

Personal Data Protection and Privacy Policy

ARTICLE 1 - Definitions

- **Platform** means the infrastructures developed by Fysiki, which include various types of data, including texts, audio, still or animated images, videos and databases to be used by users and available on the Fysiki Mobile and Internet platforms.
- **“Personal data”** means any information relating to an identified or identifiable natural person (“data subject”); 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, location 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.
- **“Controller”** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.
- **“Recipient”** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.
- **“Third party”** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.
- **“Data subject”** means any natural person whose data are being processed.
- **“Processing”** 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.

ARTICLE 2 - Scope of application

The purpose of this Personal Data Protection and Privacy Policy (hereafter referred to as the “Privacy Policy”) is to inform the data subjects how their personal data are collected and processed by Fysiki, as well as all their rights resulting from the EU Regulation 2016/679 of the European Parliament and the Council of 27 April 2016, known as the “GDPR.”

ARTICLE 3 - Identity of the controller

Personal data are collected by Fysiki, a company with equity capital of €28,142.90, registered at the Colmar Register of Commerce and Companies under the number 533-648-200 00020 and with its registered office at 10 Place de la Gare 68000 Colmar France, represented by Mr. Julien Lavault, the Company President.

ARTICLE 4 - Processing of personal data

Fysiki may collect personal information about you, as part of its platform operations.

These data are processed in compliance with the purposes for which the data are collected, being:

- the proper operation of the platforms with regard to their functionalities;
- operations relating to customer management, customer development, to the sale, rental or exchange of the existing and potential client database and drawing up statistics relating to customer visits;
- the carrying out of the contract to which the user is, where applicable, a part;
- the management of referral program transactions;
- the display of targeted advertising, based on data collected when your account is created.

Should the data be used for any other purposes, Fysiki undertakes to both specify these purposes and obtain the prior consent of the data subjects before the data are processed.

The form through which data are collected will indicate with a star which of those data are optional and which are mandatory. data subjects will be informed of the possible consequences of any failure to give the information requested.

Fysiki shall, in any event, undertake to process the collected data in compliance with the French law no. 78--17 of 6 January 1978, amended 6 August 2004 and GDPR.

ARTICLE 5 - Rights of data subjects

Data subjects have the right to data portability and the right to access, rectify, oppose, erase and restrict their personal data, except when such processing is a legal requirement. These rights can be exercised, in compliance with GDPR by sending an email to the following address: support@fizzup.com.

ARTICLE 6 - Anonymization

All collected data are stored a format allowing for the identification of the data subjects for a period commensurate with fulfilling the purposes for which the data are collected and processed. Fysiki will anonymize the data as soon as processing has been completed or the user's account has been closed unless otherwise stipulated by the law or existing regulations. In this case, the data are kept in compliance with the current limitation periods.

ARTICLE 7 - Transfer of personal data

Personal data collected through the platforms are reserved exclusively for Fysiki, who may communicate the personal data of the data subjects in order to provide support, perform satisfaction surveys and carry out statistical studies. Any communication of personal data is performed in compliance with the rules of anonymization set out in Article 6 "Anonymization." The recipients of your data are within the limits of their respective area of responsibility:

- the authorized staff of the marketing department, sales department, customer relations and customer development departments, administrative departments, logistics and IT departments and their line managers;
- the authorized staff of the services in charge of inspections (auditors, services responsible for internal inspection procedures, etc.);
- the authorized staff of the Fysiki service providers involved in the processing of your personal data, once the contract signed between them and Fysiki mentions the obligations incumbent on the processors regarding the protection of data security and confidentiality (Article 28 of the GDPR) and specifies in particular the security objectives to be achieved.

Those who may also be data recipients:

- partners, outside companies or subsidiaries of the same group of companies, subject to prior consent, in compliance with Article 4.11 of the GDPR;
- organizations, officers of the court and judicial officers in the scope of their role to recover payments.

Fysiki also reserves the right to transmit personal data of the data subjects in order to meet legal requirements, especially when required to do so by a judicial authority.

Fysiki hereby informs you that your data may be transferred outside the European Union. Should this be the case, Fysiki undertakes not to transfer such data out of the European Union without the prior written consent of the customer and on condition that the Recipient country offers appropriate guarantees and provided that the persons have enforceable rights and effective legal remedies in compliance with Article 46 of the GDPR.

ARTICLE 8 - Referral programs and customer development

You can be invited by a private contact to join the site (also known as a referral program). In such case, a message is sent to you informing you of the identity of the referrer. The data of the person referred can be used only once in order to send him or her the commercial offer, the press article or the announcement suggested by the referrer. Fysiki will be able to store the data of the person referred in order to send him or her other messages only if it has obtained his or her express consent.

If you are a user, you can ask to be removed from the list of email addresses used for email prospecting at any time by sending an email, followed by a read receipt, to the following address: support@fizzup.com.

ARTICLE 9 - Security

In compliance with Articles 34 and 35 of French law no.78---17 of 6 January 1978 amended 6 August 2004 and to Article 32 of the GDPR, Fysiki takes all the necessary technical and organizational steps required to ensure the security and confidentiality of all personal data collected and processed and to prevent the said data being distorted, damaged or communicated to unauthorized third parties, by maintaining a level of security commensurate with the risks relating to the processing and type of data requiring protection, in line

with the technological level and the cost of implementation.

ARTICLE 10 - Applicable law and settlement of disputes

This Privacy Policy is subject to French law.

If any provision of this Privacy Policy is held invalid or declared as such through the application of a law or regulation or following a ruling handed down by a competent court, the remaining provisions will remain in force to their full extent.

Should any disputes arise in connection with the interpretation or the performance of this Privacy Policy, the parties will try to reach an amicable conclusion and will agree to go through arbitration before undertaking legal proceedings. Should no agreement be found, any dispute arising from the interpretation or performance of this Privacy Policy will be referred to the courts of Colmar, France.

This Privacy Policy was written in the French language. Should it be translated into one or more other languages, only the French text shall prevail in the event of any dispute.