

## PRIVACY STATEMENT WE ARE FRESH BV

### Article 1 Definitions

<b>WE ARE FRESH:</b>	the private company with limited liability WE ARE FRESH BV, established and doing business in (7521 SB) Enschede at Lambertus Buddestraat 68, with Chamber of Commerce number 64115003, which is engaged in, among other things, providing services in the field of performing arts and the organizing and producing of cultural events, all in the broadest sense of the word.
<b>Visitor:</b>	any natural person who does not act in the exercise of a profession or business and who directly or indirectly concludes an Agreement with WE ARE FRESH in the context of attending an Event, as well as anyone who is in or around the Event Location and who, either directly or indirectly, has entered into an agreement with WE ARE FRESH, as well as anyone who visits the Website(s).
<b>Event:</b>	a one-day or multi-day (cultural) event, including a (music) performance and/or other manifestation, a concert, dance event, business event and/or a public or private event in which one or more persons participate, organized and/or facilitated by or on behalf of WE ARE FRESH at the Event Location.
<b>Social Media:</b>	the social media channels specifically affiliated with the Website (s) and other (promotional) expressions of or on behalf of WE ARE FRESH registered in the name or on behalf of WE ARE FRESH.
<b>Website(s):</b>	the website(s) Events registered in the name or on behalf of WE ARE FRESH, including any associated special apps developed by or on behalf of WE ARE FRESH.

### Article 2 Identity WE ARE FRESH

- 2.1 WE ARE FRESH attaches great importance to the responsible handling of data from its Visitors. WE ARE FRESH, therefore, processes and protects personal data carefully and with due observance of the provisions of the Personal Data Protection Act, other privacy regulations and the General Data Protection Regulation (AVG) with related implementing law(s) as of May 25, 2018. This Privacy Statement provides information about collecting and processing personal data by or on behalf of WE ARE FRESH. This Privacy Statement relates to the use that WE ARE FRESH can make or have made of Visitors' personal data to its Website(s), Social Media and/or Events who have registered via the Website(s) and/or Social Media.
- 2.2 WE ARE FRESH is located and conducting business in (7521 SB) Enschede at Lambertus Buddestraat 68. It is registered with the Chamber of Commerce under Chamber of Commerce number 64115003. WE ARE FRESH can be reached via the email address [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl).
- 2.3 The provision of personal data is not mandatory. However, to correctly implement the agreement, such as sending admission tickets, visiting an Event, and being able to (continue to) use some services, the provision of some personal data is necessary.
- 2.4 WE ARE FRESH keeps a register with all the processed personal data referred to in this Privacy Statement.

### Article 3 What data does WE ARE FRESH collect?

3.1 Before visiting one or more Events, Visitors are asked to register with WE ARE FRESH (or with our ticket provider). During this registration, WE ARE FRESH may ask the Visitor for the following information (hereinafter: **Registration Information**):

- Name;
- Sex;
- Email address;
- Phone number;
- Date of birth;
- Address;
- Username and password;
- Company information, including company name, country, address, city, zip code, telephone number, company email;
- Data about social network profiles and online media, including website (s), LinkedIn, Twitter, Facebook, Soundcloud, Mixcloud, Instagram, Snapchat, YouTube, Whatsapp and TikTok.

WE ARE FRESH is in any case entitled to process the Registration Data if the performance of the Agreement concluded with the Visitor makes this necessary.

For the companions (other persons for whom tickets are purchased), data (but less data) is now also requested: including first name, last name, email address, date of birth.

3.2 WE ARE FRESH also allows location data to be obtained from Visitors that relate to the event locations that the Visitor has visited in the context of the Event, such as various stages (hereinafter: **Location Data**). These Location Data can be obtained by WE ARE FRESH if, in the relevant case, the Visitor checks in with an event website/app or a wristband containing an electronic chip (or a chip otherwise) when visiting the relevant event locations and in principle only processed anonymously within the framework of statistics and the improvement of the services of WE ARE FRESH. Only if the Visitor gives explicit prior consent, this data may also be processed and used non-anonymously.

3.3 WE ARE FRESH can also obtain information about Visitors' interests, purchasing behavior or wishes (hereinafter: **Commercial Data**). In addition to the fact that a Visitor mentions this Commercial Data at WE ARE FRESH, Commercial Data at WE ARE FRESH may also be known, for example, because the Visitor has offered them access to it, such as through Facebook, or because WE ARE FRESH can trace that Commercial Data from the way the Visitor uses the Website(s) and/or Social Media (also apps) or has made purchases elsewhere via third parties that result from the use of the Website(s) and/or Social Media (also apps). The servers of WE ARE FRESH also automatically record the Visitor's surfing data, such as IP addresses, time of visit, browser type, and which functionalities are used (hereinafter: **Surf Data**). WE ARE FRESH can exchange this Commercial Data and Surf Data with its own partners or group companies or co-organizers and merge these Commercial Data and Surf Data of the various products and services that the Visitor purchases in a profile. Only if the Visitor gives explicit prior consent, these Commercial Data and Surfing Data may also be processed and used non-anonymously. If the Visitor objects to further processing of Commercial Data and Surf Data, he must notify this immediately via [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl).

3.4 WE ARE FRESH will have camera surveillance at the events, and photos and video recordings will also be made.

#### **Article 4 For what purposes is data processed?**

- 4.1 WE ARE FRESH uses the personal data in the first instance to execute the Agreement that it concludes with the Visitor as well as possible and for its internal administration.
- 4.2 Name and address details are used to be able to deliver the products ordered on the Website(s) and/or via Social Media (such as a ticket) to the right person, to verify through registration who is entitled to the ordered tickets and to the wristbands and/or barcodes issued on the basis of these ordered tickets. The registration and linking of admission tickets to the Visitor also prevents tickets from being traded in an unauthorized manner by or on behalf of the Visitor.
- 4.3 Registration Information of the Visitor can be used to create an account or profile on the Website(s) and/or on Social Media and/or at the ticket provider of WE ARE FRESH, such as for the purpose of pre-registration for the purchase of tickets for future Events.
- 4.4 For any use of a personal email address and telephone number, the Visitor's explicit and unambiguous consent is always requested first.
- 4.5 The Location Data of Visitors are only used internally and anonymously to gain insight into visitor numbers. In this way, WE ARE FRESH can improve its services and Events because this makes it clear which (parts of) Events were popular and which were not, and in this way to match the apparent needs and wishes of Visitors in the future. The Location Data can also be used to optimize the Events and make them safer, for example, by optimizing crowd control and logistics as well as monitoring the catering and food line-up. Only if the Visitor gives explicit prior consent, these Location Data may also be processed and used non-anonymously.
- 4.6 WE ARE FRESH may, from time to time, use the Registration Data to contact Visitors or have them contacted in the context of market research.
- 4.7 Except insofar as this is necessary for the Agreement's performance with the Visitor, for example, to be able to deliver products or tickets, personal data will never be passed on to third parties without the Visitor's explicit consent. WE ARE FRESH will also obtain the prior express and unambiguous consent to pass on the Visitors' personal data to the legal entities affiliated with WE ARE FRESH.
- 4.8 Recordings (photo and/or video) is for the promotional purpose of WE ARE FRESH events. These will be placed on the Websites and/or Social Media. In addition, the camera surveillance during the WE ARE FRESH events is for Visitors and employees' safety. In the case of calamities, these recordings can be shown to third parties as supporting material.
- 4.9 WE ARE FRESH uses, except insofar as this is necessary for the performance of the Agreement with the Visitor, the Registration Data, Location Data, Commercial Data and/or Surf Data only with the explicit and unambiguous consent of the Visitor and provided that this consent has not been withdrawn via [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl), for the benefit of: (1) being able to offer, deliver and invoice agreed on products, services and/or information on the basis of this data, as well as adapting such products, services and / or information or offers to the needs and wishes of the Visitor, and if the Visitor wishes, to give them the opportunity to exchange information or have it exchanged with others, (2) to be able to make (targeted) offers via advertisement(s), direct mail, email and/or Social Media networks, and to keep the Visitor informed of the latest news and/or updates and/or service announcements, (3) in a technical sense being able to maintain and/or improve the Website(s) and/or Social Media, (4) being able to comply with laws and regulations and to detect fraud, theft or abuse, (5) being able to rent out data in electronic form to carefully selected third parties that can offer products or services, (6) be able to conduct market research, (7) be able to analyze visits, use and purchase of products and services, (8) to determine a future strategy, (9) being able to receive data on purchasing behavior via/from third parties such as *affiliate* marketers, if a purchase elsewhere results from the use of the Website (s) and/or Social Media (including apps), (10) to be able to update the Visitor's personal profile, (11) enable the Visitor to participate in special commercial or promotional campaigns of third parties carefully selected by WE ARE FRESH, (12) building customer profiles and (13) contacting the Visitor, if the Visitor has requested it. If the Visitor makes the purchase elsewhere and provides information to the relevant selling party or intermediary, WE ARE FRESH does not influence what this party or intermediary may do with that

information. Such data processing by this party or intermediary may be subject to its privacy policy and terms. The relevant party or intermediary is independently responsible for the use and provision of data used in this way.

## **Article 5 Social Media**

- 5.1 In the relevant case, a Visitor's Location Data can otherwise be linked to his profile on the selected Social Media via a wristband and/or chip and/or app. Only if the Visitor explicitly agrees to this himself by using this functionality can these Location Data be used via WE ARE FRESH with the relevant Social Media. How which information is made public depends on the privacy settings of the profile of the relevant Visitor.
- 5.2 The relevant Social Media networks are independently responsible for the use and provision of data used in this way. For this use, including cookies that the Social Media networks can place with it, the relevant Social Media networks are responsible, and their privacy statements and conditions apply.

## **Article 6 Cookies and Surf Data**

- 6.1 WE ARE FRESH can collect automatically generated information about the surfing behavior of Visitors. This surfing data includes the IP address and cookies. The servers of WE ARE FRESH also automatically record certain data, such as URL, IP address, browser type and language, and the date and time of the visit to the Website(s) and the Social Media of WE ARE FRESH. These Surf Data can be stored and used by WE ARE FRESH to statistically analyze the visit to and use of its Website(s) and Social Media and optimize the Website(s) and Social Media. Surfing Data is anonymized by WE ARE FRESH (as much as possible).
- 6.2 In order for the Website(s) and Social Media to function properly, WE ARE FRESH is entitled, like most websites, to use cookies with which information can be collected to facilitate navigation in the Website(s) and on Social Media. These cookies are text files stored on the computer of the Visitor of the Website(s) and/or Social Media containing information necessary to make the visit to the Website(s) and/or Social Media as smooth as possible. Such as remembering the Visitor's personal settings, including language settings and preference for mobile or desktop, the contents of a shopping cart and/or remembering that a Visitor is logged in and automatically logging in the Visitor again. These cookies can be turned off via the settings of the web browser.
- 6.3 In addition, WE ARE FRESH uses Google Analytics to gain insight into the use of the Website(s) and/or Social Media. This information (including IP address) is provided to Google solely for the purpose of using the Google statistics program. Google can only provide this information to third parties if it is legally obliged to do so or if this is necessary to be able to offer the service (the statistics program) to WE ARE FRESH. Cookies are also placed via the Website(s) and/or Social Media in the context of Google Analytics. WE ARE FRESH does not have influence on what Google does with the statistical information obtained in this way.
- 6.4 Cookies can also be placed and read by (other) social media networks such as Facebook and Instagram via the Website (s) and/or Social Media. WE ARE FRESH does not have influence on the use by those parties. These social media networks such as Facebook, Instagram, Snapchat and YouTube are responsible for this use of cookies, and their privacy statements and conditions apply.

## **Article 7 Transferring to third parties**

- 7.1 WE ARE FRESH only passes on (personal) data of Visitors to third parties if the Visitor has given explicit and unambiguous permission for this, and this permission has not been withdrawn via [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl).

- 7.2 By agreeing to this Privacy Statement, the Visitor gives WE ARE FRESH expressly, and unambiguously permission to provide his Registration Data, Location Data, Commercial Data and/or Surf Data to third parties carefully selected by WE ARE FRESH, who are directly involved in the Website(s) and/or Social Media and/or Events and only to the extent necessary in connection with the purposes mentioned above, including commercial purposes.
- 7.3 Only if a Visitor has given explicit and unambiguous consent for this and this consent has not been withdrawn via the email address [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl), WE ARE FRESH can use and/or pass on Registration Data, Location Data, Commercial Data and/or Surf Data to third parties it has carefully selected, more in particular for sending information and offers from those third parties about their products and services.
- 7.4 WE ARE FRESH may, without specific permission from a Visitor, provide his/her data in response to legitimate requests from authorities, based on subpoenas or court orders, actions to detect or prevent damage or fraud, theft or abuse, or actions to guarantee the security of WE ARE FRESH's network and services.
- 7.5 Because WE ARE FRESH in its services uses processors, who deliver products or services on behalf of WE ARE FRESH, whereby (unless stated otherwise) personal data of Visitors are used to perform that delivery obligation, WE ARE FRESH can also provide this data to those processors only to the extent necessary for that delivery obligation. If necessary, WE ARE FRESH will, conclude processing agreements with these third parties to protect the personal data of Visitors.
- 7.6 Finally, WE ARE FRESH can share certain anonymized data with third parties, such as the number of Visitors who use certain parts of the Website(s) and/or Social Media and/or have visited certain Events. Those third parties cannot identify the Visitor on the basis of this information.

## **Article 8 Retention period**

WE ARE FRESH does not store personal data longer than necessary for the performance of the agreements with Visitors, such as, for example, in connection with the creation and maintenance of accounts/profiles for the purpose of pre-registration for the purchase of admission tickets for future Events, the purchase of admission tickets and the visit to one or more Events. WE ARE FRESH uses the following retention periods for cookies: Analysis cookies 180 days. Advertising cookies: 365 days and Facebook-Instagram 180 days.

## **Article 9 Inspection and correction**

The Visitor must ensure that WE ARE FRESH always has the correct personal data. The Visitor may request WE ARE FRESH in writing via the email address [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl) for access to, modification and/or removal of his/her (personal) data. In such a case, WE ARE FRESH will request the Visitor to provide proper identification and to make his/her wishes known concretely motivated. Any corrections communicated by the Visitor will be processed upon written request. This Privacy Statement's content does not affect the Visitor's privacy rights in general, including the right to be forgotten, the right to transfer data, and the right to information. The Visitor can submit a motivated objection in the manner described in this article to WE ARE FRESH via the email address [info@absolutelyfresh.nl](mailto:info@absolutelyfresh.nl) and, if desired, submit a complaint to the supervisory authority in the field of privacy.

## **Article 10 Security**

- 10.1 WE ARE FRESH guarantees to handle the personal data with the utmost care and not to use it for any other purposes, not covered by the above-mentioned purposes.

10.2 WE ARE FRESH takes all reasonable measures to ensure that the personal data is protected against theft, misuse and/or data leaks. Only its own employees or employees responsible for the accounts and profiles of Visitors, the Website(s) and/or Social Media (including apps) have, after signing a confidentiality agreement, access to the data and only for use for the above purposes. Where appropriate, additional agreements may be made in processing agreements with third parties to ensure adequate security of the personal data of Visitors.

#### **Article 11 Changing the privacy and cookie policy**

WE ARE FRESH reserves the right to adjust this privacy and cookie policy and therefore advises Visitors to regularly view the current Privacy Statement on the Website (s) and/or Social Media to check whether changes have been made. If those changes are substantial, WE ARE FRESH will notify Visitors, for example, via email or messages.

**This Privacy Statement was last amended and published on March 1, 2021.**