

# PRIVACY POLICY

Effective date: 28 October 2021

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## OUR PRIVACY POLICY AT A GLANCE

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1. **WHO WE ARE.** We are ITX E-Commerce (Shanghai) Co., Ltd and ZARA Commercial (Shanghai) Co., Ltd. (hereinafter referred to as "We") and we process your personal information as "personal information processors". This means that we are responsible for how we process and protect your personal information. [See more.](#)
2. **WHAT PERSONAL INFORMATION WE COLLECT AND HOW WE USE IT.** We will collect your personal information among other purposes, to **respond to your queries**, and, if you wish, to send you our customised **communications**. [See more.](#)
3. **WHO WE SHARE YOUR PERSONAL INFORMATION WITH.** We share your personal information with service providers who provide us with assistance or support, including the holding company of the Inditex Group - Industria de Diseño Textil, S.A. (Inditex, S.A.). [See more.](#)
4. **YOUR RIGHTS.** You have the right to access, rectify or delete your personal information. In certain cases, you are also entitled to other rights, such as, for example, to object to us using your personal information, or to transferring your personal information, 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 information and your rights over your personal information.

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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 information, **regardless of the channel or means** 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 information, to help you to understand the implications of the way in which we use your personal information, and the rights you are entitled to in relation to your personal information:
  - 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 personal information **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, 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 PROCESSOR OF YOUR PERSONAL INFORMATION?

The following entity is the personal information processor ("PIP") of your personal information.

- **ITX E-Commerce (Shanghai) Co., Ltd.:**
  - Registered address: Room 1, 29F, Block 1, No. 399 Kaixuan Road, Changning District, Shanghai
  - E-mail of Data Protection Officer: [dataprotection@uterque.com](mailto:dataprotection@uterque.com)
- **Zara Commercial (Shanghai) Co., Ltd.:**
  - Registered address: No.1193 West Nanjing Road, Jing'an District, Shanghai
  - E-mail of Data Protection Officer: [dataprotection@uterque.com](mailto:dataprotection@uterque.com)

In other words, the above-mentioned company ("We", "Us" or "the PIP"), is the **PIP** of your personal information. This means that we are responsible for processing and protecting your personal information.

## 2. WHAT PERSONAL INFORMATION WE COLLECT AND HOW WE USE IT?

For the purpose of this Privacy Policy, personal information refers to all types of information, whether recorded in electronic or other formats, relating to an identified or identifiable natural person, excluding anonymised information. ***Sensitive personal information refers to personal information that, once leaked or illegally uses, may easily cause harm to the dignity of natural persons or endanger personal or property safety, including but not limited to biometric, religious belief, specific identity, medical and health care, financial account, location tracks and other information, as well as personal information of minors under the age of 14.***

We commit to collecting your sensitive personal information on a strictly needed basis and to the extent possible we highlight in **bold and underline** the sensitive personal information that we collect and process for your special attention. We will always ensure that sensitive personal information to be collected is sufficiently necessary to achieve the purposes stated in this section, sensitive personal information will be processed in such way of having the least impact on your rights and interests, and proper security measures will be put in place to protect data security. **You acknowledge and agree that we may collect process your sensitive personal information for the purposes stated in this Privacy Policy.** Where applicable laws and regulations require any additional voluntary and specific consents from you in the collection of sensitive personal information with respect to any channels of our Platforms, we commit to seeking additional standalone consents from you at the point of collection.

When you access or interact with our Platform, we may collect and use your personal information mainly under the following three circumstances (i) it is necessary to provide or fulfil a transaction or service by or for you in accordance with a contract that you executed with us ("Basic Functionality"); (ii) you have given us your explicit consent for better shopping experience or any other value-added services ("Value-Added Functionality"); and (iii) it is necessary for other legitimate interests pursued by us in accordance with applicable laws and regulations ("Other Legitimate Interests").

Remember that, when we ask you to fill in your personal information 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 personal information available to us, you may be unable to enjoy relevant 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. In these cases, we only process your personal information 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.

### 1) **Basic Functionality**

<b>Personal information</b>	<b>Purpose</b>	<b>Legal standing</b>
Phone number, first name, last name, email address.	1. To meet requests or applications that you make through the <b>Customer Support</b> channels	We only process the personal information that is <b>strictly necessary</b> to manage or resolve your request or application.  We process your personal information based on your <b>consent</b> or <b>to make the purchase or services contract</b> with you in terms of answering the requests or

Personal information	Purpose	Legal standing
		<p>queries raised by you through the existing different contact channels.</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 personal information is necessary <b>to perform the purchase contract</b>.</p>

2) Value-added Functionality

Personal information	Purpose	Legal standing
<p>Phone number, first name, last name, email address, language and market from which you interact with us, preferences related to the historic purchase and <b><u>browsing history</u></b>.</p>	<p>1. For <b>marketing purposes</b>.</p>	<p>This purpose includes the processing of your personal information, mainly, for:</p> <ul style="list-style-type: none"> <li>▪ If and when you subscribe to our Newsletter, we will process your personal information 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 fit to your style when sending you information. For example, based on your <b>purchases and <u>browsing history</u></b> (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>▪ 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</li> </ul>

Personal information	Purpose	Legal standing
		<p>authorise us to process the personal information 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 information.</p> <ul style="list-style-type: none"> <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 <b>consent</b> for the purpose.</li> </ul> <p>We are legally permitted to process your personal information 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 you accept receiving push notifications on 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>Preferences related to the historic purchase and <b>browsing history</b>, language and market from which you interact with us.</p>	<p><b>2. 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 <b>browsing data</b> 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 App, so we can improve our services.</p> <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.</p> <p>We are legally permitted to process your personal information for the purposes of analysing the Platform usability and the user's satisfaction degree due to the <b>consent</b> that you give us.</p>

### 3) Other Legitimate Interests

In accordance with the applicable laws, regulations and national standards, in order to pursue public interests and other legitimate interests, we may collect and use your personal information without obtaining your consent under the following circumstances:

- (1) It is necessary in order to perform a statutory duty or legal obligation;
- (2) It is necessary in order to respond to an unexpected public health incident or, in an emergency, to protect the lives, health or property of natural persons;
- (3) It is done in the public interest for purposes such as providing news reports and monitoring public opinion, and the extent of the processing is reasonable;
- (4) The personal information has been made public by you or has otherwise been lawfully made public, and we will conduct reasonable processing of your personal information to the extent permissible under applicable laws and regulations; and
- (5) Other circumstances provided under laws and regulations.

### 3. HOW LONG WILL WE KEEP YOUR PERSONAL INFORMATION AND WHERE?

The **time for which we will keep** your personal information 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 personal information for the time necessary to meet your request or application.
<b>2. Marketing</b>	We will process your personal information until you unsubscribe or cancel your subscription to the newsletter.  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 personal information 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 personal information 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 applicable laws and regulations. Once each of the potential actions is time-barred we will proceed to delete or anonymize the personal information.

Our Platform is located within People's Republic of China and the personal information you provide through the Platform is stored on servers located in the People's Republic of China.

### 4. DO WE SHARE YOUR PERSONAL INFORMATION WITH THIRD PARTIES?

#### 1) Sharing

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 as **entrusted processors** in the services that we offer you, i.e.

- **technological and analytical** service providers (with these entities we may share identification data, and connection, geolocation and/or browsing data),
- providers of **customer support** related services (with these entities we may share identification data),
- service providers and collaborators related to **marketing and publicity**, such as advertising agencies, advertising partners or social media (with these entities we may share identification data, connection, geolocation and/or browsing data,).

As a member of Inditex Group, we closely collaborate with our parent company in various aspects including improving management efficiency, customer satisfaction as well as risk management. As a result, your personal information may be remotely accessible by the following overseas entity in accordance with the following terms and conditions:

Foreign recipient:	<b>INDUSTRIA DE DISEÑO TEXTIL, S.A. (INDITEX, S.A) (hereinafter, "Inditex")</b>
Registered address:	Avda. de la Diputación, Edificio Inditex, 15143, Arteixo (A Coruña), Spain
Email of Data Protection Officer:	<a href="mailto:dataprotection@uterque.com">dataprotection@uterque.com</a>
Personal information	Personal information to be remotely accessed on a needed basis includes email address, first name, last name, phone number, <b>location</b> , the device identification number, type of browser, preference related to the historic purchase and <b>browsing history</b> .
Purposes of cross-border data sharing	engage Inditex as the entrusted contractor for corporate policies fulfilment and compliance.

Foreign recipient:	<b>ITX MERKEN B.V. (hereinafter, " ITX MERKEN")</b>
Registered address:	Nieuwezijds Voorburgwal 307, 1012 RM Amsterdam, the Netherlands
Email of Data Protection Officer:	<a href="mailto:dataprotection@uterque.com">dataprotection@uterque.com</a>
Personal information	Personal information to be remotely accessed on a needed basis includes email address, first name, last name, phone number, <b>location</b> , the device identification number, type of browser, preference related to the historic purchase and <b>browsing history</b> .
Purposes of cross-border data sharing	to engage ITX MERKEN as the entrusted contractor to provide technology development and support

In such cases, we inform you that we transfer the above-mentioned data with **adequate safeguards and always keeping your personal information safe**, using the most convenient international data transfer tools, in accordance with the model contract prepared by regulators.

**You acknowledge and agree that we may share your personal information with the above-mentioned companies for the purposes stated in this Privacy Policy and in accordance with the terms and conditions under this section.** Where applicable laws and regulations require any additional voluntary and specific consents from you with respect to the cross-border sharing/access of your personal information, we commit to seeking additional standalone consents from you at the appropriate time.

In case you interact with the Platform via the **App**, we have installed SDKs of external service providers. To review this information, please refer to the [Appendix](#)

## **2) Transfer of personal information**

We will not transfer your personal information to any other PIP, except in the following cases:

- (1) Obtaining your explicit consent in advance;
- (2) In accordance with the laws and regulations or mandatory administrative or judicial requirements;
- (3) In the case of asset transfer, acquisitions, mergers, reorganization or liquidation, if the transfer of personal information is involved, we will inform you of the situation and require new companies and organizations holding your personal information to continue to be bound by this Privacy Policy. If the purpose of the collection and use of your personal information is changed, we will require the new company and organization to regain your explicit consent.

## **3) Public disclose**

In principle we will not disclose your personal information publicly. In the event of public disclosure, we will inform you of the purpose and type of the disclosure, and the sensitive personal information that may be involved and seek your explicit consent prior to such disclosure.

**4)** In accordance with the **applicable laws, regulations and national standards**, we may share, transfer or publicly disclose your personal data without obtaining your consent in the following cases:

- (1) Directly related to national security and defence security;
- (2) Directly related to public safety, public health and major public interests;
- (3) Directly related to criminal investigation, prosecution, trial and execution of judgments;
- (4) For the maintenance of your or other people's life, property and other important legitimate rights and interests, but it is difficult to get your own consent;
- (5) The personal data collected is disclosed to the public by yourself;
- (6) The personal data is collected from lawful and publicly disclosed information, such as: legal news reports, government information disclosure and other channels.

## **5. WHAT ARE YOUR RIGHTS WHEN MAKING YOUR PERSONAL INFORMATION AVAILABLE TO US?**

We undertake to keep your personal information confidential and to ensure that you may **exercise your rights**. Bearing that in mind, We have agreed that you may exercise your rights **free of charge** by writing us an e-mail to **a single e-mail address** ([dataprotection@uterque.com](mailto:dataprotection@uterque.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 personal information, you have the following rights:

- To request **access** to your personal information that we hold.
- To request that we **rectify** the personal information that we hold. In any case, please take into account that, on actively making your personal information 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 personal information. 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 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 that we **erase** your personal information 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 your account, as a consequence of which, we will cease the offering of the goods or services to you and delete or anonymize your personal information according to applicable laws and regulations.
- To request that we transmit the personal information you have provided to us in a commonly used and machine-readable format to another PIP subject to technical feasibility.

If you have given us your **consent** to process your personal information 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 personal information.

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.

## 6. HOW DO WE PROTECT YOUR PERSONAL INFORMATION?

We are committed to protecting the security of your personal information. We use a variety of security technologies and procedures to help protect your personal information from unauthorized access, use or disclosure. For example, we store the personal information you provide on computer systems that have limited access and are in controlled facilities. When we transmit highly confidential data (such as card number or password) over the Internet, we protect it through the use of encryption.

In the event of a personal information security incident, we will promptly inform you, as required by applicable laws and regulations, of the basic situation and possible impacts of the security incident, the measures that we have taken or will take, the suggestions you may be able to prevent and mitigate the risks, and the remedies for your actions. We will timely inform you of the event through email, SMS and other channels. If it is difficult to inform the personal information subject individually, we will take a reasonable and effective way to publish the announcement. At the same time, we will take the initiative to report the disposal of information security incidents according to the requirements of local authorities.

We have established a public user management mechanism, including the tracking procedure. If you have any questions, opinions or suggestions on this Privacy Policy, you may contact us through the postal addresses listed in the Article 1 of this Privacy Policy. We also set up a full-time personal information protection department (or personal information protection officer) and you may contact by emailing to [dataprotection@uterque.com](mailto:dataprotection@uterque.com). For security purpose, we may require you to submit written application or use other methods to prove your identity. In general, after the validation of your identity, we will reply to your request within 15 days or within the time limit stipulated in the laws and regulations.

If you are not satisfied with our reply, especially our processing of your personal information infringes your rights and interests, you may complain or report to relevant regulatory authorities, or bring a lawsuit before the competent court.

In principle, we won't charge you for your reasonable request. However, we will charge a certain amount of cost for repeated requests that exceed a reasonable limit. We may reject those requests that are duplicative, require excessive technical means (for example, developing new systems or fundamentally changing current practices), pose risks to the legitimate rights and interests of others, or are very unrealistic.

Notwithstanding the above agreement, we may not be able to respond your request in the following cases in accordance with the applicable laws, regulations and national standards:

- (1) Directly related to national security and defence security;
- (2) Directly related to public safety, public health and major public interests;
- (3) Directly related to criminal investigation, prosecution, trial and enforcement of sentences;
- (4) There is sufficient evidence that you may maliciously abuse your rights;
- (5) Responding to your request will cause serious damage to the lawful rights and interests of other individuals and organizations;
- (6) Involving business secrets.

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

If you provide us with personal information of third parties, you confirm that you informed them of the purposes and of the manner in which we need to process their personal information.

## **8. HOW DO WE PROCESS CHILDREN'S PERSONAL INFORMATION?**

Our products, websites and services are mainly for adults. In cases where a child's personal information is collected with the consent of the parent or guardian, we will only use or disclose this information in a case where the law allows, the explicit consent of the parents or guardians has been obtained, or it is necessary to protect the children.

Although the laws in different countries or regions have different definitions for children, we treat anyone under the age of 14 as a child. If we find ourselves collecting the child's personal information without prior consent of the parent or guardian, we will try to delete the relevant data as soon as possible.

## **9. 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 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.

## **10. 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.

## **APPENDIX: SDK INFORMATION**

<b>SDK NAME</b>	<b>OPERATIVE SYSTEM</b>	<b>FUNCTION/ PURPOSE</b>	<b>PERSONAL INFORMATION COLLECTED</b>	<b>SERVICE PROVIDER</b>
AdSupport	iOS	Marketing.	Device information	Apple
Akamai Bot Manager	iOS/ ANDROID	Cybersecurity	Device information, connection and location information	Akamai
Colbenson	iOS	Analytics	Device and browsing information.	Empathy
Oracle Core	ANDROID	Marketing.	Login information. Device information. Connection, location and browsing information.	Oracle
Oracle Push	ANDROID	Marketing.	Login information. Device information. Connection, location and browsing information.	Oracle
Firebase	iOS	Analytics Cybersecurity	Device information and location information	Google