

# PRIVACY POLICY

## OUR PRIVACY POLICY AT A GLANCE

1. **WHO WE ARE.** We are **ITX LUXEMBOURG, S.A.** 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 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, both inside and outside the European Union. [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.

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## BEFORE YOU START ...

- In this **Privacy Policy** , you will find **all relevant information** applicable to our use of our users' and clients' personal data, **regardless of the channel or means (online or in person)** of **BERSHKA** in Luxembourg that you use to interact with us.
- **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**, [www.bershka.com](http://www.bershka.com)
    - Our **Bershka App**, this is, including both the mobile application you installed on your mobile device and others we may use in our stores.
    - In person, in any of our **Bershka Luxembourg Stores**.

## 1. WHO IS THE CONTROLLER OF YOUR DATA?

Your data controllers are:

- ITX LUXEMBOURG, S.A., company currently operating in Luxembourg the sale of BERSHKA brand products ("BERSHKA LUXEMBOURG"):
  - Postal address: 33 Grand Rue, 1661 Luxembourg, Luxembourg.
  - E-mail address of the Data Protection Officer: [dataprotection@bershka.com](mailto: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](mailto:dataprotection@bershka.com)

In other words, both BERSHKA LUXEMBOURG 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 WE PROCESS YOUR PERSONAL DATA

Depending on the purpose for which we process your data from time to time, as explained above, 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, 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 (if you interact with us from your mobile phone, for example);
- **commercial** information (for example, if you have subscribed to our newsletter),
- information about your **tastes and preferences**.

Remember that, when we ask you to fill in your personal data to afford you access to any functionality or service of the Platform, we will mark 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.

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:

PURPOSE	+ info
<p><b>1. To manage your registration as user of the Platform</b></p>	<p>If you decide to become a registered user of our Platform, we need to process your data to <b>identify you as a user</b> of the Platform and <b>grant you access</b> 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.</p> <p>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 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.</p>

<p><b>2. For the development, performance and execution of the purchase or services contract that you executed with Us on the Platform</b></p>	<p>This purpose includes processing your data, mainly:</p> <ul style="list-style-type: none"> <li>▪ <b>To contact you</b> for updates or informative notices <b>related to the contracted functionalities, products or services</b>, including <b>quality surveys</b> and to be able to establish the degree of customer satisfaction with the provided service;</li> <li>▪ <b>To manage payment</b> of the products that you purchase, regardless of the payment procedure used. For example: <ul style="list-style-type: none"> <li>▪ If on purchasing any of our products through the Website or the App, you opt to activate the functionality of <b>save your card data</b> 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 cards at any time through the section on payment information, either of your Website registered user account, or of the Wallet functionality of the BERSHKA App.</li> <li>▪ If you use the Wallet functionality of the App to pay your face-to-face purchases, we need to process your data to activate it, so that you may start your purchases at the brick-and-mortar stores of BERSHKA in Luxembourg (“the Brick-and-Mortar Stores”) enabled for the purpose.</li> </ul> </li> <li>▪ Activate the necessary arrangements in order to <b>control and prevent potential fraud against you and against us</b> during the purchase process. If we consider that the transaction can be fraudulent, this processing may cause the blocking of the transaction.</li> <li>▪ To manage potential <b>returns</b> after you have purchased and manage <b>requests of availability information for articles, reservations of products through the Platform</b>, or provide you the services related to the functionality <b>Personal Tailoring</b>, depending on the availability of such options from time to time.</li> <li>▪ For invoicing purposes and to make available to you the tickets and invoices of the purchases you have made through the Platform.</li> <li>▪ To ensure that you are able to use <b>other available functionalities or services</b>, such as the purchase, management and use of the <b>Gift Card</b> or of the <b>Gift Voucher</b>, and to afford you access and use of the <b>Wi-Fi</b> that we make available to our customers at Brick-and-Mortar Stores.</li> </ul>
<p><b>3. To meet requests or applications that you make</b></p>	<p>We only process the personal data that are <b>strictly necessary</b> to manage or resolve your request or application.</p>

<p>through the <b>Customer Support</b> channels</p>	
<p><b>4. For marketing purposes.</b></p>	<p>This purpose includes the processing of your data, subject to your consent, mainly for:</p> <ul style="list-style-type: none"> <li>▪ If and when you subscribe to our Newsletter, we will process your personal data to <b>manage your subscription</b>, including to <b>send customised information</b> 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 mobile device. <ul style="list-style-type: none"> <li>▪ Accordingly, please take into account that this data processing implies <b>analysis of your user or customer profile</b> to establish your preferences and therefore which products and services are most fit to your style when sending you information. For example, based on your purchases and browsing history (i.e., depending on the 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. Please read our Cookies Policy for more information.</li> <li>▪ Remember that <b>you may unsubscribe from the Newsletter at any time</b> 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 mobile device.</li> </ul> </li> <li>▪ To perform <b>promotional actions</b> (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.</li> <li>▪ 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.</li> </ul>
<p><b>5. Analysis of usability and quality</b> to improve our services</p>	<p>If you access our Platform, we inform you that we will treat your browsing data for <b>analytic and statistic purposes</b>, i.e., to understand the manner in which users interact with our Platform and thus be capable of introducing improvements in the Platform. Please read our Cookies Policy for more information.</p>

	In addition, we occasionally perform <b>quality surveys and actions</b> to know the degree of satisfaction of our customers and users and detect those areas in which we may improve.
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### 3. HOW WE ARE LEGALLY PERMITTED TO PROCESS YOUR DATA?

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

Purpose	Legal standing
<b>1. To manage your Platform user registration</b>	<p>We process your data because this is <b>necessary on the terms regulating the use of the Platform</b>. 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.</p> <p>If you opt to use the access or login through a social network, we are legally permitted to process your data given the <b>consent</b> that you give when authorising the assignment of your data from the social network.</p>
<b>2. Development, performance and making of the purchase or services contract</b>	<p>We process your data because their processing is necessary for us <b>to make the purchase or services contract</b> with you.</p> <p>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 (card) data for future purchases or the processing of data necessary to scan the till receipts through the Wallet section of the App or to provide you with the Coming Soon / Back Soon functionalities. In these cases, our processing of your data is supported by your own <b>consent</b>.</p> <p>We consider that we have a <b>lawful interest</b> to carry out the necessary verifications to detect and prevent potential fraud when you make a purchase. We understand that the processing of these data is positive for all the participating parties when a purchase is paid and in particular for you, since this allows us to establish measures to protect you from fraud attempts by third parties.</p>
<b>3. Customer Support</b>	<p>We consider that we have <b>lawful interest</b> in answering the requests or consultations 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</p>

	<p>assist you adequately and answer to the consultations raised.</p> <p>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 <b>to make the purchase contract.</b></p> <p>When your consultation 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 <b>for compliance with our legal obligations.</b></p>
<p><b>4. Marketing</b></p>	<p>We are legally permitted to process your data for marketing purposes due to the <b>consent</b> that you give us, for example when you accept receiving customized information through multiple channels, when authorizing the sending of push notifications in your mobile device 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.</p> <p>In order to show you customised information. 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.</p>
<p><b>5. Analysis of usability and quality</b></p>	<p>We consider that we have a <b>lawful interest</b> 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 your because the purpose is to improve the user experience and provide a higher quality service.</p>

#### 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
<b>1. To manage your Platform user registration</b>	We will process your data for the time during which you remain a registered user (meaning, until you decide to unsubscribe).
<b>2. Development, performance and execution of the purchase or services contract</b>	<p>We will process your data for the time necessary to manage the purchase of the products or services that you acquired, including potential returns, complaints or claims related to the purchase of the product or service in question.</p> <p>Sometimes, we will only process the data until the time when you decide, as is the case of payment (card) data that you requested us to store for future purchases.</p>
<b>3. Customer Support</b>	We will process your data for the time necessary to meet your request or application.
<b>4. Marketing</b>	<p>We will process your data until you unsubscribe or cancel your subscription to the newsletter.</p> <p>If you participate in promotional actions, we will keep the data during a six (6) months period from the end of the action.</p>
<b>5. Analysis of usability and quality</b>	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, with restricted access, 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 you, i.e.:

- **financial** institutions,
- **anti-fraud detection and prevention** entities,
- **technological** service providers,
- **logistic, transport and delivery** partners and service providers,



- providers of **customer support** related services,
- **advertising** and **marketing** related partners and service providers.

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 other words, the United States of America. In such cases, we inform you that we will transfer your data with **adequate safeguards and always keeping your data safe**:

- Some providers are certified **Privacy Shield**, which certification you may consult through the following link:

<https://www.privacyshield.gov/welcome>

- With other providers, we have agreed **Standard Contractual Clauses** approved by the Commission, the contents of which you may consult 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](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.

## 6. WHAT YOUR RIGHTS ARE 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](mailto: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 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.
- 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, you guarantee that they are **true and accurate** and you undertake to notify to us any change or modification of your data. Only the user shall be liable for any loss or damage caused to the Platform or to the person responsible for the Platform or to any third party by reporting erroneous, inaccurate or incomplete information in the registration forms. 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.

- To request us to **cancel or limit the processing** of your personal data, which entails that in certain cases you can request us to temporarily 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.

When we are legally permitted to process your data due to your **consent** or to **perform 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 ([Agencia Española de Protección de Datos](https://www.agpd.es/portalwebAGPD/index-ides-idphp.php)) (<https://www.agpd.es/portalwebAGPD/index-ides-idphp.php>);
- the authority of the country in which the country retail company is located: [http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index\\_en.htm](http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm)

## 7. WHAT HAPPENS WHEN YOU PROVIDE US WITH DATA OF THIRD PARTIES

We offer functionalities or services that require us to process the personal data of a third party that you 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. If you provide us with personal data of third parties, you warrant that you informed them of the purposes and of the manner in which we need to process their personal data.

## 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 any 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 and other information of interest.