

# PRIVACY POLICY

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## OUR PRIVACY POLICY AT A GLANCE

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1. **WHO WE ARE.** We are ITX MERKEN, B.V and we process your personal data as *controller*. This means that we are responsible for how we process and protect your data. [See more.](#)
2. **WHAT WE USE YOUR DATA FOR.** We will use your data, among other purposes, 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, for example, to respond to your queries or to send you newsletters that you have asked to receive from us. [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 providers. [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 transferring your data, as explained in depth below. [See more.](#)

We encourage 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 customers' personal data, **regardless of the channel or means** of **BERSHKA** 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, to help 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 how we use your data **as you interact with us**.
- These are some terms we regularly use in this Privacy Policy:
  - When we speak about our **Platform**, we refer, in general, to any of the channels or means you may have used to interact with us. The main ones are:
    - Our **Website**, [www.bershka.com](http://www.bershka.com)
    - Our **App**, this is, including both the mobile application you installed on your device and others we may use in our Platform.

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

Your data controller is:

- **ITX MERKEN, B.V.**, a company belonging to the Inditex Group, ("ITX MERKEN". "We" or "Us"):
  - Postal address: Nieuwezijds Voorburgwal 307, 1012 RM Amsterdam, the Netherlands.
  - E-mail address of the Data Protection Officer: [dataprotection@bershka.com](mailto:dataprotection@bershka.com)

## 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.);
- **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**.

Remember that, when we ask you to fill in your personal data to give you access to any functionality or service of the Platform, we will mark certain fields as *compulsory*, since this is information that we need to be able to provide the service or give 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 not be able to enjoy certain services or functionalities.

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:

PURPOSE	+ info
<p>1. To meet requests or applications that you make through the <b>Customer Support</b> channels</p>	<p>We only process the personal data that are <b>strictly necessary</b> to manage or resolve your request or application.</p>
<p>2. For <b>marketing purposes</b>.</p>	<p>This purpose includes the processing of your data, mainly, for:</p> <ul style="list-style-type: none"> <li>▪ 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 browsing history).</li> <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 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 browsing history (i.e., depending on the articles that you clicked), we will make you suggestions on products that we believe may interest you.</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 device.</li> </ul> </li> <li>▪ Show you <b>ads on the Internet</b> 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 browsing history. <ul style="list-style-type: none"> <li>▪ If you use social media, we may provide the companies with which we collaborate certain information so that they, as joint</li> </ul> </li> </ul>

	<p>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.</p> <ul style="list-style-type: none"> <li>▪ 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.</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>3. 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 with the actions we implement on other websites and apps, so we can improve our services. 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.</p>

**3. HOW ARE 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
<p><b>1. Customer Support</b></p>	<p>We consider that we have <b>legitimate 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 assist you adequately and answer to the consultations raised.</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>2. 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 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.</p> <p>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 legitimate interest to conduct a profiling with the information that we have about you such as your browsing, 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>3. Analysis of usability and quality</b></p>	<p>We consider that we have a <b>legitimate interest</b> in analysing the Platform usability and the user's satisfaction degree, since we understand 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.</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. Customer Support</b>	We will process your data for the time necessary to meet your request or application.
<b>2. Marketing</b>	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.
<b>3. 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 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 give 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.:

- **Technological and analytical** service providers,
- 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.

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 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/international-dimension-data-protection/standard-contractual-clauses-scc\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_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.

## 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 that in mind, you may exercise your rights **free of charge** by writing us an e-mail to **our 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 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 **access** to your personal data that we hold.
- To request that we **rectify** the personal data that we hold. 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. You will 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 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 that we **erase** 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 that we **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.

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 circumstances in which you may withdraw your consent are detailed 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**, 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 **legitimate 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**:

- The Dutch Data Protection Authority (Autoriteit Persoonsgegevens) <https://autoriteitpersoonsgegevens.nl/nl>

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

If you provide us with personal data of third parties, you confirm that you informed 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 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 us and, in certain cases, to be able to show you advertisements in accordance with your browsing habits. 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.