



Nile Clothing AG
Hauptstrasse 33
2572 Sutz Switzerland
T +41 (0)32 397 00 80
info@nile.ch

NILE.CH

PRIVACY POLICE

Privacy Policy

Nile Clothing AG
Hauptstrasse 33
2572 Sutz
Switzerland
VAT No: CH-073.3.003.538-3

This privacy policy explains to you the type, scope and purpose of the processing of personal data (hereinafter referred to as „data“) within our own online presence including the associated websites, functions, and contents as well as our external online presence, such as our social media profile (hereinafter jointly referred to as „online presence“). With regard to the terms used, such as „personal data“ or its „processing,“ we refer to the definitions in Art. 4 of the EU General Data Protection Regulation (GDPR).

Our contact details are as follows:

Email: privacy@nile.ch
Tel.: +41 33 397 00 80

What kind of data do we process?

- Master data such as name, address, etc.
- Contact details such as email, telephone number, etc.
- Order data such as article, order date, quantity, etc.
- Usage data such as visited websites, interest in content, access times, newsletter access, etc.
- Meta/communication data such as device information, browser, IP address, etc.

Do we process special categories of data (Art. 9 para. 1 GDPR)?

No, NILE does not process any special categories of user data.

Which users/persons are affected by the processing of the data?

- Customers who have a Nilecard, use it either offline in the store or in the online store, or apply for one
- Customers who place orders in the online store
- Users who have subscribed to the newsletter
- Visitors to our online presence at nile.ch
- Visitors/followers of NILE's social media profiles (on Facebook, Instagram, Vimeo, Pinterest under the name „nilethebrand“)

Below, we refer to all of these data subjects as „users.“

What is the purpose of the processing?

- To provide the content and features of our online presence at nile.ch
- To provide contractual services, service, and customer care.
- To respond to contact requests and to communicate with users
- For marketing, advertising, and market research purposes
- Security measures

When is the data from a Nilecard deleted?

- If your Nilecard has not been active for five years, it will be automatically deleted after we send you prior notice by email.
- Upon request, we will delete your Nilecard immediately. This will irrevocably delete all your personal data as well as any vouchers you may have redeemed with outstanding balances.

Last updated: October 2021

1. RELEVANT LEGAL BASES

In accordance with Art. 13 GDPR, we are informing you of the legal basis of our data processing. If the legal basis is not mentioned in the data protection policy, the following applies: the legal basis for obtaining consent is Art. 6 para. 1 lit. a and Art. 7 GDPR, the legal basis for processing for the fulfillment of our services and the execution of contractual measures as well as for replying to enquiries is Art. 6 para. 1 lit. b GDPR, the legal basis for processing to fulfil our legal obligations is Art. 6 para. 1 lit. c GDPR, and the legal basis for processing to protect our legitimate interests is Art. 6 para. 1 lit. f GDPR. In the event that your vital interests or those of another natural person require the processing of personal data, Art. 6 para. 1 lit. d GDPR is the legal basis.

2. CHANGES AND UPDATES TO THIS PRIVACY POLICY

We ask you to inform yourself regularly about the contents of our privacy policy. We will adapt it as soon as changes in the data processing we perform make this necessary. We will inform you as soon as the changes require your cooperation (e.g. consent) or other individual notification.

3. BASIC INFORMATION ON DATA PROCESSING AND LEGAL BASES

3.1. We process personal data of users only in compliance with the relevant data protection regulations. This means that user data will only be processed if a legal permission has been obtained. This means, in particular if data processing is necessary for the provision of our contractual services (e.g. processing of orders) as well as online services, or is required by law, if the user has given his or her consent, as well as on the basis of our legitimate interests (i.e. interest in the analysis, optimization and economic operation and security of our online services within the meaning of Art. 6 para. 1 lit. f. GDPR, in particular for range measurement, creation of profiles for advertising and marketing purposes, collection of access data and use of third-party services.

3.2. We would like to point out that the legal basis of the consents Art. 6 para. 1 lit. a and Art. 7 GDPR, the legal basis for processing for the fulfillment of our services and the execution of contractual measures as well as for replying to enquiries is Art. 6 para. 1 lit. b GDPR, the legal basis for processing to fulfil our legal obligations is Art. 6 para. 1 lit. c

GDPR, and the legal basis for processing to protect our legitimate interests is Art. 6 para. 1 lit. f GDPR.

4. SECURITY MEASURES

4.1. We take organizational, contractual and technical security measures in accordance with the state of the art in order to ensure that the regulations of data protection laws are observed and thus to protect the data processed by us against accidental or intentional manipulation, loss, destruction or against access by unauthorized persons.

4.2. The security measures include in particular the encrypted transmission of data between your browser and our server.

5. DISCLOSURE OF DATA TO THIRD PARTIES AND THIRD PARTIES

5.1. If we disclose data to other persons and companies (contract processors or third parties) within the scope of our processing, transmit the data to them or otherwise grant them access to the data, this shall only take place on the basis of a legal permission (e.g. if a transmission of the data to third parties, such as payment service providers, in accordance with Art. 6 para. 1 lit. b GDPR is required for contract fulfilment), you have consented, a legal obligation provides for this or on the basis of our legitimate interests (e.g. when using agents, web hosts, etc.).

5.2. The personal data of users may be exchanged within the companies of the Nile Group (Nile Clothing AG (CH), Nile Clothing GmbH (DE), Nile Agentur GmbH (DE), Nile Clothing Italia S.r.l. (IT), Nile Tex-Logistics GmbH (AT), Nile Trading Shanghai Ltd (CN) and affiliated franchise companies (Pluvina AG, ZAS AG (all CH)). These companies are obliged to use the personal data exclusively for the processing described in this data protection declaration. The data will not be shared with other third parties, except in the cases described in §1.5 of this policy.

5.3. If we commission third parties with the processing of data on the basis of a so-called „order processing contract“, this is done on the basis of Art. 28 GDPR.

5.4. If we process data in a third country (i.e. outside the European Union (EU) or the European Economic Area (EEA)) or if this occurs in the context of the use of third-party services or disclosure or transfer of data to third parties, this only takes place if it occurs for the fulfillment of our

(pre)contractual obligations, on the basis of your consent, on the basis of a legal obligation or on the basis of our legitimate interests. Subject to legal or contractual permissions, we only process the data in a third country or have it processed in a third country if the particular requirements of Article 44 ff. of the GDPR are met. This means that processing takes place, for example, on the basis of special guarantees, such as the officially recognized determination of a data protection level corresponding to the EU or compliance with officially recognized special contractual obligations (so-called „standard contractual clauses“).

5.5. We work with Adyen to provide payment options in the online store. The data exchange between the Nile Group and Adyen serves exclusively to process payments made in the online store at nile.ch.

5.6. For payments on account, we work together with Klarna and its affiliated companies. Klarna uses contact details and order details to check the qualification of the payment method. It processes data in accord with its privacy policy. Further information can be found at www.klarna.com/international/privacy-policy/

6. PERFORMANCE OF CONTRACTUAL SERVICES

6.1. We process inventory data, contact data, order data, usage data and meta/communication data (see page 1 of this data protection declaration) for the purpose of fulfilling our contractual obligations and services in accordance with Art. 6 para. 1 lit. b GDPR.

6.2. Users can optionally create a user account on <https://nile.ch>, in which you can view your orders and adjust your master data and newsletter settings yourself. During the registration process, the required information will be communicated to the users. The user accounts are not public and cannot be indexed by search engines. If users have terminated their user account, their data with regard to the user account will be deleted, subject to its retention for commercial or tax reasons, pursuant to Art. 6 para. 1 lit. c GDPR. It is up to the users to save their data before the end of the contract if they have given notice of termination. We are entitled to irretrievably delete all user data stored during the contract duration.

6.3. Users can place orders in the online store without creating a user account. The data required for the contractual fulfilment of our obligations will then only be processed for

this order process and subsequently stored in accordance with the retention periods.

6.4. Users can also simply subscribe to the newsletter, whereby the conditions according to §14 of this privacy policy concerning the newsletter applies.

6.5. Users can also apply for a Nilecard customer card, which allows them to receive a voucher once a certain turnover has been reached. This voucher can be sent by post or email. The purchases are credited by all participating stores. The separate Nilecard General Terms and Conditions apply (available on the Nilecard application when opening a customer account at <https://nile.ch> and at <https://nile.ch/pages/nilecard>).

6.6. When registering, reregistering and using our online services, we store the IP address and the time of the respective user action. The data are stored on the basis of our legitimate interests as well as the user's protection against misuse and other unauthorized use. A passing on of this data to third parties does not take place in principle, unless it is necessary for the pursuit of our claims or there is a legal obligation in accordance with Art. 6 para. 1 lit. c GDPR

6.7. We process usage data (e.g., the visited websites of our online offer, interest in our products) and content data (e.g. entries in the contact form or user profile) for advertising purposes in a user profile in order to show the user e.g. product information based on their previously used services.

6.8. The deletion takes place after the expiration of statutory warranty and comparable obligations, the necessity of the storage of the data is checked every three years; in the case of statutory archiving obligations the deletion takes place after their expiration (end of commercial law (6 years) and tax law (10 years) storage obligation); details in the customer account remain up to its deletion.

7. CONTACT

7.1. When contacting us (via contact form or email), user details will be stored in order to process the inquiry per Art. 6 para. 1 lit. b GDPR.

7.2. User information is stored in our customer relationship management system („CRM system“) or comparable database.

7.3. We use the Blizzard and Bliss CRM systems by provider Fadendaten GmbH, Hauptstrasse 33, 2572 Sutz, Switzerland on the basis of our legitimate interests (efficient and

fast processing of user inquiries). For this purpose, we have concluded a contract with Fadendaten with so-called standard contract clauses in which Fadendaten undertakes to process user data only in accordance with our instructions and to comply with the EU data protection level.

8. COLLECTION OF ACCESS DATA AND LOG FILES

8.1. We collect data about every access to our servers (server log files) on the basis of our legitimate interests as defined in Art. 6 para. 1 lit. f GDPR. Access data includes the name of the requested website, file, date and time of access, amount of data transferred, notification of successful retrieval, browser type along with version, the operating system of the user, referrer URL (previously visited), IP address, and the requesting provider.

8.2. Log file information is stored for security reasons (e.g. to investigate misuse or fraud). Data whose further storage is required for evidence purposes are excluded from deletion until the relevant incident has been finally clarified.

9. COOKIES & AUDIENCE MEASUREMENT

9.1. Cookies are files transferred from our web server or third party web servers to the user's web browser and stored there for later retrieval. Cookies can be small files or other types of information storage.

9.2. Some of the cookies we use are so-called „session cookies“, which are only stored on our website for the duration of your current visit (e.g. to enable the storage of your login status or the language and thus the use of our website). A randomly generated unique identification number, a so-called session ID, is stored in a session cookie. A cookie also contains information about its origin and the storage period. These cookies cannot store any other data. Session cookies are deleted when you have finished using our online offer and log out or close your browser, for example.

9.3. Users are informed about the use of cookies in the context of pseudonymous reach measurement within the scope of this privacy policy.

9.4. If users do not want cookies to be stored on their computer, they are asked to deactivate the corresponding option in the system settings of their browser. Cookies already saved can be deleted in the system settings of the browser at any time. The exclusion of cookies can lead to functional restrictions of this online presence.

9.5. You can object to the use of cookies for range measurement and advertising purposes via the deactivation page of the network advertising initiative (<http://optout.networkadvertising.org/>) and additionally the US website (<http://www.aboutads.info/choices>) or the European website (<http://www.youronlinechoices.com/uk/your-ad-choices/>).

9.6. Further information is set out in our cookie policy. These can be viewed directly via <https://nile.ch/pages/privacy>.

10. GOOGLE ANALYTICS

10.1. We use on the basis of our legitimate interests (i.e. interest in the analysis, optimisation and economic operation of our online offer within the meaning of Art. 6 para. 1 lit. f. GDPR) Google Analytics, a web analytics service provided by Google Inc. („Google“). Google uses cookies. The information generated by the cookie about the user's use of the website's online offerings is generally transmitted to and stored on a Google server in the USA.

10.2. Google has become subject to the Privacy Shield agreement, thereby offering a guarantee of compliance with European data protection law (<https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI&status=Active>)

10.3. On our behalf, Google will use this information to evaluate the use of our online offering by the user, to compile reports on the activities within this online offering and to provide us with other services related to the use of this online offering and the Internet. Pseudonymous usage profiles of users may be created from the processed data in this respect.

10.4. We also use Google Analytics to display advertisements placed by Google and its partners within advertising services only to users who have also shown an interest in our online offer or who have certain characteristics (e.g. interests in certain topics or products that are determined by the web pages visited) that we transmit to Google (known as „remarketing“ or „Google Analytics audiences“). With the help of remarketing audiences, we would also like to ensure that our advertisements correspond to the potential interest of the users and are not annoying.

10.5. We use Google Analytics only with activated IP anonymization. This means that the IP address of the user is shortened by Google within the member states of the European Union or in other countries that are party to the

Agreement on the European Economic Area. Only in exceptional cases will the full IP address be transferred to a Google server in the USA and truncated there.

10.6. The IP address sent by your browser will not be connected with other data from Google. The user may refuse the use of cookies by selecting the appropriate settings in their browser; the user can also prevent Google from collecting the data generated by the cookie regarding your use of the contents data and the processing of this data by Google by downloading and installing the browser plugin available via the following link: <http://tools.google.com/dlpage/gaoptout?hl=de>.

10.7. For further information on data usage by Google, setting and blocking options, please see the Google websites: <https://www.google.com/intl/en/policies/privacy/partners> („How Google uses information from sites or apps that use our services“), <https://policies.google.com/technologies/ads> („Use of data for advertising purposes“), <https://adssettings.google.com/authenticated> („Control the information Google uses to show you ads“).

11. NEWSLETTER

11.1. The following notes are about our newsletter, its content and procedures regarding registration, distribution and statistical evaluation. They also explain your right to appeal. By subscribing to our newsletter, you agree to receive the newsletter and to the procedures described.

11.2. Content of the newsletter: We send newsletters, emails and other electronic notifications containing advertising information (hereinafter „newsletters“) only with the express consent of the recipient or with legal permission. If registration for the newsletter involves a concrete description of its content, then this description is the basis on which the user agrees to receive the newsletter. In addition, our newsletters contain information about our products, offers, promotions and our company in general.

11.3. Double opt-in and logging records: Subscription to our newsletter takes place using a process known as double opt-in. This means that after registration you will receive an e-mail asking you to confirm your registration. The confirmation is required to ensure that no one else can subscribe using your email address. A record of subscriptions to the newsletter is kept to fulfil the legal requirements for recording the subscription process. The record contains the time

of subscription and confirmation as well as the relevant IP address. Any changes to the data registered with MailChimp will also be recorded.

11.4. The newsletter is sent via „MailChimp“, a newsletter distribution platform of the US provider Rocket Science Group, LLC, 675 Ponce De Leon Ave NE #5000, Atlanta, GA 30308, USA. The data protection regulations of the shipping service provider can be viewed here: <https://mailchimp.com/legal/privacy/>. The Rocket Science Group LLC d/b/a MailChimp is certified under the Privacy Shield Agreement and thus offers a guarantee to comply with the European data protection level (<https://www.privacyshield.gov/participant?id=a2zt0000000TO6hAAG&status=Active>).

11.5. Furthermore, the service provider can use this data in pseudonymous form, i.e. without assignment to a user, to optimize or improve its own services, e.g. for technical optimization of the dispatch and presentation of the newsletter or for statistical purposes in order to determine from which countries the recipients come. However, the service does not use the recipient data of our newsletter to approach recipients directly nor do they pass the information on to third parties.

11.6. Credentials: To subscribe to the newsletter, simply enter your email address, first name and surname. You can also subscribe to our newsletter in a NILE store by filling out and signing the newsletter subscription or by applying for our Nilecard customer card.

11.7. Statistical data collection and analysis – The newsletters contain a so-called „web beacon,“ i.e. a pixel-sized file that is retrieved from the mail order company's server when the newsletter is opened. During the download, technical information such as your browser and operating system, as well as your IP address and the time of the download, are initially collected. This information is used for technical improvement of the service, as technical data or target group data can be analyzed according to their reading behavior, their download locations (identifiable through IP addresses) or download times. Statistical data collection also includes an analysis of when the newsletters are opened and which links are clicked upon. For technical reasons, this information can be assigned to the individual newsletter recipients. We are not interested in following or monitoring the behavior of individual users. Data analysis is used to recognize patterns in

the reading behavior of users, and to adapt contents accordingly or send different content according to the interests of our users.

11.8. The use of the shipping service provider MailChimp, carrying out statistical surveys and analyses as well as logging of the registration procedure, is delivered on the basis of our legitimate interests in accordance with the terms and conditions of the contract. Art. 6 para. 1 lit. f GDPR. We strive toward a user-friendly and secure newsletter system that serves both our business interests and the expectations of our users and also allows us to provide proof of consent.

11.9. Cancellation/revocation: You can cancel your subscription to our newsletter at any time, i.e. revoke your consent. At the same time, your consents to their dispatch by the shipping service provider and the statistical analyses expire. A separate revocation of the dispatch by the dispatch service provider or the statistical evaluation is unfortunately not possible. You will find an „unsubscribe“ link at the end of each newsletter. If the users have only subscribed to the newsletter and cancelled this subscription, your personal data will be deleted.

12. INTEGRATION OF SERVICES AND CONTENT FROM THIRD PARTIES

12.1. On the basis of our legitimate interests (i.e. interest in the analysis, optimisation, and economic operation of our website within the meaning of art. 6 para. 1 lit. f. GDPR), we include content or service offerings of third parties so that we can incorporate their content and services, such as videos or fonts (hereinafter uniformly referred to as „content“). This always presupposes that the third-party providers of this content can see the IP address of users, since without the IP address they would not be able to send the content to the users' browsers. The IP address is therefore necessary in order to display this content. We endeavor to use content only from providers who use the IP address solely for the delivery of content. Third-party providers may also use pixel tags (invisible graphics, also known as „web beacons“) for statistical or marketing purposes. The „pixel tags“ enable the analysis of information such as the traffic of visitors on the pages of this website. The pseudonymous information may also be stored in cookies on the user's device and may include technical information about the browser and operating system, referring websites, visi-

ting time and other information about the use of our online offering. It may also be linked to such information from other sources.

12.2. The following presentation offers an overview of third-party providers and their content in addition to links to their Privacy Statements which contain further references to the processing of data and, already mentioned here in part, possibilities to object (so-called opt-out):

- External fonts from Google, LLC., <https://www.google.com/fonts> („Google Fonts“). The integration of Google Fonts takes place via a server access with Google (typically in the USA). Privacy Policy: <https://www.google.com/policies/privacy/>, Opt-Out: <https://www.google.com/settings/ads/>.
- Maps from the „Google Maps“ service provided by Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA. Privacy Policy: <https://www.google.com/policies/privacy/>, Opt-Out: <https://www.google.com/settings/ads/>.
- Functions of the Instagram service are integrated into our website. These functions are offered by Instagram Inc., 1601 Willow Road, Menlo Park, CA 94025, USA. If you are logged into your Instagram account, you can click the Instagram button to link the content of our pages with your Instagram profile. This means that Instagram can associate visits to our pages with your user account. As the operator of this website, we expressly advise that we receive no information about the content of the data transmitted or about Instagram's use of the same. Privacy Policy: <http://instagram.com/about/legal/privacy/>.
- External code of the JavaScript framework „jQuery“, provided by the third-party provider jQuery Foundation, <https://jquery.org>.

13. RIGHTS OF USERS

13.1. You have the right to request confirmation as to whether the data concerned are being processed and to request information about these data as well as further information and a copy of the data in accordance with Art. 15 GDPR.

13.2. In accordance with Art. 16 GDPR, you have the right to request the completion of data concerning you or the correction of inaccurate data concerning you.

13.3. In accordance with Art. 17 GDPR, you have the right

to demand that relevant data be deleted immediately or, alternatively, to demand a restriction on the processing of the data in accordance with Art. 18 GDPR.

13.4. You have the right to request that the data concerning you that you have provided to us be received in accordance with Art. 20 GDPR and to request their transmission to other persons responsible.

13.5. Furthermore, according to Art. 77 GDPR you have the further right to lodge a complaint with the competent supervisory authority.

13.6. To exercise your rights regarding data protection, please contact us directly at the currently valid contact address at www.nile.ch/pages/privacy.

14. DELETION OF DATA

14.1. The data stored by us will be deleted as soon as it is no longer required for their intended use and there are no legal storage obligations to prevent deletion. If the data is not erased because it is necessary for other and legally permissible purposes, the processing of the data will be restricted. This means that the data will be blocked and not processed for other purposes. This applies, for example, to data that must be retained for commercial or tax reasons.

14.2. According to legal requirements the storage is for 6 years according to §257 para. 1 of the German Commercial Code (HGB) (trading books, inventories, opening balance sheets, annual financial statements, commercial letters, accounting documents, etc.) as well as for 10 years pursuant to §147 para. 1 of the German Tax Code (AO) (books, records, management reports, accounting documents, commercial and business letters, documents relevant for taxation, etc.).

15. RIGHT OF WITHDRAWAL

You have the right to revoke your consent in accordance with Art. 7 para. 3 GDPR with future effect.

16. RIGHT TO OBJECT

You can object to the future processing of the data concerning you in accordance with Art. 21 GDPR at any time. The objection may be lodged in particular against processing for direct marketing purposes.