



Website Privacy Policy

Nerium International Austria GmbH

Nerium International Austria GmbH (“Nerium” or “we” or “us”) takes data privacy seriously. This Website Privacy Policy (“Privacy Policy”) informs you as a user of www.nerium.at and its affiliated websites (e.g. <http://mark.nerium.at>) (“Website”) how Nerium as a controller within the meaning of the General Data Protection Regulation (“GDPR”), the ePrivacy Regulation (“ePrivacy Regulation”) and other Austrian data protection laws collects and processes the personal data and other information of you in connection with the usage of the Website, including sharing the personal data with third parties.

Note that other Nerium websites or mobile apps may be governed by other privacy policies.

The Websites allow you (1) to obtain information about Nerium and the Nerium products, (2) to purchase products from Nerium, and (3) to enroll into the Nerium distribution system (“Nerium System”) as an Independent Brand Partner (“Brand Partner”) so that you may as a Brand Partner (i) re-sell the Nerium products directly to your family and friends and (ii) establish an affiliated website via which other customers may purchase products from Nerium.

As part of the Nerium System, your personal data will be shared with Nerium International Inc., the parent entity of Nerium in the US, and other Nerium affiliates as well as with Brand Partners to whom you are associated (as further explained in section 3 below). If you do not want that your personal data is shared as explained in section 3, you should not use the Website and you should not engage in the Nerium System. The sharing of personal data with Nerium International Inc. and other Nerium affiliates as well as with relevant Brand Partners is an integral aspect of the business concept of Nerium and how Nerium offers its products.

1. AFFILIATED WEBSITES

If you visit an affiliated websites, eg. <https://mark.nerium.at>, such affiliated websites are still operated by Nerium and Nerium is the controller for the collection, processing and use of your personal data. However, the Brand Partner who created the affiliated website and whose name is used for the affiliated website as well as other Brand Partners that are associated with your Brand Partner will receive certain personal data about you as part of the underlying distribution concept of the Nerium System, as further explained in this Website Privacy Policy.

Affiliated websites help Nerium to further market Nerium’s products to end-customers.

The sharing of personal data about customers with Brand Partners is an inherent conceptual aspect of how Nerium provides its services and distributes its products to customers.

2. CATEGORIES OF PERSONAL DATA AND PROCESSING PURPOSES

Metadata

You may use the Website without (actively) providing any personal data about you. In this case, Nerium will collect only the following metadata that result from your usage of the Website:

Referral page, data and time of access, data volume transmitted, status of transmission, type of web browser, IP-address, operating system and interface, language and version of browser software.

Your IP-address will be used to enable your access to our Website. Once the IP-address is no longer necessary for this purpose, we will shorten your IP-address by removing the last octet of your IP-address. The metadata, including the shortened IP-address will be used to improve the quality and services of our Website by analyzing the usage behavior of our users.

Enrollment as Brand Partner and Creation of Affiliated Website

If you enroll via the Website as a Brand Partner, you will be asked to provide certain personal data about you, such as name, email address, country of residency, date of birth, primary address, phone number, business information (tax identification number, marketing email preferences, products selected during enrollment process, language selected for your marketing materials, selected auto-delivery options (monthly delivery of selected products), selected username and password to create affiliated website for you as Brand Partner, billing and shipping information (credit card details, billing and shipping address), shipping method. Once you are a Brand Partner, Nerium allocates a Brand Partner Number and the Brand Partner whose affiliated website you used to enroll (“Brand Partner Sponsor”) to you. Furthermore, Nerium collects and processes information about the purchases that were initiated via your affiliated website, about the products you purchased as a Brand Partner for resale purposes, about the individuals that enroll as Brand Partners via your affiliated website or via further downstream and upstream affiliated websites that sit underneath or above

your affiliated website (“Brand Partner Network”) as well as the commission you earn as a Brand Partner and other information you or other third parties share with Nerium (e.g. as part of customer service requests).

Nerium processes such personal data for purposes of enrolling you in the Nerium System as a Brand Partner, administering the Nerium System (including operating your affiliated website, providing the tools to market the Nerium products, communicating with you, and protecting the Nerium System against fraudulent transactions), handling your product orders and processing payment, providing you with tailored marketing materials, samples and other information around Nerium products and the Nerium System (including services offered by third parties relating to the Nerium System) (as requested by you voluntarily), providing customer service, calculating your compensation and the compensation of your Sponsor and providing you with the compensation (including any awards or prizes), analyzing the effectiveness of the Nerium System based on aggregated data, improving the Nerium System and its products and developing new products and services based on aggregated data, administering any contests, programs, promotions or offers you voluntarily signed up to, ensuring compliance with and/or enforcing Nerium legal terms, and ensuring compliance with legal obligations and governmental or regulatory requests.

Product Orders by End-Customer

If you order a product as an end-customer via the Website (including affiliated websites), Nerium collects and processes personal data about you, such as name, phone number, email address, preferred language, data of birth, main address, billing address and shipping address, username and password, products selected, credit card information, shipping method, marketing email preferences, voluntary magazine subscriptions, name of Brand Partner whose affiliated website is used to submit the order, and your order history. Furthermore, Nerium may collect and process information about the name of customers referred by you.

Nerium processes such personal data for purposes of handling your product orders and processing payment (including related communication), providing customer care services, providing you with tailored marketing materials, samples and other information around Nerium products and the Nerium Systems (including services offered by third parties relating to the Nerium System) (as requested by you voluntarily), protecting the Nerium System against fraudulent transactions, analyzing the effectiveness of the Nerium System based on aggregated data, improving the Nerium System and its products and developing new products and services based on aggregated data, administering any contests, programs, promotions or offers you voluntarily signed up to, carrying out market research with you (subject to your consent), ensuring compliance with and/or enforcing Nerium legal terms, and ensuring compliance with legal obligations and governmental or regulatory requests.

3. CATEGORIES OF RECIPIENTS

Nerium may share your personal data on a need to know basis and will do so only to the extent necessary to achieve the purposes set out above and to carry out the Nerium System.

Recipients within Nerium

Your personal data may be received by different recipients within Nerium. Depending on the categories of personal data and the purposes for what the personal data has been collected, different internal Nerium departments may receive and process your personal data.

In addition, Nerium shares your personal data with Nerium International Inc. (“Nerium Inc.”), its parent entity in the US. Due to the structure of the Nerium System, Nerium Inc. is primarily responsible for numerous processing purposes as a data controller, such as administering the Nerium System (including providing the tools to market the Nerium products, communicating with you, and protecting the Nerium System against fraudulent transactions), providing customer service, providing you with tailored marketing materials, samples and other information around Nerium products and the Nerium Systems (including services offered by third parties relating to the Nerium System) (as requested by you voluntarily), calculating Brand Partner compensation and providing the compensation (including any awards or prizes), analyzing the effectiveness of the Nerium System, improving the Nerium System and its products and developing new products and services and marketing strategies, administering any contests, programs, promotions or offers, ensuring compliance with and/or enforcing Nerium legal terms, and ensuring compliance with legal obligations and governmental or regulatory requests.

Nerium US also operates the IT infrastructure on which the Nerium System, including the websites, are running, and therefore Nerium US also provides technical and hosting support to Nerium relating to the enrollment of Brand Partners in the Nerium system, the processing of orders, the administration of the Nerium System and the operation of affiliated website.

If you are a Brand Partner, Nerium may also share your personal data with other Nerium affiliates depending on your Brand Partner Network in order to allow such other Nerium affiliates to compensate their Brand Partners.

Brand Partners

The personal data relating to an order of an end-customer are disclosed to the Brand Partner who stands behind the affiliated website via which the order was submitted as well as to any other Brand Partner within your Brand Partner Network so that the Brand Partner can - as a data controller - process such personal data for purposes of providing you with tailored marketing materials, samples and other information around Nerium products and the Nerium Systems (including services offered by third parties relating to the Nerium System) (as requested by you voluntarily), analyzing the effectiveness of the Nerium System, improving the Nerium System and its products and developing new marketing strategies, verifying the compensation of the Brand Partner based on such data, and ensuring compliance with legal obligations and governmental or regulatory requests.

External recipients

Nerium may transfer - in compliance with applicable data protection law - personal data to law enforcement agencies, governmental authorities, legal counsel, external consultants, or business partners. In case of a corporate merger and acquisition, personal data may be transferred to the third parties being involved in the merger and acquisition.

Service providers

Nerium and Nerium US may engage external service providers, who act as a data processor on behalf of Nerium/Nerium US, to provide certain services, such as to fulfill your product order and service requests, to host the websites, to deliver marketing emails, to mail product samples, to assist with contests and sweepstakes, to manage payments, or to analyze data. When providing such services, the external service providers may have access to and/or may process your personal data.

We request those external service providers to implement and apply security safeguards to ensure the privacy and security of your personal data.

International transfers of Personal Data

The Personal Data that Nerium collects or receives about you may be transferred to and processed by recipients who are located inside or outside the European Economic Area ("EEA"), such as Nerium US, other Nerium affiliates or third party service providers.

The countries include [Andorra, Argentina, Canada (for non-public organizations subject to the Canadian Personal Information Protection and Electronic Documents Act), Switzerland, Faeroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand] which provide an adequate level of data protection from a European data protection law perspective based on an adequacy decision by the European Commission (please see here for the full list and further information: http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm). The recipients in the US are partially certified under the EU-U.S. Privacy Shield and thereby recognized as providing an adequate level of data protection from a European data protection law perspective.

Other recipients might be located in other countries which do not adduce an adequate level of protection from a European data protection law perspective or are not EU-U.S. Privacy Shield certified, such as Nerium US and other Nerium affiliates. Nerium will take all necessary measures to ensure that transfers out of the EEA are adequately protected as required by applicable data protection law. With respect to transfers to countries not providing an adequate level of data protection, we may base the transfer on appropriate safeguards, such as standard data protection clauses adopted by the European Commission or by a supervisory authority, approved code of conducts together with binding and enforceable commitments of the recipient, or approved certification mechanisms together with binding and enforceable commitments of the recipient. You can ask for a copy of such appropriate safeguards by contacting us as set out in Sec. 7 (Contact us) below.

4. LEGAL BASIS FOR THE PROCESSING

We may carry out the processing of your personal data on the following legal basis:

- You have given your consent to the processing of your data for one or more specific purposes;
- The processing is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract, in particular to carry out the contracts for using the Nerium System in order to purchase products or sell products;
- The processing is necessary for compliance with a legal obligation to which we are subject to;
- The processing is necessary in order to protect your vital interests of you or of another natural person;
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;
- The processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of you which require protection of personal data;
- Other applicable legal basis for data processing, especially provisions set out by member state law.

The provision of your personal data is not required by a statutory or contractual obligation. However, the provision of your personal data is necessary to enter into a contract with us or to receive our services/products as requested by you.

The provision of your personal data is voluntary for you. If you do not provide your personal data, you are unable to enroll as a Brand Partner, to order products or to participate in other programs or contests of Nerium. However, unless otherwise specified, not providing your personal data will not result in legal consequences for you.

5. WHAT RIGHTS DO YOU HAVE AND HOW CAN YOU ASSERT YOUR RIGHTS?

If you have declared your consent regarding certain collecting, processing and use of your personal data, you can withdraw this consent at any time with future effect. Further, you can object to the use of your personal data for the purposes of marketing without incurring any costs other than the transmission costs in accordance with the basic tariffs (see also below).

Pursuant to the applicable law you have the right (i.) to request access to your personal data, (ii.) to request rectification of your personal data, (iii.) to request erasure of your personal data, (iv.) to request restriction of processing of your personal data, (v.) to request data portability, (vi) to object to the processing of your personal data (including objection to profiling). See below for some explanations.

Please note that your rights might be limited under the applicable law.

(i) Right of access:

You have the right to obtain from us confirmation as to whether or not personal data concerning you is being processed, and, where that is the case, access to the personal data and certain information. This information includes – inter alia – the purposes of the processing, the categories of personal data concerned, the recipients or categories of recipient to whom the personal data have been or will be disclosed.

You have the right to obtain a copy of the personal data undergoing processing. For further copies requested by you, we may charge a reasonable fee based on administrative costs.

(ii) Right to rectification:

You have the right to obtain from us the rectification of inaccurate personal data concerning you. Depending on the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

(iii) Right to erasure (right to be forgotten):

Under certain circumstances you have the right to obtain from us the erasure of personal data concerning you and we have the obligation to erase the personal data.

(iv) Right to restriction of processing

Under certain circumstances you have the right to obtain from us restriction of processing your personal data. In this case the respective data will be marked and may only be processed by us for certain purposes.

(v) Right to data portability

Under certain circumstances you have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you have the right to transmit those data to another entity without hindrance from us.

(vi) Right to request restriction and to object:

Under certain circumstances you have the right to request the restriction of the processing of your personal data and/or to object, on grounds relating to your particular situation, to the processing of your personal data, including profiling, by us and we can be required to no longer process your personal data.

Moreover, if your personal data is processed for direct marketing purposes, you have the right to object at any time to the processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing. In this case your personal data will no longer be processed for such purposes by us. To exercise your rights please contact us as stated under Sec. 7 (Contact us) below.

You also have the right to lodge a complaint with the competent data protection supervisory authority (<https://datenschutz-berlin.de/content/adressen/deutschland/aufsichtsbehoerden>).

6. COOKIES AND OTHER TRACKING TECHNOLOGIES

This Website uses cookies. For further information please visit our Cookie Policy.

7. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

Your personal data will be retained as long as necessary to provide you with the services and products requested. Once you have terminated the contractual relationship with us as a Brand Partner, or you have deleted your account as an end-customer, or the contest you signed up for has been completed, we will either delete your personal data or anonymize your personal data, unless statutory retention requirements apply (such as for taxation purposes). We may retain your contact details and interests in our products or services for a longer period of time if Nerium is allowed to send you marketing materials. Also, we may be required by applicable law to retain certain of your personal data for a period of 10 years after the relevant taxation year. We may also retain your personal data after the termination of the contractual relationship if your personal data are necessary to comply with other applicable laws or if we need your personal data to establish, exercise or defend a legal claim, on a need to know basis only. To the extent possible, we will restrict the processing of your personal data for such limited purposes after the termination of the contractual relationship.

8. CONTACT US

If you have concerns or questions regarding this Privacy Policy, please contact us:

Nerium International Austria GmbH
c/o Baker & McKenzie
Theatinerstr. 23
80333 Munich, Germany
+ 31 20 205 01 34

The contact details of our data protection officer are as follows:

Chris Bauer
Data Protection Officer
Nerium International Austria GmbH
c/o Baker & McKenzie
Theatinerstr. 23
80333 Munich, Germany
+ 31 20 205 01 34