

**AMPLIFY Ltd**  
**PRIVACY NOTICE**

**October 8<sup>th</sup>, 2020**

Amplify Ltd (“**Amplify**”) understands that the Collection of Personal Data involves a great deal of trust on your part. We take this trust very seriously and make it our highest priority to ensure the security and confidentiality of your Personal Data.

This is why we implemented privacy by design and privacy by default standards and undertake to store your Personal Data in a secured way as well as to Process your Personal Data with all appropriate care and attention in accordance with the Federal Data Protection Act (RS 235.1), the Ordinance on the Federal Data Protection Act (RS 235.11) and, where applicable, with the standards of the General Data Protection Regulation (“**GDPR**”). Data which is deemed to be personal consists of all the information relating to a person who is either identified or identifiable (“**Personal Data**”).

Capitalized terms not defined in this Privacy Policy have the meanings set forth in the Terms.

Please read this Privacy Policy (the “**Notice**”) carefully to understand our policies and practices regarding your Personal Data and how we will treat and Process them.

By using and/or registering on the Platform, you accept the practices described below:

**1. Summary of the Collection and Processing of Personal Data**

Which Personal Data is being Collected by Amplify?

- E-mail address, telephone number;
- The Platform's registration identifiers;
- Computer information;
- User preferences;
- Communications;
- Information about the type of mobile device you use, operating system version and device ID;
- Any other information you voluntarily submit;
- Social network account identifiers, and information shared with us via your social network accounts;
- Information about you or your company contained in your Ads;
- Information about your Campaigns;
- Information Collected through Cookies, in accordance with the Cookie Policy.

Amplify does not Collect or Process any payment data on or through the Platform, but our PSP does.

#### Which Personal Data is being Processed by Amplify?

- Your Registration Data, including optional information;
- Your Visitor Data;
- Your Transaction Data;
- Your Cookie Data;
- Your Campaign Data;
- Your Ads Data.

#### Why Do We Collect and Process This Data?

Amplify Collects Personal Data primarily to improve your User experience and to provide Services tailored to your needs and profile.

Amplify's business model is not to transfer your Personal Data to third parties, we Collect and Process this Data to provide you with the best possible Services.

**Except your Ads Data and Campaign Data, Amplify does not share your Personal Data with the Media.**

#### Who controls these Data?

Amplify SA, Avenue Auguste Tissot 2 Avenue Auguste Tissot 2bis, 1006 Lausanne, Switzerland.

#### Where are the Data hosted?

In Ireland, by Amazon Web Service, based on your express Consent.

#### Do you have an access to or a right to receive your Personal Data?

Yes, you just need to make a request to Amplify SA, Avenue Auguste Tissot 2bis, 1006 Lausanne, Switzerland, or by sending us an email to the following address [contact@amplify.ch](mailto:contact@amplify.ch), enclosing a copy of your identity document (Cf. article 16).

## **2. Definitions**

Ads: refers to the User Content and/or advertisement material posted by Users on the Platform in order to generate Campaigns.

Applicable Laws: refers to, unless otherwise agreed separately, the FADP, including the binding regulations and decision issued by the Federal Data Protection and Information Commissioner (FDPIC) as well as the GDPR, to the extent extraterritorially applicable to the Processing of your Personal data.

Collect: means a systematic approach to gathering and measuring Personal Data from the User to achieve a given result. The term “**Collection**” shall be the nominative reference to the term Collect.

Controller: means the legal person which determines the purposes and means of the Processing of Personal data.

Cookie(s): means a piece of information that is placed automatically on your computer’s hard drive when you access the Platform in order to identify your browser.

Data Subject : means an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, locate on data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

FADP: refers to the Federal Act on Data Protection (RS 235.1) in Switzerland.

GDPR: refers to the EU General Data Protection Regulation 2016/679.

Personal data: means any information relating to a Data Subject intended to be Processed by the Data Processor on behalf of the Controller pursuant to or in connection with the Service Agreement. Personal data is Collected by the Data Controller.

Personal data breach: means a breach of security that may lead to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal data transmitted, stored or otherwise Processed.

“Process” or “Processed” : means any operation or set of operations which is performed on Personal data or on sets of Personal data, whether or not by automated means, such as Collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Standard Contractual Clauses: means the Standard Contractual Clauses (EU Commission Decision 2010/87/EU).

Technical and Organizational / Security Measures: means those measures aimed at protecting Personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, in particular where the Processing involves the transmission of data over a network, and against all other unlawful forms of Processing.

User(s): means Data Subjects who are solely natural persons who are using the Platform.

### **3. Acceptance of the Collection and Processing of your Personal Data in accordance with Privacy Notice and the Cookie Policy**

While using the Platform or the Services, Amplify may Collect and Process a certain number of Personal Data that relate to you.

The Notice shall apply to any use of the Platform or use of the Services, whatever the method or medium used. It details the conditions at which, we may Collect, keep, use and save information that relates to you, as well as the choices that you have in relation to the Collection, utilization and disclosure of your Personal Data.

By using the Platform or the Services and giving your Consent to the Collection and Processing of your Personal Data in accordance with this Privacy Notice, you acknowledge that you have read and understood this Notice and Consent with the Collection and Processing of your Personal Data in accordance with its terms as well as to comply with all applicable laws and regulations.

Amplify may modify this Notice from time to time and will post the most current version on the Platform. You will be notified by email and you will be asked to Consent to these modifications before they become applicable.

### **Data Controller**

The Data Controller of the file is Amplify SA (CHE-298.091.547), Avenue Auguste Tissot 2bis, 1006 Lausanne, Switzerland.

## **4. Purpose of the Collection**

Amplify uses Personal Data mainly for the purpose of improving the user experience and the Platform and targeting the Services to your needs.

We and our service providers may use your Personal Data for execution of our agreement with you as well as for our legitimate business interests.

The main reasons why we Collect Personal Data about you is:

- to improve the Platform features and the Platform Content;
- to administer your Account;
- to purchase advertisement by the Medias on your behalf;
- to identify your needs and target the Services;
- to fulfill your specific requests through the Platform;
- to enable you to enjoy and easily navigate the Platform and benefit from the Services;
- to accomplish our business purposes, especially to comply with a legal obligation, because we have a legitimate interest or with your Consent;
- to invoice you and file VAT declarations;
- for specific purposes stated below.

The Personal Data will be freely provided by you to Amplify or Collected, while using the Platform, in accordance with this Notice. In addition to the information contained in this Notice, the Platform may provide Users with additional and contextual information concerning particular services or the Collection and Processing of Personal Data upon request.

We may supplement information you provide with information received from third parties.

Personal Data transmitted to Amplify by you are controlled and hosted by Amplify SA, Avenue Auguste-Tissot 2bis, 1006 Lausanne, Switzerland.

## **5. Type of Personal Data Collected**

### **a) Visitor's data**

When you visit the Platform, we will Collect certain information about you, based on our legitimate interests. This includes:

- your IP address;
- Cookie Data, provided your Consent to the the Cookie Policy;
- your geographical location;
- your place of consultation of the Platform;
- the type of browser that you use;
- your server name;
- the date and time you access the Platform;
- the internet address of the web sites, if any, from which you linked directly to the Platform;
- the links you click on the Platform;
- the features or services available on the Platform you consult;
- your language settings;

### **b) Registration data**

When you register through the Platform or in any other way interact with us (including by email), you may be asked to communicate a number of information, including without limitation, your personal contact details:

- email address;
- telephone number;
- password;
- credit card details (only provided to Payment Provider, but may be stored in temporary files of your browser to accelerate the payment process).

We may Collect the Personal Data that you provide as part of registration and personalization of your Account.

### **c) Data relating to the use of the Services**

To create an Account, we will Collect the following Personal Data:

- email address;

- Platform registration credentials, such as login and password;
- computer information, such as IP address, operating system, type of device, browser, login dates;
- user preferences, such as areas of interest, newsletters, community choices and other information you select in the user profile when registering on the Platform or indicated by your use of the Platform;
- expressed preferences, such as communications and language settings;
- communications, such as emails and Ads;
- when you use the Platform on a mobile device, we automatically Collect information on the type of device you use, operating system version, and the device identifier;
- any other information you voluntarily submit;
- social media account ID, and information shared with us via your social media account;
- information Collected in accordance with the Cookie Policy;
- information about your Campaigns, such as Budget, Media, targeted groups, statistics of the Campaigns (“**Campaign Data**”);
- Information relating to you or your business contained in your Ads (“**Ads Data**”).

**d) Payment data**

We do not Collect nor Process any payment data on or through the Platform. Payment data will be exclusively Collected and processed by our payment provider, i.e Stripe Inc. Your payment information including your credit card or bank number, expiration date and billing address are Collected on our payment page by a third-party payment processor and will be subject to the third party’s privacy policy. We have no control over, and are not responsible for, the third party’s collection, use and disclosure of your personal information. We receive information on payment amount only; no other payment information is stored or saved within our systems.

By using the Services, you transmit data relating to your means of payment, including (without limitation) your credit card information such as:

- type of credit card;
- name of the owner of the credit card;
- credit card number;
- expiration date; and
- CVC.

**(“Payment Data”)**

Credit card payments are Processed by the Payment Provider Stripe, Inc. only in strict compliance with the PCI-DSS norms. The Payment provider decide at its own discretion which

data it Collects and Processes. We do not have access to the credit card numbers. For all credit card payments, the Payment provider uses a secure payment system; this is an SSL secure payment. This payment protocol standard is recognized throughout the world for the protection of data transmitted over the internet. It is available on practically all browsers. The Payment Data which you provide are encrypted prior to the sending of your post to the payment server.

The Company does not register any Payment Data. The Payment Provider carries out credit card payments. Regarding such Payment Data, the general conditions and the privacy policy of the Payment Provider are solely applicable.

We do not act as a financial intermediary or as a payment institution for the transactions which take place via the Platform, said transactions being processed by the Payment Provider. You expressly agree to send your Payment Data to the Payment provider, as well as send all information which the latter shall require from you.

You hereby expressly agree to comply with the general conditions of the external service provider in charge of processing the payment, to pay it the commission provided therefore and to grant it all banking authorizations required to carry out the payment with your credit or banking card.

Amplify shall not be held liable for the content of the privacy policy and the general conditions of the Payment Provider.

Your credit card transaction is made at your sole risk. Amplify shall in no way or manner be held liable for any delay in the banking authorization relating to your banking card or of any damage or loss which may arise in relation with the transaction made via the Platform.

Notwithstanding the foregoing, Registered Users expressly Consent that Amplify may Process, as temporary files, the following Personal Data related to the credit card registered in his/her User Account in order to facilitate his/her future payment through the Platform:

- masked card number (four last digits);
- expiration date of the credit card;
- name of the owner of the credit card; and
- unique number given by the Payment Provider for each credit card.

## 6. With whom your Personal Data are shared?

### - a) Users of the Platform

- All Ads Data you post on our Platform will be visible to other Users on the inspiration page.
- If you choose to send Ads or connect with others through our Platform about the Content you uploaded or shared or if your Ads contains Personal Data about you or your business, your Personal Data will be shared with the recipients of your Ads.

### - b) Your connected social media platforms

- You authorize Amplify to share Ads Data with the Medias selected in your account, and you understand that the use of the information we share will be governed by the Media's privacy policy. If you do not want your Personal Data to be shared with a specific Media, please indicate this in the parameters of your account and Amplify will not disclosed your Ads Data to such Media.
- You may voluntarily share Personal Data on message boards, chats, profile pages, blogs, your social media accounts and other services to which you are able to post information and materials (including the Amplify pages on Facebook and other social media platforms). Please note that any information you post or disclose through these services will become public information, and may be available to other Users, social media platform users and to the general public. We urge you to be very careful when deciding to disclose any information about yourself via the social sharing features of our Platform.

### - c) Our business entities and service providers

- We may share your Personal Data with third parties for the following purposes:
- Companies within the Amplify group of companies based on data processing agreements. We may share your Personal Data with our affiliates, which are entities under common ownership or control of Amplify, to provide our services in different countries and for the purposes described in this Privacy Notice.

Our suppliers, subcontractors and business partners ("service providers"): We may share Personal Data about you with our service providers who process information to provide services to us or on our behalf on the basis of Standard Contractual Clauses. We have contracts with our service providers that prohibit them from sharing the Personal Data about you that they Process with anyone else or from using such information for other purposes.

- Our Hosting Services: with your Consent, we will share your Personal Data with Amazon Web Services in Ireland, a US controlled entity, for hosting purposes.

In any case where cross-border transfer is done, we ensure that adequate protection is guaranteed for Personal Data to be transferred outside of Switzerland and the EEA. In some specific cases when this level of protection is not guaranteed, we will obtain your prior Consent or establish with the recipient of Personal Data a contractual framework or sufficient safeguards that ensure an adequate level of protection abroad. You may request access to a copy of these safeguards by contacting us.

Unless otherwise stated, the third parties who receive Personal Data from Amplify are prohibited to use this Personal Data beyond what is necessary to provide the service to you, directly or by participating in our activities.

For compliance, please contact: [info@amplify.ch](mailto:info@amplify.ch)

## **7. Use of your Personal Data**

The following paragraphs describe the various purposes for which We Collect and Process your Personal Data:

### **a. Consent**

The following uses of Personal Data are based on your Consent:

- your Registration data:
  - o address (zip code, city, country);
  - o email address;
  - o User Account's password.
- your Optional Registration Data:
  - o language preference;
  - o picture; and
  - o date of birth.

We use any of the above-mentioned Personal Data for customer service purposes, including responding to your enquiries. This typically requires the use of certain personal contact information and information regarding the reason for your inquiry (e.g. technical issue, question/complaint, general question, etc.).

With your Consent, we will host your Personal Data using the Hosting Services of Amazon Web Services in Ireland, a US controlled entity.

With your Consent, we will use information about your usage of our Services and your contact information to provide you with our Newsletter and/or our Marketing communications.

You may revoke your Consent at any time for any use of your Personal Data by Amplify.

Please note that the withdrawal of your Consent will not affect the lawfulness of the Processing of your Personal Data based on your Consent before its withdrawal. Amplify cannot guarantee that your use of the Platform will be the same as before your revocation of Consent.

- If you no longer want to receive the newsletter from Amplify going forward, you may opt out of receiving these by following the instructions contained in any such email. We will comply with your request(s) as soon as reasonably practicable. Please note that if you opt out of receiving marketing-related emails and/or the newsletter from us, we may still

send you important administrative messages (such as updates about your Account or service changes).

**b. Legitimate interest**

By browsing the Platform you understand that Amplify has the legitimate interest to Process the following Personal Data for security reason, in particular to ensure a legal and peaceful utilization of the Platform in the full respect of the laws and suitable regulations, as well as for measuring the effectiveness of the Platform and the Services and enable you to enjoy these latter in the best possible way.

For this purpose, your Visitors' data is Collected and used to prevent potentially prohibited or illegal activities.

These Personal Data are used in order to know who interacted with the Platform and to ensure that there is no cyber-security threat and in order to have an initial verification of the User of the Platform. If a cyber-security threat occurs at a particular moment, it would be possible to identify the whereabouts of the threat.

In particular, we use your geographical location information in order to ensure that the Services will not be used in a country/area where it is expressly prohibited for the Platform to be used in order to ensure that no legal action is taken against Amplify.

These Personal Data are also used to enforce the Terms. We have a legitimate interest that you entirely respect the Terms.

**c. Contract**

By contracting with Amplify through the Platform, you understand that We Process and use the following for the sake of executing our contractual engagement towards you (including communicating with you and charging your credit card):

- your Registration data;
- your Transaction data;
  - o type of transaction; and
  - o transaction status.
- your Ads Data;
- your Campaign Data.

The above-mentioned Personal Data are absolutely essential to Amplify to be able to provide the Services and communicate with you. By communicating with Us these Personal Data, you understand and Consent that without them We are in the impossibility to provide you with the Services.

You also understand that these Personal Data allow Us to provide you with personalized support and to provide you the Services or to send you notifications about your Campaigns, new Media or services, satisfaction forms and/or surveys.

## **i) Interaction and communication**

Based on the contract execution, your Personal Data will be used in order to provide you with the Services, to interact with you, including by means of telephone, and to respond to your requests. Your Personal Data may also be used for fraud detection purposes. By creating an Account on the Platform, you agree that your Personal Data shall also be used in order to:

- create an Account;
- manage your Account;
- communicate with you including by email and by telephone;
- send you our newsletter (provided you subscribed to it);
- provide and improve the Platform and/or the Services;
- conduct research, surveys and compile statistics on usage patterns;
- provide anonymous aggregate reporting for internal and external partners;
- respond to your questions and comments;
- prevent potentially prohibited or illegal activities;
- enforce the Terms;
- ensure the security of the Platform;
- as otherwise described to you at the point of Collection.

## **ii) Personalization**

We use your Personal Data in order to analyze your preferences and your patterns, to personalize your experience on the Platform and improve the Services, as well as to optimize the Platform. You Consent also that we may also suggest to you Content which is best suited to your interests.

We use your Personal Data for the following personalized features:

- to analyze your preferences and consumption habits;
- to anticipate your needs based on our analysis of your profile;
- to pre-generate Campaigns;
- to improve and personalize your experience on our Platform;
- to ensure that Content from our Platform is optimized for you and for your computer or device; and
- to allow you to participate in interactive features, when you choose to do so.

We use your Personal Data, in accordance with applicable laws, to internal marketing and demographic studies and measuring the effectiveness of Campaigns.

If you no longer wish to have your Personal Data used by Amplify to provide you with a personalized experience, you can at any time adjust your privacy settings in your Account.

### **iii) Customer service**

We use your Personal Data for customer service purposes, including responding to your enquiries. This typically requires the use of certain personal contact information and information regarding the reason for your inquiry (e.g. technical issue, question/complaint, general question, etc.).

### **iv) Social networks**

We use your Personal Data when you interact with third party social networking features, such as to serve you with advertisements and engage with you on social networks. You can learn more about how these features work, the profile data that we obtain about you, and find out how to opt out by reviewing the privacy notices of the relevant third party social networks.

Certain features (called plugins) offered by various third-party social media platform providers (for example Facebook, LinkedIn, Twitter) are incorporated into our Platform. These plugins allow you to share Content available via social networks. If a plugin appears on the Platform during a browsing session, an automatic link with the servers of said Platform is provided. The data relating to your Platform may be sent to this third-party provider. If you are identified at the same time on the network of said third party provider, the visit to our Platform may then be linked to your network account (for example Facebook). Amplify has no influence over this type of data transfer. Please consult the information relating to data protection by your social network regarding the purpose and the extent of the Collection of your data, the subsequent management and use of your Personal Data by said provider, as well as your rights and setting options in order to protect your privacy.

When you authorize a third-party social network (such as Facebook) to share information and data with us, we may receive any data which you publicly share on said social network as well as any data which forms part of your profile. This may consist of basic data relating to your Account (e.g. your name, email address, gender, birthday, the town where you reside, your profile photograph, your user identifier, your list of friends, etc.) and all other information or activity which you have authorized the third-party network to share.

We also receive data relating to your profile when you use a function of the social network which is integrated into the Platform (such as Facebook Connect) or when you interact with us via a social network. In order to find out more about how we receive data regarding yourself from third party social networks or to cease sharing your data on said social networks, we invite you to read the conditions of use of the relevant social networks. You should at all time be aware of the terms of use and privacy policy that applies to the third-party social network and are of its exclusive responsibility.

### **v) Internal research, analytics, security**

In accordance with applicable laws, we use your Personal Data for other general business purposes, such as conducting internal marketing and demographic studies and measuring the effectiveness of the amplification of the Content. We also use your Personal Data to ensure our security.

## **vi) Merger/acquisition**

In the event that Amplify or its assets are acquired by, or merged with, another company including through bankruptcy, your Personal Data might be taken over or shared with by our legal successors.

## **vii) Security**

We also use your Personal Data for security purposes and to insure a peaceful use of the Platform by all the Users.

### **d. Compliance with Laws and Law Enforcement**

Considering the scope of our activities, we also have to Collect some of your Personal Data to fulfill legal requirements and to be compliant with all the suitable laws and regulations.

Amplify may share your Personal Data to relevant third parties, in particular if we are requested to do so to comply with a court order or law enforcement authorities request, or if we find it necessary, as determined in our sole discretion, to investigate, prevent or take action regarding illegal activities, to defend our interest, in case of violations of the Terms of Services or as otherwise required or permitted by law.

We may disclose your Personal Data as necessary or appropriate, especially when we have a legal obligation to do so:

- **Fraud prevention:** We may use and disclose the information we Collect from and about our Users as we believe necessary to investigate, prevent, or respond to suspected illegal or fraudulent activity or to protect the safety, privacy, rights, or property of us, our Users, or others.
- **Law enforcement purposes:** If requested or required by government authorities such as law enforcement authorities, courts, regulators, or otherwise to comply with the law (which may include laws outside your country of residence), we may have to disclose information we have about our Users. We also may use and disclose information Collected about you in order to exercise or protect legal rights or defend against legal claims.

We may also disclose your Personal Data to third parties (i) when required by applicable law; (ii) in response to legal proceedings; (iii) in response to a request from a competent law enforcement authority; (iv) to protect our rights, privacy, safety or property, or the public; or (v) to enforce the terms of any agreement or the terms of the Platform.

## **8. Your privacy settings**

- You can edit your privacy settings and the emails you receive from Amplify at any time through our “Privacy Settings” page. If you want, you can ask us for the information we have about your Account and even ask us to delete it all.

## **9. Storage of your Personal Data and international Transfers**

By using and/or registering on the Platform, you acknowledge and agree that Personal Data you submit to Amplify will be hosted by Amplify for an indefinite period of time.

With your Consent, your Personal Data will be stored by Amazon Web Services, in Ireland, but a united controlled entity (“**Hosting Services**”), meaning that, or Hosting Services, your Personal Data may ultimately be Processed by Amazon Inc. located in the United States.

By accepting that your Personal Data are Processed in accordance with the terms of this Notice, you agree that your Personal Data may be transferred in countries offering a similar level of protection than your country of residence or a lower level of protection than Switzerland, provided standard contractual clauses or binding corporate rules are implemented and you are provided with sufficient information as to the country with a lower level of protection to which your Personal Data are to be transferred.

Your submission of Personal Data and your explicit Consent to such international transfer represent your agreement to such international transfers and hosting abroad as specified above in accordance with the terms of this Notice.

## **10. Retention of your Personal Data**

In accordance with applicable laws and the principle of proportionality, we will use your Personal Data for as long as necessary to satisfy the purposes for which your Personal Data was Collected or to comply with applicable legal requirements. Personal Data used to provide you with a personalized experience will be kept for a duration permitted by applicable laws.

When you delete your Account, your Personal Data will be kept for a period of 12 (twelve) months in order to comply with legal requirements.

## **11. Electronic Communications Protocols**

In addition to the purposes specified above, you Consent that Amplify may Collect information about your use of the Platform through electronic communications protocols. Amplify may automatically receive information from you as part of the communication connection itself, which often consists of network routing information (where you came from), equipment information (browser type), referring Platform and date and time. Collecting this automatic information helps us customize your experience as a User. It allows us to monitor and analyze use of the Platform and to increase the Platform's functionality and user-friendliness.

You Consent that Amplify may re-associate the information provided by the technologies described above with your Personal Data.

## **12. System Logs and Maintenance**

For operation and maintenance purposes, you Consent that Amplify and any third party services may Collect files that record interaction with the Platform (system logs) or use for this purpose other Personal Data (such as IP Address).

## **13. Security of your Personal Data**

The security of your Personal Data is very important to us.

Amplify Processes your Personal Data in a proper manner and takes appropriate technical and organizational measures to prevent unauthorized access, disclosure, modification, or unauthorized destruction of your Personal Data.

The Personal Data Processing is carried out using secured servers, computers and/or IT enabled tools, following organizational procedures and modes strictly related to the purposes indicated.

In addition to Amplify, in some cases, the Personal Data may be accessible to certain types of persons in charge, involved with the operation of the Platform (administration, sales, marketing, legal, system administration) or external parties (such as third party technical service providers, mail carriers, hosting providers, IT companies, communications agencies) appointed, if necessary, as data processors by Amplify. The updated list of these parties may be requested from the Data Controller at any time.

You shall be solely responsible to keep your password and other information relating to your Account confidential and not allow any third party to access and use your Account.

In the event that your Personal Data is unduly accessed, or is reasonably believed to have been unduly accessed, by an unauthorized person and applicable law requires notification, Amplify shall without undue delay, and where feasible, not later than 72 hours after having become aware of it, notify the breach to the competent supervisory authority, unless said breach is unlikely to result in a risk to your rights and freedoms. If the breach is likely to result in a high risk to your rights and freedoms, the Company shall communicate this breach to you without undue delay.

YOU HOWEVER ACKNOWLEDGE THAT THE USE OF THE INTERNET IS NOT SAFE AND THAT THERE ARE CERTAIN INHERENT RISKS TO YOUR PERSONAL DATA. AMPLIFY SHALL MAKE REASONABLE EFFORTS TO PROTECT YOUR PERSONAL DATA BUT IT CANNOT GUARANTEE OR WARRANT THAT PERSONAL DATA YOU PROVIDE TO AMPLIFY IS SAFE AND PROTECTED FROM UNAUTHORIZED THIRD PARTY ACCESS AND THEFT AND, THEREFORE, WAIVES ALL LIABILITY IN THIS RESPECT. IN NO EVENT, SHALL AMPLIFY BE HELD LIABLE FOR CIRCUMVENTION OF ANY PRIVACY SETTINGS, VIRUSES OR SECURITY MEASURES CONTAINED ON THE PLATFORM.

#### **14. Access to your Personal Data and information rights**

You have the right to request access to or information about the Personal Data related to you which are Processed by Amplify.

Where provided by law, you, your successors, representatives and/or proxies may (i) request deletion, correction or revision of your Personal Data; (ii) oppose the data processing; (iii) limit the use and disclosure of your Personal Data; and (iv) revoke consent to any of our data processing activities, if we are relying on your Consent and do not have another legal basis to continue Processing your Personal Data.

These rights can be exercised by writing either to: Amplify SA, Avenue Auguste Tissot 2bis, 1006 Lausanne, Switzerland, or by sending us an email at the following address [contact@amplify.ch](mailto:contact@amplify.ch) attaching a copy of your ID. If the request is submitted by a person other than you, without providing evidence that the request is legitimately made on your behalf, the request will be rejected.

The request is free of charge unless your request is unfounded or excessive (e.g. if you have already requested such Personal Data multiple times in the last twelve months). In such cases, we may charge you a reasonable request fee according to applicable laws.

We may refuse, restrict or defer the provision of Personal Data where we have the right to do so, for example if fulfilling the request will adversely affect the rights and freedoms of others.

Please note that any information that we have copied may remain in back-up storage for some period of time after your deletion request. This may be the case even though no Personal Data about your user Account remains in our active Users' databases. Please note that Personal Data posted on third party services, such as social networks, are not located on our servers and will, therefore, not be deleted from the internet by Amplify.

## **15. Portability of your Personal Data**

You also have the right to receive your Personal Data, which you have provided Amplify with, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from Amplify.

This right can be exercised by writing to us at: Amplify SA, Avenue Auguste Tissot 2bis, 1006 Lausanne, Switzerland, attaching a copy of your ID. If the request is submitted by a person other than you, without providing evidence that the request is legitimately made on your behalf, the request will be rejected.

The request is free of charge unless your request is unfounded or excessive (e.g. if you have already requested such Personal Data multiple times in the last twelve months). In such case, we may charge you a reasonable request fee according to applicable laws.

We may refuse, restrict or defer the provision of Personal Data where we have the right to do so, for example if fulfilling the request will adversely affect the rights and freedoms of others.

## **16. Privacy by design and by default**

Amplify will, both at the time of the determination of the means for Processing and at the time of the Processing itself, implement appropriate technical and organizational measures, such as pseudonymization, which are designed to implement data-protection principles, such as data minimization, in an effective manner and to integrate the necessary safeguards into the Processing in order to meet the standards of the GDPR and protect your rights.

Amplify will implement appropriate technical and organizational measures for ensuring that, by default, only Personal Data which are necessary for each specific purpose of the Processing are Processed. This obligation applies to the amount of your Personal Data we Collect, the extent of their Processing, the period of storage and their accessibility. These measures will ensure that by default your Personal Data are not made accessible without your intervention to an indefinite number of third parties.

## **17. Links**

If any part of the Platform contains links to third party's Platforms or pages, those third party's Platforms or pages do not operate under this Notice. If you choose to visit third party Platforms or pages, you will be directed to these third party's Platforms or pages. We do not exercise control over third party Platforms and therefore recommend you to examine the privacy statements posted on these other Platforms or pages to understand their procedures for Collecting, using, and disclosing Personal Data. We reject any liability relating to the privacy policy in force on said third party's Platform, the Collection and use of your Personal Data by the latter and relating to the contents of said Platforms (whether the links are hypertext links or deep-links).

## **18. Business Transfers**

Amplify may transfer or otherwise share some or all of its assets, including your Personal Data, in connection with a merger, acquisition, reorganization or sale of assets or in the event of bankruptcy or insolvency event. Your Consent to this Notice followed by your submission of Personal Data represent your explicit agreement to that transfer.

## **19. Jurisdiction and Applicable Law**

This Notice and all matters arising out of or relating to it shall be governed by the substantive laws of Switzerland, without regards to principle of conflicts of laws thereof.

Any controversy, claim or dispute between a user and Amplify arising out of or relating to this Notice shall be subject to the exclusive jurisdiction to the ordinary courts of the seat of Amplify without prejudice to an appeal to the Swiss Federal Court.

## **20. Contacting us and Complaints**

We hope to be able to answer any questions or concerns you may have about your Personal Data. Should you have any questions about this Notice, please contact us at: [info@amplify.ch](mailto:info@amplify.ch) or Amplify Ltd, Avenue Auguste Tissot 2bis, 1006 Lausanne, Switzerland.

You have the right to file a complaint if you feel your Personal Data has been mishandled or if we failed to meet your expectations. You are encouraged to contact us about any complaints or concerns but you are entitled to complain directly to the relevant supervisory authority.