

## **Art Articulator Privacy Policy (Effective November 1, 2020)**

### **Art Articulator's Privacy Commitment to you:**

***Without your consent, we will not pass on your personal data to third parties for their marketing or advertising purposes, nor will we sell or otherwise make it available to third parties for a fee.***

### **1. Scope of and updates to this Privacy Notice**

This Privacy Notice applies to your use of our website and all Art Articulator applications, services (including payment services), products and tools (collectively the "Services"), regardless of how you access or use these Services.

This Privacy Notice also applies if explicit reference is made to it via a link or in a similar manner, e.g. on websites of partners on which Services from Art Articulator are offered. We may change this Privacy Notice at any time by posting the revised Privacy Notice on our website and indicating the effective date of the revised Privacy Notice. You will be notified of any material changes to this Privacy Notice via in-app messages in Art Articulator and/or by email.

### **2. What personal data we collect and process**

We collect your personal data when you use our Services, create a new Art Articulator account, provide us with information via a web form, add or update information in your Art Articulator account, participate in online community discussions or otherwise interact with us. We may also collect personal data from other sources (such as other Art Articulator corporate family members or credit agencies or bureaus).

In total, we collect the following personal data:

#### **2.1 Personal data you provide when using our Services or creating an Art Articulator account**

- Data that identifies you, such as your name, address, telephone numbers or email addresses and your user name that you provide when setting up your Art Articulator account or at a later date, and additional identification data and tax identification numbers that you provide when using our payment services as a seller.
- Data regarding purchases, or sales that you provide in a transaction.
- To the extent that we, rather than a third-party money transfer processor, processes any transactions: Financial information (e.g. credit card and account numbers, payment details) in connection with a transaction.
- Shipping, billing, and other information you provide in connection with the purchase or shipping of an item, as well as information required for customs clearance (such as tax identification numbers or other identification numbers) and relevant shipping information (such as shipment numbers and tracking information).
- You may provide us with additional information through a web form or by updating or adding information to your Art Articulator account, by participating in

community discussions, member chats, inquiries, dispute resolution, customer service calls recorded with your consent, or if you contact us for any other reason regarding our Services.

- Other data that we are required or entitled by applicable law to collect and process and that we need for your authentication or identification, or for the verification of the data we collect.

## **2.2 Personal data we may collect automatically when you use our Services or create an Art Articulator account**

- Data that is generated as part of one of your transactions (purchases, sales) or that is linked to your Art Articulator account as a result of a transaction in which you are involved, such as transaction amounts, time and location of transactions, payment methods, shipping information and/or insurance information.
- Data that is generated through your other actions when you use our Services and which is linked to your Art Articulator account, e.g. when you place items in your shopping cart, place or mark items, sellers, searches or interests as favorites.
- Data regarding all other interactions with our Services, your preferences, and your communications with us.
- Location data, including the location data of your mobile device. Please note that for most mobile devices, you can manage or disable the use of location services for all applications in the settings menu of your mobile device.
- Computer and connection information, such as statistics regarding your use of services from Art Articulator, information on data traffic to and from websites, referral URL, information on advertisements, your IP address, your access times, your browser history data, your language settings and your weblog information.

## **2.3 Personal data we may collect in connection with the use of cookies and similar technologies**

We use cookies, web beacons and similar technologies to collect data while you use our Services. We collect this data from the device(s) (including mobile device(s)) from which you access our Services. The data collected includes the following usage- and device-related information:

- Data about the pages you visit, the access time, frequency and duration of visits, the links on which you click and other actions you take as part of your use of our Services and in advertising/email content.
- Data about your activities and interactions with our advertising partners including data about the information you were shown, how often they were shown, when and where they were shown, and whether you took any action, such as clicking on a link or making a purchase.
- Your user segment.
- Model or device type, operating system and version, browser type and settings, device ID or individual device identifier, advertisement ID, individual device token, and cookie-related data (e.g. cookie ID).
- The IP address from which your device accesses the Services.
- Location data, including the location data of your mobile device. Please note that most mobile devices allow you to manage or disable the use of location services for all applications in the settings menu.

## **2.5 Social network data you may share with us**

- We allow you to share personal data with social networks, to use social networks to create an Art Articulator account or to link your Art Articulator account to a social network. These social networks may automatically provide us with access to certain personal data they have stored about you (e.g. content you have viewed or enjoyed, information about the advertisements you have been shown or clicked on, etc.). You can determine the personal data that we can access through the privacy settings of each social network.
- If you give us access to video content pages, your grant of access is your consent that we may, until you withdraw your consent or are no longer connected to the social network, share with and collect from social networks information regarding your viewing of videos.
- We may also use plug-ins or other technologies from various social networks. If you click on a link displayed through a social network plug-in, you voluntarily connect to that social network.
- We may provide mechanisms that allow you to directly post to social media from within the Services. We make no representations or warranties regarding such mechanisms and such postings are governed by the social media providers' individual privacy policies, user or other agreements or terms of use.

## **3. Purposes and legal basis for data processing and categories of recipients**

We process your personal data for various purposes and pursuant to various legal bases. We process your personal data primarily to provide you with a personalized user experience, to contact you about your transactions, your Art Articulator account and our Services, to provide customer service, to provide and improve our Services, and to detect, prevent, mitigate and investigate fraudulent or illegal activity. We also may share your information with third parties for these purposes to the extent permitted by law.

Below you will find a summary of the purposes for which we process your personal data, including the categories of recipients to whom we transmit personal data for the purposes stated, sorted by legal basis:

### **3.1 We process your personal data in order to fulfill your transaction requests and to provide you with our Services. This includes the following purposes:**

- Processing of data relating to you (including any the legal entity that you represent) for the purpose of entering into a transaction with you or on your behalf and executing it.
- Provision of our Services, including but not limited to enabling and performing transactions with other users (including the transmission of your personal data to other users where necessary to perform the transaction, including in cases of terminated, failed or subsequently voided transactions), providing and enhancing features such as payment processing and Art Articulator account management, providing other services you may use (as described in connection with such services), and ensuring the functionality of our Services. In connection with the provision of our Services, we will send you notifications relating to the execution of transactions and the use of our Services in accordance with the communication preferences in your Art Articulator account.

- Enabling the delivery of purchased items by logistics/shipping service providers including notifications in connection with the delivery (such as tracking information), the latter to the extent permitted by applicable law without your consent.
- Provision of our payment services.
- Solution of problems with your Art Articulator account, arbitration of disputes, providing other services within the scope of customer service as well as enforcement of fee claims. For these purposes, we may contact you via notification through Services messaging, email, telephone, text message, push notification on your mobile device or by mail. You acknowledge that we may use automatically dialed calls with tape announcements or automated text messages, to the extent permitted by applicable law.
- Processing of general location data (such as IP address or postal code) in order to provide you with location-based services (such as radius search and other content that is personalized on the basis of your general location data).
- Enforcement of our Terms and Conditions, Agreements or other rules and policies.
- Publication of your listings and related content on the websites or in the applications, services and tools of other Art Articulator, Inc. corporate family members or cooperating third party operators of websites, applications, services and tools. When we share the content of your listings and any related personal data with third parties, we do so only on the basis of an agreement that limits the use of such personal data by the third party to the purposes necessary to fulfill its contractual obligations to us. Third party providers are contractually obliged to take appropriate security measures with regard to this data. Third party providers are strictly forbidden to pass on personal data contained in your listings to other third parties.

**3.1(a) Where necessary, we may transmit your personal data to processors and the following recipients for one or several of the purposes described above:**

- Other Art Articulator users
- External service providers and shipping companies
- Payment and Insurance service providers
- External operators of websites, applications, services and tools

**3.2 We may process your personal data in order to comply with legal obligations to which we are subject. This includes the following purposes:**

- Participation in proceedings (including judicial proceedings) conducted by public authorities or government agencies, in particular, for the purpose of detecting, investigating and prosecuting illegal acts.
- Prevention, detection and mitigation of illegal activities (e.g. fraud, money laundering and terrorist financing).
- Ensuring the information security of our Services.
- Retention and storage of your personal data to comply with specific legal retention requirements.

**3.2(a) Where necessary, we may transmit your personal data to processors and the following recipients for one or several of the purposes described above:**

- Law enforcement agencies, courts, government agencies or public authorities, intergovernmental or supranational bodies.
- Third party service providers
- Third parties who are involved in judicial proceedings, in particular, if they submit a legal order, court order or equivalent legal order to us.
- Credit agencies bureaus or associations, if required by applicable law (e.g. information on payment delays, payment defaults or other irregularities that may be relevant to your credit report).
- Art Articulator, Inc. corporate family members

**3.3 We may process your personal data in order to protect your vital interests or the vital interests of another natural person. This includes the following purposes:**

- Prevention, detection, mitigation and investigation of unlawful activities that may result in impairment of your vital interests or the vital interests of another natural person, unless there is a statutory obligation to this effect.

**3.3(a) Where necessary, we may transmit your personal data to processors and the following recipients for one or several of the purposes described above:**

- Law enforcement agencies, courts, government agencies or public authorities, intergovernmental or supranational bodies
- Third parties who are involved in judicial proceedings
- External service providers

**3.4 We may process your personal data where necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms. In order to reconcile our legitimate interests with your rights, we have introduced appropriate control mechanisms. On this basis, we may process your data for the following purposes:**

- Participation in proceedings (including judicial proceedings) conducted by courts, law enforcement agencies, government agencies or public authorities, intergovernmental or supranational bodies, in particular for the purpose of detecting, investigating and prosecuting illegal acts, unless there is a statutory obligation to this effect, and we may legitimately assume that the disclosure of the data is necessary to avert imminent disadvantages or to report a suspicion of an illegal act. In such cases, we will only disclose what we believe is necessary, such as your name, city, zip code, telephone number, email address, (previous) user names, IP address, fraud complaints, and history with Art Articulator.
- Protection of the legitimate interests of third parties in connection with civil law disputes, unless there is a statutory obligation to this effect, if we may legitimately assume that it is necessary to disclose the data to such third parties in order to avert imminent disadvantages.
- Prevention, detection, mitigation and investigation of fraud, security breaches and other prohibited or unlawful activities, including the assessment of corresponding risks (e.g. through the use of captchas or the verified telephone number stored in your Art Articulator account for two-factor authentication), unless there is a statutory obligation to this effect.
- Monitoring and improvement of the information security of our Services, unless there is a statutory obligation to this effect.

- Performance of identity checks, creditworthiness and other financial standing checks, evaluation of applications and comparison of information for accuracy and verification purposes.
- Automatic filtering and, where necessary, manual review of messages sent through our messaging tools to prevent fraudulent or suspicious activity or violations of including enforcing the prohibition of purchases and sales outside of Art Articulator.
- Provision of functions for users that make the processing of transactions easier or more convenient (e.g. administration of several delivery addresses).
- Analysis and improvement of the Services from Art Articulator by reviewing information from users about blocked or crashed pages in order to identify and solve problems and to provide you with an improved user experience, including as part of product development.
- Analysis of telephone conversations with our customer service that we recorded with your consent.
- Advertisements by mail (according to your communication preferences in your Art Articulator account).
- To the extent permitted by applicable law without your consent, communications with you via electronic mail (e.g. email) or telephone to offer you vouchers, discounts and special offers, to conduct opinion polls and surveys, and to inform you about our Services (according to your communication preferences in your Art Articulator account). If you do not wish to receive marketing communications from us, you can also unsubscribe by clicking on the link in the email you received. For technical reasons, the implementation may take a few days.
- Notifications regarding promotions and information about our Services after logging into your account or (according to your communication preferences in your Art Articulator account).
- For users outside the European Economic Area (EEA): Personalization, measurement and improvement of our and third party advertisements in our online offerings, the online offerings of other Art Articulator Inc. corporate family members or third parties.
- Customization of page content to display the items and services you may like based on the actions you take.
- Evaluation of the quality and success of our email marketing campaigns (e.g. through analysis of opening and click rates).
- Assessment of the service status.
- Offering of partner and bonus programs.
- Provision of shared content and services (such as registration for services, transaction processing and customer service) with Art Articulator, Inc. corporate family members or cooperating payment service providers.
- Initiation, preparation and execution of a company acquisition, e.g. in the event of a merger with another company or takeover by another company. If such an event occurs, we will require the merged entity to comply with this Privacy Notice with respect to your personal data. Should your personal data be processed for any purpose not specified in this Privacy Notice, you will be informed in advance of the processing of your data for this new purpose.

- Assertion of or defense against legal claims, including those asserted by one Art Articulator user against another Art Articulator user.

**3.4(a) Where necessary, we transmit your personal data to processors and the following recipients for one or several of the purposes described above:**

- External service providers
- Other Art Articulator users
- Law enforcement agencies, courts, government agencies or public authorities, intergovernmental or supranational bodies
- Third parties who are involved in judicial proceedings
- Payment service providers
- Credit agencies or bureaus (e.g. information about payment delays, payment defaults, or other irregularities that may be relevant to your credit report)
- Other companies in the context of a company acquisition

**3.5 With your consent, we may process your personal data for the following purposes:**

- For users within the European Economic Area (EEA): Personalization, measurement and improvement of our and third party advertisements in our online offerings, the online offerings of other Art Articulator, Inc. corporate family members or third parties
- Marketing communications by telephone or electronic mail (such as email or text message), including communications by other Art Articulator, Inc. corporate family members or by third parties, unless these communications are permitted without your consent under applicable law
- Processing of your exact location data to provide location-based services
- Processing of your personal data on the basis of your consent, which you have given so that we or third parties can enable you to use certain services or make them available to you

**3.5(a) Where necessary, we transmit your personal data to processors and the following recipients for one or several of the purposes described above:**

- External service providers
- Other third parties with whom we partner to offer you specific services (as described at the collection of the respective user consent)
- Third party financial institutions with whom we partner to offer financial products to you, for them to provide joint content and services (such as, registration, transactions and customer support). These third party financial institution partners will use your personal data to send you marketing communications only if you have requested their services

**4. International data transfers**

This section intentionally omitted.

**5. Storage duration and erasure**

Your personal data will be stored by us and our service providers in accordance with applicable data protection laws to the extent necessary for the processing purposes set out in this Privacy Notice. Subsequently, we will delete your personal data in accordance with our data retention and deletion policy or take steps to properly render the data anonymous, unless we are legally obliged to keep your personal data longer (e.g. for tax, accounting or auditing purposes). As far as legally permissible or required, we restrict the processing of your data instead of deleting it (e.g. by restricting access to it). This applies in particular to cases where we may still need the data for the execution of the contract or for the assertion of or defense against legal claims. In these cases, the duration of the restriction of processing depends on the respective statutory limitation or retention periods. The data will be deleted after the relevant limitation or retention periods have expired.

The specific retention periods for personal data are documented in our regional data retention guidelines. How long we retain personal data may vary depending on the Services we provide and our legal obligations under applicable law. The following factors typically affect the retention period:

- **Necessity for the provision of our Services**  
This includes such things as executing the User Agreement with you, maintaining and improving the performance of our products, keeping our systems secure, and maintaining appropriate business and financial records. Most of our retention periods are determined on the basis of this general rule.
- **Special categories of personal data**  
If we store special categories of personal data, a shorter retention period is usually appropriate.
- **Consent-based processing of personal data**  
If we process personal data on the basis of consent (including consent to the extended storage), we store the data for as long as necessary in order to process it according to your consent.
- **Statutory, contractual or other similar obligations**  
Corresponding storage obligations may arise, for example, from laws or official orders. It may also be necessary to store personal data with regard to pending or future legal disputes. Personal data contained in contracts, notifications and business letters may be subject to statutory storage obligations depending on national law.

## **6. Cookies & similar technologies**

When you use our Services, we as well as selected third parties may use cookies and similar technologies to provide you with a better, faster and safer user experience or to show you personalized advertising. Cookies are small text files that are automatically created by your browser and stored on your device when you use the Services.

Our cookies and similar technologies have different functions:

- They may be technically necessary for the provision of our Services
- They help us optimize our Services technically (e.g. monitoring of error messages and loading times)

- They help us improve your user experience (e.g. save information and data entered)
- They allow us to show you more relevant information

We use cookies and similar technologies that remain on your device only as long as your browser is active (session cookies), as well as cookies and similar technologies that remain on your device longer (permanent cookies). Where possible, we take appropriate security measures to prevent unauthorized access to our cookies and similar technologies. A unique ID ensures that only we and/or selected third parties have access to cookie data.

### **Your choices regarding cookies**

You are free to disable the use of cookies and similar technologies if this is supported by your device. You can manage your cookie settings in your browser or device settings. Note, however, that certain features and/or Services may be negatively affected by disabling cookies to the point that such features and/or Services do not provide meaningful functionality.

## **8. Data security**

We protect your personal data through technical and organizational security measures to minimize risks associated with data loss, misuse, unauthorized access and unauthorized disclosure and alteration. To this end we use firewalls and data encryption, for example, as well as physical access restrictions for our data centers and authorization controls for data access.

Our technology is specifically designed to use your mobile device's camera to detect information regarding your surroundings, however, Art Articulator has no access to the images and/or information collected by your camera; our technology uses such detected information on an "in-use" basis within the app but provides none of that information to us. Unless you affirmatively transmit image(s) from your use of the app to your Art Articulator account, such information is not collected nor stored.

## **9. Other important information regarding data protection**

This section contains important additional information about the protection of personal data in connection with the use of our Services, including whether you are required to provide personal data.

### **Are you obliged to provide your personal data to us?**

Some of the personal data that you provide to us (e.g. data by which we can identify you) are required to either sell or purchase through Art Articulator. The provision of any other personal data is voluntary, but may be necessary for the use of our Services, such as purchase and sales data to complete a transaction.

### **Children's Privacy**

Our services are not intended for the use by children. We do not knowingly collect personal data from users who are considered children under applicable national laws. According to our User Agreement, children are not permitted to use our Services.