personal Data found in the GDPR.

SODA Market Research respects the following principles concerning Personal Data, which are that Personal Data are:

- processed fairly and lawfully,
- processed for limited purposes and in an appropriate way,
- adequate, relevant and not excessive for the purpose,



- accurate,
- not kept longer than necessary for the purpose,
- processed in line with Data Subjects' rights,
- secure,
- not transferred to people or organisations situated in other countries without adequate protection.

### **III. Legal Grounds for Data Processing**

SODA Market Research will be collecting, processing and using Personal Data only under the following legal bases, always provided that such legal basis exists under applicable national law. One of these legal bases is also required if the purpose of collecting, processing and using the Personal Data is to be changed from the original purpose, unless there is clear compatibility between the original purpose and the new purpose.

#### **1. Respondent Data**

Respondents are the most common Data Subjects in SODA Market Research's business.

##### **a. Consent to Data Processing**

Personal Data can be processed following consent by the Data Subject. Before giving consent, the Data Subject must be informed in accordance with the transparency principle. The declaration of consent must be obtained in writing or electronically for the purposes of documentation. In some circumstances, such as telephone surveys, consent can be given verbally. In all cases, the granting of consent must be documented. Any consent will only be valid if it constitutes a freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which it giving a statement or by a clear affirmative action, signifies agreement to the processing of the Personal Data relating to them.

##### **b. Data Processing for a Contractual Relationship**

Apart from consent, their Personal Data may be processed where this is necessary in the context of a contract to which such Data Subjects is a party, to fulfil relevant obligations and rights. This applies also where such processing is necessary in order to establish or terminate a contract. Some countries see the entering into a contract as a form of consent.

##### **c. Data Processing Pursuant to Legal Authorisation**

The processing of Personal Data is also permitted if national legislation requests, requires or allows this. The type and extent of data processing must be necessary for the legally authorised data processing activity and must comply with the relevant statutory provisions.

##### **d. Data Processing Pursuant to Legitimate Interest**

Personal Data can also be processed if it is necessary for the legitimate interests of the SODA Market Research and where national legislation provides for this basis (e.g. GDPR Article 6(1)(f)). The



legal basis of legitimate interest for processing is not recognised in every country, and relevant national legislation will take precedence. Generally, special categories of Personal Data may not be processed on the basis of legitimate interest. In any event, Personal Data may not be processed on the basis of a legitimate interest if, in the individual case, there is evidence that the interests of the Data Subject merit protection and that this protection takes precedence. Before Personal Data are processed on the legitimate interest basis, it is necessary to determine whether there is an interest that merits protection, and whether a legitimate interest assessment (in the form of a DPIA with a particular focus on the legitimate interest) needs to be conducted by SODA Market Research. Any such assessment has to be validated by the Data Protection Officer.

#### **e. Processing of Special Categories of Personal Data**

Special categories of Personal Data can be processed only if the law requires this or the Data Subject has given his/her explicit consent. Special categories of Personal Data can also be processed if it is mandatory for asserting, exercising or defending legal claims. Within the European Economic Area, special categories of Personal Data may also be processed for scientific and historical research and for statistical purposes (Article 9(2)(j)), subject to appropriate additional measures. Before relying on this provision, the advice of the Data Protection Officer must be obtained.

#### **f. User Data and Internet**

If Personal Data are collected, processed and used on websites or in apps, the Data Subject must be informed of this in a privacy statement including, if applicable, information about cookies or similar technical measures. The privacy statement and any cookie information must be integrated so that it is easy to identify, directly accessible, easily understandable and consistently available by and for the Data Subject. If use profiles (tracking) are created to evaluate the use of websites and apps, the Data Subjects must always be informed accordingly in the privacy statement. Tracking of Data Subjects online may only be affected if it is permitted under national law or upon explicit consent of the Data Subjects. Even if tracking uses a pseudonym for the Data Subject, the Data Subject should be given the chance to opt out in the privacy statement.

If websites or apps can access Personal Data in an area restricted to registered users/respondents, the identification and authentication of the Data Subject must offer sufficient protection during access.

#### **g. Personal Data Provided by Clients**

Personal Data is in some cases transmitted to SODA Market Research by its clients. It usually happens to provide us with sample or to enhance existing sample. In respect of any Personal Data so received, SODA Market Research will be the Processor and may only Process these Personal Data in accordance with the instructions agreed with or received from the client. These instructions may include restrictions on transfers to other parties or transfers to other countries as well as specific security requirements. Any such restrictions must be complied with. It is imperative that such instructions are documented in writing and agreed before any relevant contractual arrangements are accepted by SODA Market Research, to ensure that SODA Market Research is actually able to comply with any client specific restrictions or requirements.

Irrespective of any client requirements, any Personal Data provided by a client may only be:

- Processed for the purpose they were provided for;
- Not be kept for longer than is required for the purpose;



- Subject to the same security requirements applicable to SODA Market Research's own Personal Data.

## **2. Employee Data**

### **a. Data Processing for the Employment Relationship**

In employment relationships, Personal Data can be processed if needed to initiate, carry out and terminate the employment agreement. When initiating an employment relationship, the applicant's Personal Data can be processed. If the candidate is rejected his/her data must be deleted in observance with the required retention period unless the applicant has agreed to remain on file for a future selection process. In the existing employment relationship, data processing must always relate to the purpose of the employment agreement if none of the following circumstances for authorised data processing apply. If it should be necessary during the application procedure to collect information on an applicant from a third party, the requirements of the corresponding national laws must be observed. In cases of doubt, consent must be obtained from the Data Subjects.

There must be legal authorisation to process Personal Data that is related to the employment relationship but was not originally part of performance of the employment agreement. This can include legal requirements, collective regulations with employee representatives, consent of the employee or the legitimate interest of the company.

### **b. Collective Agreements on Data Processing**

If a data processing activity exceeds the purposes for fulfilling a contract, it may be permissible if authorised through a collective agreement between the employer and employee representatives, within the scope allowed under the relevant employment law. The agreements must cover the specific purpose of the intended further data-processing activity and must be drawn up within the parameters of national data protection and employment legislation.

### **c. Consent to Data Processing**

Employee data can be processed upon consent of the person concerned. Declarations of consent must be submitted voluntarily. Within the European Union/European Economic Area, consent generally does not constitute a valid legal basis for the processing in the employment context as there is a legal presumption that such consent was not submitted voluntarily and any processing will have to rely on one of the other legal bases available. Involuntary consent is void. To the extent that consent is a valid basis for processing, please see above at paragraph III.2.a for the further requirements. A further complication is that consent can normally be withdrawn, thereby preventing any further processing.

### **d. Data Processing Pursuant to Legitimate Interest**

Personal Data may also be processed if it is necessary to enforce a legitimate interest of the SODA Market Research group, where the applicable law allows for the processing of Personal Data based on a legitimate interest. Within the employment context, legitimate interests are generally of a legal or financial nature.

Control or supervisory measures that require processing of employee data can be taken only if there is a legal obligation to do so or there is a legitimate reason. Even if there is a legitimate reason,



the proportionality of the control measures must also be examined before such measures are applied. The justified interests of the company in performing the control measure (e.g. compliance with internal company rules or security interests) must be weighed against any interest meriting protection that the employee affected by the measure may have in its exclusion and the measure cannot be performed unless found to be appropriate. The legitimate interests of the company and any interests of the employee meriting protection must be identified and documented before any measures are taken by way of a legitimate interest assessment. Moreover, any additional requirements under national law (e.g. rights of codetermination for the employee representatives and information rights of the Data Subjects) must be taken into account.

#### **e. Processing of Special Categories of Personal Data**

Special categories of Personal Data can be processed only if the law requires this or the Data Subjects has given his/her explicit consent. These data can also be processed if it is mandatory for asserting, exercising or defending legal claims.

### **3. Marketing Contacts**

Generally marketing contacts are no different than respondents' in respect of the privacy protections accorded to them. Their contact details constitute Personal Data, even if they are business related. Only if the contact details are truly generic like "contact@contact.com", will they not fall under this Policy.

Marketing communications are often subject to specific legal requirements, particularly if they are sent electronically or made by phone.

It has to be assumed that marketing contacts have not requested the marketing materials. In other words, the recipients have not asked to receive marketing communications from SODA Market Research. To proceed legally, the conditions concerning legal basis, in particular consent requirements set out in paragraph III.1.a, apply here as well.

Exceptionally a 'soft opt-in' can be applied, if the below conditions are met:

- where the Data Subject's details were obtained in the course of a sale or negotiations for a sale of SODA Market Research services;
- where the messages are only marketing similar services; and
- where the person is given a simple opportunity to refuse marketing when their details are collected, and if they don't opt out at this point, are given a simple way to do so in all future messages.

## **IV. Why do we collect and use personal data?**

We collect and use personal data mainly to maintain B2B communication with our clients, individuals interested in our services, to perform direct marketing and customer service as well as to conduct market research. We also collect data about our partners and persons seeking a job or working in our company.

We may use your information for the following purposes:

- Send you marketing communications which you have requested. These may include information about our services, company presentations, case-studies of our projects, whitepapers and articles. This communication is subscription based and requires your consent;



- Perform direct communication activities in cases where legitimate and mutual interest are established;
- Reply to a 'Contact us' or other web forms you have completed on SODA Market Research website (e.g. to download a presentation);
- Follow up on incoming requests (emails or phone calls);
- Contact you to conduct market research surveys and interviews;
- Contact you to conduct surveys about your opinion on our services;
- Process a job application.

We will never sell, rent, or trade your information with any third parties, except if required by law. In any event, rest assured we will do everything we can to ensure your privacy rights continue to be protected.

As your Data Controller we may use contractors to process personal data on our behalf, we are responsible for making sure they commit themselves to adhere to this Privacy Policy and General Data Protection Regulation.

#### **V. What kind of data we collect?**

The examples of personal or company information that SODA Market Research collects are:

- first and last name, e-mail address;
- salutation;
- job title, company;
- www address;
- core business area;
- company street address, city;
- zip code, country;
- telephone number, fax number;
- sectors of interest.

We may also collect feedback, comments and questions received from you in service-related communication and activities, such as meetings, phone calls, documents, and emails.

#### **VI. When do we collect personal data about you?**

- When you interact with us in person, through correspondence, by phone, by social media, or through our website;
- When we collect personal information from other legitimate sources, such as third-party data aggregators, SODA Market Research marketing partners, public sources or social networks. We only use this data if you have given your consent to them to share your personal data with others.
- We may collect personal data if it is considered to be of legitimate interest, and if this interest is not overridden by your privacy interests. Before data is collected we make sure an assessment is made, ensuring that there is an established mutual interest between you and SODA Market Research (e.g. yourself or your organisation is a client of ours, there has been an established communication with individuals across your organisation related to the project, proposal or request).

Complimentary to the above, we also collect the information provided by the user through:



- Filling in SODA Market Research contact or other forms;
- Submitting a question about services via SODA Market Research website;
- Requesting more detailed information about services.

Registering and filling in forms on SODA Market Research website is optional. By choosing not to register or not to provide personal information, you can still use the website.

## **VII. Use of cookies**

Additionally, information is collected automatically through the use of cookies (certain bits of information stored on the hard drive of the user's computer when he visits SODA Market Research website) which are used for example to maintain session information and create statistics. This information is gathered automatically and is limited to:

- The user's internet protocol (IP) which the user uses to connect to the Internet;
- The user's browser type and version; operating system type and version;
- Information about user localisation, interests and behaviour on the website.

The information collected via cookies is used to make website work more efficiently, to understand how visitors use our website as well as to prevent security threats and abuse. Used alone, cookies do not personally identify you.

Our website functions properly without cookies being activated and, therefore, it is not necessary for our visitors to keep them activated to be able to view all our features. In addition, most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can, however, obtain up-to-date information about blocking and deleting cookies via the links below:

- <https://support.google.com/chrome/answer/95647?hl=en> (Chrome);
- <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences> (Firefox);
- <http://www.opera.com/help/tutorials/security/cookies/> (Opera);
- <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies> (Internet Explorer);
- <https://support.apple.com/kb/PH21411> (Safari);
- <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy> (Edge).

## **VIII. Controlling your personal information**

You may choose to restrict the collection or use of your personal information in the following ways:

- Whenever you are asked to fill in a form on the website, look for the box or link that you can click to indicate that you do not want be included in our mailings;
- If you have previously agreed to us using your personal information for direct marketing purposes, you may change your mind at any time by writing to us at [dpo@esoda-imr.com](mailto:dpo@esoda-imr.com).

We will not sell, distribute or lease your personal information to third parties.

You may request details of personal information which we hold about you. If you would like a copy of the information held on you please write to us.





If you believe that any information we are holding on you is incorrect or incomplete, please email us as soon as possible at [dpo@soda-imr.com](mailto:dpo@soda-imr.com). We will promptly correct any information found to be incorrect.

You have the right to request that your personal data is deleted when it is no longer necessary for SODA Market Research to retain such data.

In addition to the above you have the right to withdraw any consent to personal data processing at any time.

You also have the right to object to the processing of personal data, in case data processing has been based on legitimate interest and/or direct marketing.

If you would like to contact us in relation to any of the above issues, please email us at [dpo@soda-imr.com](mailto:dpo@soda-imr.com).

## **IX. Data Retention**

We will keep your personal data as long as our services are relevant for your current position at your organisation. We will delete your data as soon as we learn that our services are no longer relevant for your position and there is no longer a mutual and legitimate interest to maintain such contact.

## **X. Data Security**

We maintain appropriate administrative, technical and physical safeguards to protect Personal Data against accidental or unlawful destruction, accidental loss, unauthorized alteration, unauthorized disclosure or access, misuse, and any other unlawful form of processing of the Personal Data in our possession

However, no method of transmission over the Internet, or method of electronic storage, is 100% secure. We cannot guarantee on behalf of our Data Processor that information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards.

If we learn of a security systems breach, we will inform you and the authorities of the occurrence of the breach in accordance with applicable law.

## **XI. Changes To This Privacy Policy**

This Privacy Policy is effective as of 1st June 2018 and will remain in effect except with respect to any changes in its provisions in the future, which will be in effect immediately after being posted on this page.

We reserve the right to update or change our Privacy Policy at any time and you should check this Privacy Policy periodically. However, should we make any material changes to this Privacy Policy, we will notify you either through the email address you have provided us, or by placing a notice on our website.

## **XII. Contact Us**

If you have any questions about this Privacy Policy, please contact us at [dpo@soda-imr.com](mailto:dpo@soda-imr.com).

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