

## Privacy Policy

### PRIVACY POLICY - VISUAL SEARCH AND RECOGNITION SERVICES

At ViSenze our business is to provide visual search and recognition services to individuals and our business partners. Our services work with images, often in photos and sometimes in videos.

For individuals who choose to use our services, we help you find products that you may want to purchase. Generally, you start the process off by uploading an image, usually on an app in a mobile phone, and sending it directly to us or via the business partner that made the app available to you.

We provide a range of search and recognition services to our business partners to help them in various different ways. For example, we help individuals search and discover products on our business partner's apps / websites. We provide product tagging at a business partner's request or even predict trends for a business partner. Sometimes when you are browsing for products on our business partner's app or website, we may make suggestions to you about visually similar products that may be of interest to you. We respect the privacy and confidentiality of any personal data and other information that we process in connection with providing our visual search and recognition services. The way we do so is set out in this Privacy Policy.

Our home is Singapore and we have implemented policies and practices about the way we process personal data in compliance with the Personal Data Protection Act (PDPA) of Singapore. But our business is global and we have also implemented policies and practices required by the General Data Protection Regulation (GDPR).

#### 1. Our formal details and how to contact us

We are ViSenze Pte. Ltd. ('ViSenze', 'we', 'us', 'our', etc.), a company incorporated in Singapore with registration number 201221002E. Our registered office and place of business is at 67 Ayer Rajah Crescent #07-11 Singapore 139950.

We are always happy to provide additional information about how we process personal data and to answer any questions about our processing activities. Please contact us by writing to us at our address above or by emailing us at [dataprotection@ViSenze.com](mailto:dataprotection@ViSenze.com).

Our representative in the European Union is European Data Protection Office, Avenue Huart Hamoir, 71, 1030 Brussels. You may also contact us through them by using the contact form on <https://www.edpo.brussels/contact>.

#### 2. Some technical terms to help you understand this Privacy Policy

##### 2.1 What is 'Personal Data'?

'Personal Data' means any data (in Singapore, whether true or not), about or relating to an individual who can be identified from that data (including when it is put together with other information to which we have or are likely to have access) or is otherwise an identified or identifiable individual.

Your name, when added to other information about you such as your phone number, physical or email address, the name of your employer and your job title, is personal data. Your image in a photo or video may be personal data too. Technically, it might be possible to identify you from it by using facial recognition software for example – we might even be able to identify you because you are famous. However, our visual search and recognition services are not set up in such a way that we are able to use technical means to identify you or to look at images of you to identify you.

##### 2.2 Who or what is a 'data subject'?

An individual who can be identified from personal data is called a 'data subject'.

#### 3. How to use this Privacy Policy

##### 3.1 How to find your way around it depending on who you are

In this Privacy Policy we explain how we process personal data about or relating to you and how long we keep it depending on whether you are:

- a 'Reference Image Data Subject'
- a 'Query Image Data Subject'
- an 'End User'

Please click on the link(s) relevant to you.

If you are our employee or a job applicant, please contact our Human Resources Department or email to us at [careers@ViSenze.com](mailto:careers@ViSenze.com). If you are an individual with whom we interact in the course of conducting our business or a visitor to our website please see our Privacy Policy – General at [www.ViSenze.com](http://www.ViSenze.com).

##### 3.2 How to find your way around it depending on what you want to know

In addition to explaining how we process personal data about or relating to you, in this Privacy Policy we also explain:

- where we store personal data
- how we protect your personal data
- your rights as a data subject, including your right to lodge a complaint with a supervisory authority
- the existence of automated decision-making, including profiling

Please click on the link(s) for the topic(s) that you want to know about.

#### 4. Reference Image Data Subjects

##### 4.1 What is a reference image and a reference image data subject?

We build up various databases of images of products from various sources. For example, some of our business partners are retailers and provide us with their product catalogues and we compile them into a 'reference database'. We also search the Internet for images of products and we put them into our reference database too. Some of our business partners operate non-retail businesses and provide us with images for searching and recognition for various reasons – for example, where the business partner is concerned about possible copyright infringement or other intellectual property rights. We call all of these product and other images 'reference images'.

Some reference images may include an individual, such as a model in a clothing catalogue or an actor in a video. If so, that individual is a 'reference image data subject'.

##### 4.2 Why do we process the personal data of reference image data subjects?

If you are a reference image data subject we process your personal data incidentally:

- when we search for and return visual search results to our end users
- when a business partner asks us to provide a service to them in connection with a reference image, such as 'product tagging' – product tagging involves labelling an image (for example, red dress with long sleeves, blue button-down shirt) and returning the product tag to the business partner – and

- when we process reference images in our prediction models and when we manually annotate reference images with information that we use to train our AI models

We say 'incidentally' here because our visual search and recognition services concentrate on the product or intellectual property in the image. But we cannot avoid processing your personal data too – for example, for product matching we need to know where your face is in the image and we need to detect your gender so that we can return relevant visual matches to the end user.

We process personal data for these purposes on the basis that it is in our legitimate interests to provide our visual search and recognition services and to improve them to enhance the experience of our end users and the satisfaction of our business partners.

#### 4.3 Who receives the personal data of reference image data subjects

If you are a reference image data subject your personal data:

- will be disclosed to end users of our visual search and recognition services when we return visual search results to them that include your image and
- may be disclosed to personnel of our service providers who assist us in manually annotating reference images to train our AI models – we have entered into strict confidentiality arrangements with our service providers

#### 4.4 How do we decide how long to keep a reference image?

It depends on whether the reference images is related to product retailing or not.

For product retailing, we seek to keep visual matches that we return to end users relevant to their likely current purchasing preferences.

- If we receive reference images from a business partner, we usually delete them only when the business partner updates their product catalogue. Sometimes the business partner wants us to delete them earlier and in that case we do so
- If we collect reference images during our Internet searching, we delete them when they are out of date and no longer relevant when we return visual search results (for example, because the relevant e-commerce website no longer sells the product).
- For non-retailing purposes we keep reference images for the time required to provide the search and recognition services sought by our relevant business partner.

### 5. Query Image Data Subject

#### 5.1 What is a query image and a query image data subject?

Any individual, as an end user, can upload an image and send it to us to request a visual match to an item in it that the individual wishes to find available for purchase if the individual has an app, website or a mobile device that is integrated with our visual matching service. The apps / websites send the image to us either directly or via our business partner that provided the app/website used by the end user. In addition, an individual representing a business partner can upload an image and send it to us where we have agreed to provide visual search and recognition services to that business partner. We call any such image a 'query image'.

Some query images may contain personal data of an individual. If so, that individual is a 'query image data subject'.

#### 5.2 Why do we process the personal data of query image data subjects?

If you are a query image data subject we process your personal data incidentally:

- when we search for visual matches to the item requested by the end user who uploaded the query image in which you are the query image data subject
- when we analyse query images because they returned less than ideal results and
- when we process query images in our prediction models and when we manually annotate query images with information that we use to train our AI models

We say 'incidentally' here because our visual search and recognition services concentrate on the product or intellectual property in the image. But we cannot avoid processing your personal data too – for example, for product matching we need to know where your face is in the image and we need to detect your gender so that we can return relevant visual matches to the end user.

We process personal data for these purposes on the basis that it is in our legitimate interests to provide our visual search and recognition services and to improve them to enhance the experience of our end users and the satisfaction of our business partners.

#### 5.3 Who receives the personal data of query image data subjects

If you are a query image data subject your personal data may be disclosed to personnel of our service providers who assist us in manually annotating query images to train our AI models – we have entered into strict confidentiality arrangements with our service providers.

#### 5.4 How do we decide how long to keep a query image?

Some of our partners require us to delete query images immediately after we return visual search matches for them and others specify a period of time – such as a few weeks or months – for which we may keep them.

Otherwise, we may decide to either:

- retain a sub-set or sample of query images for up to one year as a 'reference set' to measure our search engine's performance or
- delete query images between one and three months after we received them

### 6. End Users

#### 6.1 What is an 'End User'?

As an individual you can upload a query image and send it to us to request a visual match to an item in it if you have an app, website or a mobile device that is integrated with our visual matching service. If you represent a business partner you can similarly upload an image and send it to us for the visual search and recognition services we provide to that business partner. We call any such individual or business partner an 'end user' of our visual search and recognition services.

#### 6.2 What personal data do we collect about or referring to an end user?

It is possible for you, as an end user, to choose to send us a query image that is a selfie – as the query image contains your personal data you are both the query image data subject and the end user.

Whether a query image is a selfie or not, if you are an end user we always seek to collect information about your geographic location – your country and sometimes also your city – when you send us a query image. In some cases, either we or our business partner attaches a unique identification number, an UID, to the query image.

#### 6.3 Why do we collect end user location information and what do we do with it?

When you, as an end user, send a query image directly to us because you want to find an item available for purchase we collect your IP address. This is so we can identify your geographic location – see 6.2. When we receive a query image from you via a business partner, they send us either your IP address or a code that tells us your geographic location.

The only reason we need to know your geographic location is so that we can return visual matching results that are relevant to you – we can limit them to products that are available in your geographic location.

We do not consider that IP addresses used only for these purposes are personal data. However, if in fact they are personal data we process them for such purposes on the basis that it is in our legitimate interests to provide our visual matching service and to return visual search results of most relevance to you.

#### 6.4 What do we do with an UID?

In some cases when you, as an end user, send a query image because you want to find an item available for purchase either we or our business partner assigns a unique identification number or code, a UID, to you. The UID is not personal data because you are not identified by it or identifiable by reference to it.

We use UIDs for statistical purposes, such as measuring and improving the effectiveness of our visual search and recognition services, sharing overall results with our business partners and monitoring our business performance.

#### 6.5 How do we decide how long to keep end user location information and any UID?

End user location information and the end user's UID is attached to the query images that end users send to us when they want to find an item available for purchase. Therefore, we keep this information for the same time as we keep the query image – see 5.4.

### 7. Where do we store personal data?

We have five data centres globally at present. They are in Ireland, Singapore, Japan, China and the US. We may add more data centres in the future. Generally:

- our partners that provide reference images to us and
- our partners through whom we provide visual search and recognition services, including our visual matching service to end users who send query images to us when they want to find an item available for purchase,

mandate the location of the data centre we use to store the reference images and the query images (together with any end user personal data), respectively

In any event, if we have reason to believe that a data subject is located in the European Economic Area we store any personal data we hold about or relating to them in a data centre in a Member State of the European Union.

If we transfer personal data from a country or region that has data protection legislation to a third country that does not have the equivalent standard of data protection legislation we ensure that the personal data is protected as required by the General Data Protection Regulation (GDPR).

### 8. How do we protect your personal data?

We take the security of your personal data seriously. We have appropriate security measures in place to prevent your personal data being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We limit access to your personal data to those employees, agents, contractors and other third parties who have a business 'need to know'. They will process your personal data only on our instructions. Details of these measures can be obtained by contacting us as set out at 1 above.

We have procedures in place to deal with any suspected personal data breach and will notify the relevant business partner and any applicable supervisory authority of an actual or suspected personal data breach where we are required by contract or law to do so.

### 9. Your rights as a data subject

#### 9.1 Special circumstances of reference image data subjects and query image data subjects

If you are a reference image data subject, a query image data subject or an end user the purposes for which we process any personal data in a reference image and a query image, respectively, do not require us to identify you (and we do not do so). Therefore, we are not obliged to maintain, acquire or process additional personal information in order to identify you for the sole purpose of enabling you to exercise any of the data subject rights described below.

However, you may be able to exercise such rights if you provide us with additional information enabling us to identify you. We would also need information to enable us to pinpoint the reference image and/or query image in connection with which you wish to exercise your rights.

#### 9.2 Your right to access personal data about or relating to you

Subject to 9.1, you have the right to obtain confirmation from us as to whether or not we are processing personal data concerning you. Where we are doing so, you have the right to obtain a copy of the personal data undergoing processing from us and:

- information about 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 (in particular recipients in third countries or international organisations), where possible, the envisaged period for which we will store the personal data or, if not possible, the criteria we will use to determine that period and
- any available information as to the source from which we collected the personal data, including whether it came from publicly available sources

This information is included in this Privacy Policy and can be found categorised by 'reference image data subject', 'query image data subject' and 'end user'.

#### 9.3 Your right to rectification of personal data concerning you

Subject to 9.1, you have the right to obtain from us without undue delay the rectification of inaccurate personal data concerning you.

#### 9.4 Your right to erasure – the 'right to be forgotten'

Subject to 9.1, you have the right to obtain from us the erasure of personal data concerning you without undue delay if:

- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed
- you object to us processing the personal data on the grounds of our legitimate interests and we do not have overriding legitimate grounds for the processing
- the personal data have been unlawfully processed or
- the personal data have to be erased for compliance with an obligation in European Union or Member State law to which we are subject

#### 9.5 Your right to restriction of processing

Subject to 9.1, you have the right to obtain from us restriction of processing of personal data concerning you where one of the following applies:

- you contest the accuracy of the personal data, for a period enabling us to verify the accuracy of the personal data
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead
- we no longer need the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims
- you have objected to processing, pending the verification whether our legitimate grounds of processing override your legitimate interests

#### 9.6 Your right to lodge a complaint with a supervisory authority

If you believe that we have not complied with your rights as a data subject, you can complain to the supervisory authority in the country in which you live.

#### 9.7 Your right to know about any automated decision-making

We do not use any personal data about you for automated decision-making, including profiling. Where we return visual matches to query images, to the extent that our visual matching service includes automated decision-making it concerns the item in the query image and not any personal data about you.

## 10. Changes to this Privacy Policy

We reserve the right to update this Privacy Policy at any time.

## TERMS OF USE

If you are an 'End User' as described in our Privacy Policy – Visual Search and Recognition Services these Terms of Use form a contract between you and ViSenze Pte Ltd ('ViSenze', 'we', 'us', 'our', etc), which you accept when you use our visual matching service. If you do not agree to these Terms of Use, you may not use that service.

1. You shall be solely responsible for all images you transmit to us when you choose to use our visual matching service.
2. We shall not be liable for the lawfulness, accuracy, integrity or quality of such images. Under no circumstances shall we or our officers, agents, employees, licensors, users, suppliers, holding companies, subsidiaries, affiliates or related companies be liable in any way for any image, including but not limited to any exposure to offensive, indecent or objectionable images, any errors or omissions in any images, or any loss or damage of any kind suffered by you as a result of the receipt, storage or processing or use of any images you send to us.
3. In the event any loss, expense or cost is suffered or incurred by us arising from or in connection with you transmitting an image to us when you choose to use our visual matching service, you indemnify us for such loss, expense or cost.
4. You agree not to use our visual matching service to:
  - (a) upload any image that is unlawful under the laws applicable to our visual matching service, harmful, threatening, abusive, harassing, tortious, defamatory, vulgar, obscene, pornographic, libellous, invasive of another's privacy, subversive, hateful, or racially, ethnically or otherwise objectionable or contrary to public interest, public order or national harmony in all relevant jurisdictions;
  - (b) harm minors in any way;
  - (c) upload any image that you do not have a right to make available under any applicable law or under contractual or fiduciary relationships;
  - (d) upload any image that infringes any patent, trademark, trade secret, copyright or other proprietary rights of any party;
  - (e) upload any image that contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware or telecommunications equipment;
  - (f) engage in unlawful activity or intentionally or unintentionally violate any applicable law, statute, ordinance, regulation, rule or code, including, but not limited to, any regulations, rules, notices, instructions or directives of any regulatory body or authority, governmental agency or national or other securities exchange of any jurisdiction; and
  - (g) contribute any illegal or unethical or abusive content, or use our visual matching service for any abusive or illegal activity.

We may, but are under no obligation to, review all images and remove or block access to them if we think that they fail to comply with any one or more of the above prohibitions.

5. We shall in no way be liable for:
  - (a) any aspects of the search results that we return to you, including but not limited to, their accuracy, the description of goods and their conformity with that description, product liability, the quality of goods, intellectual property rights, safety, support, service, content and charges;
  - (b) the accuracy and completeness of the search results, which we do not guarantee and/or
  - (c) any consequences of your use of our visual matching service, including your decision whether or not to proceed with a purchase based on the search results, that decision being at your sole discretion
6. These Terms of Use, the visual matching service and any dispute arising out of or in relation to the use of the visual matching service, shall be governed and construed in accordance with the law of Singapore, regardless of your country of origin or where you access the visual matching service and without giving effect to any conflicts of law principles that would result in the application of the laws of a jurisdiction other than Singapore.

Current as at: 15 October 2018

**V I S E N Z E**



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