

PRIVACY POLICY *FESTINA CONNECTED*

In accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, GDPR), FESTINA LOTUS SA ('FESTINA' or 'THE COMPANY') informs users of the application of its connected watches (hereinafter, the Application) about the processing of personal data that they have voluntarily provided during the registration process, access and use of the service.

GLOSSARY (Definitions and legal references)

- **Personal data:** any information relating to an identified or identifiable individual. Personal data also includes various pieces of information that, when aggregated, can lead to the identification of a specific individual. Personal data that has been encrypted or pseudonymised but which can be used to re-identify an individual is still personal data and falls within the scope of this privacy policy.
- **Usage data:** Information collected automatically by this Application (or by third party services used by this Application) which may include (the IP addresses or domain names of the computers used by the User connecting to this Application, the URI (Uniform Resource Identifier) addresses, the time of the request, the method used to make the request to the server, the dimensions of the file obtained in response, the numerical code indicating the status of the server response - successful, error, etc. - the country of origin, the characteristics of the browser and operating system used by the visitor, the various time coordinates of the visit (e.g. the time spent on each page) and details concerning the itinerary followed within the Application, with particular reference to the sequence of pages consulted, the parameters relating to the User's operating system and computer environment, etc.).
- **User:** The individual using this Application, who, unless otherwise indicated, must coincide with the Data Controller.
- **Data Subject:** The natural person to whom the Personal Data relate.
- **Data Controller:** The natural or legal person, public authority, agency or other body who, alone or jointly with others, determines the purposes and means of the processing of Personal Data, including the security measures relating to the operation and use of this Application. The Controller, unless otherwise specified, is the Data Controller of this Application.
- **Data Processor:** The natural or legal person, public authority, agency or other body that processes Personal Data on behalf of the Controller, as described in this privacy policy.
- **Connected Watch:** A traditional, technologically advanced, mechanical watch that has smartwatch properties that are executed by an app, once synchronised by the owner.
- **Application (APP):** The application that is installed on the user's device (phone etc.) to enable the user to use the services offered by the connected watch. It is also the means by which the User's Personal Data is collected and processed.

- **Customised and third-party applications:** Customised applications are those developed by FESTINA, which may be used to expand and/or complete the functionalities and services of its connected watches. Third-party applications are those applications not belonging to FESTINA that will extend and/or complete the functionalities and services of its connected watches.
- **Service(s):** The service provided by this Application as described in this document.
- **Tracker:** Any technology - e.g. Cookies, unique identifiers, web beacons, embedded scripts, entity tags and fingerprinting - that allows tracking Users, e.g. by accessing or storing information on the User's device.
- **Cookies:** Cookies are Trackers that consist of small amounts of data stored in the User's browser.

1. IDENTIFICATION OF THE DATA CONTROLLER

FESTINA LOTUS SA, with registered office at Calle Velázquez nº 150, 3º 1ª, 28002 Madrid (Madrid), with tax identification number A-08663684, Telephone: + 34 915 40 12 91 Fax +34 915 59 81 16, E-mail: info@festina.com (hereinafter, the Data Controller), is the entity responsible for the processing of the data provided by the customers of the Application (hereinafter, the User(s)).

2. DATA TYPOLOGY. USER PERMISSIONS. PURPOSE OF DATA PROCESSING.

In general, the data used by the application only links the information to a specific device (watch) and there is no way that it can be related to a specific person.

In this context the application collects the following information:

- Information about the user's mobile device and about their visits and use of the application.
- The information provided by the user's activity when using the connected watch and when using the services associated with the product provided by FESTINA.
- The more specific information provided by the user (e.g., physical activity data, age, weight, height, geolocation, personal calendar, etc.) that is necessary to use specific services provided by the connected watch (e.g., sleep analysis, distance travelled, etc.).

Notwithstanding the foregoing, the collection, storage, modification, structuring, storage and, where appropriate, deletion of the data provided by Users shall constitute processing operations carried out by the Controller in order to ensure the proper functioning of the Application.

DATA TYPOLOGY

1. Personal information that is processed when you create an account

For some products, in the app you are creating an account. When you create an account, we ask for information from you such as your name, email address, password. For the name you can decide to enter a nickname instead of your full name if you wish. When you are creating an account, a welcome email will be sent to you for account verification.

How we use the information and the legal ground:

When you are creating an account, we process your name, email address and password because you use them to log into your account. The legal basis for processing your email address and password for this purpose is our legitimate interest in maintaining the security of your account. When you are logging in via a third party account we will use the email address if it is available to us but the password to the account is not known to us.

The purpose or purposes of this processing are the following:

- To manage and create the account, as well as to allow private and restricted access to the corresponding user.
- To send the user information about Festina products and services, such as new features and applications of the device.
- To associate the account and the processed data to an identified and identifiable user, in case the user requests technical assistance.
- To guarantee the user a high level of account security.
- To provide quality technical support.
- To guarantee a high-level user experience.

2. Additional personal information that is processed when you create an account for a product with heart rate sensor

For our products with heart rate sensor, we ask for personal information from you such as your date of birth, gender, weight, height when you are creating your account profile.

How we use the information and the legal ground:

We process your date of birth, gender, weight and height to calculate your health-related metrics when you are using the features in the product, such as calories burned and VO2max. The legal basis for processing this information for these purposes is your

consent. The only way to remove this information is through deleting your account, which is done in your account settings. Even if you stop using the feature we will keep the data provided previously.

The purpose or purposes of this processing are as follows:

- Within the framework of the functionality of monitoring and improving the health of our users, the aforementioned data is requested in order to provide a guaranteed calculation of the following additional data: daily steps taken, calories burned, heart rate, hours of sleep, hours of movement/activity and maximum volume of oxygen consumed.
- These data will be processed with the aim and purpose of providing the user with data relating to their physical condition, both on a day-to-day basis and during any sporting or physical activity of the user.
- To provide high quality functions and services.
- To assist the user in improving their physical condition and sleep habits.

3. Personal information that is processed when you use our products

1. Device information:

For some products, the product collects data to estimate a variety of health metrics like the number of steps you take, calories burned, heart rate, sleep stages.

How we use the information and the legal ground: We process this information to provide you with information about your health and activity. In order to help you to understand your daily movement habits and to provide you with information about your recorded workouts. We collect your sleeping stages to provide you with an insight about your sleeping patterns, with the aim of enabling you to understand and improve your sleeping habits. The legal basis for processing this information for these purposes is your consent. The only way to remove this information is through deleting your account, which is done in your account settings. Even if you stop using the feature we will keep the data provided previously.

2. Synchronize your product to our app

During a synchronization between your product and our app we log data on our servers about date and time of the synchronization, information about the product (model number, FW version, battery level), app version, and account and fitness information.

How we use the information and the legal ground:

We process this information to identify and fix errors or synchronization problems. The legal basis for processing this information for this purpose is our legitimate interest in fixing errors or synchronization problems and providing quality product support. We

don't connect the synchronisation information with account information and health data since the synchronisation information is handled separately.

3. Geolocation information

Our product includes features, such as weather, remember my spot, walk me home, workout, IFTTT, that use location-based data. For these features, the product uses precise geographical data based on connected GPS signal in the mobile device. The geographical positions are stored in the app and we don't store this information on any server, except for workouts done with activated GPS. We only provide these services if you have granted access to your GPS location on the mobile device. You can always remove access in your mobile device settings.

How we use the information and the legal ground:

The purpose of processing your device's location is to provide you with the geolocation-based services you want to use in the product. The legal basis for processing this data is for the purpose to fulfil the agreement on the feature and usage of the product.

The workout GPS data is linked to your account and is saved separately on our servers, and we don't access or process this information, the only purpose to store this data on a server is to provide you access and control of these features.

The purpose or purposes of this processing are as follows:

- To provide the user with information on the weather conditions of the place where he/she is (Weather).
- To record the places where the user has been.
- Send to a specific person authorised by the user their location in real time. The location data will be shared to the designated person as long as the user has the option activated ('Walk me home').
- Allow the user to know the distance and places travelled during their physical activity.

4. Walk-me-home

In the feature Walk-me-home, we will send information about your geographical location to your appointed safety contact person.

How we use the information and the legal ground: We use this information to send real-time information about the location of a user wearing our product to the dedicated safety contact person. We only store the geographical location when the feature is activated and shared with the appointed safety contact person. When the feature is not used the geographical location is deleted from our server. The legal basis for processing this

information is our legitimate interest in allowing our users to have a real-time tracker service for safety reason that can be shared to a family member or a friend.

Further, the legal basis for processing this data is for the purpose to fulfil the agreement on the feature.

5. Data used for analysis purposes

To learn more about how our users are using our services, we collect information about how our users interact with our products and apps. We use a third-party analytics tool, Google analytics firebase, to collect, process and store the analytical information.

The type of analytical information collected includes the date and time of access to our servers, software version and firmware version, language setting, battery level, user behaviour (e.g. which features are used and frequency of use), device state information, crash/diagnostics logs, device model, hardware and operating system information, and information about how the product and app works. The analytical data that we are handling are de-identified and cannot be connected to an account or personal information and we do not merge analytical data with personal information.

How we use the information and the legal ground: We track and run this type of analysis of the usage of our services, hence products and apps, to understand usage and trends. To improve the quality, safety, and functionality of our products and apps, to develop and market products and features that are most useful to you and other users, and to identify and fix stability and other usability issues as quickly as possible.

The legal basis for processing this analytical information is our legitimate interest in understanding how our customers interact with our services for improving the user experience and features to provide relevant features and high-quality services.

When enabling notifications from text messages, phone calls, emails, calendars, app alerts etc. we want to highlight that no content can be accessed or stored by us, in our analytics data we can only see that notifications have occurred.

DEVICE PERMISSIONS TO ACCESS PERSONAL DATA

This Application requests certain permissions from Users that allow it to access Device Data as described in this privacy policy.

Thus, depending on the User's specific device, this Application may request certain permissions that allow it to access device data for this Application's own service purposes.

By default, the User must grant these permissions before being able to access the relevant information. Once granted, the User may revoke them at any time. To revoke them, you can consult the device settings or contact the Owner for assistance using the contact details provided in this document.

The exact procedure for controlling application permissions may depend on the User's device and software.

Please note that revoking such permissions may affect the proper functioning of this Application.

If the User grants any of the permissions listed below, the respective Personal Data may be processed (i.e. accessed, modified or deleted) by this Application.

- **Approximate Location Permission (continuous)**
 - Used to access the approximate location of the User's device. This Application may collect, use and share User location Data to provide location-based services.
- **Bluetooth Permission**
 - Used to connect the connected watch with the device.

3. LEGITIMACY

The processing of the User's data is carried out on the following legal bases that legitimise the same:

In relation to:

- ***Data required for the creation of the account.***

The basis or legitimisation of this processing is:

-The consent granted by the User (Article 6.1.a. RGPD). You may withdraw such consent at any time and proceed to delete all your personal data by deleting your account.

-The performance of a contract to which the data subject is a party or for the implementation at the request of the data subject of pre-contractual measures (Article 6.1.b GDPR): Insofar as the User accepts the terms of service, the processing is necessary for the performance of the service provision relationship to which the data subject is a party as a User of the APP.

- ***Data relating to the physical condition and habits of the user.***

The basis or legitimacy of this processing is:

-The consent granted by the user (Article 6.1.a. RGPD). You may withdraw such consent at any time and proceed to delete all your personal data by deleting your account.

-The performance of a contract to which the data subject is a party or for the implementation at his request of pre-contractual measures (Article 6.1.b GDPR): Insofar as the User accepts the terms of service, the processing is necessary for the performance of the service provision relationship to which the data subject is a party as a User of the APP.

- ***Geolocation data***

The basis or legitimacy of this processing is:

-The consent granted by the user (Article 6.1.a. RGPD). You may withdraw such consent at any time and proceed to delete all your personal data by deleting your account.

-The performance of a contract to which the data subject is a party or for the implementation at his request of pre-contractual measures (Article 6.1.b GDPR): Insofar as the User accepts the terms of service, the processing is necessary for the performance of the service provision relationship to which the data subject is a party as a User of the APP.

- ***Data used for analytical purposes***

The basis or legitimation for this processing is:

-The satisfaction of legitimate interests pursued by the controller or by a third party (Article 6.1.f. GDPR). provided that such interests are not overridden by the interests or fundamental rights and freedoms of the data subject which require the protection of personal data, in particular where the data subject is a child.

4. CONSERVATION, ASSIGNMENT AND TRANSFER OF PERSONAL DATA

The personal data provided by the User will be kept in the systems and databases of the Data Controller, in accordance with the provisions of article 32 of the LOPD, for as long as the User continues to use the Application, and as long as the User does not request its deletion.

With the aim of purging possible liabilities arising from the processing, the data will be kept for a minimum period of five years.

The data will not be transferred to any third party outside the CONTROLLER OF THE PROCESSING, except under legal obligation or in any case, upon request of the User's consent. Notwithstanding the above, THE COMPANY may give access to or transmit the personal data provided by the User to third party service providers, with whom it

has signed data processing agreements, and who will only access said information in order to provide a service for and on behalf of the CONTROLLER.

International data transfers: International data transfers involve a flow of personal data to recipients established in countries outside the European Economic Area (the countries of the European Union plus Liechtenstein, Iceland and Norway). In this regard FESTINA as data controller, will only carry out international data transfers within the framework of the provisions of Articles 45, 46 and 49 of the GDPR .

Mention of EU-US Data Privacy Framework

Within the scope of the EU-US Data Privacy Framework, FESTINA intends to guarantee users that their personal data will be transmitted, where appropriate, securely to the USA with a level of protection equivalent to that conferred by the GDPR.

In this regard, FESTINA informs that the aforementioned Privacy Framework provides for a recourse mechanism for EU and EEA individuals in relation to alleged violations of US law with respect to data collected by competent national security authorities.

For more information, as well as a model form for exercising these rights, please click on the documents below:

- [Informative Note](#)
- [Form](#)

5. TECHNICAL AND ORGANISATIONAL SECURITY MEASURES

The controller has implemented security measures with the aim of managing specific risks to the rights and freedoms of users in accordance with the provisions of art.32 of the RGPD in relation to ensuring confidentiality, integrity, availability and resilience.

For greater security, all processing is carried out on servers owned by the data controller without the use of third party services.

6.- EXERCISE OF RIGHTS

USERS, as holders of their data, may exercise their rights of access, rectification, opposition, cancellation, limitation and portability of their data before FESTINA.

Interested parties have the following rights: (Articles 15 to 22 RGPD and 12 to 18 LOPDGDD):

- **Access:** Allows them to obtain confirmation as to whether FESTINA processes their personal data, as well as to consult their personal data included in FESTINA's files.
- **Rectification:** Allows you to modify your personal data when they are inaccurate, as well as to complete those that are incomplete.
- **Opposition:** You may request that your personal data not be processed. FESTINA will stop processing the data, except for compelling legitimate reasons, or the exercise or defence of possible claims.
- **Cancellation:** You may request the deletion of personal data when, among other reasons, the data are no longer necessary for the purposes for which they were collected.
- **Limitation:** You may request the limitation of the processing of your data in the following cases:
 - a) As long as the accuracy of your data is contested;
 - b) When the processing is unlawful, you object to the deletion of your data, and request the limitation of its use;
 - c) When FESTINA does not need to process your data, but you need them for the exercise or defence of claims;
 - d) When you have objected to the processing of your data for the performance of a public interest mission or for the satisfaction of a legitimate interest, while verifying whether the legitimate grounds for the processing outweigh yours.
- **Portability:** You may receive, in electronic format, the personal data that you have provided to us and those that have been obtained from your contractual relationship with FESTINA, as well as to transmit them to another entity.

Users have and may exercise their rights of access, cancellation, rectification and opposition before FESTINA LOTUS SA, either by mail at Via Layetana nº 20 4th floor, 08003 Barcelona, indicating their personal data and attaching a copy of their ID card, or through the following link: <https://www.festinagroup.com/dataprotection/>

In case of any questions regarding the protection of your data, you may contact our group data protection officer by mail at the following address:

FESTINA LOTUS SA

Data protection officer

Via layetana 20 fourth floor

08003 Barcelona (Spain)

Or by e-mail to the following address: dpo@festina.com

Likewise, the User has the right to revoke the consent initially given, and to lodge claims of rights before the Spanish Data Protection Agency (AEPD).

7. APPLICABLE LAW

The applicable law in the event of a dispute or conflict of interpretation of the terms that make up this legal notice, as well as any question related to the services of this portal, will be Spanish law. Among others:

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (GDPR).
- Organic Law 3/2018, of 5 December, on the Protection of Personal Data and Guarantee of Digital Rights (LOPD)
- Organic Law 4/2015, of 30 March, on the protection of citizen security.

8.- ADDITIONAL INFORMATION

Minors: According to Art 8 GDPR, the processing of personal data of minors is only lawful when they are at least 16 years old. However, children over 13 but under 16 may also give valid consent if this is provided for by the relevant national law, and provided that ‘the consent is validly given by the holder of parental authority or guardianship over the child’. There is no case in which children under the age of 13 can themselves validly consent to the processing of their data.

Updating of data: Users of the APP, must communicate, immediately, any modification of their data, so that the information held by FESTINA is updated at all times and does not contain errors.

Links: This Privacy Policy is applicable exclusively to the information collected in the APP. The APP may contain links to third party websites and/or applications. Please note that FESTINA is not responsible for the privacy and data processing of such websites and/or applications, and we therefore recommend that you read the privacy and data processing policies of such websites and/or applications.

Furthermore, FESTINA is not responsible for the use of personal information that the user of the application voluntarily chooses to share with third parties in connection with the use of these third party applications (e.g. Apple Health, Google Fit, etc.).