

PRIVACY NOTICE

The protection of the personal data of our customers and other business partners is a key priority for AS Merit Tarkvara, registry code 10254977, registered address at Paju tn 2, Tartu 50603 Tartu, Estonia (hereinafter “**Merit Tarkvara**”, “**we**”, “**us**” or “**our**”) and our subsidiaries.

This Privacy Notice contains mandatory information under data protection legislation on how and for what purposes Merit Tarkvara collects, processes and shares personal data. “Personal data” means any information about an identified or identifiable natural person, e.g. name, address, e-mail address and information about visits to our website and the use of our services.

Merit Tarkvara is a software company focusing on the provision of accounting and payroll software and the development of online services. The processing of personal data by Merit Tarkvara is subject to, among others, the EU General Data Protection Regulation (“**GDPR**”).

This Privacy Notice applies to all business processes, websites, mobile applications, cloud services and desktop applications of Merit Tarkvara (“**Merit Tools**”). This Privacy Notice provides information about data processing where Merit Tarkvara determines the means and purpose of processing (i.e. acting as a data controller), as well as where Merit Tarkvara processes personal data on behalf of its customers according to their instructions (i.e. acting as a data processor). Merit Tarkvara processes personal data in order to, among others, provide services and products to its customers and to ensure that all the functionalities of Merit Tools operate properly.

1. WHOSE DATA DO WE PROCESS?

Merit Tarkvara processes the personal data of our customers’ representatives and contact persons, the software users related to our customers, job applicants and the users of Merit Tools (see more details in the “Data controller” section).

Merit Tarkvara also processes data on behalf of our customers, where our customers act as data controllers (see more details in the “Data processor” section).

In this Privacy Notice, the data subjects whose data is processed by Merit Tarkvara may also be referred to as “natural persons”.

2. DATA CONTROLLER

If the purpose, means and extent of processing personal data are determined by Merit Tarkvara, we act as a data controller within the meaning of the GDPR. This includes, among others, situations where we collect personal data from job applicants, our customers’ representatives or users of our software or services.

2.1 Purposes and legal bases of processing

Provision of products and services

We process the personal data of software users and customers and their representatives in order to take the necessary steps to enter into a contract (including for the purpose of registering a Merit account or participating in promotions and trainings). We also process personal data in order to fulfil our contractual obligations and to provide a high-quality service to our customers. Where Merit Tarkvara processes personal data before entering into a contract, the legal basis of processing is to take the necessary steps to enter into a contract with the data subject or, in case

of a legal person, our legitimate interest relating to the abovementioned purpose. The legal basis for the performance of a contract is the performance of the contract with the data subject (including ensuring the correct provision of services) or, in case of a legal person, our legitimate interest relating to the abovementioned purposes.

The provision of personal data during the contracting process is generally mandatory, i.e. if the required personal data is not provided, we cannot enter into a contractual relationship with the data subject (or the entity represented by the data subject).

Improving the functionalities of Merit Tools

During the use of Merit Tools, we collect information about the use of Merit Tools in order to better understand our customers' interests and improve the functionality of Merit Tools, as well as to ensure security. In such cases, the legal basis for processing is our legitimate interest to better understand our customers' needs and to provide a better and more secure service. We may also anonymise and/or pseudonymise your personal data for the above purposes. Where we use cookies for the above purposes (e.g. to improve the website), we will ask for your consent as described in more detail in the "Cookies and pixel tags" section.

Customer support and enquiries (including the use of demo version)

If you send us an enquiry via our website or communicate with us in any other way (e.g. by e-mail or phone), we will process your personal data in order to respond to and/or process your enquiry. Depending on the nature of the interaction and the identity of the person who has entered into the contract with us, the legal basis for the processing of personal data is either to take the necessary steps to enter into a contract, to perform an existing contract (in case of a legal person, our legitimate interest relating to the abovementioned purposes), or alternatively our legitimate interest, including to respond to enquiries about the products and/or services we offer, to ensure smooth customer service and/or to provide a demo version (also known as trial).

Other cooperation with partners

We may process the personal data of other partners, e.g. accountants or software developers (including the data of our partners' representatives) that is provided to us. The legal basis for the processing of such personal data is to take the necessary steps to enter into and/or perform a contract (in the case of a legal person, our legitimate interest relating to the abovementioned purposes), as well as our legitimate interest in managing of our business and contractual relations (e.g. managing databases of cooperation partners and customers).

The provision of personal data during the contracting process is generally mandatory, i.e. if the abovementioned personal data is not provided, we cannot enter into a contractual partnership with the data subject (or the entity represented by the data subject).

Compliance with legal obligations

We also process certain personal data in order to comply with requirements under the laws and regulations applicable to us (e.g. to comply with accounting and tax law requirements). In such case, the legal basis for the processing of personal data is to comply with our legal obligations.

Direct marketing and other marketing activities

If you consent to receive direct marketing communications from us (such as newsletters), we may use your personal data to send you news, offers and other marketing communications. The legal basis for direct marketing communications is your consent or, alternatively and to the extent permitted by applicable law, our legitimate interest in providing you with information about the products and/or services we offer (including to contact potential customers). For more

details on data subjects' rights relating to marketing communications, please refer to the "Marketing communications" section.

If you consent to us carrying out other marketing activities, including, but not limited to, displaying recommendations to you on our website (in connection with the promotion of Merit Tarkvara products and/or services), we may process your personal data for marketing purposes. The legal basis for the processing of personal data for these purposes is your consent.

Legal claims

Where necessary, we may process personal data in order to pursue our legitimate interest in asserting, exercising and defending legal claims arising out of a contract or any other collaboration with us.

Applying for a job

We process the personal data of job applicants in order to contact the applicant, assess the applicant's skills and to determine his or her suitability for working at Merit Tarkvara. When processing data for the abovementioned purposes, the legal basis for the processing is, depending on the circumstances, either Merit Tarkvara's legitimate interest (notably to assess the suitability of an applicant), for taking the necessary steps to enter into a contract (in particular to contact the applicant and prepare the contract to be concluded) or, in certain cases, the data subject's consent. The "Legal claims" section above applies to job applicants as well.

2.2 How do we collect data?

We usually collect personal data directly from the data subjects, i.e. from our customers' representatives, the customers' employees using our products and services, job applicants, etc.

In addition, we use automated data collection tools such as cookies and other data tracking technologies in order to optimise user experience of Merit Tools and to provide better services to our customers. For more information about the use of automated means of data collection, please refer to the respective section.

We use various automatic tracking tools to gather information about the use of Merit Tools and communications between Merit Tarkvara and its customers.

Cookies and pixel tags

A cookie is a small text file stored in the user's device when visiting the website that enables the website to remember user preferences like font size, language, login details, etc. Cookies are transmitted to users' devices by website operators and third parties.

Pixel tags are small blocks of code on websites that enable the websites to read and place cookies. They are executed in accordance with applicable laws when a user opens an e-mail or lands on a webpage and cause third-party cookies to be downloaded or register that a user has opened an e-mail.

We use technically necessary cookies on our websites to ensure the performance of the websites. We also use analytics cookies (statistical cookies) to improve Merit Tarkvara's products and content; preference cookies to enable Merit Tarkvara to store information regarding the functionality or design of the website (e.g. chosen language); marketing cookies to store and analyse information about your web browsing habits, and to enable us to display marketing content tailored to your interests. We will only use analytics, preference and marketing cookies if you have given your consent. You can check the use of cookies in your browser settings.

For detailed information about cookies, visit <http://www.allaboutcookies.org/>.

2.3 Categories of processed personal data

Merit Tarkvara may process the following categories of personal data:

- General information, including name;
- Contact details, including address, phone number and e-mail address;
- Date of birth, age and gender;
- Employment details, including employer, job title, position and preferences, educational background, as well as details of previous work experience and other information contained in the CV;
- Feedback and comments about Merit Tarkvara and our services;
- Uploaded content like files, photos, videos, etc.;
- User information, including login ID, username, password and security questions;
- Financial information, including credit card or PayPal information,
- Information provided by the user's web browser, including browser type, device, language and the address of the website from which the user arrived, as well as IP address and other traffic data;
- Clickstream behaviour and data on navigation in Merit Tools;
- The user's actions related to Merit Tarkvara's e-mails, including which e-mails the user has opened, when and how;
- Any other personal data that you have made publicly accessible or accessible to us, including in third-party social networks such as LinkedIn, Facebook, etc.

Merit Tarkvara does not generally process special categories of personal data as a data controller.

2.4 Sharing personal data

2.4.1 Within our group of companies

Group of companies of Merit Tarkvara includes our subsidiaries and it is possible that the customers use the services of more than one member of our group of companies, and it is in our interest to provide the best possible user experience and service. We therefore rely on our legitimate interest in sharing personal data with other members of our group of companies to have a complete overview of our customers and their connections so as to provide the best possible service.

2.4.2 Outside the group of companies of Merit Tarkvara

Merit Tarkvara user communities

When a user posts, comments or reacts at Merit Tarkvara's user communities or forums, such information can be read, used and processed by anyone with access to Merit Tools. This information can be therefore used for purposes over which we have no control and Merit Tarkvara cannot be held liable for any information that the users themselves have submitted

through Merit Tools. We will not share or otherwise use any of the users' posts, comments or reactions without the respective user's prior consent.

Business partners

We may share certain categories of personal data with our business partners (e.g. cloud, payment or IT service providers) when it is necessary and lawful from the business perspective and if the sharing complies with the applicable data protection legislation. We may share personal data in order to enable us to provide services or products to our customers. The legal basis for processing personal data in this way is our legitimate interest in providing you with products or services, or your consent (in particular, where personal data collected through cookies is provided to third-party business partners).

Authorities and advisors

In circumstances provided by the law, public authorities such as the police may require Merit Tarkvara to disclose certain personal information. Merit Tarkvara will provide the personal information to public authorities in accordance with applicable legislation. In such case, the legal basis for the processing of personal data is the fulfilment of a legal obligation.

In certain cases, Merit Tarkvara may also provide personal data to auditors, legal advisors, accountants and other consultants in accordance with applicable law. In such case, the legal basis for the processing of personal data by Merit Tarkvara is our legitimate interest in, among others, resolving legal disputes, the fulfilment of financial reporting and auditing obligations, as well as ensuring compliance with the law.

Mergers and acquisitions

If any mergers and acquisitions should occur in relation to Merit Tarkvara, then the acquiring entity (including its consultants) will obtain all data held by the relevant Merit Tarkvara entity, including personal data. In such a case, Merit Tarkvara will enter into a confidentiality agreement with the said persons. The legal basis for such processing of personal data is our legitimate interest in carrying out the merger or acquisition or compliance with a legal obligation.

3. DATA SUBJECTS' RIGHTS

3.1 Marketing communications

If you are no longer interested in receiving marketing communications from Merit Tarkvara, you may opt-out at any time by either:

- Following the opt-out instructions at the footer of each marketing communication;
- Changing marketing preferences under your account settings, if you have a Merit Tarkvara account;
- Contacting us by e-mail at merit@merit.ee.

Even after opting out from receiving marketing communications, we may still send you Merit Tarkvara's administrative communications such as product/service order confirmations and notifications necessary to manage the user's account at Merit Tarkvara.

3.2 General rights

The data subject has the right to request confirmation of the processing of personal data and, if confirmed, the right of access, rectification, erasure or restriction of the processing of their personal data, the right to object to the processing, the right to data portability, and the right to withdraw their consent to the processing of personal data. Data subjects also have a right to lodge a complaint with a supervisory authority. In Estonia, the supervisory authority is the Data Protection Inspectorate, whose contact details are available [here](#).

- The right of rectification is the data subject's right to require, without undue delay, that inaccurate personal data concerning the data subject be rectified or incomplete data be completed.
- The right of erasure is the data subject's right to request the erasure of their personal data without undue delay, subject to certain additional circumstances provided by the law.
- In certain cases, the data subject has the right to restrict the processing of their personal data.
- The data subject has the right of access to the personal data that we store about him or her, which the data subject has provided to us, and has the right of portability to have these data transmitted to another data controller, where technically feasible and if the data are processed on the basis of consent or a contract by using automated means.
- The data subject has the right to object, at any time and on grounds relating to the data subject's particular situation, to the processing of their personal data under respective statutory provisions, including profiling based on those provisions.
- Subject to the respective statutory limitations, the data subject has the right not to be subject to a decision based solely on automated processing, including profiling, which results in legal consequences for the data subject or significantly affects the data subject.
- Where the processing of personal data is based on the data subject's consent, the data subject has the right to withdraw such consent at any time, but this shall not affect the lawfulness of processing based on consent prior to the withdrawal.

To exercise the abovementioned rights, please contact us at merit@merit.ee.

4. DATA SECURITY AND RETENTION PERIODS

4.1 Security of personal data

Keeping your personal data secure is Merit Tarkvara's highest priority. We strive to make all efforts to prevent unauthorised access, disclosure or other unlawful processing activities. We protect the confidentiality of personal data, maintain their integrity and ensure their availability in accordance with the applicable legislation. Please note that although we endeavour to protect the security of personal data by reasonable measures, no security system can fully prevent all potential security breaches.

We have implemented reasonable and appropriate organisational, technical and physical measures and safeguards to protect the personal data collected and processed by us. These measures depend on the category of personal data and the potential risks related to their disclosure. Please find a more detailed description of Merit Tarkvara's specific organisational measures and technical and physical safeguards below.

4.2 Retention periods – how long do we keep your personal data?

Merit Tarkvara will retain personal data only for as long as necessary to achieve the purposes of the processing described in this Privacy Notice. However, retention periods are also subject to the need to respond to data subjects' requests, to resolve problems and to comply with legal record retention requirements.

When we no longer need the personal data and are no longer required by law to retain it, we will delete such personal data. In this case, we may continue to use the relevant data for statistical purposes, but only in an anonymised form.

5. MERIT TARKVARA AS DATA PROCESSOR

Merit Tarkvara provides a variety of services to our customers. The provision of these services generally involves the processing of (personal) data (e.g. accounting and payroll data, which may also include personal data) received from our customers. In such cases, we process the data for the purposes specified by our customers and our customer is the data controller, unless otherwise provided in this Privacy Notice. In such cases, Merit Tarkvara acts as the data processor and processes personal data on behalf and according to the instructions of our customer. The relationship between the data processor and the data controller (i.e. Merit Tarkvara and its customer) is defined in a data processing agreement.

Obligations of Merit Tarkvara as a data processor and of the customer as a data controller

Where our customer is the data controller, the purposes and legal bases for the processing of personal data are determined by the customer. The data controller is also responsible for assessing and managing the risks associated with the processing of personal data and for providing information to the data subjects.

As a data processor, Merit Tarkvara performs an important part of the tasks of a data controller, as our services are part of the processing of personal data for which the data controller is responsible for ensuring compliance with the law. Where Merit Tarkvara processes personal data on behalf of its customers (i.e. as a data processor), we will act in accordance with the applicable laws and regulations governing the activities of a data processor (including by entering into a data processing agreement).

Merit Tarkvara and the data controller will engage in general cooperation to ensure the intended protection of the data subject. We will provide the customer with the necessary information to comply with applicable data protection legislation.

6. SUBCONTRACTORS AND TRANSFERS OF PERSONAL DATA OUTSIDE THE EUROPEAN ECONOMIC AREA

We use subcontractors to process personal data and may therefore transfer your personal data outside the European Economic Area ("EEA"), subject to implementing appropriate safeguards.

Merit Tarkvara enters into a data processing agreement with each subcontractor to protect personal data and to fulfil our obligations to our customers. Merit Tarkvara relies in particular on the European Commission's standard contractual clauses for the transfer of personal data to subcontractors outside the EEA.

In connection with its business processes, Merit Tarkvara uses third-party service providers who offer, among others, the following services: cloud computing, satisfaction surveys, customer support, accounting (including electronic invoicing), e-mail services, technical usage data (statistics) analysis, other IT services.

If you would like more information about our subcontractors or the safeguards we apply, please contact us using the contact details in the “Contact” section.

7. CHANGES TO THE PRIVACY NOTICE

Merit Tarkvara may at any time modify or change this Privacy Notice. If we do, we will post the updated Privacy Notice here with the new version date. We will also notify you of material changes to the content of this Privacy Notice and privacy principles before they become effective by e-mail, notices on our website and/or our social media pages. However, we encourage users to visit this page from time to time and to review any non-substantive changes to this Privacy Notice.

8. CONTACT

Your feedback, opinions and suggestions are important to us. In case of any concerns, comments or questions, please contact us at merit@merit.ee. You may also contact us by regular mail at Paju 2, 50603 Tartu, Estonia or by phone at +372 6 177 111.

All such communications are confidential. Our representative will provide assistance in resolving problems and may contact the person who sent the enquiry or provided feedback. We will try to resolve all complaints and concerns promptly and correctly.

This Privacy Notice was last updated on 6 December 2024.