



## **ANNEX 4 of the Terms and Conditions- PERSONAL DATA AND COOKIES POLICY**

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### **PREAMBLE**

St Michel de Grandvain Limmat GmbH (hereinafter referred to as „we“), headquartered at Tödistrasse 16, 8002 Zürich, Switzerland, operates as an online boutique accessible via

www.borjabylimmat.zuerich and through the redirecting Website [www.borjabylimmat.com](http://www.borjabylimmat.com) (collectively hereinafter referred to as "the Website").

We are the seller, offeror, and marketer of the physical and digital products offered for sale on the Website.

This document outlines hereto our privacy and data protection policy, detailing why, when, and how your personal data is processed, and the legal basis for such processing when you use or visit our Websites, purchase any product -including digital products-, communicate with us, or share your personal data with us in any other context.

This Privacy Policy applies to all users of our websites and services.

It also explains when your explicit consent is required for data processing, and when we simply need to inform you of the processing.

By referring to „you“, we refer to the data subject including our customers, Website users and event visitors.

Website users are any person that access or visit our Website.

## **OUR PRIVACY CULTURE**

We prioritize your privacy and strictly adhere to all legal requirements for processing and protecting your personal data.

We ensure that any personal data processed by the controller and/or processors is conducted in full compliance with the principles of lawfulness, fairness, transparency, purpose limitation, data minimization, accuracy, integrity, confidentiality, and retention limitation.

## A. DEFINITIONS

### **-Data Controller**

Role: The Data Controller determines the purposes and means of processing personal data.

**Data Controller Name:** St Michel de GrandvainLimmat GmbH (referred to as "we")

-Headquarters:\*\* Tödistrasse 16, CH-8002 Zürich, Switzerland

-UID Number:\*\*

CHE-159.214.610

-Handelsregister Firmennummer:\*\* CH-020.4.075.293-6

-Legal Form:\*\* Swiss limited

liability company

-Managing Director: Pamela Woreth

-Contact Email:\*\* [legal@borjabylimmat.zuerich](mailto:legal@borjabylimmat.zuerich)

### **-Data Processor**

Role: A Data Processor processes personal data on behalf of the Data Controller. Depending on the service you are using, following data processors might be involved:

-\*\***Data Processor Name 1:**\*\* Swizzonic Ltd (www.swizzonic.ch) -

\*\*Role:\*\* Websites builder,

hosting, and email hostingprovider

-\*\*Address:\*\* Stauffacher Badenerstrasse 47, CH-8004 Zürich, Switzerland

-\*\*VAT Number:\*\* CHE-114.860.191 VAT -

**\*\*UID Number:\*\*** CHE-114.860.191

**-\*\*D-U-N-S Number:\*\*** 485154954

**-\*\*Legal Form:\*\*** Swiss limited company **-\*\*CEO:\*\*** Kirk Watson Barlow

**-\*\*Data Processor Name 2:\*\*** PostFinance AG ([www.postfinance.ch](http://www.postfinance.ch)) -

Headquarters:

Mingerstrasse 20, 3030 Bern, Switzerland

**-\*\*Role:\*\*** Payment Service Provider, Gateway, Payment processor,  
PostFinance Checkout is the Plugin.

**-\*\*Data Processor Name 3: Worldline Schweiz AG**

**- Address:** Hardturmstrasse 201

8005 Zürich

Switzerland

**Role:** Credit card acquirer

**-\*\*Data Processor Name 4: Use of Ecwid (United States)**

Our online shop is operated using the e-commerce platform Ecwid, provided by Ecwid, Inc., a company based in the United States and part of the Lightspeed group.

Personal data collected through our online shop (such as name, contact details, order and order-related payment information) may be transferred to and processed in the United States.

Where personal data is transferred outside Switzerland or the EU, we ensure appropriate safeguards such as Standard Contractual Clauses (SCCs) or adequacy decisions.

Ecwid, Inc. is covered under the **Swiss–US Data Privacy Framework** through Lightspeed POS USA Inc. and is therefore considered to provide an adequate level of data protection within the meaning of the Swiss Federal Act on Data Protection (nFADP).

Ecwid acts as a data processor on our behalf. We remain the data controller.

**Data Processor Name 5:\*\*** - Not active yet- Headquarters: Liechtenstein  
-**\*\*Role:\*\*** Order Fulfillment Service Provider (not active yet)

We ensure that all data processors process personal data in accordance with applicable data protection laws and under appropriate contractual safeguards.

### **-Applicable Data Privacy Regulations**

Applicable Data Privacy Regulations include the Regulations in force in EU member countries and in Switzerland, namely the GDPR (General Data Protection Regulation) and the Swiss Federal Act on Data Protection (FADP) and the Regulations in non-EU countries that safeguard and implement a lawful processing of personal data that may apply.

For customers located in the United States, including the State of Florida, personal data is processed in accordance with applicable U.S. federal and state privacy and data-protection laws, as enforced by the Federal Trade Commission (FTC) and relevant state authorities.

For the latest update regarding the GDPR:

<https://eur-lex.europa.eu/eli/reg/2016/679/oj>

For the latest update regarding FADP, the Swiss Federal Act on Data Protection: <https://www.fedlex.admin.ch/eli/cc/2022/491/en>.

### **-Data Subject**

A "Data Subject" is any identified or identifiable natural person whose personal data is processed by a data controller or data processor. This encompasses any individual who

can be directly or indirectly identified, particularly by reference to an identifier such as a name, identification number, location data, or online identifier.

A Data Subject includes our customer, subscriber to our newsletter, Website user, Website visitor and anyone sharing its personal data with us in any other context.

### **-Websites**

- www.borjabylimmat.com (redirecting Website to www.borjabylimmat.zuerich)
- [www.borjabylimmat.zuerich](http://www.borjabylimmat.zuerich)

-« **sharing personal data with us in any other context** »: This includes the following situations:

- customer service through communication by emails or telephone or face to face
- communicating your payment and billing information
- delivery/shipment services
- newsletter subscriptions -marketing activities.

### **-Personal Data Recipient**

It is any third party or internal employee to whom your personal data is disclosed.

We might share your personal data only to the extent necessary to sell our products (including delivery and shipping) or to respond to your requests (e.g., newsletter subscriptions) or **upon your consent for marketing purposes**.

Personal Data Recipients may include:

- Internal Employees: our Employees who require access to your personal data to fulfill their functions, such as processing your orders or managing your account.

- Third Parties:

• **Advertisers and Marketing Partners:** We may share your personal data with carefully selected advertising and social media partners, such as Instagram, LinkedIn, or metaverse service providers.

• **Delivery/Shipping Partners:** During the delivery and shipment process, we may share your personal data with postal services, international carriers (e.g., DHL), or any other shipping company selected by us to ensure timely delivery. These partners may use your order information, including your name and address, and may share it with local companies to comply with data privacy regulations.

• **Payment Services Provider:** We share your payment information , including credit card details, with your credit card issuer, our acquiring bank (PostFinanceAG), our payment processor (Postfinance AG), and our payment service provider (PostFinance AG) to process your payment and fulfill your order. Credit card information is forwarded securely via an encrypted SSL system, without access to us or any third party.

• **Websites and Email Operators:** Our Websites and email operations are supported by

Swizzonic Ltd, which may access your personal data as necessary to maintain and operate these services.

- **Legal and Regulatory Compliance Officers:** We may be required to share your personal data with public authorities or auditing/accounting firms to comply with legal obligations and regulatory requests, ensuring they adhere to applicable data privacy regulations.

- **IT/Technology Support Teams:** We may share your personal data with technical service providers to support, maintain, and provide our IT services and systems. This includes Websites builders, software/hardware providers, Blockchain service providers, and developers who may need access to your data to resolve IT/technical issues related to our business relationship, client account, or order processing.

When sharing your personal data with third-party recipients, we adhere to the following requirements:

### **-Explicit Consent versus mere information about personal data processing**

In some cases, you will need to provide explicit consent for the processing of your personal data, while in others, we will only need to inform you about such processing (also referred to as «**mere information about data processing** »)

**-Explicit Consent** refers to a freely given, specific, informed, and unambiguous indication of your wishes regarding data processing.

For example, your explicit consent will be required for the use of certain cookies that are not considered «essential or strictly necessary», which will be managed through our cookies banner where you can set your preferences.

We will also seek your explicit consent for processing sensitive personal data or when sharing your data with third parties for purposes beyond those necessary for contract fulfillment (such as for marketing).

This ensures that your data is managed transparently and securely.

#### **-Mere information about Personal Data processing:**

When Personal Data processing is necessary for fulfilling a contract (such as order processing or delivery or to confirm important information related to your order by texting to your mobile number) or to comply with legal obligations, we will process your personal data and share it with the necessary personal data recipients as listed above under the definition of Personal Data Recipient.

In particular, cookies that are not used for marketing purposes—such as those used to remember a shopping basket, user preferences, or for authentication—are considered "essential" or "strictly necessary" because they are necessary for the basic functioning of the website and we will collect and process these data.

#### **-Personal Data and Categories of Personal Data:**

## Personal Data and Categories of Personal Data

**Personal Data** refers to any information relating to an identified or identifiable natural person.

We only collect, retain, and process personal data that:

- you provide voluntarily,
- is clearly intended to be processed by us, or
- is necessary for legal and regulatory purposes, including sanction compliance (e.g., sanction screening), in particular when you purchase the product “**BORJA BY LIMMAT® SBT NFT Display License.**”

*Legal basis: Art. 6(1)(a), (b), (c), (f) GDPR; Swiss Federal Act on Data Protection (FADP), in particular Art. 6 and 31.*

**This includes, but is not limited to, the following categories of Personal Data:**

### **Category 1 – Browsing Data**

This includes technical data such as IP addresses, URI addresses, request times, device parameters, and browser details, which are necessary for the proper functioning and navigation of our website.

*Purpose: Website functionality, security*

*Legal basis: Art. 6(1)(f) GDPR (legitimate interests); Art. 31 FADP*

### **Category 2 – Personal Data Provided Voluntarily**

This refers to all information you provide directly via contact forms, newsletters, orders, or other communication channels. Examples include:

- **Contact Data:** First and last name, email address, business address, postal address (including street name, number, city, region, country, ZIP/postal code), and phone number.

*Legal basis: Art. 6(1)(a), (b) GDPR; Art. 6 FADP*

- **Date of Birth:** This may be required when purchasing the product “**BORJA BY LIMMAT® SBT NFT Display License**” for legal and compliance purposes (including sanction screening).

*Legal basis: Art. 6(1)(c) GDPR (legal obligation – sanctions compliance); Art. 6 and 31 FADP*

- **Payment Information:** Such as credit card details and billing information.

*Legal basis: Art. 6(1)(b) GDPR (contract performance); Art. 6 FADP*

- **Wallet Address**

*Legal basis: Art. 6(1)(b), (f) GDPR; Art. 6 FADP*

- **Additional Information:** Any other information you voluntarily provide when communicating with us.  
For example, if you provide short text inputs (e.g., two-letter combinations) to customize your product, and such inputs constitute personal data, you confirm that you are authorized to provide such data. We will process this data solely for the purpose of customizing your product.

*Legal basis: Art. 6(1)(a), (b) GDPR; Art. 6 FADP*

### **Specific Data Collected for the Product “BORJA BY LIMMAT® SBT NFT Display License”**

If you purchase this product, we may collect and process:

- your **MetaMask wallet address**,
- your **business email**,
- your **legal entity name**,

- your **company address** (for delivery of the password required to access the GLB file , the “Asset Minting Agreement” and Certificate of authenticity and proof of ownership
- your **company registration number**,
- and a **link to your website**.

*Purpose: Contract execution and regulatory compliance (including sanctions screening)*

*Legal basis: Art. 6(1)(b), (c) GDPR; Art. 6 and 31 FADP*

### **Category 3 – Traffic Data**

This includes data automatically generated by our email systems, such as IP addresses, email identifiers, and traffic data required for technical purposes (e.g., email delivery and system functionality).

*Legal basis: Art. 6(1)(f) GDPR; Art. 31 FADP*

### **Category 4 – Cookies and Tracking Technologies**

This refers to the use of cookies and similar technologies to ensure security, improve functionality, and analyze usage patterns of our website and services.

*Legal basis: Art. 6(1)(a) GDPR (where consent is required), and Art. 6(1)(f) GDPR; Art. 31 FADP*

### **Category 5 – Other Device Information**

This includes information automatically transmitted by your device when accessing our website. Depending on your device settings and operating system, this may include IP address, device type, approximate location, browser information, network provider, and pages visited.

*Legal basis: Art. 6(1)(f) GDPR; Art. 31 FADP*

## **-\*Personal Data Processing**

Processing encompasses all activities related to personal data, from its collection to its eventual deletion.

Under the General Data Protection Regulation (GDPR), "processing" refers to any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means.

This includes:

- Collection
- Recording
- Organization - Structuring
- Storage
- Adaptation or alteration
- Retrieval
- Consultation
- Use
- Disclosure by transmission, dissemination, or otherwise making available
- Alignment or combination
- Restriction
- Erasure or destruction

Under Swiss data protection law, particularly the Federal Act on Data Protection (FADP), "processing" similarly includes any operation or series of operations performed on personal data.

This includes:

- Collection

- Storage
- Organization
- Structuring
- Use
- Modification
- Disclosure
- Transmission
- Erasure

## **B. PRINCIPLES FOR THE PROCESSING OF PERSONAL DATA**

### **a. Purposes of Personal Data Processing**

-\*\*Providing Services or Selling Products: Personal data will be processed to facilitate the sale of products, services, and to complete transactions in accordance with our TC (terms and conditions)

-\*\*Processing and Sending Orders: to manage and process orders, handle deliveries, provide information related to your order and provide customer support.

**-\*\*Marketing Communications: to send newsletters, promotional materials, and updates based on your preferences and consent.**

-\*\*Improving Business and Marketing Services: To enhance our services and marketing strategies based on data analyses **based on your preferences and consent.**

By entering your email address in the newsletter subscription field on our website homepage, customers provide **explicit consent** to receive newsletter from us.

Explicit consent means the customer voluntarily types their email into the subscription field; pre-checked boxes or implied consent are not used. We do not sell personal data. We may share personal data with third parties as described in this policy.

By subscribing to our newsletter online, you consent to receive marketing messages. You may unsubscribe at any time by emailing us to [unsubscribe@borjabylimmat.zuerich](mailto:unsubscribe@borjabylimmat.zuerich)

-\*\*Customer Account Management: to maintain and manage your customer account and preferences.

-\*\*Any other communication with you, independently of the channel (social media, real life events, metaverse...) **based on your preferences and consent.**

## **b. Legal Basis for Processing Personal Data**

Depending on the purpose (s) of data processing [please refer to the section Purposes of Data Processing above], the following legal basis for processing your personal data applies:

-\*\***Contractual Necessity:** Processing is necessary for the performance of a contract with the Data Subject.

-\*\* Legitimate Interest: We process certain personal data based on our legitimate interests, this could include to comply with fraud prevention.

-\*\***Legal Obligations:** Processing necessary to comply with legal obligations, such as accounting, compliance, anti money laundering, sanction regimes or tax regulations.

This includes to comply with applicable sanctions, anti-money laundering, and financial crime prevention regulations, and to protect our business from legal, regulatory, and reputational risk.

For example, if you purchase the product BORJA BY LIMMAT ® SBT NFT Display License” we may perform additional screening including screening your name and/or company name against relevant sanctions and restricted-party lists.

Such processing is limited to what is necessary for these purposes and does not override your fundamental rights and freedoms.

-\*\***Consent:** Where applicable, processing based on the explicit consent given by the Data Subject.

By entering your email address in the newsletter subscription field on our website homepage, customers provide **explicit consent** to receive newsletters from us. Explicit consent means the customer voluntarily types their email into the subscription field; pre-checked boxes or implied consent are not used.

Customers may unsubscribe at any time  
by emailing us to [unsubscribe@borjabylimmat.zuerich](mailto:unsubscribe@borjabylimmat.zuerich)

### **c. Transfer of Personal Data/Personal Data Sharing**

To fulfill the purposes outlined in the section "Purposes of Data Processing", your personal

data may be shared with third parties or transferred internationally, including to countries outside of Switzerland and the European Union.

All transfers are conducted in compliance with applicable data privacy regulations. Adequate safeguards will be in place to protect your data, such as entering into data transfer agreements with SCC clauses (standard contractual clauses) and data processing agreements.

For further details, please refer to the "Definitions and Nominations" section above: this section provides a definition of "Personal Data Recipient" along with a list of individuals or entities with whom we may share your personal data and the conditions upon which we might share your data with these recipients (explicit consent or mere information).

#### **d. Personal Data Retention Duration**

Except if you ask us to delete your personal data, your personal data will be retained as long as necessary to fulfill the purposes for which it was collected, including any legal, accounting, or reporting requirements.

Specific retention periods are determined based on the type of data and the applicable regulations, for example, depending on the statutory limitation period in the country(ies) of operation (10, 5 or 3 years) or as long as you may have an unresolved customer support request.

This is specially applicable to Agreements and Licenses.

Accounting records including invoices will be kept for 10 years under the Swiss Code of Obligation.

**After those periods, your data will be either deleted or anonymized.**

## **C. DATA SUBJECT'S RIGHTS**

As a Data Subject, you have the right to:

-\*\***Access:**\*\* Request access to your Personal Data and obtain a copy of the data we hold.

-\*\***Rectification:**\*\* Request correction or update of inaccurate or incomplete data.

-\*\***Erasure:**\*\* Request deletion of your Personal Data.

You have the right to request the deletion of your Personal Data to the extent that such data is processed and controlled by us.

By using our services and/or purchasing products involving blockchain technology, in particular, regarding the purchase of the product “BORJA BY LIMMAT ® SBT NFT Display License” you acknowledge and agree to the following:

Off-chain Personal Data

Upon a valid deletion request, we will delete all Personal Data stored in our off-chain records and systems under our control, including but not limited to:

- name, email address, and contact details;
- customer or account identifiers;
- transactional, billing, or support records linked to an identifiable individual; and
- any data linking a wallet address to an identified or identifiable natural person.

## On-chain Data and Blockchain Records

Blockchain technology is immutable by design. Accordingly, data recorded on-chain — including wallet addresses, token identifiers, and transaction hashes — cannot be altered or deleted once published to the blockchain.

You expressly acknowledge and accept that:

- it is technically impossible for us to delete or modify data recorded on a blockchain;
- such on-chain data (including wallet addresses, token identifiers, and transaction hashes) may therefore remain permanently recorded; and
- our obligations under applicable data protection laws are fulfilled by deleting all Personal Data under our control (off-chain) and by ceasing any further processing that would enable the attribution of on-chain data to an identified or identifiable natural person.

Once all off-chain identifiers and linkages have been deleted, any remaining on-chain data is no longer attributable to an identified or identifiable natural person and therefore no longer constitutes Personal Data within the meaning of applicable data protection laws.

Processing of blockchain-related data is based on Art. 6(1)(b) GDPR (performance of a contract) and Art. 6(1)(f) GDPR (legitimate interests), as well as Art. 31 FADP.

[For more information about the burning function, please refer to Appendix A- FAQ.](#)

-\*\***Restriction:**\*\* Request restriction of processing under certain conditions.

-\*\***Portability:**\*\* Obtain and reuse your Personal Data for your own purposes across different services.

-\*\***Objection:**\*\* Object to the processing for example based on legitimate interests.

-\*\***Complaint:**\*\* File a complaint with relevant data protection authorities if you believe your rights have been violated.

-\*\***Withdrawal of Consent:**\*\* you can withdraw a consent you gave us regarding the processing of your personal data.

To exercise those rights, please contact legal@[borjabylimmat.zuerich](mailto:borjabylimmat.zuerich).

## **D. COOKIES AND TRACKING TECHNOLOGIES**

### **Scope:**

Our Cookies Policy governs the processing of personal data collected through the use of cookies and similar tracking technologies on our Websites.

### **Definition of Cookies:**

Cookies and similar tracking technologies are small text files sent by a Website and stored on your computer or mobile device when you visit it.

These files can be sent by us or by third parties and are returned to the same Website on each subsequent visit.

These cookies enable the Website to remember your actions and preferences, such as login credentials or language settings, so you don't have to re-enter them when you revisit the site or navigate between pages. Cookies are also used for purposes like electronic authentication, session tracking, or storing information about your activities on the Website.

Some cookies may contain a unique identifier to monitor your browsing activities, which can be used for statistical or marketing purposes.

### **How We Use Cookies on Our Website(s):**

We only use cookies that are strictly necessary (essential cookies) for the functioning of our Websites, such as remembering your login details or items in your shopping basket or to fulfill your order.

**All other cookies that could be generated through our Websites have been deactivated by default at the site builder level.**

### **Opt-in Consent:**

To comply with data privacy regulations, we need your explicit consent shall we place any non-essential cookies on your device.

When you visit our Websites, you will see a "cookies banner" pop-up. This banner will inform you about the use of cookies and request your permission.

Please review the information provided in the banner and choose "accept" to allow cookies or "refuse" to decline.

## **E. COMMUNICATION & PERSONAL DATA SECURITY**

-We communicate with you primarily via email and may also use other electronic communication channels (such as messaging applications like WhatsApp).

Such means of communication may involve inherent risks in terms of confidentiality and data security, particularly when data is transmitted over the internet.

While we implement appropriate technical and organizational measures to protect your personal data, we cannot guarantee absolute security of data transmission.

Encrypted communication may be provided upon request. Additional costs may apply.

If you do not agree to the transmission of certain information or documents via email or other electronic means, please inform us in advance.

Otherwise, we will assume that you consent to the use of these communication channels.

-We implement robust organizational and security measures to protect your Personal Data and secure our IT infrastructure.

This includes secured backups, partnerships with Swiss-based providers, and multi-factor authentication technologies and might include proxy servers.

**Additionally, our Websites builder is ISO/IEC27001:2013 certified.**

Specifically, we implement Security Measures :

-\*\*SSL Encryption

We use SSL (Secure Socket Layer) encryption technology, an asymmetrical encoding method, to ensure the protection of your most

sensitive data—such as credit card information—during transmission over the Internet.

SSL encryption protects your credit card data from being intercepted or altered by unauthorized third parties while it is being transferred. This ensures that no unauthorized individual can read or manipulate this data while in transit.

Additionally, SSL protection certificates are included and active in most of our hosting environments to provide the highest level of security for our users.

#### -\*\*Secured Backups:

We regularly back up our data to prevent loss and ensure that it is recoverable in case of an incident. Our external and internal hard drives are encrypted.

#### -\*\*Proxy Server Services:

We might use proxy servers to protect your data and ensure secure access to our Websites.

#### -\*\*Swiss-Based Providers:

Our data processing partners are based in Switzerland

#### -\*\*Multi-Factor Authentication:

We utilize multi-factor authentication to secure access to sensitive data and systems.

#### -\*\*Hacker Shield and other Data Security Measures:

To ensure the highest level of security in our communications, we may use IncaMail ([www.incamail.com](http://www.incamail.com)) for communications with you.

We may also secure our legally binding Agreements with a Qualified Electronic Signature (QES), allowing you to verify their authenticity at <https://www.validator.admin.ch/>.

## **F. MISCELLANEOUS**

It is important to notify us promptly of any changes to your Personal Data to ensure that we maintain accurate and up-to-date information.

## **G. AMENDMENTS AND ENTRY INTO FORCE**

This policy is effective as of March 26, 2026. We may update this policy from time to time.

Significant changes will be communicated to you through our Websites or other means of contact.

## **H. CONTACT**

For any questions or concerns regarding this Privacy Policy or our data processing practices, please contact us at [legal@borjabylimmat.zuerich](mailto:legal@borjabylimmat.zuerich).