

CARTLY Ltd

PRIVACY POLICY - NOVEMBER 2023 EDITION

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1. Preamble

The CARTLY® platform consists of a web application in the form of a website (<https://www.cartlyapp.com>) and digital business cards in HTML format (hereinafter also referred to as the "**Platform**"), operated by CARTLY Ltd (CHE-312.542.611) (hereinafter also referred to as "**we**" or the "**Supplier**"), whose registered office is at Route de Villars 23, 1700 Fribourg, Switzerland (hello@cartlyapp.com / +41 582 55 03 44).

CARTLY® offers its customers access to a Platform enabling the creation and management of digital business cards that can be exchanged via a variety of media - including an Internet link sent via SMS, WhatsApp, or by scanning a QR code, as well as many other sharing modes available on the user's device (AirDrop, social networks, messaging application, email, email signature, MS Teams, etc.) - as well as the sharing of contact information via digital business cards (hereinafter also the "**Services**"). - as well as the sharing of contact information via digital business cards (hereinafter also referred to as the "**Services**"). The Services are available in three packages: Starter account, Pro account and Business account. Details of these offers are shown on the Platform and may change at any time. The Platform enables the customer/user (hereinafter also the "**User**" or "**you**") to create a personal account (hereinafter also "**User Account**") enabling him/her to *upload* text, images, graphics, links, audio and/or video content, etc., (hereinafter also "**User Content**") in order to create, publish on the Internet and share his/her digital business cards. To access the Platform, the User must have a standard browser (e.g. Google Chrome, Firefox, Microsoft Edge, Safari, etc.) on a device with an Internet connection (e.g. computer, smartphone, tablet, etc.). By having a Pro or Business account, the User can, through his User Account, give access to the Services to other users under his control (hereinafter also "**Sub-users**" or "**you**"). For example, a company with a Business Account including 250 digital business cards can, as a Business Account User, give access to the Services to 250 of its employees who will be its Sub-Users. Sub-Users also have a User Account to which they can *upload* User Content. In addition, any person viewing a CARTLY® digital business card (hereinafter also "**Third Party Contact**" or "**you**") may, by means of the "Send My Contact" button located on the digital business cards, share User Content by means of an electronic form (hereinafter also "**Contact Form**") with a User, respectively a Sub-User.

This Privacy Policy describes how we collect and use your personal data.

Please read the Privacy Policy carefully.

2. Contact

We take data protection very seriously and are committed to protecting your personal data. We therefore comply with the European Union's General Data Protection Regulation (GDPR) and the Swiss Federal Data Protection Act (DPA).

If you have any questions about this Privacy Policy, you can contact us at the following address:

- By email: privacy@cartlyapp.com ;
- By telephone: +41 58 255 03 44 ;
- By post: Route de Villars 23, 1700 Fribourg, Switzerland.

In addition, in accordance with European data protection legislation, we have a RGD representative on the territory of the European Union, in France, in the person of Ms. Isabelle Dubois, AD HOC RESOLUTION (id@adhocresolution.fr). She is authorized to answer concrete questions about the processing of your personal data as a data subject residing in the territory of the European Union.

3. Purpose of processing

We process your data for the following purposes:

- a) Providing you with our Services: the legal basis for processing your personal data for this purpose lies in pre-contractual actions and the performance of a contract;
- b) Improving our Services: the legal basis for processing your personal data for this purpose is our legitimate interest. You may object to this data processing at any time;
- c) The execution of requests you have made in relation to our Services or requests you make via our Platform;
- d) Comply with all applicable laws;
- e) To protect our rights, property or safety, as well as the rights of certain third parties, including other Users, respectively Sub-Users, respectively Third Party Contacts, respectively of cartlyapp.com and our Services;
- f) For analysis purposes: in cases where you have given your consent, we may use log files, cookies and other technologies to obtain personal data. This may include a session identifier to track usage statistics of our Platform, an IP address to monitor Platform traffic/volume and other information permitted by law. Please consult our Cookie Policy [<https://cartlyapp.com/files/Cookie-Policy.pdf>] to learn more about the cookies we use and how you can manage and delete them;
- g) Marketing purposes: by opting to receive marketing communications, **you expressly consent to the processing of your personal data for marketing purposes** (such as sending emails containing advertising or marketing content, sending invitations to events). You may revoke your consent at any time.

4. Legal basis for processing

We process your personal data for the following purposes:

- Legal obligations: we may have a legal obligation to use your personal data in order to comply with certain legal obligations, for example to combat money laundering or fraud and to prevent crime;
- Contract: We process your personal data to perform our obligations under any agreement or contract we may have with you or your organization (including to provide and administer our Services and to process payments, billing and collections);
- Legitimate interests: we process your personal data where we (or a third party) have a legitimate interest in using your personal data to ensure that we provide our Services in the best possible way, for example to administer and manage our relationship with you, whether through accounting, payment traffic, auditing our company or other steps related to the execution of our contractual relationship; to analyze and improve our Services and remain compliant with the law and our policies, and to provide our Services ;
- Consent: we can rely on your freely given consent at the time you provided your personal data, respectively at the time you read and approved this Privacy Policy.

5. Collection of personal data

We collect personal data in various ways:

- Through our Platform ;
- When you or your organization use our Services, in particular via your User Account;

- Through the information you share via your User Account, a digital business card and the use of our Platform;
- When you contact us, for example by email, post or via the contact form on our Platform ;
- Through public sources such as social networks or information available on the Internet in general;
- Through various public registers (e.g. the commercial register), press articles, etc.

6. Categories of personal data

We process the following categories of data for the purposes described above:

- Contact information (such as your name, address, e-mail address, etc.) ;
- Professional information (such as your title, employer, logo, etc.) ;
- Information about the device you use to access our Services (such as IP address, browser, etc.);
- Your photograph, voice recording and/or video(s), links to your social networks etc. ;
- Your purchase details such as order reference, payment method, delivery and billing address, etc. ;
- Your geographical location data ;
- The date, time and duration of use of our Services, for example the time spent consulting our Platform.

7. Personal data of minors

We do not knowingly or knowingly collect personal data from persons under the age of 18. If you are under 18, you may not subscribe to our Services. We encourage parents and legal guardians to monitor their children's use of the Internet and to contribute to the proper application of this Privacy Policy by instructing their children not to provide Personal Information through our Platform or Services. If you have reason to believe that a minor has provided us with Personal Information, please contact us (privacy@cartlyapp.com).

8. Privacy policy

In order to safeguard the personal data we process, we have implemented various technical and organizational measures.

When your data is stored with third-party companies, we enter into agreements with them to ensure that the relevant standards are respected.

In addition, we provide a redundancy system, which means that copies of your data are stored in different locations.

Despite our ongoing efforts to protect our systems, operations, websites and information from hacking, unauthorized access, use, modification and disclosure, we cannot guarantee that information, while in transit or storage, will be completely secure from interception, due to the inherent nature of the Internet as a global communications medium and the associated risks.

9. Recipients and sharing of personal data

We will only pass on your personal data to third parties for the purpose of providing you with our

Services or if there is a legal obligation to do so, if this is necessary to enforce our rights, in particular to enforce rights arising from our contractual relationship or if you have given your express consent.

In addition, we will transfer your data to third parties insofar as this is necessary for sending marketing communications and analyzing your user behavior. We base this processing on our legitimate interests.

Any disclosure of your personal data to third parties is strictly limited to the purposes indicated.

If necessary and in accordance with the relevant legal basis, we share your personal data with the following third parties:

- State authorities ;
- Third parties who provide services such as accounting, legal and litigation services, document translation, computer programmers or developers, software or computer system providers, IT support services, document and information storage providers, hosting providers, computer server providers, payment service providers ;
- Third-party service providers that enable us to analyze data relating to Users, respectively Sub-Users, such as Google Analytics ;
- Data protection representative ;
- External data protection officer (if applicable).

For example, we provide your relevant data to third-party companies that host your data and process your payments.

We perform due diligence on third-party providers and contractually ensure that our partners process personal data appropriately and in accordance with our legal obligations. In addition, we may use external service providers where necessary to provide our Services.

We will thus comply with our legal obligations relating to the processing of personal data, in particular as regards the establishment and implementation of appropriate safeguards.

10. Cross-border transfer of personal data

We may transfer your personal data to locations outside Switzerland, the jurisdiction in which you are domiciled or order our Services, where we provide you with our Services, or where you consume our Services. We may process your data in the countries of the European Union, the European Economic Area, Switzerland and the United States. For example, we currently work with payment service providers headquartered in the United States who may process personal data, in particular in order to process your payments.

We may transfer your data to third parties (contractual service providers) located abroad for the purposes of the data processing described in this Privacy Policy.

Where your personal data is transferred to and/or stored in a country outside the European Union, the European Economic Area, or Switzerland, we take all measures reasonably necessary to ensure the security of your data processing. If these countries are outside the European Economic Area and the European Union has not adopted an adequacy decision for these countries, we take appropriate measures to ensure an adequate level of data protection for any data transfer. These include, for example, EU standard contractual clauses. In such cases, the risk remains that the authorities of the third country concerned (e.g. intelligence services) may have access to the personal data transferred, and that the exercise of your rights as a data subject cannot be guaranteed.

By accepting this Privacy Policy, you acknowledge that the transmission of information over the

Internet cannot be guaranteed to be completely secure. Despite our best efforts to protect your personal data, we cannot fully guarantee the security of transmitted data.

By accepting this Privacy Policy, respectively by using our Services, you expressly consent to the transfer of the data you provide to us in the countries of the European Union, the European Economic Area and the United States.

Copies of agreements with our partner are available on request.

11. Retention period of personal data

We retain personal data only for as long as is necessary to provide you with our Services, for the duration of our legitimate interest or for purposes for which you have given your consent.

Please note that specific legal retention periods may apply to certain data. This data must be kept until the end of the legal retention period, which is generally 10 years in Switzerland for financial and accounting data.

For visitors to our Platform, we retain the relevant personal data for a maximum of two years from the date of your last interaction on our Platform.

If you create a User Account, we will delete your User Account data without compensation as soon as it is deleted, regardless of whether the deletion is made by you or by us.

12. Your rights

Under applicable data protection law, you have the following rights in particular:

The right of access: you have the right to request access to your personal data stored with us at any time and free of charge if we process such data. You can check what personal data we process and whether we use it in compliance with the applicable data protection provisions. However, we have the right to charge a reasonable fee if you require additional copies or if the request is excessive or unreasonable.

The right of rectification: you have the right to ask us to rectify incorrect or incomplete personal data and to be informed of the rectification. In this case, we will inform the recipients of the data concerned of the corrections made, unless this is impossible or would involve a disproportionate effort. In principle, you can modify or delete your data yourself via your user account. However, if you are unable to do so, or if you wish to modify or delete data other than that displayed in your User Account, you can write to us at privacy@cartlyapp.com.

The right to erasure (known as the "right to be forgotten"): you have the right to ask us to erase your personal data in certain circumstances. In some cases, the right to erasure may be excluded.

The right to restrict processing: in certain circumstances, you have the right to ask us to restrict the processing of your personal data.

The right to data portability: in certain circumstances, you have the right to ask us to provide you with the personal data you have given us so that you can transfer it elsewhere.

The right to object to processing: you have the right to ask us to stop processing the personal data you have provided if we are processing it on the basis of a legitimate interest.

The right to withdraw consent: once you have given your consent to the processing of your data, you may withdraw it at any time. Please note, however, that if you withdraw your consent in connection with the provision of the Services, we will no longer be able to provide you with access to the Services (see General Terms and Conditions [<https://cartlyapp.com/files/General-Terms-and-Conditions.pdf>]).

Right to lodge a complaint with a supervisory authority: you can address any questions relating to data protection to the Federal Data Protection and Information Commissioner (for Switzerland) or to a European data protection supervisory authority.

13. Links to other resources

Our Platform contains links to other resources that we do not own or control (for example, links to social networks). Please be aware that we are not responsible for the privacy practices of these third parties. When you access the services of these third parties via our Platform, it is possible that these third parties may collect data about you. We encourage you to read their privacy policies carefully.

14. Languages

This Privacy Policy is available in a variety of languages. **However, if you consult the Privacy Policy in a language other than French, you acknowledge that it is an automated translation, without legal value, of the original version written in French. In the event of contradictions or different interpretations between the different versions, the French version shall prevail and have legal force.**

15. Changes to our Privacy Policy

We may modify this Privacy Policy from time to time, in order to adapt it to our use of the personal data we process and to comply with current legislation.

We will notify you as soon as possible of any material changes to the Privacy Policy. However, we recommend that you consult this Privacy Policy regularly in order to remain up to date and informed about how we handle your personal data.

In the event of substantial modifications to our Privacy Policy, you will be informed by email or via the Platform.

Any new version of the Privacy Policy will be effective immediately upon posting on our Platform, unless otherwise specified. **Your continued use of the Platform, respectively our Services, after the effective date of the new Privacy Policy will constitute your express consent and agreement to such changes.**

If you do not agree with the new Privacy Policy, you must immediately stop using the Platform and the Services. In addition, you must delete your User Account immediately. Deletion of the User Account will result in the permanent deletion of all User Content. In this case, you are not entitled to a refund of any payments already made.