



PRIVACY POLICY AND THE TERMS OF USE OF THE WEBSITE OF MPAY AND THE PROTECTION OF PERSONAL DATA

INTRODUCTION

Dear Visitor,

We thank you for visiting our website. Your privacy is really important to us. This document constitutes the Privacy Policy (here and on the **"Policy"**). By visiting this website, you confirm that you have read, agree and accept this Policy's provisions. The scope of this Policy is the recognition by the visitors (Clients and non-clients) of this Website of the Terms of Use of this Website and the recognition by the Clients of MPAY of the measures taken by MPAY for the protection and processing of their personal data. This Website is governed by the Albanian law. This Policy may change and update in the future, however, in any case it will not limit the rights guaranteed by the law no.9887 date 10.03.2008 "For the protection of personal data", as amended. It is your responsibility to read and to be in knowledge of the effective version of the Policy. This Policy shows what to expect when MPAY collects your personal data. This regards the information collected in relation with:

- The Clients of MPAY;
- The visitors of this Website;
- The candidates for employment at MPAY.

This website (here and on the **"Website"**) that you are visiting is the only and official website of the M-PAY Ltd. company (here and on **"MPAY"**). This Website provides information for any visitor, Client or non-client of MPAY, over the products and services provided by MPAY. These products and services represented in this Website are provided in accordance with the respective terms of use of the service (**"General Terms and Conditions of MPAY Service"**).

MPAY is a company with limited liability, registered at the National Registration Centre with VAT number L01711027V, founded and registered on 11.05.2010, and that operates the field of payment and money transfer services pursuant to the license no.22 date 31.05.2011 issued by the Bank of Albania.

1. GENERAL INFORMATION

1.1 The scope of this Policy is the definition and explanation of the privacy policy pursued by MPAY regarding the use of this Website and regarding the personal data of the Clients (which are not collected by this Website).

1.2 The content of this Website is destined only for information. The entrance on this Website is free. Links to other websites do not mean approval of these websites or their content. You are responsible for the information, opinions and/or recommendations provided by these websites of third parties, and for getting informed over the privacy conditions of these websites.

1.3 The visitors of this Website remain anonymous. MPAY does not take or collect personal data through its Website, thus we do not collect information for the personal identification of your individual, except the case when you send this information on your free will. We only collect general information on the visitors, such as: how many visitors have visited our Website, or which of its sections have been clicked on more. You can send your specific data if you send an email in the email address made available by MPAY. This information will be used only in accordance with the purpose for which it has been sent (complaint or request for information).

1.4 In the context of providing its services, MPAY, altogether with the partner Bank (together, the **"Service Provider"**, for more read the General Terms and Conditions of MPAY Service) take personal data of the Clients through the signing by the Clients at the partner Bank of the Registration Form and of the General Terms and Conditions of MPAY Service, thus personal data are taken only with the consent of the Client, and physically at the partner Bank. In the moment of signing the Registration Form and the General Terms and Conditions of MPAY Service, the Client confirms the completion and the veracity of the given information and gives his consent for the further processing of the information given by him, and for promotional notices with several communications means (e.g. telephone, email). The personal data are collected, processed and stored in full



compliance with the provisions of the Law and the respective legislation in the personal data field. These actions are executed pursuant to the principle of respecting and guaranteeing the fundamental rights and liberties of the person and specifically the right to privacy.

1.5 The Clients' personal data is a matter of high importance for MPAY, and MPAY has taken all the technical and organizational measures for their protection and storage and for the execution of all the obligations that derive from the effective legal framework on personal data. MPAY wishes to put at the attention of every Client that MPAY implements a security system of the highest standards for the storage and processing of the Clients' personal data, in full compliance with the legislation in the field of personal data protection. MPAY uses the appropriate security measures to protect the data from manipulation, loss, destruction and unauthorized access or disclosure, while using amongst others, the latest technology. We want to clarify to the personal data subjects that the information given by them is processed by MPAY only with the purpose of realizing the MPAY Solution, with the Clients' consent and in accordance with the respective Albanian legislation. In the context of the execution of these measures, MPAY has approved and implements its inner Regulation for the Protection of Personal Data and Confidential Information, which defines the general principles and the organizational and technical measures, and also related to the staff, for the protection, storage, security and management of the personal data. It is implemented for all the personal data processed by MPAY in accordance with the Law. The personal data processing is made in accordance with the Constitution, the Law and the mission of MPAY which is guaranteeing the protection of personal data of the Clients, while respecting the rights and liberties of persons.

2. DEFINITIONS

2.1 "**Client**" is any person who has activated the MPAY Solution by going to the partner Banks of MPAY to complete the Registration Form and to sign the General Terms and Conditions of MPAY Service.

2.2 "**Commissioner**" means the Commissioner for the Right of Information and for the Protection of Personal Data.

2.3 "**Law**" means the law no.9887 date 10.03.2008 "For the protection of personal data", as amended.

2.4 "**Consent of the personal data subject**" means any written declaration, given expressly on full and free will and while being fully aware of the reason why the data will be processed, which means that the data subject accepts his data to be processed.

2.5 "**Personal data processing**" means any action or group of actions, which are performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, photographing, coverage, entry, completion, blocking, erasure or destruction, even if they are not registered in a data bank.

2.6 "**Personal data subject**" means any individual, whose personal data are processed, according to the meaning given by the Law.

2.7 "**Personal data**" means any information relating to an identified or identifiable natural person, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

2.8 "**Sensitive data**" means any information relating to a natural person, that has to do with his origin, race or ethnicity, political opinions, union membership, philosophical or religious belief, criminal conviction, and data about health and sexual life.

Regarding the terms used in this Policy, not included above, shall apply the definitions and provisions of the Law.

3. PERSONAL DATA PROCESSED BY MPAY



3.1 MPAY processes its Clients' personal data, which include name, surname, birthdate, identification document number, address, telephone number, email and bank account number. These data are collected by the partner Bank in collaboration with MPAY by the registration and activation of the MPAY Solution, and are processed by MPAY only in the terms of implementation and use of the MPAY Solution. The use of personal data for sending informative messages or commercial information to the Clients regarding the MPAY services is done only with the prior consent of the Client.

3.2 MPAY does not collect and neither processes sensitive data defined on Article 3 of the Law.

3.3 Regarding the Website, the only data that is exchanged through MPAY's website are the emails and/or names of the visitors/Clients that choose to contact MPAY willingly. All the emails optional and sent to the address/s specified in MPAY's Website mean taking the address/email of the sender that is needed to give reply and to take any other personal data that the email contains, given willingly by the visitor/Client, if it contains such. Regarding the visitors of the Website, MPAY collects only standard information regarding the clicks on the Website's sections. This information is collected only for statistical and study purposes (to see the visitors' approach, which sections are more interesting for the visitors). MPAY does not make any efforts to and does not collect any information for the identification of the visitors. MPAY does not use (and does not allow third parties) statistical analytical means to follow or to gather personal information that makes the visitors of our Website identifiable. We do not link any data gathered by the Website to any personal data that makes the visitor identifiable from any source, as part of our use.

3.4 Through its Website, MPAY does not collect or keep cookies. So, the cookies are not used for the transmission or collection of personal data, and no cookies of any kind is used to follow to Website's visitors.

4. GENERAL PRINCIPLES OF PERSONAL DATA PROCESSING

4.1 The Clients' personal data is used only for the purpose of providing the MPAY Solution, or for the solution of the complaints/requests of the Clients. Personal data are treated with automated instruments only for the time needed for the fulfilment of the purposes for which they are collected. Certain security measures are implemented to prevent data loss, illegal and unjust use and unauthorized intervention. Personal data are kept safe and are not misused or corrupted in any way. Security is not just about the physical measures, but also has to do with the work organization, in order that the risk minimizes. MPAY takes all the necessary steps and guarantees that the staff is aware and trained about the security necessity and its enforcement. The security level takes into account the nature of the data that are processed, considers the value of personal data and the harm that may be caused from their use by unauthorized persons, by the their loss or destruction, considers the technological possibilities and the costs requested to implement them. Clients' personal data are kept for 5 years after the date of termination of the Service. The processing of the personal data of the subject (natural persons) is based on the criteria specified in Article 6 of the Law: Personal data are processed only:

- if the personal data subject has given his consent;
- for the compilation and fulfilment of contracts, in which the personal data subject is a party;
- to protect vital interests of the data subject;
- for the execution of a legal obligation of the controller;
- for the execution of a legal duty in public interest or for exercising a competence of the controller or third party, whose data have been disclosed.;
- for following legitimate interests of the controller or of a third party, whose data has been disclosed, except when such interests prevail the interests for the protection of personal data and fundamental liberties of the data subject.

4.2 During the use/visit of this Website by any visitor, personal data are not collected, except the case when the visitor chooses to contact MPAY through email by giving personal data willingly (for example email, or name). Personal data (if there are such) of the visitors of the Website is used only for responding to their requests.

4.3 Protection and processing of Clients' personal data is based:

- a) on the processing in an honest, right and legal way;



b) on the collection for specific purposes, clearly defined and legitimate, and on the processing in accordance with these purposes;

c) on the sufficiency of data, which must be related to the processing purpose and must not exceed such purpose;

d) on the accuracy that the data must have, and, when it is necessary, they must be updated. In this context, every reasonable step to erase or correct inaccurate or incomplete data must be taken, in relation to the purpose for which they were collected or for which they are further processed;

e) on keeping the data in such form, that allows the identification of the data's subject for a period of time, but not longer than is necessary for the purpose, for which the data have been collected and further processed.

Personal data are processed by MPAY only after the Client has given the respective consent by signing the Registration Form and the General Terms and Conditions of the MPAY Service.

4.4 Personal data protection is guaranteed by their processing in an honest, right and legal way by MPAY for the execution of the contractual or legal obligations of MPAY that derive from the General Terms and Conditions of the MPAY Service and effective legal framework, and for the improvement of the services' quality toward the Clients.

4.5 MPAY's clients have all the rights established by the Law.

4.6 **Client's consent.** The Service Provider obtains the prior written consent of the Client, whose personal data are processed. The Client has the right to withdraw his consent for as above.

4.7 The Client confirms the completion and accuracy of the given information, and also declares that he has completed correctly and truly all the information requested. The personal data subject is responsible for the completion, update of the registered data to ensure that the information is updated continuously and completely, by going physically to the partner Bank. Also, by sending the information to MPAY, the Client declares that he gives his consent for the further processing of the information by MPAY.

4.8 MPAY's obligation for the Clients' personal data's confidentiality will remain effective even after the termination of the relationship between MPAY and the Client.

5. PERSONAL DATA'S SUBJECT'S RIGHTS

5.1 Personal data subjects have all the rights established by the Law.

5.2 The right of access and information

In any moment, the Client has the right through a request addressed to MPAY, to access his personal data and ask for their rectification. Every person has the right to, without payment, through a written request to take from the Service Provider:

a) the confirmation as to whether or not his personal data are being processed, the information for the purpose of processing, the categories of the processed data and the recipients and categories of recipients to whom the personal data are disclosed;

b) in an intelligible form, the personal data and the available information for their source;

c) in the cases of automatic decisions, information on the logic involved in the decision making;

d) to take a copy of his data;

e) to know the source of his data, unless it is contrary with the public interest.

Information on the data is communicated in the form they were at the time of the request.

The Service Provider, within 30 days from the date of the request, informs the data's subject or explains to him the reasons for not giving information and about his right to complain to the Commissioner regarding the refusal or to submit a request to control the exclusion in the respective case. The response in each case is sent to the address requested by the petitioner (subject).

5.3 The right to request blocking, rectification or deletion



Every data subject has the right to request the blocking, rectification or deletion of data free of charge, when he is informed that his data is not regular, true, complete or has been processed and collected against the Law. The Service Provider, within 30 days of receipt of the data subject's request, must inform him of the data lawful processing, execution or non execution of the blocking, rectification or deletion. When the Service Provider does not execute the blocking, rectification or deletion of the data requested by him, the data subject has the right to complain to the Commissioner.

5.4 Automatic decision making

Every person has the right not to subject of decisions, which cause legal effects for him or significantly affect him and when then the decision has been solely based in the automatic data processing, intended to evaluate some personal aspects related to, in particular, the effectiveness at work, reliability or conduct. A person can be subject of a decision taken under the above paragraph, when the decision:

- has been taken at the conclusion or during the execution of a contract, if the request submitted by the data subject for the conclusion or execution of the contract has been fulfilled, or if there are suitable measures to protect his legal interests, such as the possibilities that allow him to submit his views;
- is authorized by a law, which also, provides measures to protect the data subject's legal interests.

5.5 Data subject's right to object

The data subject has the right to, free of charge, object at any time his data processing, unless otherwise provided by the law. He has the right to ask to MPAY not to start, or if the processing has started, to stop the personal data processing related to him, for purposes of direct trade and to be informed before the first personal data disclosure for this purpose.

5.6 The right to complain

Any person, who claims that his rights, freedoms and legitimate interests for personal data have been violated, has the right to complain to or to inform the Commissioner and to ask his intervention to remedy such violations. If the data subject has filed a complaint, the Service Provider does not have the right to change the personal data until the final decision.

5.7 The right to compensation for damage

Any person, who has suffered damage as a result of the unlawful processing of personal data is entitled to ask for compensation, according to the rules defined in the Civil Code.

5.8 Any request of the Client related to personal data or if you think your privacy has been violated must be addressed to: info@mpay.al or sent to MPAY: Boulevard "Deshmoret e Kombit", Twin Towers, Tower 1, Tirana, Albania. In case of not giving information, MPAY shall explain to the Client the reasons for withholding information. In any case, the personal data subject has the right to appeal to the Commissioner.

5.9 MPAY's obligations: MPAY does not participate directly in the collection of personal data. Any subject interested to activate the MPAY Solution, presents himself at the partner Bank of MPAY, where he signs the Registration Form and the General Terms and Conditions for the activation of MPAY Service, i.e. personal data are given to the Bank's employees through the Registration Form in the MPAY Solution. Partner Bank and MPAY are known to the Client as one party: the Service Provider.

6. REQUESTS FOR INFORMATION AND COMPLAINTS

6.1 Requests for information on the MPAY products and services are processed by the Marketing Department of MPAY. If the client sends complaints to the email of MPAY, the Marketing Department, Clients' Complaints Sector will handle their solution. The CVs sent to apply for employment at MPAY are processed by the Human Resources Department of MPAY. When persons apply to work at MPAY, we use the information for their application process. When we wish to disseminate information to a third party, for example, when we want to get a reference, we do not do this, without previously informing the subjects.

Personal information regarding unsuccessful applicants is kept for 6 months after the recruitment process has ended, and then is destroyed or deleted. For the applicants' personal data apply the same measures of



protection of the Clients' personal data provided in this Policy and in the inner Regulation of MPAY for the Protection of Personal Data and Confidential Information.

6.2 If you think your privacy has been violated you may contact us at any time. Our staff will be glad to provide you with the assistance required.

6.3 MPAY will respond to any request or complaint within 30 days of its receipt. The response will be in writing to the address from which has come the request or complaint. MPAY will keep and maintain a register of the complaints, requests or suggestions received from the Clients or non-Clients, and of the given responses.

6.4 Complaints management procedure

a. At the time of signing the General Terms and Conditions of the MPAY Service, the Client will be informed of the telephone number that connects him immediately with the call centre of the Client's Bank.

b. The Client will wait in line until the first operator is available to respond.

c. At the moment the operator is free to respond to the Client's requests, he will identify the purpose of the call, in order to better serve the Client:

a) Request for information;

b) Request for documentation;

c) Request for help;

d) Complaint.

e) In the event the Client's call is related to a request and not a complaint, then the operator will mark the Client's requests, as well as the name, phone number, or email address, and will notify the Client that the right person will contact him as soon as possible regarding his request. In any case, the Client will receive a response to his request not later than 15 (fifteen) days from the date of its filing.

f. The structures responsible for managing the complaints of MPAY's Clients will create folders for the management and storage of any complaint of the Client, whether expressed in writing or by telephone, in accordance with our policy of personal data protection.

7. PROTECTION, PROCESSING AND STORAGE OF PERSONAL DATA

7.1 All personal data collected will be stored properly during their period of storage and will be destroyed after the appointed period based on the time limit set in Law. MPAY uses advanced and modern techniques to maintain its databases and computer systems. Also we take care that the transfer and storage of data is done with full security measures in full compliance with the relevant legislation.

7.2 MPAY guarantees the personal data subjects that their data is collected and processed only for the purposes of use and functioning of the MPAY Solution, taking all appropriate physical, technical and operational measures for preserving the confidentiality, and for the protection from loss, destruction, damage or unauthorized disclosure in accordance with the Law. MPAY uses the most contemporary technology to keep and secure the electronic and physical Clients' personal data and the information that it possesses, as well as to prevent the unauthorized access in the data and information through appropriate measures. These measures taken by MPAY are provided in its inner Regulation for the Protection of Personal Data and Confidential Information. All MPAY's employees sign the confidentiality declaration, according to the legislation on personal data.

7.3 The measures taken for processing and storage of personal data:

- Identification, listing and update of the personal data that are obtained, collected, processed and stored, and of the depositors of personal data and information and their location;
- Limited access to the datacentre and server rooms;
- Execution of audit for the measures taken for the storage of personal data;
- Implementation of the "clean tables" policy;
- Implementation of the premises security policy;
- Implementation of electronic equipment disposal procedures;
- Implementation of procedures for maintaining the records related to the modifications, destructions and transfers of data during their processing;



- Implementation of the business continuity procedures in the event of incidents and security breaches;
- Implementation of strict confidentiality procedures with the partners;
- Implementation of the acceptable use of information and communication technology policy;
- Implementation of the procedures for the elimination of files (hardcopy and electronic) that contain personal data;
- Training of staff on Policy procedures;
- Implementation of guidelines for personal data on paper: restricting access only to the persons who have reason to access them, locking the files, disposal or elimination of files properly, etc.;
- Implementation of guidelines for personal data when it is involved the use of electronic devices and software: the use of encryption, using secure emails, execution of continuous controls, etc.;
- Implementation of guidelines for remote access: central storage of data, non-copying data on portable devices, execution of the remote access through a secure encrypted link, execution of security and access controls, preventing data copying, using automatic deletion of temporary files that can be stored on the remote access device technology, strict control of the remote access devices, etc.;
- Implementation of procedures for portable devices: password protection, control and restriction of access to them, use of passwords and codes, not storing personal data on these devices, and in the rare cases that such storage is allowed, the use of encryption is mandatory, making continuous backup, exercising care when using these devices in public, using licensed software, antivirus installation, physical security of the equipment, the use of these devices only when necessary and essential, limiting their connection with the company's computers, using technology that allows remote deletion of data in the portable devices, etc.;
- Implementation of strong and secure passwords procedures;
- Encrypted data transfer, if any;
- Management of breaches in confidentiality, and the notice of breaches;
- Implementation of the respective legislation;
- Implementation of the measures provided in MPAY's inner Regulation for the Protection of Personal Data and Confidential Information;
- Training staff about the measures to be taken;
- Informing the Clients with the taken measures and their rights, and checking their identity in case of requests for exercising their rights;
- Close cooperation and constant communication with the Commissioner;
- Implementation of security measures for protection against fire and protection of the premises;
- Implementation of the information confidentiality commitment by the employees of MPAY, during and after the employment relationship with MPAY, and the signing the Declaration of Confidentiality by them;
- Destruction of stored data, at the end of the storage period, unless otherwise provided by the legislation in force;
- Double checking the identity of the person who requests to view the personal data;
- The modification, correction, deletion and transfer of personal data and other actions regarding personal data are registered and documented;
- Special care is shown in the transmission of personal data and their processing in the network taking the necessary measures to ensure that the communication is secure and is encrypted, where necessary;
- Clear security policies, in case of violation of the system, are defined;
- The data is protected by verifying the user and by allowing access only to authorized individuals;
- Informing the Commissioner for any possible breach until he may intervene to protect, if required by the law;
- Writing and implementing written procedures for keeping records, regarding data modifications, destructions and transfer during their processing. The procedures provide data processing manually and electronically; etc.

7.4 MPAY's inner procedures enable contact with personal data only to those employees who need and require this contact based on the law and based on their work position at MPAY. Also, MPAY obliges anyone who comes into contact with these data, if there is such contact, to keep them in good faith and in accordance with the legislation in force. Also, MPAY uses the most contemporary technology to dispose of any information relating to personal data or confidential information when required. In any case, MPAY immediately informs the responsible persons or structures if it suspects or is notified that the security of personal data is endangered. Also MPAY, in all the agreements that it has signed or will sign with its partners (including but not limited to the MNO's, Partner



Banks, Merchants, Contractors, etc.) has provided and provides the relevant provisions for personal data protection during their exchange, if there is such, based on the respective legislation on personal data protection, Commissioner's decisions and instructions and MPAY's inner Regulation for the Protection of Personal Data and Confidential Information.

7.5 MPAY has registered its domain name www.mpay.al at the Authority of Electronic and Postal Communications (AKEP) in accordance with the relevant legal framework in force.

8. INTELLECTUAL PROPERTY

8.1 This Website is considered as whole and indivisible. The information contained in it is strictly for personal use. It is not allowed copying or transmitting it. All the information contained in the sections of this Website is property of MPAY or its partners. Copying, displaying or distributing all or part of the contents of this Website, except for personal purposes, is prohibited in any way. Any failure to comply with this rule constitutes a breach and could result in civil and/or criminal punishments. It is strictly forbidden to use or copy the "MPAY" name and/or its logo, individually or jointly, for any purpose, and in particular for advertising purposes without the prior written consent of MPAY.

8.2 Downloading or copying information from MPAY's Website will not transfer the ownership right to the information aforementioned. You cannot copy, in whole or in part, transmit, either electronically or by other means, modify or use MPAY's Website for public or commercial purposes, or create links to this Website, without the prior written consent of MPAY. The data provided in MPAY's Website are exclusive property of their respective owners.

9. TERMS OF USE OF THE WEBSITE WWW.MPAY.AL

9.1 The following terms of use are applicable to MPAY's Website:

Acceptance of the Terms of Use. If you do not agree with these Terms of Use, please do not use this Website. By using this Website you will be deemed to have agreed to these Terms of Use and this Privacy Policy. MPAY reserves the right to modify these Terms of Use without prior notice by updating them on the Website. You should visit this Website regularly to review the Terms of Use in force.

How to contact us. This Website belongs to and is operated by MPAY with address at Bul."Deshmoret e Kombit", Twin Towers, Tower 1, Tirana. For any complaints, questions or general correspondence please contact info@mpay.al.

Trademarks and copyright. This Website, content and materials in it are protected by copyright, trademark rights, trade secrets or other rights of industrial or intellectual property.

Your use of material contained in this Website. Your use of this Website is subject to these Terms of Use and this Privacy Policy. Modification or use of materials of this Website for any purpose not permitted by these Terms of Use and this Privacy Policy may be an infringement of copyright and/or industrial property and is prohibited. You may access and display material from this Website for personal or non-commercial use only. Materials from this Website may not be copied, reproduced, republished, uploaded, posted, transmitted, distributed or used in any way unless specifically authorized by us. The use of any materials on any other website, applications, services or media other than the Website is prohibited.

Applicable law. These Terms of Use shall be governed by and shall be construed and enforced under the Albanian law.

Severability of the Terms of Use. If any of the provisions herein results unenforceable, void or against the legislation in force, then the said provision will be considered separate from these terms and shall not affect the validity and enforceability of the remaining provisions.

9.2 MPAY reserves the right to exercise ownership rights on the information published in www.mpay.al. In this site are provided data and information on the services provided by MPAY. For this reason, MPAY authorizes the visitors of the Website to use this information according to their needs, taking into account and meeting the following conditions:



- The information and data published on MPAY's Website are considered accurate and reliable, but MPAY always reserves the right to modify and update this information and data. In such cases, the visitor should always refer to the latest information and data;
- MPAY is not responsible and is not liable for any harm of any kind that may result from the use of the information published on MPAY's Website;
- The information published on MPAY's Website (including logos, images, press releases, newsletters, documents, etc.) are property of MPAY.

This Policy on the use of the Website and on the protection of personal data was compiled in order to be clear and brief. It does not provide full details of all aspects of the collection and use of personal data by MPAY. However, we are willing to give you any additional information or explanation necessary. Any request should be sent to this email address: info@mpay.al

This Policy is effective upon its publication in MPAY's Website.