

# Privacy Policy

## 1. Introduction

- 1.1 We are the Representative Office of AIDS Healthcare Foundation in Ukraine. We are registered in Ukraine under registration number 34216712, our location is at 12-Metalistiv Str., 03057 Kyiv, Ukraine.

In this Privacy Policy, we use "we", "us" and "our" meaning our Representative Office.

- 1.2. The Representative Office is a national division of the AIDS Healthcare Foundation, located at: 6255 Sunset Boulevard, 21st Floor, Los Angeles, CA, 90028 USA.
- 1.3. We process your personal data when you visit any of our websites: <https://ahfukraine.wpengine.com/>, <https://freehivtest.org.ua/>, <https://ahfclinic.org.ua/> (hereinafter separately or together referred to as "AHF websites"). While visiting AHF websites, you agree to the Privacy Policy and provide your consent to the processing of personal data.
- 1.4. Your consent to the processing of personal data is completely voluntary.
- 1.5. According to the Law of Ukraine "On Protection of Personal Data" No. 2297-IV dated June 01, 2010, we are defined as the "controller/personal data controller". This means that we may collect personal information about you while you are communicating with us, and we determine how this personal information is used. In this Policy, we define how we process personal data, your rights and options regarding the use of your personal data through AHF Websites. This Policy applies when we act as a controller of personal data regarding your personal data. We are obliged to protect your confidentiality. We respect and ensure intactness of any personal information that you share with us or that we receive from other organizations.

***This Privacy Policy contains important information about your personal privacy rights. Please read it carefully to understand how we use your personal data. Provision of your personal data to us is voluntary. However, your use of our services or your interaction with us may be disrupted when you do not provide us with your personal data.***

- 1.6. We collect personal data about you:

1.6.1. When you provide them to us **directly**

For example, personal information that you send through our website when you make charitable contributions or provide it to us when you communicate with us through a web inquiry, email, telephone, a letter, or social media.

1.6.2. When we get them indirectly

For example, your personal information may be provided to us by third parties, including, for example, our business partners; subcontractors for technical, payment and delivery services. In the event of indirect receipt of confidential information, we will notify you when we receive personal data from them and inform you how and why we intend to use these personal data.

1.6.3. When personal data are **publicly** available

Your personal information may be made available to us from external public sources. For example, depending on your social media privacy settings, we may access information from these accounts or services (for example, when you choose to interact with us through platforms such as Facebook, LinkedIn, Whatsapp or Twitter).

1.6.4. When you visit our **website, we automatically collect the following types of personal information:**

- (a) Technical information, including the Internet Protocol (IP) address used to connect your device to the Internet, browser type and version, time zone settings, web-viewer types and versions, operating systems, and platforms.
- (b) Information about your visit to websites, including click analytics to find resources (URLs) to, throughout and from the website (including date and time), services you viewed or searched for, page response time, loading errors, duration of

visits to specific pages, referral sources, information about page interactions (such as scrolling and clicking), and the methods used to view the page. The source of usage data is our analytics tracking system.

1.5 We may combine your personal data from these different sources for the purposes set out in the Privacy Policy.

## **2. What personal data do we use?**

2.1 We may collect, store and otherwise process the following types of personal data:

- (a) your name and contact details, including email address and personal social media pages;
- (b) account data (such as My AHF App) which may include your name, email address and location.
- (c) we may process the information contained in any message you send us (or "correspondence data"). Correspondence data may include communication content and metadata related to the communication. Our website will generate metadata related to messages created through the website's contact forms;
- (d) your date of birth and gender;
- (e) your financial information, such as bank details and/or credit/debit card details, account holder name, sorting code, and account number;
- (f) information about your computer/mobile device and your visits to and use of this website, including, for example, your IP address and geographical location;
- (g) information about our services that you use/that, in our opinion, may be of interest to you; and/or
- (h) any other personal data you wish to share with us

2.2 Please do not share your personal information with anyone else unless we encourage you to do so.

## **3. Do we process special categories of data?**

3.1 The legislation of Ukraine recognizes certain categories of personal data as secret (for example, information about your health, ethnicity and political opinions), so they need more protection; the Law of Ukraine "On Protection of Personal Data" provides legal regulation concerning the collection, processing and analysis of personal data.

3.2 In certain situations, we may collect and / or use these special categories of data (for example, medical information such as HIV status) if you disclose them to us directly, for example, by e-mail. We will process these special categories of data only when there is a valid reason for it and when it is allowed by the current legislation of Ukraine.

## **4. Why do we use your personal information?**

4.1 Your personal data, as provided to us, will be used for the purposes set out in this Policy. In particular, we may use your personal information to:

- (a) provide you with the requested services, products or information;
- (b) provide additional information about our work, services, activities or products (where it is required, only when you have given your consent to receive such information (if the legislation requires us to receive your consent) - for example, when you register to receive our e-mail newsletter and / or notifications;
- (c) your account data may have been processed for the purpose of our website's functioning, provision of our services, security of our website and services, supporting of backing up our databases and communication with you;
- (d) communicate with you and answer your questions/inquiries;
- (e) keep records;
- (f) manage relationships with our networks, stakeholders and those who order our services and publications;
- (g) contribute to general organizational goals;
- (h) analyze and improve our work, services, activities, products or information (including our website) or our internal records;
- (i) report on the impact and effectiveness of our work;

- (j) run / administer our websites, keep them safe and provide content in the most effective way for you and your device;
- (k) register and administer your participation in events;
- (l) process your job or volunteer application to us when you apply through our vacancy page;
- (m) for training and / or quality control;
- (n) check and / or manage our accounts;
- (o) meet legal obligations that are binding on us, for example, concerning regulatory, governmental and / or law enforcement agencies with which we may work (for example, tax or money laundering requirements);
- (p) to prevent fraud or abuse of services; and / or to establish protection and / or security of lawsuit claims

#### 4.2. Communication for marketing

- 4.2.1 We may use your contact details to provide you with information about our work, events, services and / or publications that we believe may be of interest to you.
- 4.2.2. If communication is carried out by e-mail, SMS or telephone, we will not use your personal data without your prior consent (unless it contradicts the current legislation of Ukraine).
- 4.2.3. If you have previously given us your consent but do not wish to be contacted about our projects and / or services in the future, please let us know by email at [gdprrrequest@aidshealth.org](mailto:gdprrrequest@aidshealth.org). At any time, you can **refuse from receiving emails** from us by clicking the unsubscribe link at the bottom of the email. Additionally, in accordance with paragraph 11 of Article 8 of the Law of Ukraine "On Protection of Personal Data" you have the right to withdraw your consent to the processing of personal data by sending an application by e-mail to [Ksenia.Skrynyk@aidshealth.org](mailto:Ksenia.Skrynyk@aidshealth.org)

### 5. **Our legal basis for processing**

- 5.1. the consent of the personal data subject to the processing of their personal data;
- 5.2. permission to process personal data granted to the owner of personal data in accordance with the law solely for the exercise of his powers;
- 5.3. concluding and executing a transaction to which the personal data subject is a party or which is concluded for the benefit of the personal data subject or for the implementation of measures preceding the conclusion of the transaction at the request of the personal data subject;
- 5.4. protection of vital interests of the personal data subject;
- 5.5. the need to fulfill the duty of the personal data owner, which is provided by law;
- 5.6. the need to protect the legitimate interests of the owner of personal data or a third party to whom personal data are transferred, except when the need to protect the fundamental rights and freedoms of the personal data subject in connection with the processing of his data outweighs such interests.

### 6. **Sharing your personal data with others**

- 6.1 We do not share, sell or rent your personal data to third parties for marketing purposes. However, we may generally disclose your personal data to selected third parties to achieve the purposes set forth in this Policy. Open-endedly, these parties may include:
  - (a) Members of the AHF Group - We may disclose your personal information to any member of the AHF Group (i.e. subsidiaries, the foundation and all its subsidiaries) as reasonably necessary for the purposes and on the legal basis set forth in this Policy. Information on the AHF Foundation group can be found at [aidshealth.org](http://aidshealth.org).
  - (b) We may disclose your personal information to professional advisers to the extent reasonably necessary to obtain professional advice, or to establish, enforce or defend legal claims, whether in litigation, administrative or extrajudicial proceedings.
  - (c) to suppliers and subcontractors to perform any contract AHF enters into with them, such as IT service providers i.e. website hosts, cloud storage service providers and email clients;
  - (d) insurers;

- (e) financial companies that collect or process payments on our behalf;
- (f) social media platforms only with your direct permission;
- (g) regulatory authorities, such as tax authorities;
- (h) advertisers and advertising networks; and / or
- (i) search engine analytics and providers.
- (j) In addition to the specific disclosures of personal information set forth in this section, we may disclose your personal data where such disclosure is necessary to comply with a legal obligation to which we are subject or to protect your vital interests or the vital interests of another individual as required by law. We may also disclose your personal information when such disclosure is necessary to establish, enforce or protect legal claims, either in court or in administrative or extrajudicial proceedings.

6.2 In particular, we reserve the right to disclose your personal data to third parties in the following cases:

- (a) if in fact all of our assets are acquired by a third party, the personal data we hold may be one of the assets transferred;
- (b) if we impose any legal or regulatory obligation on it; and / or
- (c) protect the rights, property or safety of AHF Europe, its staff, users, visitors and others.

## 7. **International transfer of your personal data**

7.1. This section provides information on the circumstances under which your personal data may be transferred to a location outside of Ukraine.

7.2. Because our work is international and we have offices and facilities around the world, and because we use agencies and / or providers to process personal information on our behalf, it is possible that the personal information we collect from you will be transferred and stored in a location outside Ukraine.

7.3. Cooperation with foreign subjects of relations related to personal data is regulated by the Constitution of Ukraine, the Law of Ukraine "On Protection of Personal Data", other regulations and international treaties of Ukraine.

7.4. If an international treaty of Ukraine approved by the Verkhovna Rada of Ukraine establishes rules other than those provided by the legislation of Ukraine, the rules of the international treaty of Ukraine shall apply.

7.5. The transfer of personal data to foreign subjects of relations connected to personal data is carried out only if the relevant state provides adequate protection of personal data in cases established by law or by an international treaty of Ukraine.

7.6. The member states of the European Economic Area, as well as the states that have signed the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, are recognized as ensuring an adequate level of protection of personal data.

The Cabinet of Ministers of Ukraine determines the list of states that ensure proper protection of personal data.

Personal data may not be disseminated for any other purpose than the one they were collected for.

7.7. Personal data may be transferred to foreign subjects of relations connected to personal data, also in the following cases:

7.7.1. the subject of personal data grants unambiguous consent to such transfer;

7.7.2. there is need to conclude or execute a transaction between the owner of personal data and a third party which is the subject of personal data in favor of the subject of personal data.

7.7.2. there is need to protect the vital interests of personal data subjects;

7.7.3. there is need to protect the public interest, establish, implement and ensure legal requirements;

7.7.4. the owner of personal data provides appropriate guarantees of non-interference in the personal and family life of the subject of personal data.

7.8. Hosting for our website is located in the United States.

## **8. Storing and deleting personal data**

8.1 This section sets out the AHF data retention policies and procedures designed to ensure compliance with our legal obligations to store and delete personal data.

8.2 Personal data that we process for any purposes should not be stored longer than this is required for these purposes.

8.3 We will store your personal data as follows:

- (a) Personal data shall be stored for a minimum of [0] year and a maximum of [7] years.
- (b) Notwithstanding the other provisions of this section 10, we may store your personal data when such storing is necessary to comply with a legal obligation to which we are subject or to protect your vital interests or the vital interests of another individual.
- (c) If you ask not to be contacted by us, we will keep the basic information about you in our default list to fulfill your request and avoid sending you unsolicited material in the future.

## **9. Security / storage and access to your personal data**

9.1 We have a responsibility to keep your personal information safe and secure, and we have appropriate and proportionate security policies and organizational and technical measures to protect your personal data.

9.2 Your personal information is only available to properly trained personnel, volunteers and contractors and is stored on secure servers with functions designed to prevent unauthorized access.

## **10. Making changes**

10.1 We may update this notice from time to time by posting a new version on our website.

10.2 You should periodically review this page to ensure that you are satisfied with any changes to this Policy.

10.3 We will notify you of significant changes to this Policy by email where possible to us. If we do not have your contact details, we will notify you of any changes by posting a message on the website, where possible.

## **11. Your rights**

In this section 13, we have summarized the rights you have under data protection legislation. Some rights are complex and can only be exercised in certain circumstances - for more information, please contact us [Ksenia.Skrynnyk@aidhealth.org](mailto:Ksenia.Skrynnyk@aidhealth.org). Your basic rights under the legislation of Ukraine on personal data protection are the following:

11.1 know about the sources of gathering, location of personal data, the purpose of their processing, location or place of residence (stay) of the owner or controller of personal data or give the appropriate instructions to obtain this information to authorized persons, except for cases provided by law;

11.2. receive information on the conditions for granting access to personal data, in particular information on third parties to whom his personal data is transferred;

11.3 access own personal data;

11.4 receive no later than thirty calendar days from the date of receipt of the request, except for cases provided by law, an answer as to whether personal data are processed, as well as receive the content of such personal data;

11.5. make a reasoned request to the owner of personal data with an objection to the processing of own personal data;

11.6. make a reasoned request to change or destroy own personal data by any owner and controller of personal data, if this data is processed illegally or is inaccurate;

- 11.7. protect own personal data from unlawful processing and accidental loss, destruction, damage due to intentional concealment, non-provision or late provision, as well as to protect against the provision of information that is inaccurate or discredits the honor, dignity and business reputation of an individual;
- 11.8. file complaints about the processing of their personal data with the Commissioner or the court
- 11.9. apply legal remedies in case of violation of the legislation on protection of personal data
- 11.10. voice reservations regarding the restriction of the right to process own personal data during the consent;
- 11.11. withdraw consent to the processing of personal data;
- 11.12. know the mechanism of automatic processing of personal data;
- 11.13. protection against an automated decision that has legal consequences

### **What else do you need to know about your online privacy?**

We do not knowingly collect children's personal data through our website. If you are under the age of eighteen and you need to provide us with your personal information, do not send your information through our website. Instead, you can contact us directly by calling or writing to us at the address provided on our homepage. You must be at least 18 years old to have our permission to use this website. We do not knowingly collect, use or disclose personal information about visitors under the age of 18.

You should also be aware that when your personal information is voluntarily disclosed (i.e. your name, electronic address, etc.) in public areas on our websites or through our social media accounts, this information, together with any information disclosed in your message, may be collected and used by third parties and may result in unwanted messages from third parties. Such activities are beyond our control and this Policy does not extend to such information. Any materials in chats or others public areas on this website are accepted with the understanding that they are available to all third parties. If you do not want your comments to be viewed by outsiders, you are advised not to make any statements. Ultimately, you are solely responsible for maintaining the confidentiality of your password and / or account information.

## **12. How to contact us**

**12.1** You can contact us:

- (a) per mail sent to the above postal address;
- (b) using the contact form on our website; and
- (c) per email on [Ksenia.Skrynyk@aidshealth.org](mailto:Ksenia.Skrynyk@aidshealth.org)

## **13. Personal Data Protection representative**

Contact details of our data protection officer:

Oksana Naduta-Skrynyk

12-A Metalistiv Str., 03057 Kyiv, Ukraine

[Ksenia.Skrynyk@aidshealth.org](mailto:Ksenia.Skrynyk@aidshealth.org)