

Privacy Policy

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1. Introduction

This data protection declaration of Mark Huggett GmbH (hereinafter referred to as "MH GmbH") informs you about the acquisition and processing of your data (both personal data and non-personal data; hereinafter also referred to collectively as "data"). We will also inform you about the duration of the processing of your data, the legal basis for the processing - should such a basis be necessary - as well as about the rights you have vis-à-vis us about the processing of your personal data. This data protection declaration applies to all your data which we already have or which we will have in the future.

Please read this privacy policy carefully. Terms such as "we", "us", "our", etc. refer to MH GmbH. Terms such as "you", "your", etc. refer to you as a user of our website www.bmwbike.com. If you do not agree with the data protection declaration, you should refrain from using our website.

2. Responsible party

The person responsible for data processing in accordance with this data protection declaration is Mark Huggett GmbH, CH-5113 Holderbank.

For concerns and enquiries relating to data protection, please contact our internal data protection office, which can be reached at datenschutz@bmwbike.com. For concerns and questions from within the EU, you can contact datenschutz_EU@bmwbike.com.

3. Personal data and the proper handling

3.1. Data origin

When using our platform and in contact with us, e.g. when visiting our websites, when using another of our digital services, when concluding a contract, when registering and logging in or when contacting our employees, we collect certain data.

In principle, we collect this data from you directly. In certain cases, we may receive data from other people; for example, if a third party makes a recommendation or invites you to use our services, if your employer gives us your contact details to use our platform, or if a company or third party with whom you have a contractual relationship passes on your personal data to us.

3.2. What are personal data

The term "personal data" used here includes all information that is or can be assigned to you by us. Regardless of whether this has been entered by you or collected from you or whether we have obtained it in any other way.

However, the term "personal data" within the meaning of this data protection declaration does not include personal data entered by you yourself and managed by you (hereinafter also referred to as "customer data"). Such customer data is therefore not the subject of this data protection declaration. If you provide us with personal data of other people (e.g. E-Mail, name, etc.), please ensure that these people are aware of this data protection declaration and only share their personal data with us, if you are entitled to do so under applicable data protection law.

3.3. Proper treatment of personal data

We are responsible for monitoring all of your personal data. This concerns the data that we collect, process and use in connection with your use of the platform or in any other way.

However, we are not responsible for monitoring customer data. We collect, process and use customer data exclusively in the capacity of data processor on behalf of the respective user and in accordance with the applicable Swiss data protection laws.

If you use our services or invite third parties to participate, we also assume that you are the sole responsible party in relation to us within the meaning of data protection law with regard to the personal data in the areas managed by you. You are thus responsible for the lawfulness of the collection, processing and use of the customer data in accordance with the legal provisions. You thereby ensure that you are authorised to commission us as a data processor and to transfer the customer data to us in this context. The regulations on commissioned data processing can be found in section 9.

3.4. Our handling of your data (processing purpose)

We collect, process and use your personal data for the following purposes:

- To manage, operate, maintain and improve the platform;
- To provide you with an individual, personalised experience in using the platform;
- To assess your eligibility for certain types of offers;
- To help improve and personalise our services;
- For analyses and research into customer behaviour;
- To respond to your enquiries in relation to the platform;
- To communicate with you about other matters; for example, sending reminders, technical messages, updates and service bulletins;
- To comply with legal obligations; to counter illegal use of our platform; to resolve disputes and enforce our contractual agreements;
- For other purposes to which you have consented in individual cases;
- In any other way within the scope of the applicable legal provisions.

Where required by law, we will ask for your consent before collecting, processing and using your personal data for the above purposes. If we wish to use your personal data for another purpose, we will also inform you of this. We will only make such use if it is required and permitted under applicable law or you have given your consent.

For the above purposes, only we and any subcontractors will have access to your personal data.

In order to use our services, you may be required to provide certain personal data, that is necessary or required by law for the establishment and execution of the contractual relationship and the

fulfilment of the associated contractual obligations. Without this data, we will for the most part not be able to conclude the contract and execute it. It is also necessary to log access to our digital services and the associated collection of connection data (such as the IP-address). This is done automatically during use and cannot be switched off for individual users. If you do not agree to the collection of such data, you should refrain from using our services.

If we change our structures and enter into a merger, acquisition, division or liquidation ("Transaction") or effect the sale of shares or assets, your information may be transferred or transferred to or disclosed to an acquiring company in the course of such a transaction or in the course of evaluating such a transaction (including letters of intent and/or due diligence). Any such disclosure or transfer will in any event be secured by contract or agreement in such a way that your data will be used in accordance with applicable law.

3.5. Types of data collection and categories

Personal data that we collect, process and use does not only include information that we actively collect while you interact with us. It also relates to information that you voluntarily provide to us on various occasions via the platform. Consequently, it is not possible to provide a complete list of all types of personal data. In general, they include the following:

- Data that is disclosed to us when registering for our services, e.g. surname, first name, contact details, date of birth, job title, photo, employees, language and language settings, payment information, access data such as user name and password - stored in encrypted form, information on advertising, opt-ins and opt-outs, etc.
- Data concerning offers and concluded contracts, e.g. contract date, type, content, product, parties, term, value, adjustments, payment details, contact details, contact persons, billing and correspondence addresses, customer feedback, notices of termination, disputes, etc.
- Data that is collected or made available when registered and non-registered users use our services. This includes, but is not limited to, the IP and MAC address or device ID of the device used, cookies, pages accessed by users and search terms entered, input dialogue boxes, calendar entries, ratings, time and duration of visits, clicks, reactions to our offers or third parties, referrer/exit URL, information on the time of use, browser and device type as well as operating system and internet service provider used, amount of data transferred. We may merge personal data from one of our services with data from another service.
- Data exchanged in or in relation to contact with us, e.g. communication by letter, telephone, email, text and picture messages (SMS/MMS), video messages or instant messaging, responses to communications and offers, preferred communication channels, etc.
- Certain services can collect and store location-based data if the geolocation function of the device used is activated.
- Data provided to us by third parties with whom we maintain business relationships, e.g. directory entries, address databases, mutations of database entries, creditworthiness data, details of company-internal contact persons, etc.
- Data that you or third parties disclose when participating in competitions, surveys and such like.

- Data from public sources, e.g. trade register entries, other telephone directories, etc.

4. Our approach to technologies

4.1. Use of app cookies

We use various common technologies to collect, store and analyse data when you use our services. These include, in particular, cookies that can be used to identify your browser or device. Cookies are small text files placed in your browser directory. When a website is accessed, a cookie placed on a device sends information to the browser. Cookies are very common and are used on a wide range of websites. In addition to so-called session cookies, which are automatically deleted after a visit to our services, we also use temporary and permanent cookies, which remain stored on your computer or mobile device for longer. The purpose of these cookies is to improve the performance of the website and the user experience. However, cookies may also be used for advertising purposes. You can change your cookie settings or refuse to accept cookies altogether. In this way, you limit the amount of personal data we receive. However, please bear in mind that if you do this, you may not be able to benefit from some of the functions and features of our platform, or you may even be unable to use the solution depending on your settings.

4.2. How can you remove cookies?

It is possible to deactivate all or individual cookies in the browser. To do so, please refer to the instructions for use of the respective browser. Please note that deactivating cookies may impair the functionality of our services.

4.3. Cookies and technologies used

In addition to cookies, we may also use other technologies (e.g. pixels, web beacons, tags, advertising IDs) to analyse the use of our services, to personalise our services and to display offers and advertising tailored to you. For example, when sending newsletters and emails, we may use technologies that allow us to analyse what content is of interest to our users and whether, when and how you respond to our offers (e.g. by downloading images in an email, clicking on URLs in an email or on a website, filling in form data, etc.). We assume that by using such functions you agree to the use of corresponding technologies.

Finally, we use various common web analytics and tracking tools to measure and evaluate the use of our services. Such tools, which are mostly provided by third parties, provide us with information and statistics about the use of our services, which help us to better understand the use of our services and to adapt them according to user needs.

A list and all further information on the individual cookies, the technologies used and the web analysis and tracking tools used, as well as any existing options for deactivating or blocking their use, can be found on the homepage of our website.

4.4. Use of social media plugins and integration of third-party-offers

We integrate plugins of social networks (e.g. Facebook, LinkedIn, Xing, Instagram, YouTube, Twitter, Pinterest) into our services. These plugins facilitate the sharing of content on these platforms.

When visiting our services that contain such plugins, a connection to the server of the respective provider may be established automatically. In the process, certain data (such as the time of the visit to

the service, browser type, IP address) is collected and stored by the provider. If you have a user account with one of these providers, they can assign this information to your profile. If you additionally interact with these plugins (e.g. by clicking the "Like" button or by submitting a comment), this information will also be transmitted to this provider, stored there and, if applicable, published. When using a social login service (e.g. Facebook Connect), the provider may transmit to us personal data such as your name, E-Mail address and profile picture that is stored with them about you.

A list and all further information on the individual social media plugins and third-party offers can be found under the following [link](#).

Please note that the data processing of these third parties is subject to their terms of use and data protection provisions.

5. Publication and forwarding of data

5.1. Forwarding of personal data

We may commission third parties to provide certain services, e.g. in the area of IT, operation of applications, administration, printing, shipping, etc. and to process and store data (so-called "commissioned data processors"). Commissioned data processors may have access to personal data and process it on our behalf. In doing so, we oblige the commissioned data processors to comply with data protection law and to process data only in the same way as we do ourselves. Commissioned data processors who may receive personal data may be located in any country, in particular in Switzerland, in countries of the EU and the EEA or in the USA, Canada. We consider the recommendations and information of the national data protection commissioner, Federal Data Protection and Information Commissioner (EDÖB).

We do not sell, trade or rent your personal data. Any communication of personal data will be made in strict compliance with applicable laws. Below is a list of possible recipients of your personal data (not exhaustive):

- Mark Huggett GmbH
- Third-party service providers and subcontractors
- Courts, law enforcement and regulatory authorities

We share personal information where we believe it is necessary to comply with the law or to protect the security of our website or third parties from fraud.

6. Protection of your personal data

6.1. What do we do to protect?

We are aware of the importance of data security and data protection. Therefore, we have made the use of the platform as secure as possible. We have set up appropriate security measures. This includes technical, organisational measures against unauthorised access, improper use, modification, unlawful or accidental destruction and accidental loss, both online and offline.

Where personal data, that is not already public, is transferred to a country without adequate data protection, we ensure adequate data protection through the use of sufficient contractual safeguards, namely on the basis of the EU standard contractual clauses, Binding Corporate Rules, or we rely on the exception of consent, the performance of a contract, the establishment, exercise or enforcement of legal claims, overriding public interests or because it is necessary to protect the integrity of a data subject. Where applicable data protection law so provides, you may obtain a copy of the contractual safeguards in relation to your personal data from our Data Protection Officer at datenschutz@bmwbike.com or find out where such a copy can be obtained. We reserve the right to black out such copies for data protection or confidentiality reasons.

In addition, we must point out to you that, despite all our efforts to protect your personal data from possible risks and dangers on the Internet, there is no such thing as absolute security. Therefore, we ask you to support our IT security efforts and not to disclose any sensitive data or data that is not required in a specific case. In addition, you can help us protect your personal data by logging out when you leave an area protected by user login.

6.2. Storage of your data

We store personal data for as long as it is necessary for the purpose for which we collected it. Individual personal data is also subject to legally binding retention obligations of ten or more years with which we must comply. We may also retain personal data for at least the duration of the applicable statute of limitations, which is usually five or ten years. We generally delete personal data, that accrues in connection with the use of our software (e.g. protocols, logs, analyses, etc.) and that is not subject to such retention or limitation periods, earlier - as soon as we no longer have an interest in processing it. Data can also be kept longer in anonymised form in each case. Subject to any express contractual agreement, we are under no obligation to you to retain data for any particular period.

7. Sending E-Mails to you, links to other websites

7.1. Sending E-Mails

We may send you E-Mails for various reasons, for example:

- You have registered on the platform and thereby receive notifications about course registrations, course announcements and course implementations, etc.
- We will contact you regarding an enquiry made to us.
- We want to send you important information, such as updates, privacy notices, alerts, etc.
- You have subscribed to our newsletter and/or signed up to receive other marketing information.

8. Your right in relation to personal data

You have the right to obtain information about the personal data that we store about you free of charge upon request. In addition, you have the right to have incorrect data corrected and the right to have your personal data deleted, insofar as this does not conflict with a legal obligation to retain the data or an authorisation that allows us to process the data. The exercise of such rights usually requires that the data subject can clearly prove his or her identity.

If the processing of personal data is based on consent, the consent can be revoked by you as the data subject at any time. In countries of the EU or the EEA, you have the right in certain cases to receive the data generated when using online services in a structured, common and machine-readable format that enables further use and transmission. Requests in connection with these rights should be addressed to hugget@bmwbike.com (see point 2 above).

We reserve the right to restrict your rights within the framework of the applicable law and, for example, not to provide complete information or not to delete data. We also draw your attention to the fact that deleting your personal data may mean that our services are no longer available or can no longer be used, in whole or in part.

Every data subject has the right to lodge a complaint with the competent data protection authority. In the case of a data controller in Switzerland, this is the Federal Data Protection and Information Commissioner (<http://www.edoeb.admin.ch>).

9. Order data processing

9.1. Responsible party

Insofar as you provide us with personal data which we process as a commissioned data processor, you remain the sole responsible party in relation to us within the meaning of data protection law. You are therefore responsible for the lawfulness of the collection, processing and use of this personal data in accordance with the legal provisions.

9.2. Additional rules on commissioned data processing

9.2.1 We process the personal data provided to us by you for processing (in particular names and contact details, data on the relationship between you and your contractual partner, other characteristics relating to these persons as well as the other personal data provided to us by you in the context of the contractual use of our services) during the term of the contract for the provision of the contractual services. We store and process this personal data on our systems on your behalf.

9.2.2 Subject to mandatory legal provisions, we process personal data exclusively for the performance of the contract, only for the purposes and only in accordance with your documented instructions. Your instructions arise primarily from the contract between us and you and from the way in which you use our services.

9.2.3 We will ensure that all persons employed by us and by third party service providers, who are authorised to process personal data, undertake to maintain confidentiality, if they are not subject to an appropriate legal duty of confidentiality.

9.2.4 To protect personal data, we implement appropriate technical and organisational measures that comply with the requirements of the Swiss Data Protection Act and Art. 32 of the European General Data Protection Regulation (GDPR).

9.2.5 We will support you, as far as reasonably possible, with appropriate technical and organisational measures in fulfilling the duty to inform the respective data subject as required by the applicable data protection law. We will also answer your queries regarding the rights of the data subject.

9.2.6 We will inform you immediately if we believe that any of your instructions regarding the processing of personal data may violate applicable data protection law.

9.2.7 We support you with regard to the obligations incumbent on you under the applicable data protection law, for example Art. 32 to 36 GDPR or the corresponding provisions of Swiss data protection law. We will also inform you immediately of a data protection breach in our area of responsibility.

9.2.8 We will provide you with such information as you may reasonably require to enable you to adequately document our compliance with this clause 9.2. Where it is mandatory under applicable data protection law and the information provided by us alone is not sufficient, we will permit you, to the extent legally mandatory, to conduct inspections at your expense by yourself or by an auditor accepted by us, engaged by you and bound to secrecy. You agree that such inspections will not interfere with the ordinary course of operations of us and the subcontracted processors concerned. Furthermore, such inspections are to be carried out only after prior consultation with us and during normal operating hours. Finally, such inspections must not impair the protection of secrets and personal data of other customers of ours.

9.2.9 We may outsource the processing of personal data to third parties ("subcontracted processors"), in particular for the purposes of operating, developing and maintaining the IT infrastructure used to provide the service. You hereby consent to such outsourcing. A current list of the subcontractors used by us can be viewed here. We are entitled to make changes to this list and will inform you of such changes in an appropriate manner (for example, by posting an amended list on our website). If you do not object to such a change within 15 days (or within such shorter period as we may specify in urgent cases) of the date of notification, you will be deemed to have consented to the change. If you object in good time to a change notified by us, we may, at our option, either refrain from implementing the change you have not accepted or terminate the contract with you with immediate effect.

10. Amendment of this privacy policy

Because our business is constantly changing, we will periodically revise our privacy policy. We may amend the privacy statement at any time to reflect changes in the law, changes in the way we handle data or changes in the way we do business. The updated privacy policy will be published on www.bmwbike.com.

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