

# Privacy Policy

This Privacy Policy ("Policy") explains how **Upstakes s.r.o.** ("Upstakes," "we," "our," or "us") collects, uses, stores, and protects personal data of users ("user," "you") when you access the website **www.upstakes.io** and related services (the "Services").

Upstakes acts as the **data controller** under the General Data Protection Regulation (EU) 2016/679 ("GDPR"). Processing of personal data is also subject to Act No. 110/2019 Coll., on the Processing of Personal Data, as applicable in the Czech Republic.

Before you start using our Services, please read how we process your personal data. This Policy contains important information about your rights.

You provide us with your personal data voluntarily. If you choose not to provide us with your personal data, you will not be able to use our Services in its entirety.

## 1. Eligibility and Age Restriction

Our Services are intended only for individuals **18 years of age or older**. We do not knowingly collect personal data from minors.

If you are **under the age of 18**, please do not use or submit any personal data to us. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce this Privacy Policy by instructing their children never to provide personal data to us without parental permission. If you have a reason to believe that a child under the age of 18 has provided personal data to us, please contact us at **support@upstakes.io**, and we will use commercially reasonable efforts to delete that information.

## 2. Data We Collect

We collect only the data necessary to provide our Services and comply with applicable laws. This includes:

- **Identification data:** first name, last name, username, date of birth.
- **Contact details:** email address, phone number, postal address.

- **Payment information:** transaction details, payment account or method details (we do not store full card numbers; only the data required to process payments).
- **Technical data:** IP address, device type, browser type, cookies, and logs about the use of our website.
- **Compliance data:** information required for KYC/AML purposes (identity verification, proof of age, source of funds).
- **Other information you provide:** communications with us, survey responses, or customer support requests.

We do not collect or process **special categories of personal data** (such as health, religion, or political opinions) unless required by law.

### 3. How We Use Your Data

We use your personal data for the following purposes:

1. **Provision of Services** – We use your identification and contact details to set up your account, verify your identity, and confirm your age in compliance with AML and gambling regulations.
2. **Legal compliance** – We retain and use KYC/AML data, transaction records, and identity verification documents to meet obligations under AML legislation, tax laws, and consumer protection regulations.
3. **Fraud prevention and security monitoring** – We analyze technical data (IP address, device details, login history) to detect suspicious behavior, prevent unauthorized access, and maintain the integrity of our Services.
4. **Services improvement** – We use aggregated and pseudonymized technical data and customer feedback to analyze Services performance and improve user experience.
5. **Marketing communications** – We use your contact details and service usage data to send newsletters and promotional offers.
6. **Automated decision-making** – certain Services (such as challenge scoring or eligibility assessments) may involve automated processing. We ensure such processes are fair, transparent, and subject to human review where required.

## CONSENT TO MARKETING COMMUNICATIONS

When creating your account, you may voluntarily choose to receive our newsletters, promotional offers, or other marketing communications by clicking the relevant checkbox. Granting this consent is not required for the use of our Services.

You can withdraw your consent at any time by:

- (a) clicking the “unsubscribe” link in any email marketing communication,
- (b) adjusting your account settings, or
- (c) contacting us at [support@upstakes.io](mailto:support@upstakes.io).

Withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

## 4. Legal Basis for Processing

We process your personal data only where a legal basis under GDPR applies:

- **Contract performance** (Art. 6(1)(b) GDPR) – operating your account and delivering Services.
- **Legal obligation** (Art. 6(1)(c) GDPR) – AML, gambling regulations, accounting and tax compliance.
- **Legitimate interest** (Art. 6(1)(f) GDPR) – preventing fraud, ensuring service security, improving user experience.
- **Consent** (Art. 6(1)(a) GDPR) – marketing communications or optional analytics cookies.

## 5. Sharing of Data

We may share your data only with trusted third parties, including:

- Service providers (IT hosting, cloud infrastructure, payment processors, KYC/AML verification providers).
- Public authorities and regulators, where required by law.
- Professional advisors (lawyers, auditors).
- Investors or business partners, but only in anonymized (this data no longer constitutes personal data within the meaning of the GDPR) or pseudonymized form (strict contractual safeguards and technical measures are applied to ensure continued protection of personal data).

We do **not** sell personal data to third parties.

## 6. International Data Transfers

Where we transfer personal data outside the EU/EEA, we rely on:

- Adequacy decisions by the European Commission, or
- **Standard Contractual Clauses (SCCs)** approved by the European Commission, supplemented with additional safeguards where required by law.

## 7. Data Retention

We retain personal data only as long as necessary for the purposes described above:

- **AML/KYC records:** 5 years from the end of the business relationship (as required by law).
- **Accounting and tax records:** 10 years (as required by Czech law).
- **Marketing data:** until you withdraw your consent.
- **General account data:** for the duration of your account and up to 3 years after closure, unless longer retention is legally required.

## 8. Your Rights if you reside in EEA, UK or Switzerland

Under GDPR, you have the right to:

- Access your data (information about what specific data we process and how we work with them).
- Rectify inaccurate or incomplete data (always if the legal conditions are met).
- Request erasure of your data ("right to be forgotten").
- Restrict processing of your data (you may refuse data processing based on a legitimate interest and we will limit processing, unless we prove serious and qualified legitimate reasons for the processing).
- Request portability of your data.
- Object to processing based on legitimate interest.
- Withdraw your consent at any time (where consent is the legal basis).

We will respond to all valid requests **within one month**, extendable by two months where necessary for complex cases.

To exercise your rights, contact us at **support@upstakes.io**.

You also have the right to lodge a complaint with the Office for Personal Data Protection ([www.uoou.cz](http://www.uoou.cz)) or your local supervisory authority in the EU/EEA.

Exercising your rights under this Privacy Policy is free of charge. However, if your requests are manifestly unfounded or excessive (e.g. repetitive), we may charge a reasonable administrative fee or refuse to act on the request, in accordance with Article 12(5) GDPR.

## 9. Cookies

We use cookies and similar technologies to:

- Enable core functionality (strictly necessary cookies).
- Analyze usage and improve our Services (analytics cookies).
- Deliver personalized advertising (marketing cookies, only with consent).

Full details are provided in our **Cookies Policy**. You can manage preferences at any time through your browser settings or our cookie banner.

## 10. Security

We apply technical and organizational safeguards to protect your personal data, including:

- Encryption of sensitive data.
- Access controls and authentication measures.
- Regular monitoring, testing, and auditing of our systems.

While we take all reasonable measures, no system is completely secure.

## 11. Changes to this Policy

We may update this Policy from time to time. We will always display the effective date and, where changes are material, notify you by email or through our website before they take effect.

## 12. Contact Information

Data Controller:

**Upstakes s.r.o.**

Legal address: Klimentská 2066/19, 110 00 Prague 1, Czech Republic

Company ID: 23365480

Email: **support@upstakes.io**

Upstakes has assessed the applicability of Article 37 GDPR and concluded that **no Data Protection Officer is required**. This assessment is regularly reviewed.. All data protection inquiries should be directed to the contact details above.