

# Privacy statement for the processing of personal data pursuant to Article 13 of EU Regulation 2016/679

## **ARTICLE 1. INTRODUCTION**

This Notice describes our personal data handling and collecting practices when you access our services, by using the following websites [www.swagyourlife.com](http://www.swagyourlife.com), [www.swag-shopping.com](http://www.swag-shopping.com), [www.swaggyapp.com](http://www.swaggyapp.com) e [www.swag-corporate.com](http://www.swag-corporate.com) (the "Sites") or when you use your mobile applications as SWAGGYAPP (referred to collectively hereinafter as "Services"). For this reason, in accordance with the provisions of the General Data Protection Regulation No. 2016/679 ("GDPR") and applicable Estonian legislation (jointly and severally, "Privacy Policy"), in this document (hereinafter, "Privacy Policy") we describe to you what personal data we collect, the purposes and methods of processing such data and the security measures that are taken to protect it.

## **ARTICLE 2. DATA CONTROLLERS AND DATA PROTECTION OFFICER**

SWAG OÜ ("SWAG") acts as Data Controller and shall process your personal data for the purpose of operating as an exchange and E-wallet provider (e.g. managing orders and payments), as well as for the performance of marketing activities (e.g. newsletters) and the creation of individual and group profiles (profiling activities) as described in section 3.4. As Data Controller, SWAG can be contacted via the internal messaging service or by e-mail at: [compliance@swagyourlife.com](mailto:compliance@swagyourlife.com). SWAG will process your personal data in the context of your experience of browsing our site and accessing the restricted services as defined in section 3.1 and 3.2 below. SWAG has designated a Data Protection Officer (DPO), who is domiciled at the registered office of SWAG OÜ (Harju maakond, Tallinn, Kesklinna linnaosa, Tartu mnt 14, 10117, Estonia) and who can be contacted at the following address: [dpo@swagyourlife.com](mailto:dpo@swagyourlife.com).

## **ARTICLE 3. DATA SOURCE AND PURPOSE OF PROCESSING**

### **3.1 Browsing data**

In the course of their normal operation, the computer systems responsible for the operation of the Site acquire some of your personal data, the transmission of which is implicit in the use of Internet communication protocols. This information is not collected for the purpose of identifying you, but could lead to your identification if, for example, it were combined with information held by third parties. This category of data includes the IP address and domain name of your computer, the URI (Uniform Resource Identifier) addresses of the resources requested, the time of the request, the method used to submit the request to the server, the size of the file obtained in response, the numerical code indicating the status of the response given by the server and other parameters relating to your operating system, obtaining the geolocation of the device used for the connection. We use this data for the sole purpose of obtaining anonymous statistical information on the use of the Site and to check that it is functioning correctly. Data collected in this way is deleted immediately after processing. The data may be used to determine liability in the event of computer crimes or fraudulent activities committed against SWAG.

### **3.2 Registration details and further information provided by you**

Use of the Site requires the creation of a personal account. Consequently, in order to access certain pages reserved for registered users and, for example, to submit a request for information or feedback on the Services, you will need to create a personal account and become a registered user. When creating your account, you will be asked to enter the following registration information:

- First name, last name and tax code

- Home address
- Email address and Password
- Date of Birth
- Gender
- Number and expiry date of identification document
- Citizenship
- Telephone number

In addition, we collect and process personal data that you voluntarily provide when you place an order for the purchase of a Service, which consists of data collected by sending e-mails, interacting with Site features and requesting services offered by the Site. The personal information we collect and process includes IBAN, shipping and payment methods, wallet, credit and/or debit card number, and purchasing habits.

If you collect, process and disclose information about third parties, you must do so in accordance with the provisions of the Privacy Policy and, therefore, you must give them prior notice of the processing and, if necessary, you must obtain their free and express consent before processing.

From time to time, we may obtain information about you from third party sources as required or permitted by law. These sources may include public databases, credit agencies and identity verification partners. Some SWAG partners use a combination of government records and publicly available information about you to verify your identity. This information may include your name, address, job title, public employment profile, credit history, status on any sanctions lists maintained by public authorities and judicial data (data relating to criminal convictions, offences or data relating to security measures). We obtain this information in order to fulfil our obligations as an obligated entity under anti-money laundering and anti-terrorism laws. We may frequently analyze blockchain data and transaction monitoring tools to ensure that parties using our Services are not involved in illegal or prohibited activities. The third party services we use to provide you with KYC assistance may also collect images and videos and require you to upload files that identify you. In this case, your confirmation is required before submission to allow for transmission of attachments.

### **3.3 Purpose of processing**

Your data are processed by SWAG

- a) for the purpose of executing the exchange contract and to fulfil wallet custody obligations;
- b) for the purpose of fulfilling obligations under rental agreements or order management;
- c) in execution of risk management and quality control procedures;
- d) for the purpose of managing the business relationship, including for management and administrative purposes (invoicing, wallet balance, document management);
- e) for customer service and complaint handling.

Providing the above information is necessary in order to create an account and also to respond to and manage your requests; to provide the services requested through the Site, including registration and subsequent updates and to manage the initiatives organized through the Site; to carry out analyses and statistical surveys; for the management of activities functional to the rental and post-rental services, such as administrative, accounting, warranty management, customer relationship management, including the fulfilment of legal obligations, national and EU regulations (including anti-money laundering legislation), fraud prevention and for the exercise of rights in court.

In addition, it will be necessary to process your personal data for the performance of the contractual relationship resulting from the purchase of SWAG Services. The provision of such data is a contractual obligation. You are free to provide your data or not, but without the required data it will not be possible to conclude or implement the contract and your requests. This means that you will not be able to purchase SWAG Services and that it will not be possible to process your requests.

### **3.4 Further processing purposes**

With your consent, which is optional, SWAG uses personal data about you for additional purposes such as marketing, commercial communications or advertising, direct sales, market research, newsletters, telephone, SMS, instant messaging, and traditional postal mail, including sending invitations to events. You may at any time indicate your preferred method of contact as set out above and you may object to receiving promotional communications through one or more of these methods of contact. As regards profiling and marketing purposes through cookies or other tracking technologies, please refer to the relevant online consent form in the cookies section. With your consent, which is optional, SWAG collects information about your preferences, habits, lifestyles as well as details of the rentals you have made in order to use them for the creation of group and individual profiles ("profiling") and the sending of personalized communications. Personalized communications may be sent by e-mail (newsletter), telephone, SMS, instant messaging and traditional postal mail. You may at any time indicate your preferred method of contact from among those listed above and you may object to receiving promotional communications through all or some of these contact methods. Consent for the above marketing and profiling purposes is optional and refusal to consent will still allow you to use the Site.

### **3.5 Legal grounds for processing**

Your personal data will only be processed in the presence of one of the legal prerequisites provided for by current legislation, and specifically:

- For the conclusion and performance of an agreement to which you are a party regarding the request for exchange of FIAT currency versus virtual currency and custodial services, rental of miners, as well as the provision of the Services for registered users as applicable to the purposes described in section 3.3;
- To comply with a legal obligation to which the Controller is subject as part of the purposes pursued by them;
- For the legitimate interest of the Controller to ensure the navigation and registration activities for registered users as in section 3.1 and 3.2, to prevent and prosecute fraudulent activities, as well as for administrative purposes, on the basis of which the communication of data to companies belonging to the Controller's business group is legitimate;
- Based on your consent with reference to the marketing and profiling activities referred to in section 3.4 of this policy which you will express at the end of this policy.

## **ARTICLE 4. METHODS OF DATA PROCESSING AND STORAGE**

### **4.1 Security Measures**

Your personal data will be processed with the help of electronic tools and always in compliance with the security requirements of the applicable legislation, with particular but not exclusive reference to art. 32 of the GDPR. Our security measures include contractual means with any party (e.g. service

provider) to ensure the protection of the security and confidentiality of your personal data in accordance with the provisions set out in this Policy.

#### **4.2 Use and retention period of personal data**

We will process your personal data until the purposes for which it was collected are fulfilled in accordance with our internal data retention policy. In particular, please note that we have a general retention period of 7 years from the end of economic year, when your personal data was collected, and which is processed for our own billing and accounting purposes, subject to circumstances where applicable national law provides for different retention requirements. In principle, we will immediately destroy the personal data we hold about you once we have achieved the purpose for which it was collected and used. However, the following categories of personal data will be retained for the periods specified below.

**Registered User Data:** We will retain this data as long as your account is active to the extent necessary to provide you with the Services. Even after your account is closed, we will retain your data as necessary to comply with our legal or regulatory obligations, to protect our rights, to prevent fraud or to enforce this Policy.

**Data relating to payment:** until payment is certified and the relevant administrative and accounting formalities are completed following the expiry of the right of withdrawal and the terms applied to contest the payment.

**Data collected in the context of the use of the Services offered on the Site:** these data are kept until the service is completed.

**Data connected to user requests to our Customer Service:** this data will be kept until your request has been satisfied.

With particular reference to the judicial protection of our rights, we specify that we adopt a data retention period in accordance with the restrictions imposed by Estonian law. If you have consented to the processing of your personal data for marketing and profiling purposes, the data relating to your purchases will be retained for a period of 36 months from the date on which SWAG obtained your last consent for this purpose. At the end of this retention period, the data will be automatically deleted or permanently and irreversibly anonymized. In any case, for technical reasons, the termination of the processing and the consequent irreversible deletion or rendering anonymous of the relevant personal data will be definitive within thirty (30) days of the aforementioned terms.

#### **4.3 Procedure and method of destruction of personal data**

In principle, we will immediately delete your personal data in our possession once we have achieved the purpose for which it was collected and used.

The process and means of disposal of your personal data are as follows. Your personal data will be deleted after retention for a specified period in accordance with our internal policy or applicable laws and regulations (please refer to the provisions on storage and retention period). Such personal data will not be used for any purpose other than that permitted under applicable laws and regulations. Personal data stored electronically will be erased using technical means that do not allow their recovery.

## **ARTICLE 5. SCOPE OF COMMUNICATION**

### **5.1 Internal and external disclosure of personal data**

Personal data are accessible to our employees and duly authorized staff (e.g., staff of Digital, CRM, IT divisions) on a need-to-know basis, and are communicated to third parties in the following cases:

- (i) when communication is required by applicable laws and regulations with respect to legitimate third party recipients, such as authorities and public bodies for their respective institutional purposes, e.g., anti-money laundering legislation, judicial authorities;
- (ii) communication to third parties in case of extraordinary transactions (e.g., mergers, acquisitions, transfer of business, etc.);
- (iii) communication to third parties in charge of fraud prevention services.

Personal data is also shared with our service providers, e.g. for services of a technical and organizational nature that are functional to the above-mentioned purposes, such as independent contractors, also in associated form, shipping and event management companies, marketing, payment management, IMEL, companies providing wallet guarantees, financial and banking institutions, auditors and lawyers whose list can be provided upon request. We only provide these parties with the data necessary to perform the agreed services and they act as data processors in accordance with Article 28 of the GDPR, based on instructions received from SWAG. It is expressly understood that SWAG does not transfer personal data to third parties for marketing or profiling purposes.

Finally, for profiling, marketing and customer relationship management purposes, your personal data may be accessed by other companies in the SWAG Group as joint controller. Similarly, your personal data may be accessed by Promoters and Digital Franchisees for commission accounting purposes. Finally, your Data may be communicated to the Italian Agents and Brokers Association for the purposes set out in the MEF (Ministry of Economy and Finance) Decree of 13.01.2022 published in the Official Gazette on 17.02.2022.

## **5.2 Transfer of data abroad**

Your Personal Data will be processed within the European Union and stored on servers located within the European Union.

## **ARTICLE 6. RIGHTS OF THE DATA SUBJECT**

As a data subject, you may at any time exercise the rights recognized by the Privacy Policy with reference to the specific processing of your personal data.

**Below is a general description of your rights and how to exercise them:**

- **Right of access to your personal data:** you can obtain confirmation as to whether or not personal data concerning you is being processed and, if so, obtain access to the personal data and information about its processing. If you wish, you will be provided with a copy of your personal data.
- **Right to rectification of your personal data:** you may obtain the correction, amendment or updating of any information that is inaccurate or no longer correct, as well as the integration of incomplete personal data, including by providing a supplementary declaration.
- **Right to withdraw consent:** you may at any time withdraw the consent you have given for the processing of your personal data in relation to any activity for marketing purposes, including profiling. In this regard, please note that marketing activities include sending commercial and promotional communications, conducting market research and surveys

to measure satisfaction and customizing commercial offers according to your interests. Upon receipt of your request, the processing of your personal data based on this consent will cease, while other processing or processing based on other assumptions will continue to be carried out in full compliance with the provisions of the law.

- **Right to erasure of your personal data** when your personal data
  - (i) are no longer necessary for the purposes for which they were collected or processed, or
  - (ii) have been unlawfully processed, or
  - (iii) must be erased in order to comply with a legal obligation, or
  - (iv) you have objected to their processing and there is no overriding legitimate reason for SWAG to proceed with the processing of your personal data. Upon receipt and review of your request, if legitimate, your personal data will be deleted.
- **Right to restriction of processing of your personal data:** you can request that the processing of your personal data be restricted, i.e. that your personal data be stored, but not used (subject to your requests and the exceptions provided by law):
  - When you dispute the accuracy of your personal data for the period necessary for SWAG to verify the accuracy of that data;
  - When the processing is unlawful, but you object to the deletion of your data;
  - When, although your data is no longer needed by SWAG for the purposes of processing, you need it for the establishment, exercise or defence of a legal claim;
  - When you object to the processing, pending verification of whether SWAG's legitimate reasons for continuing to process the data prevail.
- **Right to data portability:** you can request to receive data that is processed pursuant to your consent or pursuant to a contract entered into with you, in a structured, machine-readable format. If you so wish, where not excessive and technically possible, we may at your request transfer your data directly to a third party specified by you.
- **Right to object:** you may object to the processing of your personal data carried out on the basis of a legitimate interest at any time, by explaining to us the reasons justifying your request. Subject to the presence of grounds for refusal as provided by law, we will stop the processing of your personal data. You also have the right to object at any time to the processing of your data for marketing and/or profiling purposes, insofar as it is related to such purposes, without having to provide us with the reason why you object. In this case, the processing of your data will cease immediately;

**To exercise the rights described above, you can:**

- Contact the Data Protection Officer at the contact details given in paragraph 2 above.
- If you believe that the processing of your personal data has not been carried out correctly, you may lodge a complaint with the supervisory authority of the Republic of Estonia, whose address is in Tallinn, Tatari 39; e-mail address: [info@aki.ee](mailto:info@aki.ee); telephone: +372 627 4135.

To obtain the list of data processors, or third parties with whom SWAG shares your personal data, please contact the Data Controller by the methods set out above.