

## PRIVACY POLICY

Last updated: May 15, 2023

Dear users (hereinafter referred to as: **“You” or “User” or “Data Subject”**), please read carefully our Privacy Policy before you proceed with your access to the Company’s Website, download the Application, or access to the Application Shop (all as defined below). By clicking the **“OK”** button in the designated pop-up window or by entering into Company’s Website, you hereby confirm that You are at least fifteen (15) years old or of minimum legal age required in Your jurisdiction for this type of commitment and agree with our Privacy Policy and acknowledge that you have read and understood the terms and conditions under which your personal data are being process and that you have accepted the terms and conditions of this Privacy Policy.

We are Starling limited liability company Belgrade, Republic of Serbia, company established and existing in accordance with laws of the Republic of Serbia, with the registered seat at Brodarska 1, 11070 new Belgrade – Belgrade, Republic of Serbia, company ID number 21793264, tax ID number 113044067 (hereinafter referred to as: **“Starling”** or **“Controller”** or **“We”**). We are acting in the capacity of Controller (as defined below) in accordance with the provisions of the Personal Data Protection Act ("Official Gazette of the RS", No. 87/2018) (hereinafter referred to as the: **"Law"**) and this Privacy Policy, which determines whose personal data we as the Controller collect and process, what kind of personal data we collect and process, as well as the manner in which we use and process such personal data, who are the recipients with whom we as the Controller can share such collected personal data, as well as the rights of the person whose personal data is being processed.

We take your privacy seriously and are committed to protecting your personal information. This privacy policy explains how we collect, use, and share Your information when You visit Company’s Website or use our Application or other services.

### 1. **Definitions**

In addition to the capitalized terms defined above or elsewhere herein, unless otherwise specifically provided herein, for the purposes of this Privacy Policy, the following capitalized terms shall have the following meaning:

**"Application"** means the software program provided by the Company downloaded by You through the Company’s Website, named Starling Desktop.

“**Application’s Features**” means additional features of the Application the access of which may be subject to payment of fees and charges.

“**Application Shop**” means the Shopify platform through which the Company offers its purchase options of additional Application features and collects payment for said features.

“**Company’s Website**” means <https://www.starlingintelligence.com> and <https://www.starling-app.myshopify.com> through which the Application has been downloaded to your Device.

“**Consent**” of the Data Subject is any freely given, specific, informed and unambiguous indication of the Data Subject’s will, by which he or she, by a statement or by a clear affirmative action, gives consent to the processing of Personal Data relating to him or her.

“**Controller**” is a legal entity which alone or jointly with others determines the purposes and means of the Personal Data Processing.

“**Data Recipient**” means physical or legal person, i.e. body of authority to which the Personal Data are disclosed, whether it is third party or not, except if it is public authority which receives Personal Data within inquiry of the specific case and processes such Personal Data in accordance with the rules of the Personal Data protection according to the purpose of the processing.

“**Data Record**” means any structured set of Personal Data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis.

“**Data Subject**” is a physical person which Personal Data are subject of processing.

“**Device**” means any device that can access the Application such as, without limitation, a computer, a mobile phone or a digital tablet.

“**Personal Data**” is any data on the Data Subject whose identity is identified or identifiable, directly or indirectly, especially based on an identity data such as name and personal number, location data, identifier within electronical communication networks or by listing one or more factors that are characteristic of his physical, physiological, genetic, mental, economic, cultural or social identity.

“**Personal Data Breach**” means a breach of security of the personal data leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed.

**“Personal Data Processing”** is any action or set of actions which are performed automated or unautomated with personal data or set of such data such as: collection, recording, sorting, grouping, i.e. structuring, storage, adaptation or modification, disclosure, granting access, usage, publication by transfer, i.e. delivery, copying, transmission or in other manner making the data accessible, comparison, restriction, deletion or destruction.

**“Processor”** means a physical or legal person, i.e. public authority which processes personal data on behalf of the Controller, which is, at this moment, the company Shopify (as defined below).

In this Privacy Policy, unless the context otherwise admits or requires, words denoting the singular include the plural and vice versa, words denoting persons include physical persons and all kinds of legal entities and the masculine includes the feminine and the neuter and vice versa.

## 2. **Principles of the Personal Data Processing**

We as the Controller processes Your Personal Data lawfully, fairly and in a transparent manner.

We collect Your Personal Data for specified, explicit, justified and legitimate purposes pursuant to this Privacy Policy.

Processing of Your Personal Data shall be adequate, relevant and limited to the necessary purposes pursuant to this Privacy Policy;

Processing of Your Personal Data shall be accurate and updated, and We shall perform all reasonable measures by which are provided that inaccurate Personal Data be deleted or corrected. Therefore, we ask You to always inform us about any change(s) regarding Your Personal Data.

We shall keep Your processed Personal Data in a form that permits identification of You as Data Subject and for period no longer than is necessary for the purposes defined by this Privacy Policy.

Your Personal Data shall be processed in a manner that ensures appropriate protection of personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using the appropriate technical, organizational and personnel measures.

Legal ground of the Personal Data Processing:

- We shall process Your Personal Data based on Your consent which You give by clicking “I agree” checkbox at Company’s Website and/or Application for one or more specific purposes;
- We are processing Your Personal Data for the execution of contractual obligations between You and Starling at Your request prior or after entering into a mutual contractual relationship;
- We are processing Your Personal Data necessary for Starling’s compliance with its legal obligation pursuant to applicable laws;
- Processing is necessary for the performance of Starling’s legitimate interests, except where such interests are overridden by the interests or fundamental rights and freedoms of the Data Subject which require protection of Personal Data, and in particular where the Data Subject is a minor.

### **3. Personal Data collection and processing**

3.1 Your Personal Data which may be collected and processed in any of the above-mentioned ways are:

- Information you provide about yourself like your name, billing address, shipping address, email address, phone number, and payment information;
- Information about how You access Company’s Website, Your account, and our Application, including information about the Device and browser You use, Your network connection, Your IP address, and details about how You browse through Company’s Website and Application. We collect some of this information by using “cookies” or other similar technologies directly from your Device. For more information about how we use these technologies, see Section 5 – Cookies below.

3.2 The following is the procedure of collecting and processing of Personal Data:

In accordance with this Privacy Policy, we are processing Your Personal Data based on Your consent which You give by clicking “I agree” checkbox at Company’s Website and/or Application.

We can also process Your Personal Data from Your e-mail address when you leave us Your desired e-mail address on Company’s Website and/or the Application in order to provide You with newsletters, information about Application’s Features, promotions and other relevant news about Starling products.

Your Personal Data like name, billing address, shipping address, email address, phone number, and payment information shall be processed when you decide to purchase any of the mentioned Application's Features via payment platform of the Processor Shopify (as defined below).

Company's Website collects information about how you access Company's Website and payment platform of the Processor, your account, and our Application, including information about the Device and browser You use, Your network connection, Your IP address, and details about how You browse through company's Website and Application. We collect some of this information by using "cookies" or other similar technologies directly from Your Device. For more information about how We use these technologies, please see below Section 5 - Cookies.

### 3.3 Purpose of processing Your Personal Data is the following:

- Enabling You to download the Application,
- Execution of payment transactions at the payment platform of the Processor for purchasing of Application's Features and other available products made available by Starling on Company's Website,
- Complying with Starling's legal obligations regarding the contractual obligations towards You as a user of Application, Application's Features and other products available on Company's Website,
- Sending newsletters, information about Application's Features, promotions and other relevant news about Starling products,
- E-mail and other applicable correspondence with You as the user,
- Providing answers to Your various question and/or requests,
- Upgrading the functionality of Company's Website, Application, Application's Features and other applicable products and services
- Other purposes defined in Section 5 – Cookies below.

## 4. **Processor of Your Personal Data and transfer of Personal Data outside the territory of Republic of Serbia**

Pursuant to the provisions of the Law, Starling has engaged the Processor to whom Starling, as the Controller, have entrusted tasks related to the processing of Your Personal Data based on mutually agreed instructions for their actions. At this moment, the Processor of your Personal data is Shopify International Limited, a private company limited by shares, incorporated in Ireland under registration number 560279, with its registered offices located at 2nd Floor Victoria Buildings, 1-2 Haddington Road, Dublin 4, D04 XN32, Ireland, VAT number IE 3347697KH (hereinafter referred to as: "**Shopify**"). Starling and

Shopify have entered into a contractual agreement by which it is more precisely defined their relationship as Controller and Processor.

Shopify processes Your Personal Data in accordance with its applicable privacy policy (<https://www.shopify.com/legal/privacy>). By agreeing to this Privacy Policy, You acknowledge that You have read and understood it, and are also giving consent to Shopify to act as Processor and in accordance with its privacy policy applicable thereof.

Therefore, pursuant to this Privacy Policy and the Law, Your Personal Data may be transferred to countries with adequate level of protection of Personal Data without prior approval pursuant the Decision on List of Countries, Parts of its Territory or One or More Sectors of Specific Activities in These Countries and International Organizations in Which it is Considered That Adequate Level of Personal Data Protection Has Been Obtained ("Official Gazette of the RS", No. 55/2019), including, but not limited to USA, Canada and Ireland, based on Starling's contractual relationship with its Processor defined herein, and depending on location of Your residence. If Your Personal Data is to be transferred to countries which are not listed in the stated Decision, such transfer shall be performed in accordance with the Law. For further information, please visit <https://www.shopify.com/legal/privacy>.

## 5. **Cookies**

A cookie is a small amount of information that's downloaded to Your Device when You visit certain websites. Cookies are stored on Your Device by accessing the Company's Website. Starling is using cookies operated by its designated Processor Shopify pursuant to this Privacy Policy.

Cookies on Company's Website are used for purposes of functionality, reporting and analytics, marketing, advertising, social media and content. More information about the cookies used on Company's website you can find at <https://www.shopify.com/legal/cookies>.

When You access the Company's Website, You will be shown a window with information about cookies and this Privacy Policy and with the option to accept the cookies and this Privacy Policy to give the Processor consent to the use said cookies and to the automated processing of the Your Personal Data. By continuing to browse on the Company's Website You acknowledge and confirm that You are familiar with the terms and conditions of the cookie settings and of this Privacy Policy.

If You decide not to accept the cookies there is a possibility that You will not be able to access certain options or functionalities or You would have limited access to Company's Website, Application or products thereof.

## 6. **Data Recipients**

The Controller can make the collected Personal Data of the User available to the following persons as Data Recipients:

- competent bodies of authority for the purpose of fulfilling Starling's legal obligations in accordance with the valid positive regulations of the Republic of Serbia;
- affiliated companies of the Controller;
- to companies and/or persons who provide products and services to the Controller necessary for the Controller to carry out its activities without interference (such as IT administrators, bank, payment institution and similar), when it is necessary that at least one of the User's Personal Data to be disclosed to the said entities for the purpose of providing their services;
- to Shopify as the Processor and other companies and/or persons who have the capacity of sub-processors or service providers who provide support to Starling in order to provide the highest quality services.

Starling reserves the right to disclose and/or transfer Your Personal Data to a third party, if it considers that the disclosure of Personal Data is necessary for identification or initiation of legal proceedings in order to protect the rights and/or property of Starling. Also, Starling reserves the right to disclose Your Personal Data in accordance with this Privacy Policy at the request of the competent judicial/state authority or when it believes in good faith that this is prescribed by law.

## 7. **Your rights as the User**

If You have provided a valid consent to the processing of Your Personal Data, You can revoke such consent. A valid revocation of Your consent can be made either in writing to the address of the Starling's headquarters at the address Brodarska no. 1 11070 New Belgrade-Belgrade, Republic of Serbia or electronically to the e-mail address [support@starlingintelligence.com](mailto:support@starlingintelligence.com). After revocation of Your consent, further processing of Personal Data is not allowed. Revocation of consent does not affect the validity of processing based on consent prior to revocation.

Besides the rights already mentioned in this Privacy Policy, as well as other rights provided by the Law and other applicable laws and regulations You as a Data Subject are entitled as follows:

- to request information from Starling whether or not Your Personal Data are being processed and to request access to such Personal Data. At Your request, Starling will

provide information about Your Personal Data being processed by Starling or our Processor, in accordance with our instructions, about the purpose of the processing of Personal Data, the legal basis and duration of the Personal Data Processing, the name and address of the Processor and its activities related to the Personal Data Processing, the circumstances and impact on the violation of Personal Data, as well as measures taken to eliminate them, and, in the case of transfer of Personal Data, information on the legal basis of such transfer and the Data Recipients. Starling will provide you with a written response to Your submitted request as soon as possible, but no later than 15 days after receiving Your request. Starling's written response will be provided free of charge, unless we found that Your request is unfounded or excessive, and especially if it is repeated frequently. In case of such event, Starling may apply necessary administrative costs to providing its written response or may refuse to process Your request. We are obliged to provide You, at your request, a copy of the Personal Data that we process pursuant to this Privacy Policy. We may apply necessary costs for making additional copies if requested on Your side. If Your request has been submitted electronically, Starling will provide You with the requested in a commonly used electronic form, unless You requested otherwise.

- to request correction, amendments or deletion of Your Personal Data as well as the right to submit objection to Personal Data Processing.
- the right to demand from Starling to change any of Yours inaccurate Personal Data without unnecessary delay. Depending on the purpose of the Personal Data Processing, You have the right to amend and/or correct any of Your incomplete Personal Data including but not limiting to providing additional written statement thereof.
- the right to request from Starling the deletion of Your Personal Data. Starling will immediately delete all of Your Personal Data except for those that, due to legal obligations, we must keep for a certain period of time pursuant to applicable laws and/or this Privacy Policy. After the expiration of the legal terms, Your Personal Data will be deleted immediately. Starling will delete Your Personal Data without undue delay if:
  - Your Personal Data are no longer necessary to achieve the purpose for its collection and Personal Data Processing;
  - You revoked Your consent for the Personal Data Processing, and there is no other legal ground for Personal Data Processing;
  - You have submitted an objection to the Personal Data Processing;
  - Your Personal Data have been processed without legal ground;
  - Your Personal Data must be deleted in order for Starling to execute its legal obligations;
  - Your Personal Data was collected in connection with the use of information society services in the sense of the Law. Starling is obliged to inform all Data Recipients regarding any correction, amendment or deletion of Your Personal Data

or limitation of Personal Data Processing in accordance with the Law. We are obliged to inform You, at your request, about all Data Recipients.

- to submit a complaint to the Commissioner for Information of Public Importance and Personal Data Protection;
- the right to portability of Personal Data by which You are entitled to receive from Starling Your Personal Data previously provided to Starling in a structured, commonly used and electronically readable form and You have the right to transfer such received Personal Data from Starling to another Controller without interference from our side, if the following are jointly fulfilled conditions: (i) the Personal Data Processing is based on consent or on the basis of a contract (ii) Personal Data Processing is done automatically;
- to limit the processing of Your Personal Data if one of the following situations has occurred: (i) You have contested the accuracy of the Personal Data, within the time period that allows Starling to check the accuracy of Your Personal Data, (ii) the processing of Personal Data is illegal, and You request restriction of the use of Your Personal Data instead of its deletion, (iii) Starling has no longer need for Your Personal Data to achieve the purpose of Personal Data Processing, but You have requested your processed Personal Data for the purpose of submitting, exercising or defending any legal claim, (iv) You have submitted objection to Personal Data Processing in accordance with Article 37 of the Law;
- to object to the processing of Your Personal Data that is carried out in order to achieve Starling's legitimate interests;
- to demand that the decision made solely on the basis of automated processing shall not apply to you, including the so-called profiling if such decision produces legal consequences or significantly affects Your position.

If You want to exercise any of Your rights provided by the Law, please contact Starling, as the Controller, in writing at the address Brodarska no. 1 11070 New Belgrade-Belgrade, Republic of Serbia or electronically to the e-mail address [support@starlingintelligence.com](mailto:support@starlingintelligence.com). The Controller will provide response to Your request without delay, but not later than 30 days after receiving such request, or at the latest within 60 days in accordance with the provisions of the Law. In any case, the Controller will act in accordance with the conditions and in the manner prescribed by the provisions of the Law, as well as to act in accordance with other applicable laws.

If a violation of Personal Data can cause a high risk to Your rights and freedoms, Starling is obliged to, without undue delay, inform You of such violation in accordance with the Law.

In the event of a breach of Your Personal Data breach may cause a risk to Your rights and freedoms, Starling is obliged to notify the Commissioner for Access to Information of

Public Importance and Protection of Personal Data without undue delay, or, if possible, within 72 hours after becoming aware of such violation.

## **8. Security of Personal Data**

The Controller undertakes all necessary technical, personnel and organizational data protection measures, in accordance with the Law and this Privacy Policy, which are necessary in order to reach an appropriate level of security in relation to the risk, including, but not limited to, adequate storage of collected Personal Data, protection by appropriate pseudomization, encryption and other technical protection measures.

In the event of any violation of the User's Personal Data, the Controller shall, in accordance with the Law, notify the Commissioner of Personal Data Protection and the User whose Personal Data has been violated, as well as take all measures prescribed by the Law.

## **9. Period of storage of Personal Data**

Starling will keep the User's Personal Data for as long as it is necessary for the performance of contractual or other obligations defined in this Privacy Policy, but not for a period longer than provided by applicable laws.

## **10. Changes to the Privacy Policy**

Starling reserves the right to make changes to this Privacy Policy in order to comply with the latest legal regulations. The valid version of the amended Privacy Policy will always be available on Starling's website.

## **11. Applicable Laws**

This Privacy Policy is interpreted and applied in accordance with the applicable regulations of the Republic of Serbia, including but not limited to the Law. In the event of any dispute between the Controller and the User regarding this Privacy Policy, it will be interpreted and resolved in accordance with the applicable regulations of the Republic of Serbia with the exclusive jurisdiction of the courts of the Republic of Serbia.

In the event that any provision of this Privacy Policy is declared invalid or contrary to mandatory regulations of the Republic of Serbia, this will in no way affect the validity of the other provisions of this Privacy Policy, which remain in full force until further notice.

## **12. Contact**

For any option that You are entitled to and wish to use it, or for any question that You have regarding the processing of Your Personal Data, we are available via the e-mail address [support@starlingintelligence.com](mailto:support@starlingintelligence.com).