PRIVACY POLICY

OUR PRIVACY POLICY AT A GLANCE

1. **WHO WE ARE.** We are **KG BERSHKA Deutschland B.V. & Co.** and **BERSHKA BSK ESPAÑA, S.A**, and we process your personal data as *joint controllers*. This means that we are jointly responsible for how we process and protect your data. See more.
2. **WHAT WE USE YOUR DATA FOR.** We will use your data (collected online or in person), among other purposes, **to manage your registration** as a user, **to manage your purchases** of products or services, to respond to your queries, and, if you wish, to send you our customised communications. See more.
3. **WHY WE USE YOUR DATA.** We have legal standing to process your data for various reasons. The main one is that we need to process them to **perform the contract** that you accept with us when you register and when you make a purchase or enjoy any of our services or functionalities, although other reasons also enable us to use them, such as our interest to respond to your queries or the **consent** that you give us to send you our newsletter, among others. See more.
4. **WHO WE SHARE YOUR DATA WITH.** We share your data among the joint controllers as well as with service providers who provide us with assistance or support, these being companies in the Inditex Group or third party collaborators with whom we have reached an agreement. See more.
5. **YOUR RIGHTS.** You have the right to access, rectify or delete your personal data. In certain cases, you are also entitled to other rights, such as, for example, to object to us using your data, or to their portability, as explained in depth below. See more.

We invite you to read our full **Privacy Policy** below to understand in depth the manner in which we will use your personal data and your rights over your data.

BEFORE YOU START…

- In this **Privacy Policy**, you will find **all relevant information** applicable to our use of our users' and customers' personal data, **regardless of the channel or means (online or in person)** that you use to interact with us.
- If you would like information about how we use cookies and similar devices that may be installed on the terminals of our customers and users, we recommend you consult the Cookies Policy.
- **We are transparent** about what we do with your personal data, for you to understand the implications of the way in which we use your data, and the rights you are entitled to in relation to your data:
    - We **permanently** make available for you all the information included in this Privacy Policy, that you can check when you consider appropriate, and in addition,
    - you will also find **further information** on each processing operation of your data **as you interact with us**.
- These are some names we use in this Privacy Policy:
    - When we speak about our **Platform**, we refer, in general, to any of the channels or means, digital or in person, you may have used to interact with us. The main ones are:
        - Our **Website**.
        - Our **App**, this is, including both the mobile application you installed on your device and others we may use in our Platform.
        - In person, in any of our **Brick-and-Mortar Stores**.

1. WHO IS THE CONTROLLER OF YOUR DATA?

Your data controllers are:

- KG BERSHKA Deutschland B.V. & Co., company currently operating in Germany the sale of BERSHKA brand products (“BERSHKA GERMANY”):
    - Postal address: Mönckebergstraße 11, 20095 Hamburg, Germany.
    - E-mail address of the Data Protection Officer: dataprotection@bershka.com
- BERSHKA BSK ESPAÑA, S.A ("BERSHKA SPAIN"):
    - Postal address: Avda. de la Diputación, Edificio Inditex, 15143, Arteixo (A Coruña), Spain.
    - E-mail of Data Protection Officer: dataprotection@bershka.com

In other words, both BERSHKA GERMANY and BERSHKA SPAIN (jointly “We”, “Us” or “the Joint Controllers”), are **Joint Controllers** of the data. This means that we have regulated and are jointly responsible for processing and protecting your personal data.

2. WHY DO WE PROCESS YOUR PERSONAL DATA?

Depending on the purpose for which we process your data from time to time, as explained below, we need to process one or other data, which will in general be, **depending on each case**, as follows

- your **identity data** (for example, your name, surname, image, language and country from which you interact with us, contact data, etc.);
- **economic and transactions** information (for example, your payment or card data, information on your purchases, orders, returns, etc.);
- **connection, geolocation and/or browsing** data (for example, the location data, the device identification number or the advertising ID, etc.);
- **commercial** information (for example, if you have subscribed to our newsletter),
- information about your **tastes and preferences**.
- **special categories of data** may be necessary (e.g. health data in cases where it is necessary to manage certain incidents such as those related to cosmetic products).

Remember that, when we ask you to provide your personal data to afford you access to any functionality or service of the Platform, we will indicate you that certain fields as *compulsory*, since these are data that we need to be able to provide the service or afford you access to the functionality in question. Please take into account that, if you decide not to make such data available to us, you may be unable to complete your user registration or may not be able to enjoy those services or functionalities.

In specific cases, a third party may have provided us with information about you by using a feature or service on the Platform, for example by sending you a gift card or shipping an order to your address. In these cases, we only process your data where relevant to this feature or service, as stated in this Privacy Policy.

In other cases, we may collect information passively, as we may use tracking tools like browser cookies and other similar technology on our Platform and in communications we send you.

Depending on how you interact with our Platform, i.e., depending on the services, products or functionalities that you wish to enjoy, we will process your personal data for the following purposes:

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1. To manage **your registration as user of the Platform**	If you decide to become a registered user of our Platform, we need to process your data to **identify you as a user** of the Platform and **grant you access** to its various functionalities, products and services available to you as a registered user. You may cancel your registered user account by contacting us through Customer Support. We hereby inform you that the data we gather regarding your activity, which have been collected through the different channels of the Platform and which include your purchases, shall remain linked to your account so that all the information can be accessed together. You have the possibility to use the login or sign in through a social network or another collaborator that enables this service (social login) when it is available on our login/sign in screen, either to link the social login to your account or by registering a new one. In that case, your login credentials, as

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	well as your name and email / phone number (you might need to authorize it), will be imported from your social network or collaborator account. By using this login option, these third parties may send us certain additional information about your public profile, such as: your name, gender, approximate age or profile photograph, according to the terms of use from the social network / collaborator, which we recommend you read carefully. Unless you give us your authorization, we will not retain this additional data. Likewise, the use of this functionality may imply that you provide certain information about your activity to the social network or the collaborator. In any case, we recommend that you review your privacy settings and the privacy policies of the collaborator or social network to learn how these third parties process your data.
2. For the **development, performance and execution of the purchase or services contract** that you executed with Us on the Platform	This purpose includes processing your data, mainly: ▪ **To contact you** for updates or informative notices **related to the contracted functionalities, products or services**, including **quality surveys** and to be able to establish the degree of customer satisfaction with the provided service. ▪ **To manage payment** of the products that you purchase, regardless of the payment procedure used. For example: ▪ If on purchasing any of our products through the Website or the App, you opt to activate the functionality of **save your data and your shipment address** for future purchases, we need to process the indicated data for activation and development of that functionality. Consent to the activation of this functionality enables your autocompleted payment data to appear in subsequent purchases so that you do not need to introduce them in each new process, and these data will be deemed valid and effective for subsequent purchases. You may change or cancel your payment data at any time through the section on payment information, either of your Website registered user account, or of the My Account section of the App. ▪ To activate the mechanisms necessary to prevent and detect unauthorised uses of the Platform (for example, during the purchase and returns process) as well as potential fraud being committed against you and/or against us. If we consider that the transaction may be fraudulent or we detect abnormal behaviour which indicates attempted fraudulent use of our features, products or services, this processing may result in consequences such as the blocking of the transaction or the deletion of your user account. ▪ To manage potential exchanges or returns after you have purchased and manage **requests of availability information for articles**, **reservations of products through the Platform**, or provide you the services related to the functionality ***Personal***

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	Tailoring, depending on the availability of such options from time to time. ▪ For invoicing purposes and to make available to you the tickets and invoices of the purchases you have made through the Platform. ▪ To ensure that you are able to use **other available functionalities or services**, such as the purchase, receipt, management and use of the **Gift Card** or of the **Gift Voucher**, and to afford you access and use of the **Wi-Fi** that we make available to our customers at Brick-and-Mortar Stores. ▪ To be able to offer you specific personalized services (such as item finder, reserve a fitting room, etc.) available in some Brick-and-Mortar Stores, we may process your location and contact data. ▪ Finally, we may process your data for the fulfilment of any legal obligations that may be applicable.
3. To meet requests or applications that you make through the **Customer Support** channels	We only process the personal data that are **strictly necessary** to manage or resolve your request or application If it is available and you choose to communicate with Customer Support through the chat service of a social network or another collaborator, some of your personal data such as your name or user name, will be imported from your social network or collaborator account. Also, bear in mind that the data you submit on this service will be available to your social network or collaborator and subject to their privacy policies, therefore We recommend you to review your privacy settings and to read the social network or collaborator privacy policies to obtain more detailed information about the use they make of your personal data when using their services.
4. For **marketing purposes**	This purpose includes the processing of your data, mainly, for: ▪ Personalise the services we offer you and enable us to give you recommendations based on your interactions with us on the Platform and an analysis of your user profile (for example, based on your purchase and browsing history). ▪ If and when you subscribe to our Newsletter, we will process your personal data to **manage your subscription**, including to **send customised information** on our products or services through various means (such as e-mail or SMS*)*. We may also make available to you this information through push notifications in case you have activated them in your device. ▪ Accordingly, please take into account that this data processing implies **analysis of your user or customer profile** to establish your preferences and therefore which products and services most fit to your style when sending you information. For example, based on your purchases and browsing history (i.e., depending on the

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	articles that you clicked), we will make you suggestions on products that we believe may interest you and, if you are a registered user, we will provide you with the "recover cart" functionality. ▪ Remember that **you may unsubscribe from the Newsletter at any time** without cost through the "Newsletter" section of the Platform, in addition to through the instructions that we provide you with in each notice. If you do not want to receive push notifications, you can deactivate this option in your device. ▪ Show you **ads on the Internet** which you may see when visiting websites and apps, for example, on social media. The ads you see may be random, but on other occasions they may be ads related to your preferences or purchase and browsing history. ▪ If you use social media, we may provide the companies with which we collaborate certain information so that they, as joint controllers, can show you our brand ads and, in general, offer you and users like you advertisements which take into account your profile on said social media sites. If you want information about the use of your data and how advertising works on social media, we recommend you review the privacy policies of the social media sites on which you have profiles. ▪ We also use your data to carry out measurement and segment analyses on the ads which we show users on some of our collaborators' platforms. To do this we collaborate with these third parties who offer us the necessary technology (for example, cookies, pixels, SDK) to use these services. Keep in mind that we may need to provide them with certain information or some form of identifier each time (for example, the advertising ID associated with the device, an identifier associated with a cookie, etc.) If you would like more information in this respect, please review our Cookies Policy. Likewise, you can reset your advertising ID or disable personalised ads on your device, adjusting your preferences in settings section of your device. ▪ Data enrichment: When we gather your personal data from a variety of sources, we may consolidate them under certain circumstances for the purpose of improving our understanding of your needs and preferences related to our products and services (including for the purposes of analyses, generating user profiles, marketing studies, quality surveys and improving our interactions with our customers). This refers, for example, to the way we may combine your information if you have a registered account and, using the same email or telephone number linked to your account, you make a purchase as a guest, or to information which is automatically compiled (such as IP and MAC addresses or metadata) which we may link with the information you have provided us directly through

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	your activity on the Platform or in any of our stores (for example, information related to your purchases, whether in brick-and-mortar stores or online, your preferences, etc.). ▪ To perform **promotional actions** (for example, for the organization of competitions or to send the list of items stored to the e-mail you designate). On participating in any promotional action, you authorise us to process the personal data that you have shared with us depending on the promotional action and disclose them through different media such as social networks or the Platform itself. In each promotional action in which you participate you will have available the terms and conditions where we will be providing more detailed information about the processing of your personal data. ▪ To disseminate in the Platform or through our channels in the social networks photographs or pictures that you shared publicly, provided that you expressly give us your consent for the purpose.
5. Analysis of usability and quality to improve our services	If you access our Platform, we inform you that we will treat your data for **analytic and statistic purposes**, i.e., to understand the manner in which users interact with our Platform and with the actions we implement on other websites and apps, so we can improve our services. In addition, we occasionally perform **quality surveys and actions** to know the degree of satisfaction of our customers and users and detect those areas in which we may improve.

3. HOW ARE WE LEGALLY PERMITTED TO PROCESS YOUR DATA?

The legal terms on which we are permitted to process your personal data also depend on the purpose for which we process them, as explained in the following table:

Purpose	Legal standing
1. To manage your Platform user registration	We process your data because this **is necessary on the terms regulating the use of theWebsite and App**. In other words, for you to be able to register as a user on the Platform, we need to process your personal data, since we would otherwise be unable to manage your registration. We consider we have a **legitimate interest** to link to your account your purchases and the data collected through different channels of the Platform about your activity. If you opt to use the access or login through a social network, we are legally permitted to process your data given the **consent** that you give when authorising the assignment of your data from the social network.

Purpose	Legal standing
2. Development, performance and making of the purchase or services contract	We process your data because their processing is necessary for us **to make the purchase or services contract** with you. Certain processing of data related to the purchase process is activated only because you request or authorise it, as is the case of the storage of payment data for future purchases or the processing of data necessary to scan the till receipts through the Wallet section of the App or to inform you about the availability of our products (where these features are available). In these cases, our processing of your data is supported by your own **consent**. In addition to this, we process your location data when you provide us your consent in order to offer you specific services through the App when visiting some of our Brick and Mortar Stores. We consider that we have a **legitimate interest** to carry out the necessary verifications to detect and prevent potential fraud or fraudulent uses of the Platform, for example when you make a purchase or return. We understand that the processing of these data is positive for all the parties involved: for you, as it allows us to put in place measures to protect you against attempted fraud perpetrated by third parties; for Us, as it allows us to avoid unauthorised uses of the Platform; for all our customers and society, as it also protects their interest by ensuring that fraudulent activities are discouraged and detected when they do occur.
3. Customer Support	We consider that we have **lawful interest** in answering the requests or queries raised by you through the existing different contact channels. We understand that the processing of these data is also beneficial to you to the extent that it enables us to assist you adequately and answer to the queries raised. When you get in touch with us, in particular, for the management of incidents related to your order or the product/service acquired through the Platform, the processing of your data is necessary **to make the purchase contract**. When your request is related to the exercise of your rights on which we inform you below, or to claims on our products or services, we are legally permitted to process your data **for compliance with our legal obligations**. In some cases, related to product claims, it may be necessary for the processing of data to be carried out to ensure the **public interest** in public health.

Purpose	Legal standing
4. Marketing	We are legally permitted to process your data for marketing purposes due to the **consent** that you give us, for example when you accept receiving customized information through multiple channels, when authorizing the sending of push notifications in your device, when you configure it in the privacy settings of your device, when you consent through the cookies settings or when accepting the legal terms and conditions to participate in a promotional action or to publish your pictures on the Platform or on our social networks' channels. To offer you personalised services or to show you customised information, whether on our Platform or those of third parties, as well as to engage in data enrichment we consider that we have a lawful interest to conduct a profiling with the information that we have about you (such as your browsing, preferences or purchase history) and the personal data that you have provided us, such as the age range or language, since we understand that the data processing of these data is also beneficial to you because it allows you to improve your user experience and access the information in accordance with your preferences.
5. Analysis of usability and quality	We consider that we have a **lawful interest** in analysing the Platform usability and the user's satisfaction degree, since we understand that that the processing of these data is also beneficial for you because the purpose is to improve the user experience and provide a higher quality service.

4. HOW LONG WILL WE KEEP YOUR DATA?

The **time for which we will keep** your data will depend on the purposes for which we process them, as explained below:

Purpose	Time for which the data are kept
1. To manage your Platform user registration	We will process your data for the time during which you remain a registered user (meaning, until you decide to unsubscribe).
2. Development, performance and execution of the purchase or services contract	We will process your data for the time necessary to manage the purchase of the products or the services, including potential returns, complaints or claims related to the purchase of the product or service in question. Sometimes, we will only process the data until the time when you decide, as is the case of payment data that you requested us to store for future purchases (where this feature is available).
3. Customer Support	We will process your data for the time necessary to meet your request or application, as well as for the time established in the regulations that may apply in each case.

Purpose	Time for which the data are kept
4. Marketing	We will process your data until you unsubscribe or cancel your subscription to the newsletter. Likewise, we will show you personalised ads until you change your device, browser and or cookies settings so that permission to do so is revoked. If you participate in promotional actions, we will keep the data during a six (6) months period from the end of the action.
5. Analysis of usability and quality	We will process your data occasionally for the time during which we proceed to carry out a specific quality action or survey or until we anonymise your browsing data.

Notwithstanding the fact that we will process your data for the time strictly necessary to achieve the purpose in question, we will subsequently keep them duly stored and protected for the time during which liability may arise for their processing, in compliance with legislation in force from time to time. Once each of the potential actions is time-barred we will proceed to delete the personal data.

5. DO WE SHARE YOUR DATA WITH THIRD PARTIES?

To achieve the purposes mentioned in this Privacy Policy, we must afford access to your personal data to **entities of the Inditex Group** and to **third parties** that provide us with support in the services that we offer your, i.e.:

- **financial** institutions,
- **anti-fraud detection and prevention** entities,
- **technological and analytical** service providers,
- providers and partners of services related to **logistic**, **transport** and **delivery** and/or their partner establishments,
- providers of **customer support** related services,
- service providers and collaborators related to **marketing and publicity**, such as advertising agencies, advertising partners or social media that in certain cases may act as joint controllers.
- public authorities

For service efficiency purposes, some of these providers are located in territories outside the European Economic Area that do not offer a level of data protection comparable to that of the European Union. In such cases, we inform you that we will transfer your data with **adequate safeguards and always keeping your data safe,** using the most convenient international data transfer tools, in example the Standard Contractual Clauses and any relevant supplementary measures**.** You may consult the content of such Standard Contractual Clauses through the following link: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en

In addition, we inform you that we need to share your data with our parent company, **Industria de Diseño Textil, S.A. (Inditex, S.A.)**, Inditex Group holding company, for compliance with the obligations of the parent company.

In the event that we sell or transfer all or a portion of our business or assets to other company within or outside the Inditex Group, or have any other business operation implemented as a consequence of corporate reorganizations, we may disclose your personal data to the prospective receptor of such business or assets. Should such a sale or transfer occur, we will use reasonable efforts to direct the transferee to use personal information you have provided to us in a manner that is consistent with our Privacy Policy. In this case, we consider that we have legitimate interest consisting on the reorganization of our corporate structure.

Furthermore, if you choose to use the Platform in different markets (i.e. by creating registered user accounts in different markets with the same e-mail address), We may need to disclose or transfer the information linked to your account or your activity to the companies of the brand operating in those markets, to the extent they are directly involved in the achievement of any of the purposes described in the section 2. We consider this is necessary in accordance with our mutual interests and preferences.

6. WHAT ARE YOUR RIGHTS WHEN MAKING YOUR DATA AVAILABLE TO US?

We undertake to keep your personal data confidential and to ensure that you may **exercise your rights**. Bearing you in mind, we Joint Controllers have agreed that you may exercise your rights **free of charge** by writing us an e-mail to **a single e-mail address** dataprotection@bershka.com, simply informing us of the reason for your request and the right that you wish to exercise. If we consider this necessary to be able to identify you, we may request you to provide a copy of a document evidencing your identity.

In addition, we may offer you with the possibility to exercise your rights and setting your privacy preferences when using some of our services, or by making available specific channels within our Platform.

In particular, notwithstanding the purpose or legal basis we use to process your data, you have the following rights:

- To request us **access** to the data we have available on you. We remind you that in case you are a Platform registered user you may also consult this information in the relevant section on your personal data. The right of access is limited pursuant to Section 34 German Federal Data Protection Act.

- To request us to **rectify** the data that we have available. Please bear in mind that if you are a registered user on the Platform, you may also access the relevant personal data section to change or update your personal data. In any case, please take into account that, on actively making your personal data available to us through any procedure, such data should be **true and accurate,** and you should notify to us any change or modification of your data. Please remember that, as a general rule, you must provide us only with your own data, not with those of third parties, other than to the extent otherwise permitted in this Privacy Policy.

- To request us the **erasure** of your personal data to the extent that they are no longer necessary for the purpose for which we need to keep processing them, as we have explained above, or when we are no longer legally permitted to process them. The right to request erasure is limited pursuant to Section 35 German Federal Data Protection Act.

- To request us to **cancel or limit the processing** of your personal data, which entails that in certain cases you can request us to temporally suspend the processing of the data or that we keep them longer than necessary when you may need it.

If you have given us your **consent** to process your data for any purpose, you **also have the right to withdraw such consent at any time**. Some of the manners in which you may withdraw your consent are explained in section 2 where we explain for which purposes we process your data.

Should you not wish us to send information to third parties to show you ads, you can do it through several means such as changing your preferences on your device changing your preferences on your device, browser and/or cookies settings, reviewing the privacy policies and settings of the social media sites on which you have profiles or sending us an email to the above mentioned email address informing us of your request.

When we are legally permitted to process your data due to your **consent** or to **make the contract**, as explained in section 3, you will also have the right to request the **portability of your personal data**. This means that you will have the right to receive the personal data that you made available to us in a structured, commonly used and machine-legible format, to be able to transmit them to another entity directly without impediments on our part.

In addition, where the processing of your data is based on our **lawful interest**, you will also have the right to **object** to the processing of your data.

Finally, we inform you that you have the right to file a claim before the responsible data protection **regulatory authority**, in particular, before:

- the Spanish Data Protection Agency (https://www.agpd.es/portalwebAGPD/index-ides-idphp.php);
- the authority of the country in which the country retail company is located: https://edpb.europa.eu/about-edpb/board/members_en

7. WHAT HAPPENS WHEN YOU PROVIDE US WITH DATA OF THIRD PARTIES OR IF A THIRD PARTY HAS PROVIDED US WITH YOUR DATA?

We offer functionalities or services that require us to process the personal data of a third party that you, as a user or as a customer, must provide, such as in the case of activation and sending of the Gift Voucher or the management of the application for the Gift Voucher (where these features are available), or when you authorise a third party to collect an order in our stores or partner establishments. If you provide us with personal data of third parties or if it is necessary that we request them for a third party to collect an order in your name, you should inform them of the purposes and of the manner in which we need to process their personal data.

If a third party has provided us with your data or you have provided them yourself as a result of a feature or service requested by one of our users, we will use them to manage the feature or service in question in each case, within the limits of the purposes listed in this Privacy Policy, a link to which is always included in our communications.

8. CHANGES TO THE PRIVACY POLICY

We may amend the information contained in this Privacy Policy when we consider this appropriate. Should we do so, we will notify you by various procedures through the Platform (for example, through a banner, a pop-up or a push notification), or we may even send you a notice to your e-mail address when the change in question is relevant to your privacy, for you to be able to review the changes, assess them and, as the case may be, object or unsubscribe from ay service or functionality. In any case, we suggest you to review this Privacy Policy from time to time in case minor changes are made or we make any interactive improvement, taking the opportunity that you will always find it as a permanent point of information on our Website and our App.

9. INFORMATION ON COOKIES

We use cookies and similar devices to facilitate your browsing in the Platform, understand how you interact with the us and, in certain cases, to be able to show you advertisements in accordance with your browsing habit. Please

read our Cookies Policy to understand with greater detail the cookies and similar devices that we use, their purpose, how to manage your preferences, as well as other information of interest.