

Privacy Policy

September 21, 2021

Please read this policy carefully before using Magic and Cocktails's services.

Protecting your data, privacy and personal information is very important to Magic and Cocktails ("**Magic and Cocktails**", "**our**", "**us**" or "**we**").

This policy (together with our terms of use and any other documents referred to in it), sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read this privacy policy carefully to understand the types of information we collect from you, how we use that information, the circumstances under which we will share it with third parties, and your rights in relation to the personal data you provide to us.

When visiting Magic and Cocktails's [website](#) or any of its affiliated websites (our "**Website**"), using our application "Magic and Cocktails" (our "**App**") or using any of the services offered via the Website or the App (the "**Services**"), you acknowledge, and where applicable consent to, the practices described in this policy.

Our Services may contain links to third party services. If you click on a link to access any of those third-party services, please note that they have their own privacy policies and that we do not accept any responsibility or liability for their policies or processing of your personal information. Please check these policies before you submit any personal information to such third-party websites.

Our Services connect you with Job Seekers, Jobs, or Employers (as applicable), giving you the ability to search for, browse, and communicate with Job Seekers, Jobs, or Employers (as applicable). However, we also use automated matching processes facilitated by algorithms within the Services which seek to match you with the most appropriate Job Seekers, Jobs, or Employers (as applicable) by reference to the data you have provided to us along with any criteria specified by the Job Seeker or Employer (as applicable). This may result in decisions being made automatically. For example, we may limit what jobs are visible to Job Seekers based on the qualifications and expertise required for that job. In relation to this automated processing, we ensure there are safeguards in place to protect your rights and freedoms and legitimate interests and you have the right to contest any automated decisions made and obtain human intervention to alter decisions made, where possible. We may also use non-algorithmic methods to match you with Job Seekers who we believe would be suitable candidates or Employers who we believe have a suitable role for you (as applicable). These

will always be recommendations and we will not commence any job applications without your involvement and/or consent.

Information we may collect

We may collect and process the following data about you:

Information that you provide to us.

We will ask you to provide us with your information when you:

- fill in forms on our Website, App or correspond with us by phone, email or otherwise;
- register to use our Services;
- use the Services;
- report a problem with our Website, App or Services; or
- complete any surveys we ask you to fill in for research purposes (although you do not have to respond to these if you do not want to).

For the avoidance of any doubt, any reference in this privacy policy to your data shall include data about other individuals that you have provided us with. You must have obtained clear permission from the individuals whose data you provide us with before sharing that data with us.

The information you may be asked to provide to us for these purposes might include your name, address, date of birth, email address, phone number, picture, video, audio, county of location, job title, work history, school attended, references, preferences, opinions, intentions, interests, likes, dislikes, life history, major events, social network, friends, connections, associations, national identification number, and/or driving license number.

Information we collect about you.

With regard to each of your visits to our Website or App we may automatically collect the following information:

- device-specific information, such as your hardware model, operating system version, unique device identifiers, Universal Device Identifier (UDID), ID for Advertisers (IDFA) and mobile network information;
- technical information about your computer, including where available, your IP address, operating system and browser type, and also latitude/longitude and related geo information of your whereabouts (i.e. city, post code), this may be collected if you opt-in to share your location or inferred from your IP address, for system administration, analytical or Service delivery purposes; and

- details of your visits to our Website, App, including your browser fingerprint, the full Uniform Resource Locators (URL) clickstream to, through and from our Website, App (including date and time), length of visits to certain pages, and page interaction information (such as scrolling, clicks, and mouse-overs).

Information we receive from other sources. When using our Services, we will be in contact with third parties who may provide us with certain information about you in order to enable your use of the Services. This includes information from service providers such as Facebook or Google if you access our App through your Facebook or Google+ account, and Telesign who run a safety check on the phone number(s) that you provide to us.

Information we may collect about others. We may collect and process data about others that you provide us with, including (but not limited to) information that you provide by filling in forms on our Website or App, or that you provide to us by email. This information might include, but is not limited to, opinions, ratings and reviews you provide us with on other users you have interacted with, whether Job Seekers or Employers.

How we use your information and justification of use

Use of personal information under EU data protection laws must be justified under one of a number of legal “grounds” and we are required to set out the ground in respect of each use of your personal data in this policy. These are the principal grounds that justify our use of your information:

- **Consent:** where you have consented to our use of your information (you are providing explicit, informed, freely given consent, in relation to any such use and may withdraw your consent in the circumstance detailed below by notifying us);
- **Contract performance:** where your information is necessary to enter into or perform our contract with you;
- **Legal obligation:** where we need to use your information to comply with our legal obligations;
- **Legitimate interests:** where we use your information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights; and
- **Legal claims:** where your information is necessary for us to defend, prosecute or make a claim against you or a third party

We use information held about you (and information about others that you have provided us with) in the following ways:

Applicable to all users

Types of Information Collected

Uses of that Information

Use Justification

Full name, email address, password

To enable you to create a Magic and Cocktails account (user ID) and use our Services.

Contract Performance

Full name, In-App chat messages. (Users can view Job Seeker Profile Data in the In-App chat, including jobs applied for).

To provide you with our In-App Chat to allow you to engage with other users in relation to job opportunities.

Contract Performance

Full name, data submitted via the support chat tool.

(Magic and Cocktails has access to users' chat history, use of the Services, and prior messages sent between user and support).

To provide customer support and contact.

Contract Performance

Prior transactions, Full name, payment details

To provide you with additional on demand services in our In-App store.

Legitimate Interest

Full name, In-App chat messages

To prevent misuse of the In-App Chat functionality (including removing conversation history where a conversation has been flagged by a user)

Legitimate Interest

Full name, email address

For marketing our own products and services that we believe may be of interest to you.

Legitimate Interest

Profile Data

To administer our Website and App and for internal operations including research, data analysis and data statistics (including CRM management) to improve functionality and effectiveness of our Services.

Legitimate Interest

Full name, email address, your preferences and opinions.

To collect data concerning your user experience (via surveys) in order to improve the Services we provide to you, and to generate reports concerning customer support for you.

Legitimate Interest

Applicable to jobseekers

Magic and Cocktails and each Employer acts as a data controller in their own right, which means both independently determine the purpose and means of processing the personal data of the relevant Job Seeker. Where an Employer receives personal data relating to a Job Seeker it will be responsible for how it processes personal data.

Types of Information Collected

Uses of that Information

Use Justification

Full name, email address, physical address, password, phone number, GPS coordinates, work history, academic and training history, language proficiencies, any pictures or videos supplied by you, your availability to commence work and what type of employment you are looking for (i.e. full time, part time, freelance, etc.)

social connections, (“**Job Seeker Profile Data**”) national identity number, driving license number

To provide you with access to the Services including the on-boarding process, profile management and job discovery allowing you to browse job opportunities and manage your job applications.

Contract Performance

Job Seeker Profile Data, In-App chat messages, work and/or interview references, previous jobs and/or applications undertaken as part of the Services

To provide Employers with a rating for you based on your level of engagement with the Services and performance as a Job Seeker (i.e. rate of responses, quickness to respond and direct feedback from Employers who have employed you through Magic and Cocktails).

Legitimate interest

Job Seeker Profile Data, your previously browsed job roles and previous job applications

Job Seeker Profile Data may be shared with users for this.

To facilitate the finding of job opportunities for you and to provide you with tailored job opportunities we believe you may be interested in.

Legitimate interest

Job Seeker Profile Data

To provide your personal data to third parties in order to facilitate your application to external job opportunities outside of Magic and Cocktails’s network. This will only occur when you have commenced a job application on the Website or App and the particular application requires that you or your details are transferred off our network to complete the application. Such

external jobs will be explicitly labeled or you will be specifically advised when your data will be sent off-site.

Consent

Applicable to employers

Where an Employer receives personal data relating to a Job Seeker pursuant to using our Services, the Employer will be responsible for how it processes such personal data and the Employer will be a data controller in its own right and must comply with all applicable data protection legislation. Magic and Cocktails has notified Job Seekers that it will share personal data with Employers solely for the purpose of matching Job Seekers with Employers in accordance with this privacy policy.

Types of Information Collected

Uses of that Information

Use Justification

Full name, company, company location, phone number social connections, business identification numbers

To provide you with access to the Services including the onboarding process and profile management, job seeker discovering: allowing you to browse potential Job Seekers' profiles, job opportunities management: allowing you to create, edit and publish job opportunities and applicants management allowing you to manage job applicants and review their profiles.

Contract Performance

Full name, company signature

To manage the invoices for customers and service providers/suppliers.

Contract Performance

Full name, company

To provide Job Seekers with a rating for you based on your level of engagement with the Services and performance as an Employer (i.e. rate of responses, quickness to respond and direct feedback from job seekers who have been employed by you through Magic and Cocktails).

Legitimate interest

We will not sell your personal data (or any other data you provide us with) to third-parties; however, we reserve the right to share any data which has been anonymised and/or aggregated. You acknowledge and accept that we own all rights, title and interest in and to any derived data or aggregated and/or anonymised data collected or created by us.

Payments

We rely upon a number of legal grounds to ensure that our use of your Personal Data is compliant with applicable law. We use Personal Data to facilitate the business relationships we have with our Users, to comply with our financial regulatory and other legal obligations, and to pursue our legitimate business interests. We also use Personal Data to complete payment transactions and to provide payment-related services to our Users. Contractual and pre-contractual business relationships. We use Personal Data for the purpose of entering into business relationships with prospective users, and to perform the contractual obligations under the contracts that we have with users.

Activities that we conduct in this context include:

- Creation and management of Magic and Cocktails accounts and payment account credentials, including the evaluation of applications to commence or expand the use of our Services;

Marketing

We may use information for marketing products and services to you in the following ways:

Type of marketing activity

Use Justification

Newsletters, phone calls, and/or marketing emails relating to our own similar services and products. Where required by law, we will ask for your consent at the time we collect your data to conduct any of these types of marketing.

Legitimate interests (to market our products and services – you have the right to unsubscribe at any time)

To send you details about our own unrelated services or products or special offers and discounts which are being provided by our selected business partners. Where required by law, we will ask your consent at the time we collect your data to conduct any of these types of marketing.

Consent (which can be withdrawn at any time)

We will provide an option to unsubscribe or opt-out of further communication on any electronic marketing communication sent to you, or you may opt out by contacting us.

Disclosure of your information

We may disclose your personal information to our service providers and business partners, including Google, Amazon, Dropbox, Intercom, Pipedrive,

Zoho, Stripe, Quaderno, Apple, Partners' Service Providers, our network of Employers and third party Employers (with your consent) (to assist us in performing any contract we enter into with them or you, including providing the Website, App and the Services it enables), analytics providers, including Google, Amazon, Amplitude, Facebook, and Looker (to assist us in the improvement and optimisation of the Website and App) and/or a member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006. In addition, we may also disclose your personal information to third parties in the following circumstances:

Purpose of disclosure and third party(s) to which disclosure might be made

Use Justification

If we sell or buy any business or assets, we may disclose your personal information to the prospective seller or buyer of such business or assets
Legitimate interest (to sell our business or assets).

If Magic and Cocktails or substantially all of its assets are acquired by a third party, personal information about our customers will be one of the transferred assets

Legitimate interest (to sell our Company or assets).

If we are under a duty to disclose or share your personal data in order to comply with any legal obligation or to protect the rights, property, or safety of Magic and Cocktails, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection

Legal obligation.

Fraud Prevention and other checks. We and other organisations may also access and use your personal information to conduct credit checks and checks to prevent fraud. If false or accurate information is provided and fraud is identified or suspected, details may be passed to fraud prevent agencies.
Legitimate interest (to assist with the prevention of fraud and to assess your risk profile).

We may disclose your personal information to third parties, the court service and/or regulators or law enforcement agencies in connection with proceedings or investigations anywhere in the world where compelled to do so. Where permitted, we will direct any such request to you or notify you before responding unless to do so would prejudice the prevention or detection of a crime.

Legal obligation (to cooperate with law enforcement and regulatory authorities).

Security over the internet

No data transmission over the internet can be guaranteed to be secure from intrusion. However, we maintain commercially reasonable physical, electronic and procedural safeguards to protect your personal information in accordance with data protection legislative requirements.

Sensitive information between your browser and our Website and App is transferred in encrypted form using secure socket layer (“SSL”) or equivalent cryptographic protocols using certificates issued by a trusted third-party authority.

All information you provide to us is stored on our or our subcontractors’ secure servers and accessed and used subject to our security policies and standards.

We use hosted servers (such as Amazon Web Services) in the course of our business, including for the permission of marketing and sales activity. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential, ensuring it is secure and strong, and for complying with any other security procedures that we notify you of. We ask you not to share your password with anyone.

Exports outside the EEA

Your personal information may be accessed by staff or suppliers in, transferred to, and/or stored at, a destination outside the European Economic Area (EEA) in which data protection laws may be of a lower standard than in the EEA. Regardless of location or whether the person is an employee or contractor, we will impose the same data protection safeguards that we deploy inside the EEA.

Certain countries outside the EEA have been approved by the European Commission as providing essentially equivalent protections to EEA data protection laws and therefore no additional safeguards are required to export personal information to these jurisdictions. In countries which have not had these approvals, we will either ask for your consent to the transfer or transfer it subject to European Commission approved contractual terms that impose equivalent data protection obligations directly on the recipient, unless we are permitted under applicable data protection law to make such transfers without such formalities.

Please contact us if you would like further details of the specific safeguards applied to the export of your personal data.

How long we retain your personal data

Your personal information may be accessed by staff or suppliers in, transferred to, and/or stored at, a destination outside the European Economic Area (EEA) in which data protection laws may be of a lower standard than in the EEA. Regardless of location or whether the person is an employee or contractor, we will impose the same data protection safeguards that we deploy inside the EEA.

Certain countries outside the EEA have been approved by the European Commission as providing essentially equivalent protections to EEA data protection laws and therefore no additional safeguards are required to export personal information to these jurisdictions. In countries which have not had these approvals, we will either ask for your consent to the transfer or transfer it subject to European Commission approved contractual terms that impose equivalent data protection obligations directly on the recipient, unless we are permitted under applicable data protection law to make such transfers without such formalities.

Please contact us if you would like further details of the specific safeguards applied to the export of your personal data.

Your rights

Under the General Data Protection Regulation (EU) 2017/676, you have various rights in relation to your personal data. All of these rights can be exercised by contacting us at info@magicandcocktails.com.

In certain circumstances, you have the following rights in relation to your personal data:

Right

Details

Right of Access

You have the right to obtain from us information as to whether your personal data is being processed, and, where that is the case, access to such personal data.

Right to Rectification

We will use reasonable endeavours to ensure that your personal information is accurate. In order to assist us with this, you should notify us of any changes to the personal information that you have provided to us by sending us a request to rectify your personal data where you believe the personal data we have is inaccurate or incomplete. You may also change most of your personal details within our app directly.

Right to erasure / 'Right to be forgotten'

Asking us to delete all of your personal data will result in Magic and Cocktails deleting your personal data without undue delay (unless there is a legitimate and legal reason why Magic and Cocktails is unable to delete certain of your personal data, in which case we will inform you of this in writing).

Right to restriction of processing

You have the right to ask us to stop processing your personal data at any time.

Right to data portability

You have the right to request that Magic and Cocktails provides you with a copy of all of your personal data and to transmit your personal data to another data controller in a structured, commonly used and machine-readable format, where it is technically feasible for us to do so and the processing is based on consent or contractual performance.

Right to complain

You have the right to lodge a complaint to a supervisory authority such as the Information Commissioner's Office in Luxembourg (see <https://cnpd.public.lu/en.html>). Although we encourage our customers to engage with us in the event they have any concerns or complaints.

Magic and Cocktails will not ordinarily charge you in respect of any requests we receive to exercise any of your rights detailed above; however, if you make excessive, repetitive or manifestly unfounded requests, we may charge you an administration fee in order to process such requests or refuse to act on such requests. Where we are required to provide a copy of the personal data undergoing processing this will be free of charge; however, any further copies requested may be subject to reasonable fees based on administrative costs. Asking us to stop processing your personal data or deleting your personal data will likely mean that you are no longer able to use Magic and Cocktails's Services, or at least those aspects of the Services which require the processing of the types of personal data you have asked us to delete, which may result in you no longer being able to use the Services. Where you request Magic and Cocktails to rectify or erase your personal data or restrict any processing of such personal data, Magic and Cocktails may notify third parties to whom such personal data has been disclosed of such request. However, such third party may have the right to retain and continue to process such personal data in its own right.

Changes to this policy

Any changes we make to our privacy policy in the future will be posted on this page, and where appropriate, notified to you by email. We therefore encourage you to review it from time to time to stay informed of how we are processing your information.

Contact

Questions, comments and requests regarding this privacy policy are welcome and should be sent to info@magicandcocktails.com

For the purpose of the relevant data protection legislation, the data controller is Magic and Cocktails (company no B191877), with registered address at 10 Avenue de la Liberté, 1930 Luxembourg.

Our data protection officer is Marcos Gracia (info@magicandcocktails.com).

Cookies

Magic and Cocktails uses cookies to distinguish you from other users. This helps us provide you with a good experience when you use our Website or App, and also allows us to improve our Services. Please note that it is possible to disable cookies being stored on your computer by changing your browser settings. However, our Website or App may not perform properly, or some features may not be available to you, if you disable cookies.