Privacy Notice

Date of effect: June 9, 2021
Last updated: June 9, 2021

We have developed this Tolaka Privacy Notice ("Notice") to explain to you how we collect, use, disclose, and store personal data.

Introduction

This Privacy Notice applies to Tolaka Group, Inc. and its affiliates listed in Section 10 (collectively, "Tolaka", "we", "us", "our").

Why Tolaka collects personal data

The Tolaka Group exists to galvanize the Human Data Revolution as a Controller, including when you:

- Visit or interact with our websites, our products and/or Tolaka IT or solutions (the "Website(s)"), the Tolaka Platform, the Tolaka, Tolaka Annotations and Mindtrek Communities, our social media pages, our blogs, our forums, our Tolaka Community Slack channel;
- Register for or participate in our webinars, events, programs, marketing initiatives, and discussions;
- Interact with us in person, such as when you visit our offices; and
- Inquire about or engage in commercial transactions with us.

After reviewing the Privacy Notice, please check the country-specific provisions at the end of the Privacy Notice, which may apply to the processing of your personal data in your country. Unless otherwise specified, the Tolaka Group Privacy Notice applies to the processing of personal data by Tolaka in all other cases.

This Privacy Notice refers or provides:

- General Data Protection Regulation (GDPR)
- Brazilian General Data Protection Law (LGPD)
- Certain Laws on Protection of Personal Data (CPDP)
- US privacy legislation including but not limited to California Consumer Privacy Act (CCPA), California Privacy Rights Act (CPRA), Colorado Privacy Act (CPA), Connecticut Data Privacy Act (CTDPA), Utah Consumer Privacy Act (UCPA), Virginia Consumer Data Protection Act (VCDPA), California Privacy Protection Agency (CPPA), California Civil Code, Cal. Code Regs. tit. 11, § 7601 et seq., Colorado Consumer Privacy Act (CPA), Colorado Privacy Act Rules (CPAR), Connecticut Data Privacy Act (CTDPA), Utah Consumer Privacy Act (UCPA)
- and other applicable laws in force as of the last update of this Privacy Notice.

Controller

Tolaka is the controller of the personal data provided under this Privacy Notice. This means that Tolaka determines the purposes and means of processing those personal data.

You can contact Tolaka with any questions regarding the processing of your personal data at privacy@tolaka.ai.

Legal bases

Depending on which Website of Tolaka you use, Tolaka will process your personal data based on the following legal bases:

Contract

To fulfill our contractual obligations to you and provide access to the Tolaka Platform, Tolaka may process your personal data. This includes activities such as account registration, or making payments.

Legitimate interest

When Tolaka has a legitimate interest in using your personal data in a certain way, provided that such use is necessary and justified given any potential risks to you. We conduct a Legitimate Interest Assessment (LIA) to ensure that your fundamental rights are not disrupted. LIA is a form of an assessment based on the specific circumstances of the processing. Conducting an LIA helps us ensure the processing is lawful and considers the impact it may have on individuals.

Consent

When Tolaka requests you explicit consent to process your personal data for specific purposes, Processing consent does not affect your rights to use Tolaka's services or offer services to Tolaka.

Withdrawing a consent or consent to explicit consent, you have the right to withdraw your consent at any time. Withdrawal of consent does not affect the processing of personal data before the withdrawal. For example, it withdraws consent, you can:

- contact Tolaka by using the contact details specified in section 2 of this Privacy Notice,
- click the unsubscribe link in the electronic mail which Tolaka sent to you,

If you reside in a jurisdiction where consent is the only or most appropriate legal basis for the processing of personal data as described in this Privacy Notice, your consent to the processing of your personal data for such purposes signifies your agreement to the processing of your data for all purposes outlined herein. You may withdraw this consent at any time by contacting us at privacy@tolaka.ai.

Legal obligation

Tolaka may also be required to share your personal data with competent authorities in accordance with applicable regulations.

3. Categories of personal data processed by Tolaka

The table below contains the categories of personal data Tolaka collects and processes. Tolaka primarily collects personal data directly from data subjects (e.g., by completing the registration form). Additionally, certain personal data may also be obtained from third parties.

Please see the personal data collected by Tolaka in the table below:

Purpose of processing	Data subjects / Categories of data	Storage Period	Legal basis for processing
Sending Newsletters, Tolaka Updates, and marketing purposes	Contacts / Contact details	Until consent is withdrawn, or unsubscribing or unsubscribe from the mailing list of newsletters is fulfilled (the processing purpose is assessed every 3 months)	Consent
Analysis of website visitors' behavior	Our website users / Cookies, Internet Protocol (IP) address, language used, operating system, service provider, internet service provider, sending and receiving pages that web pages visited, Operating system, Internet Protocol address, date and time checks, referring URL, Internet browser	Limited by the cookies' lifetime, cookies lifetime is assessed every 3 months	Consent for Functional and analytics cookies, Legitimate interest for other cookies, ensuring the functionality of the website
Processing of personal data	Tolaka's employees / Personal data provided by Tolaka's employees	Duration of employment with Tolaka	Contract for employment, Legitimate interest for other personal data, Consent for processing sensitive data
Sending Marketing and Sales Promotional Emails	Prospects / Contact details, Company name, Job title	2 years after last contact with the prospect	Legitimate interest
Processing Job Applications	Job applicants / Contact details, Education, Employment history, Publicly available information, Publicly available information, Publicly available information	Duration of the recruitment process, 1 year after the last contact	Legitimate interest

Show more

* User means Referred users or N/ A(n)

4. Transfers to third countries

Tolaka transfers personal data to countries that are considered to have insufficient protection of data subjects' rights under the GDPR ("Third Countries").

For the transfer of your personal data to Third Countries, Tolaka employs various tools to:

- ensure that the transfer is based on adequate decision,
- provide the same level of protection of your personal data as it has in the European Union, United Kingdom, Switzerland or USA,
- ensure that the transfer is based on your consent,
- comfort a partner that is subject to General Data Protection Regulation (GDPR Article 46) such as Binding Corporate Rules (BCRs) or Standard Contractual Clauses (SCCs),
- if Tolaka is a processor located in the third country, may seek access to the data with or without the knowledge of the data importer, either through legitimate, proactive, or compulsory
- assess whether parties are preliminarily or objectively able to fulfill their obligations under the standard data protection clauses or communication channels, considering specifically the nature of the personal data, purpose, technical, financial, economic, as well as reported precedents.

Tolaka uses a variety of protection tools tailored to each data transfer to Third Countries, including:

- Standard Contractual Clauses adopted by the European Commission (available here: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en)
- technical protections, such as access control, encryption, malware protection, security breach monitoring, management of technical vulnerabilities, network security controls, incident management, and technical compliance reviews.

5. Storage periods and deletion of personal data

Tolaka processes your personal data only as long as necessary to fulfill obligations under the Agreement and Tolaka's legitimate interests, such as:

- maintaining business records of the Tolaka Platform,
- making data driven business decisions regarding new features,
- complying with tax requirements,
- marketing purposes.

Once the data processing purposes have been completed, Tolaka will anonymize the Agreement, or upon your request, Tolaka will delete or anonymize your personal data in a manner that prevents, or cannot, Tolaka to reasonably assert ownership over or assert it can be linked to a specific individual, subject, or entity.

If Tolaka is not commercially viable to delete or anonymize your account, such as an outstanding credit owed for a particular term or an unresolved claim or dispute, for freelancers, such as providing an infringing work, Tolaka will:

- securely store your data and isolate it from further processing until deletion is feasible,
- ensure anonymous use or pseudonymize aggregate data, for our legitimate interests such as fraud prevention or to maintain information security.

6. Your have personal data rights

Please refer to the table below for your rights and their descriptions.

To exercise your rights, you can contact Tolaka using the contact details provided in Section 1 of this Privacy Notice. Tolaka may ask you to submit your request in writing and to verify your identity before processing the request. Tolaka may also refuse to fulfill your request if it is not required or is not applicable into personal legislation.

Right	Description
Access	You can ask Tolaka to confirm whether or not your personal data is being processed. If it is, you have the right to access the personal data and request information about how Tolaka uses your personal data.
Rectification	You can request Tolaka to correct any inaccurate personal data concerning you. Tolaka may ask you to verify the accuracy of the information you provide to Tolaka.
Erasure ("right to be forgotten")	You can ask Tolaka to erase personal data concerning you. This applies, for example, when: 1.the personal data is no longer necessary for the purposes for which it was collected, 2.you withdraw your consent to the processing, and there is no other legal ground for the processing, 3.the personal data has been unlawfully processed.
Restriction on processing	You can ask Tolaka to restrict the processing of your personal data under certain circumstances. This applies if: 1.you contest the accuracy of the personal data, 2.the processing is unlawful and you oppose the erasure of the personal data and request the restriction instead, 3.you need the personal data to protect your rights when Tolaka no longer needs the personal data, 4.you have objected to the processing based on the legitimate interests pursuant to Tolaka.
Objection to processing	You can object, on grounds relating to your particular situation, to processing of your personal data which is based on the legitimate interests pursuant to Tolaka. Tolaka will then no longer process your personal data unless Tolaka can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms, or for the establishment, exercise, or defense of legal claims.
Data Portability	When the processing of your personal data is based on a contract with you, you can receive your personal data, which you have provided to Tolaka, in a commonly used and machine-readable format. You have the right to transmit those data to another controller. Where technically feasible, you can ask Tolaka to transmit the personal data directly to another controller.

7. Children's Privacy

Tolaka does not knowingly collect personal data from children under the age of eighteen (18) years through Tolaka Platform. If you are under eighteen (18) years old, you shall not use or access Tolaka Platform at anytime or with any purpose. If Tolaka learns that it has collected personal data of a minor, Tolaka will take the steps to delete the information as soon as possible.

If you believe that a parent or guardian and you are aware that your child has created this Privacy Notice by providing us with personal data, please contact us using the contact details provided in Section 1 of this Privacy Notice.

In accordance with 47 U.S.C. Section 230(d), Tolaka notifies you that parental control protections such as computer hardware, software, or filtering services are commercially available that may assist you in limiting access to minors. Information about providers of such protections may be found on the Internet by searching "parental control protection" or similar phrases.

8. Profiling and automated decision-making

As part of the personal data processing activities, Tolaka may perform profiling and automated decision-making for two purposes. Eliminate user behavior on the Tolaka platform for improvement and better Tolaka services and to provide personalized or customized content and information. Tolaka may also collect and process data on IP address to enable anti-bot detection and candidate experience and skills meet company requirements.

Profiling and automated decision-making for such purposes are conducted through Google Analytics and Hotjar tools, which analyzes data collected from cookies and other tracking technologies. Tolaka does not make any decisions based solely on automated processing of your personal data. Profiling and system has immediately control and learn a sample data to achieve automatic, technical agreements related to tasks, or if the fraudulent activity is identified from the system, Tolaka may block the access to the platform. Tolaka does not make any decisions based solely on automated processing of your personal data, which may cause serious harm to you or your rights and freedoms.

If the fraudulent activity detected by system and access and your identity is successfully confirmed, access to Tolaka platform may be renewed. However, if access is blocked because of your identity, Tolaka may request additional information to verify your identity, you have the right to object.

CVEs part of the hiring process. Tolaka uses connected AI tools to analyze CVs. These tools automatically process the candidate's education, skills, and experience, comparing them with job requirements to determine the candidate's suitability for the position.

Additionally, you may be invited to an interview with an AI avatar on the Beamer platform. This interview confirms that your actual skills match those listed on your resume and ensures fair and transparent hiring decisions.

While AI assessment streamlines candidate evaluation and may inform hiring decisions, the final decision-making rests with the hiring manager. They make the decision based on comprehensive, independent assessment of all selection stages.

You have the right at any time:

- to object to the profiling and automated decision-making
- request detailed information about the logic used in the process and understand the personal consequences of such profiling and automated decision-making
- request human intervention in the decision-making process

To do so, please contact Tolaka by sending a request to the that on this page https://forms.office.com/r/Ki1ZcJ9Ccc. Tolaka may ask you to specify your request and provide additional information if needed.

Tolaka periodically reviews the algorithms and processes personal data based on automated decisions to ensure fairness and accuracy. The data collected is used to improve the platform's efficiency and the overall processing experience for all users.

9. Right to lodge a complaint with a supervisory authority

You have the right to lodge a complaint with your local supervisory authority or the member state of the European Union where you reside.

10. Principles of data security

We have implemented Information Security Management System (ISMS) compliant with international standard "ISO/IEC 27001:2013 Information technology – Security techniques – Information security management systems – Requirements" and Information Security Management System (ISMS) compliant with the requirements of the international standard "ISO/IEC 27002:2013 Information technology – Security techniques – Code of practice for information security management – Requirements and guidelines. Tolaka actually passes as audit performed by the independent external auditor to support the implementation and continuous improvement of Tolaka Platform security.

Technical and organizational measures

We employ various technical and organizational safeguards to protect personal data against loss, theft, misuse, and unauthorized access, disclosure, alteration, and destruction. The safeguards include:

- encrypting personal data in transit and at rest,
- ensuring ongoing confidentiality,
- implementing organizational measures, such as granting employees restricted access to personal data, holding annual awareness events, and holding them accountable for any unauthorized disclosure or misuse,
- ensuring ongoing integrity,
- ensuring ongoing availability of personal data in the event of a physical or technical incident,
- ensuring ongoing resilience of our processing systems with primary principles.

While we strive to maintain the security of personal data, no method of transmission or electronic storage is 100% secure. We cannot guarantee absolute security.

Security Breaches

Despite our efforts to maintain our security systems, we may rather issue a public notice or attempt to inform you via email. We will make reasonable measures to address the incident in a timely and proper manner. In the event of a personal data breach, we will report to your local supervisory authorities based on the situation, which may include the type of data breach, the nature of the data breach, the consequences, the remedy/mitigation measures taken, and the number of affected individuals.

To report a security incident related to our services, please contact us at security@tolaka.ai.

11. Cookies

We use cookies and similar tracking technologies on our Tolaka Platform and Website.

You can decline Cookies with the settings of your web browser or mobile device. You can also disable cookies using the "Manage Cookies" section in the Cookie Notice.

For more information about the cookies we use and your choices regarding them, please visit our Website Cookie Notice (applicable to the website www.tolaka.ai) and Beamer Cookie Notice (applicable to the website www.tolaka.ai).

12. This Privacy Notice and Links to Other Sites

Our Website may contain links to other sites that are not operated by us. If you click a third-party link, you will be directed to that third party's site. We strongly advise you to review the Privacy Notice of every site you visit. We have no control over, and therefore cannot assume responsibility for the content, privacy policies, or practices of third-party sites or services.

WE MAKE NO CONTROL OVER AND ASSUME NO RESPONSIBILITY FOR THE CONTENT, PRIVACY POLICIES, OR PRACTICES OF ANY THIRD PARTY SITES OR SERVICES.

13. Difficulty Accessing This Privacy Notice

Individuals with disabilities who wish to access this Privacy Notice may contact us using the contact information provided above to inquire about obtaining a copy of this notice in an alternative format accessible to them. Under no circumstances will we collect or process any information regarding your health or other sensitive data when you or a consumer with such a request.

14. STATE/COUNTRY SPECIFIC PRIVACY POLICIES AND NOTIFICATIONS

United States of America

A. Privacy Information for California Residents

This section of the Privacy Notice applies only to California residents. If you are a California resident, this section will prevail over other parts of the Privacy Notice in case of any discrepancy. In case of any inconsistency, personal information that the same meaning as general data.

Personal Information Collected over the Last 12 Months

Personal information we collected directly from you:

Personal Information Collected	Data collected from you and who's sale collected
Characteristics of protected classification under California or Federal law	Tolaka does not intentionally collect any information on your protected classifications, but Tolaka may have your protected classifications inadvertently (e.g., your age)
Commercial information	Record of services with Tolaka
Geolocation Data	None
Financial information	3 Digits number, Issuer that Tolaka uses third party payment processors as we look to Section 3 to Tolaka Net payments and Tolaka does not store your credit card information
Biometric Data	You for the purpose of identification
Audio, electronic, visual, thermal, olfactory, or similar information	None
Internal Research Activity	Internal Product enhance (IP tracker), browser type and language, information about the internet service provider, sending and receiving pages, information about the operating system, date and time stamps, information about the referring URL, Internet browser, Cookies, and Cookie settings, access to the system log
Professional or Employment-related information	Area of activities or occupation
Education information	Highest degree or level of education (if is required for specific cases, such as recruitment or freelance agreement with us)
Device information	User's device details

Categories of Personal Information Sold in the last 12 months

We do not sell your personal information to third parties.

Categories of Personal Information Disclosed over the last 12 months

Categories of Data Disclosed	Types of Entities to which Data was Disclosed	Reason for Disclosure of Data	Categories of Recipients
Identifiers, Commercial information, Financial information, Internet or other electronic network activity information, Professional or Employment-related information, Education information, Sensitive personal information	Please see section 3 with the detailed description	Please see section 3 with the detailed description	Please see section 3 with the detailed description

Information we sell

We do not sell your personal information to third parties. Please note that "sale" of personal information does not include instances when such information is part of a merger, acquisition, or other transaction involving all or part of Tolaka's business. If we sell all or part of Tolaka's business, make sales or transfer of personal information as part of a merger, acquisition, or other transaction involving all or part of our business, we will notify you by email or post of any such transaction. If such a transaction involves an affiliate that uses your personal information in a manner not consistent with Tolaka, we will offer you an opportunity to opt out.

Your California Privacy Rights

We have implemented policies and procedures to help facilitate the exercise of any rights available to California residents under applicable law. If you are a California resident, you are entitled to the Right to Request Deletion of Personal Information. We may be permitted to the following:

Disclosure of Direct Marketers

You may request, in writing, the categories and names/addresses of third parties that have received your personal information for direct marketing purposes. Tolaka does not share your personal information with third parties for their direct marketing purposes.

Right to Information About Collecting, Selling, Sharing, or Disclosing Personal Information:

Upon receipt of a verifiable request, you may obtain, twice in a 12-month period, free of charge:

- the specific pieces of your personal information Tolaka collects,
- the categories of personal information Tolaka collects, sells, shares, or discloses to third parties for business purposes,
- the categories of personal information sold within the last 12 months,
- the categories of sources from which personal information is collected,
- the business or commercial purpose for collecting or selling personal information,
- the categories of third parties with whom personal information is sold, or disclosed for a business purpose.

Right to Opt-Out of the Sale of Personal Information

California residents have the right to opt-out of the sale of their personal information under certain circumstances.

Right to Non-Discrimination

An individual cannot deny you from a right to non-discrimination in the exercise or quality of services, or charge you a different rate or lower quality.

Please contact us with the use of contact details specified in Section 1 of this Privacy Notice if you wish to exercise these rights. Note that we may ask you to verify your identity – such as by providing your name and other information about yourself – before responding to your request.

Submitting a Verifiable Request under the CCPA:

California residents have the right to request information about how Tolaka collects personal data under the California Consumer Privacy Act (CCPA) ("CCPA"). Tolaka will respond to an individual's "verifiable request" to exercise their rights under the CCPA. that is, when Tolaka has reasonable cause to request purporting to be from a particular individual. Tolaka may ask for additional information to verify the identity of the individual making the request. Tolaka may also require the individual to provide a consumer protection statement stating that it is a consumer request and not a fraudulent request on your behalf.

You may submit a verifiable request using the contact details specified in Section 1 of this Privacy Notice. To process your request, we will ask you to provide information to help us verify your identity. The information Tolaka may include your name, address, email address, or your account with Tolaka, and any other information deemed necessary to reasonably verify your identity.

Once we have your authorized agent's identity and the information you provide to the information we have or file to verify your identity, if necessary, we may request additional information from that individual to verify the request.

Tolaka will not discriminate against you for exercising any of these rights. We are unable to confirm that a request is "verifiable request" if we cannot verify your identity, we will not allow you to request your personal data.

Submitting a request through an authorized agent.

Under California law, a California resident can appoint an "authorized agent" to submit certain verifiable requests on their behalf, such as the right to know personal information or request to opt-out of the sale of personal information. An authorized agent may submit a request to exercise a right on behalf of a California resident if the following requirements are met:

- An authorized agent may submit a request by following the steps outlined above. However, the agent must identify the consumer they are acting on behalf of and provide information that is sufficient to enable us to properly verify the identity of the consumer, or a California resident, and verify that the authorized agent has authorization to act on the consumer's behalf.

To ensure the security of your information, we will request that you provide written proof from the person acting on you authorized agent. This consent form includes an company site directly to confirm that the individual identifying as an agent has your permission to access or delete your personal data. Tolaka may also require you to verify your identity directly with us. Consumers can be an individual person or an entity that is authorized to act on their behalf.

We will not share your information or have any requests in situations where you have not provided their authorization for an agent to act on your behalf, or where we are unable to verify your identity.

Submitting a Request for Removal of Minor Information.

To request the removal of information about a minor from Tolaka's platform or profile, please contact us using the subject line "Removal of Minor Information" and provide the following information, ensuring it is sufficient for us to locate and remove the relevant data:

- The username associated with the minor's account.
- The email or phone number associated with the minor's account.
- A description of the content or information to be removed.
- A clear statement that the request is for the removal of information about a minor.

If we have any doubt about the identity of the person submitting the request, we may request additional information to verify their identity before proceeding with the removal.

Submitting a request through an authorized agent.

Under California law, a California resident can appoint an "authorized agent" to submit certain verifiable requests on their behalf, such as the right to know personal information or request to opt-out of the sale of personal information. An authorized agent may submit a request to exercise a right on behalf of a California resident if the following requirements are met:

- An authorized agent may submit a request by following the steps outlined above. However, the agent must identify the consumer they are acting on behalf of and provide information that is sufficient to enable us to properly verify the identity of the consumer, or a California resident, and verify that the authorized agent has authorization to act on the consumer's behalf.

To ensure the security of your information, we will request that you provide written proof from the person acting on you authorized agent. This consent form includes an company site directly to confirm that the individual identifying as an agent has your permission to access or delete your personal data. Tolaka may also require you to verify your identity directly with us. Consumers can be an individual person or an entity that is authorized to act on their behalf.

We will not share your information or have any requests in situations where you have not provided their authorization for an agent to act on your behalf, or where we are unable to verify your identity.

15. Changes to this Privacy Notice

Tolaka may update this Privacy Notice from time to time, at its discretion, but not less than once every 12 months. When changes are made, Tolaka will make reasonable efforts to notify you about these changes and their effective date, using appropriate methods and providing notice.

We recommend that you regularly review this Privacy Notice, which is located at the footer of the Website, and discuss them for updates, especially when becoming aware of any changes. We update all the effective in the revised Privacy Notice and in the "last updated" date at the top of the page.

The changes will take effect on the "Date of Effect" which will be no earlier than the date they are posted on this page.

In the event of discrepancies between the English version of this Privacy Notice and its translations in other languages, the English version will take precedence.

16. Affiliates

- Tolaka Group, Inc., 1874 Philadelphia Pike, PMB 87, Wilmington, DE, 19809
- Tolaka d.o.o. Trg Osvobodilne fronte 7, 1000Ljubljana
- Tolaka d.o.o.Miklošičeva ulica 38/III, Center 2, Ljubljana, 1000, Slovenia
- Tolaka d.o.o., Ferhadija 23, 71000 Sarajevo, Bosnia and Herzegovina

Previous versions of the document:

- Privacy Notice March 2020
- Privacy Notice December 2019
- Privacy Notice June 2019

https://tolaka.ai/privacy-notice-march-20

- Privacy Notice (MENA)

Tolaka

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