

PRIVACY POLICY

As an e-commerce platform service provider, we consider protection of our users' personal data is crucial.

Here is our Privacy Policy, i.e. the explanation of our practices and commitments in terms of protection of personal data, in compliance with the [General Data Protection Regulation](#) ("GDPR").

As we think clear and transparent information is key, we have included several tables to help you better understand and exercise your rights.

Section 5 especially describes which cookies are used on the app and allows you to manage your preferences in this respect.

This Privacy Policy was last updated on 27/03/2024.

Important: To simplify your reading of this Policy, we are using here certain terms and expressions that are defined in the Terms and Conditions of the App. These terms and expressions start with a capital letter; please refer to article 1 of the T&Cs to find their respective definitions.

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1. Who's the data controller on the Private Gallery app?

The Private Gallery web and mobile app is published and managed by PRIVATE GALLERY GROUP, a SAS (French Simplified Joint Stock Company) established under the laws of France and registered at the Paris Commercial and Companies Registry trade register under no. 895 068 187 (VAT no. FR36895068187), with its head office at 1 Place Paul Verlaine, 92100 Boulogne-Billancourt - France ("PRIVATE GALLERY")

When you browse the App and use its various features, some data may be collected that relates to you. As the publisher of the App, PRIVATE GALLERY is the data controller in relation to the processing of that data, as per the GDPR.

This means that we are your privileged contact for all and any question or concern relating to our collection and processing of your data in the context of the App. You may contact us in this respect using our email address contact@privategallery.fr

Important: Sellers may collect and process various data relating to Users they deal with through the App for their own purposes (such as management of deliveries, billing, processing of claims, etc). For such situations, the respective Seller is the data controller of your data, so that you must contact them to learn more about their own privacy policy.

2. What data is collected, and why?

To simplify your reading, we have distinguished processing of data relating to **Buyers** on the App ([section 2.1](#)) and processing of data relating to **Sellers** ([section 2.2](#)).

Please refer directly to the section that relates to you!

2.1. Buyers

2.1.1. Data collected by our web hosting server

When you connect to the App, certain data are automatically collected by the web hosting server of the App. This data relates to your device (computer, tablet, smartphone) and includes your IP address.

This data is collected so as to allow your device to connect to the web hosting server, and also to detect bugs and attempts of cyber attacks and to get statistics regarding the audience of the App.

Collection and processing of this data is justified by our legitimate interest in making the App accessible in a well-functioning, secure and accurate manner from the various types of devices and web browsers on the market, in compliance with article 6.1.f) of GDPR.

2.1.2. Signing in and paying the Subscription

Creating a User Account in accordance with our T&Cs require that you provide certain information in the dedicated sign in form.

This information is used to create and maintain your User Account in our user database and to allow you to use the various features of the App.

Collection and processing of this data is justified as it is necessary for the performance of an agreement between you and PRIVATE GALLERY, i.e. our T&Cs (article 6.1.b) of GDPR).

Also, when you pay a Subscription, we collect certain data relating to your payment through the dedicated payment module of the app store (in-app purchase), including the IP address of the device used for the payment, the reason for the payment, your user ID, details of the credit card used for the payment and the amount, date and hour of the payment.

This data is necessary to activate your Subscription, to collect the price thereof on a monthly basis and to maintain our bookkeeping records.

Collection and retention of this data is justified both by our T&Cs (article 6.1.b) of GDPR) and legal obligations imposed on PRIVATE GALLERY (article 6.1.c) of GDPR).

2.1.3. Marketplace Service

When you use the payment service module on the App to pay a Sale you have concluded with a Marketplace Seller, the payment service provider will collect, on behalf of PRIVATE GALLERY and the Seller, certain data relating to the payment including the IP address of the device used for the payment, the reason for the payment, your user ID, details of the credit card used for the payment and the amount, date and hour of the payment.

Important: Collection and processing of this data is managed by PRIVATE GALLERY for the benefit of the respective Seller, so as to allow him to receive your payment; however, as the publisher of the App, PRIVATE GALLERY shares a joint responsibility with the Seller in relation to that processing of personal data. Still, PRIVATE GALLERY remains your privileged contact for any question relating to that processing of your data.

Collection and processing of this data are justified as they are necessary to carry out your payment for the benefit of the respective Seller, as contemplated in our T&Cs and for the purpose of the Sale concluded with that Seller (article 6.1.b) of GDPR).

Data relating to payments are also necessary for PRIVATE GALLERY to comply with its obligations under article 242 bis of the French Tax Code and article 23 L sexies of annex IV of this Code (article 6.1.c) of GDPR).

2.1.4. Concierge Service

When you contact PRIVATE GALLERY in the context of the Concierge Service, we collect and process data contained in your request and our written correspondence, so as to answer your request.

If you instruct us to buy a product/service on your behalf, we will also collect payment data through the payment service module on the App, including the IP address of the device used for the payment, the reason for the payment, your user ID, details of the credit card used for the payment and the amount, date and hour of the payment. This data is collected so as to receive funds you entrust us with to buy the requested product/service and our mandate commission.

Collection and processing of this data is justified as it is necessary to provide you with the Concierge Service, in accordance with our T&Cs (article 6.1.b) of GDPR).

Also, we will retain payment receipts in order to maintain our bookkeeping records, as required by our legal bookkeeping obligations (article 6.1.c) of GDPR).

2.1.5. Saving your credit card details for future Sales

You may save credit card details on the App so as to facilitate payments in the context of future Sales. This feature is purely optional.

The resulting retention of your credit card details is therefore based on your consent (article 6.1.a) of GDPR). You may withdraw this consent at any time by cancelling the respective credit card details on the App.

2.1.6. Reporting contents

When you report a content published by a Marketplace Seller through the reporting procedure described in our T&Cs, we will collect your name, surname and email address and the reasons, date and hour of your reporting.

Collection of this data is necessary for us to process your reporting and revert to you, as relevant, to inform you of our decision.

Such collection is justified by our legal obligations as an hosting service provider in relation to contents published by Marketplace Sellers, as per article 6 of the French *Loi n°2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique* (article 6.1.c) GDPR).

2.1.7. Retention of certain data as proof

We may retain all or part of data referred to hereabove for the applicable statute of limitation as a proof to prevent any claim, dispute or control relating to the execution of our legal and contractual duties, and more generally to defend PRIVATE GALLERY's rights and interests.

Such retention is justified by our legitimate interest in defending PRIVATE GALLERY's rights and interests, as necessary before courts and authorities, in compliance with article 6.1.f) of GDPR.

Summary table

Collected data	Purpose (the reason why data is collected)	Justification of processing under GDPR	Maximum retention period of data in an identifying form
Information relating to your device and browsing on the App	Allowing you to connect to the App, detect bugs and attempts of cyber attacks	PRIVATE GALLERY's legitimate interest (article 6.1.f) of GDPR)	Until deletion of your User Account
Data you provide when signing in on the App and in our correspondence relating to your use of the Services (e.g. requests for technical support)	Allowing you to use the App in accordance with our T&Cs	Performance of an agreement between you and PRIVATE GALLERY (article 6.1.b) of GDPR)	Until deletion of your User Account
Data relating to the payment of your Subscription (payment information)	Activating and managing your Subscription and collecting the monthly price through your credit card	Performance of an agreement between you and PRIVATE GALLERY (article 6.1.b) of GDPR)	Credit card details: 15 months starting from the last collection of the price of the Subscription Other data: 10 years
	Managing our bookkeeping records	Compliance with PRIVATE GALLERY's legal obligations (article 6.1.c) of GDPR)	
Data relating to Marketplace Sales (including payment information)	Carrying out your payment to the Seller and managing your Sales history	Performance of an agreement between you and PRIVATE GALLERY and of an agreement between you and a Seller (article 6.1.b) of GDPR)	Credit card details: 15 months starting from the payment Other data: until completion of PRIVATE GALLERY's fiscal declarative obligations
	Executing PRIVATE GALLERY's fiscal declarative obligations	Compliance with PRIVATE GALLERY's legal obligations (article 6.1.c) of GDPR)	
Data relating to acquisitions performed on the User's behalf in the context of the Concierge Service	Answering your request and proceeding with the acquisition on your behalf	Performance of an agreement between you and PRIVATE GALLERY (article 6.1.b) of GDPR)	Credit card details: 15 months starting from the payment Payment receipts and data relating to our mandate commission: 10 years Other data: until completion of the execution of the mandate granted by the User
	Managing our bookkeeping records	Compliance with PRIVATE GALLERY's legal obligations (article 6.1.c) of GDPR)	
Credit card details saved for future Sales	Facilitating payments in the context of future Sales	Your consent (article 6.1.a) of GDPR)	Until withdrawal of your consent

Collected data	Purpose (the reason why data is collected)	Justification of processing under GDPR	Maximum retention period of data in an identifying form
Data contained in content reporting	Process the reporting in accordance with our T&Cs and legal obligations	Compliance with PRIVATE GALLERY's legal obligations (article 6.1.c) of GDPR)	Duration necessary for our review and decision on the reporting
Data relevant as a proof of PRIVATE GALLERY's compliance with its legal and contractual obligations	Allowing PRIVATE GALLERY's to defend its rights and interests, if necessary before a court	PRIVATE GALLERY's legitimate interest (article 6.1.f) of GDPR)	Applicable statute of limitation (in principle 5 years)

2.2. Sellers

2.2.1. Management of business relationships

We collect certain data relating to Sellers whom we work with in the context of our Services (both the Marketplace Service and the Concierge Service), so as to manage our business relationships with these Sellers.

This data includes identification data, financial data and (as applicable) information relating to the Sellers' business and use of the marketplace.

Collection and processing of this data are justified by PRIVATE GALLERY's legitimate interest in providing its services to Sellers and users of the App (article 6.1.f) of GDPR).

2.2.2. Data collected by our web hosting server

When you connect to the App, certain data are automatically collected by the web hosting server of the App. This data relates to your device (computer, tablet, smartphone) and includes your IP address.

This data is collected so as to allow your device to connect to the web hosting server, and also to detect bugs and attempts of cyber-attacks and to get statistics regarding the audience of the App.

Collection and processing of this data is justified by our legitimate interest in making the App accessible in a well-functioning, secure and accurate manner from the various types of devices and web browsers on the market, in compliance with article 6.1.f) of GDPR.

2.2.3. Compliance with PRIVATE GALLERY's legal obligations

We collect and process certain data relating to Sellers' use of the App and payments received by Sellers through our services so as to comply with our bookkeeping and tax obligations and our obligations in relation to moderation of third-party contents on the App.

This data includes identification data (as imposed by tax regulations and our moderation obligations), information relating to contents you publish on your Shop and Listings, and information relating to payments carried out through our services.

Collection and processing of this data are justified by its necessity for PRIVATE GALLERY to comply with its legal and regulatory obligations, as per article 6.1.c) of GDPR.

2.2.4. Retention of certain data as proof

We may retain all or part of data referred to hereabove for the applicable statute of limitation as a proof to prevent any claim, dispute or control relating to the execution of our legal and contractual duties, and more generally to defend PRIVATE GALLERY's rights and interests.

Such retention is justified by our legitimate interest in defending PRIVATE GALLERY's rights and interests, as necessary before courts and authorities, in compliance with article 6.1.f) of GDPR.

Summary table

Collected data	Purpose (the reason why data is collected)	Justification of processing under GDPR	Maximum retention period of data in an identifying form
Identification data, financial data and information relating to Seller's use of our services	Managing our business relationship with Sellers in the context of our services	PRIVATE GALLERY's legitimate interest (article 6.1.f) of GDPR)	Duration of our business relationship with Seller
Information relating to your device and browsing on the App	Allowing you to connect to the App, detect bugs and attempts of cyber attacks	PRIVATE GALLERY's legitimate interest (article 6.1.f) of GDPR)	Until deletion of your User Account
Data relating to contents you publish on the App and payments you receive through our services (identification data and financial data)	Identifying Sellers who publish contents on the App and managing an history of payments carried out through the Services	Compliance with PRIVATE GALLERY's legal obligations (article 6.1.c) of GDPR)	Data relating to contents published on the App: 12 months Data relating to payments: 10 years
Data relevant as a proof of PRIVATE GALLERY's compliance with its legal and contractual obligations	Allowing PRIVATE GALLERY's to defend its rights and interests, if necessary before a court	PRIVATE GALLERY's legitimate interest (article 6.1.f) of GDPR)	Applicable statute of limitation (in principle 5 years)

3. Who may access data? Whom is it shared with?

3.1. Web hosting server and internal recipients

Your data is hosted by a professional, secure web hosting service provider (Google Firebase, a service provided by Google Ireland Ltd), on servers located within the European Union. PRIVATE GALLERY's teams may access it to perform their respective duties, within the limits of these duties.

3.2. Sellers and users of the App

Sellers (both in the Marketplace Service and in the Concierge Service) and, as accessible, their own subcontractors, service providers and processors, may receive data relating to buyers in the context of negotiating, organizing, paying and executing Sales.

Conversely, information published by Sellers on the App may be consulted by any user of the App.

3.3. PRIVATE GALLERY's service providers and subcontractors

Certain data may also be consulted or hosted by the following persons and entities:

- Third party service providers who assist PRIVATE GALLERY in the maintenance and evolution of the App;
- App stores from which you have downloaded the mobile version of the App, as for the payment of the Subscription (which is performed as an in-app purchase);
- The provider of the payment service module used on the App (Stripe), as for payments relating to Sales;
- Legal counsels, accountants and banks whose services are used by PRIVATE GALLERY in the context of its activities.

These service providers are all located within the European Economic Area.

Occasionally, app stores and the provider of the payment service module used on the App may transfer certain data to countries outside of the European Economic Area; in such cases, additional guarantees are applied to secure protection of your data, such as contractual clauses validated by competent authorities.

3.4. Authorities, jurisdictions and parties to a dispute

Occasionally, we may be required to share all or part of the data above with authorities and jurisdictions which are competent to require communication of this data, and with the

authorities, jurisdictions and parties (and their counsels) to the disputes and proceedings we may intervene in for the defence of our rights and interests.

We are especially obliged to provide certain data relating to Sales to the French tax administration, as per our declarative obligations under article 242 bis of the French Tax Code and article 23 L sexies of annex IV of this Code.

3.5. Mergers and acquisitions

In case of a merger or acquisition involving our company or any equivalent operation, we may need to transfer your data to the respective buyer or seller. In such a case we will inform you of the identity thereof and the reasons for the transfer.

4. What are data subjects' rights on their data?

You have a certain number of rights determined by applicable laws and regulations. You will find details for each of those rights below. A summary table is provided at the end of this section.

You may exercise those rights by writing an email to PRIVATE GALLERY at contact@privategallery.fr. Please make sure you mention clearly the nature of the right you wish to exercise and the reasons which justify your request, as applicable.

4.1. Right of access

You have the right to request a copy of all personal data we have that relates to you, in a legible, understandable format, and a copy of this Privacy Policy.

4.2. Right to rectification

You have the right to ask us to rectify, complete or update personal data we have that relates to you, in case it appears inaccurate, incomplete or obsolete.

In such case, please make sure you provide us spontaneously, as possible, with all information necessary to proceed with the requested rectification, completion or update.

4.3. Right to withdraw consent

You have a right to withdraw your consent at any time, where such consent is the justification of the processing of your data ([see the summary tables under section 2](#)).

Withdrawing your consent to a processing will result in PRIVATE GALLERY ceasing to process your data with the respective purpose, but it will not necessarily result in the deletion of that data. To obtain such deletion of your data, you must exercise your right to

erasure (see below), which also comes with a series of conditions and limitations relating, for instance, to PRIVATE GALLERY's right to retain data to defend its rights and interests against claims and disputes.

4.4. Right to object

You have a right to object to those processing activities above that are based on PRIVATE GALLERY's legitimate interests (see the summary tables under [section 2](#)) on grounds relating to your particular situation.

In other words, you may ask PRIVATE GALLERY to stop processing your personal for a given purpose that is based on a PRIVATE GALLERY's legitimate interest, by explaining the particular reasons that justify this objection.

It is possible however that we refuse to comply with your request if the processing of your data is still necessary, according to us, for compelling reasons that override the grounds relating to your particular situation (e.g. use of said data as proof in an actual dispute).

If it is grounded and no compelling reason goes against it, your objection will result in us ceasing the respective processing activities, but not necessarily deleting the data; to obtain deletion of your data, you must exercise your right to erasure (see below), which also comes with a series of conditions and limitations.

4.5. Right to erasure

You may ask us to delete all or part of the data we have that relates to you, where one at least of the conditions below is met:

- You have withdrawn your consent to the processing as per [point 4.3](#) above and you wish that PRIVATE GALLERY delete the respective data.
- You objected to the processing of your data as per [point 4.4](#) above and you wish that PRIVATE GALLERY delete the respective data.
- It is not necessary anymore for PRIVATE GALLERY to retain the respective data for the purposes described in this Privacy Policy.
- You consider that PRIVATE GALLERY collected and/or processed the data in an unlawful manner.
- Deletion of the data is imposed as a legal obligation.
- The respective data was collected when you were less than 15 years old.

Please be aware that PRIVATE GALLERY may refuse to delete certain data where it is required to retain it for important reasons such as defending PRIVATE GALLERY's interests before a court.

Also, please note that we may choose to anonymize the data instead of deleting it. In this case, we will be able to retain the data in a format that does not allow to identify you anymore (for instance for statistical purposes).

4.6. Right to restriction of processing

You may ask us to limit the processing of your data, i.e. to retain it without using it (except for legal obligations). You may especially ask this instead of asking for deletion of that data.

You may exercise this right where one at least of the following conditions is met:

- The respective data appears inaccurate and you prefer that we stop using it for the time necessary to verify and rectify it as applicable.
- You objected to the processing of your data as per [point 4.4](#) above, and you wish that we stop using it for the time necessary to verify the grounds for that objection.
- You consider that PRIVATE GALLERY collected and/or processed your data in an unlawful manner, but still you prefer that we retain that data instead of deleting it.
- It is not necessary anymore for PRIVATE GALLERY to retain the respective data for the purposes described in this Privacy Policy, but still you wish that we retain that data for you to be able to use it before a court.

In such a case, we will stop using the respective data and will retain it for the appropriate duration.

4.7. Right to data portability

You may ask us to give you a machine-readable copy of personal data you uploaded on the App, so that you may reuse that data yourself or with another service provider.

This right to data portability is not the same as the right of access above, as it is about obtaining not a legible copy of the data, but a machine-readable copy that may be reused by you or another service provider.

4.8. Right to provide directives as to the use of data after data subject's death

You may provide us with directives as to how you want PRIVATE GALLERY to proceed with your data after your death.

For instance, you may ask that we delete all of your personal data (except as needed for PRIVATE GALLERY to defend its rights before a court) or to transfer it to a recipient of your choice.

You may also designate any person of your choice to control our respect of those “last wishes”. That person does not need to be your heir or your testamentary executor.

Summary table

Your rights	What they are about	What data/processing they apply to	Conditions, exceptions and limitations
Right of access	A legible and understandable copy of all personal data we have that relates to you, and a copy of this Privacy Policy	All personal data	None
Right to rectification	Rectification, update or completion of the personal data we have that relates to you	All personal data	Clearly identify data which needs rectification, update or completion and provide the appropriate additional/new data
Right to withdraw consent	To stop the processing of your personal data	Processing based on your consent (see summary tables under section 2)	None
Right to object	To stop the processing of your personal data	Processing based on PRIVATE GALLERY’s legitimate interest (see summary tables under section 2)	Clearly state the grounds relating to your particular situation which justify the objection
Right to erasure	Erasure or complete anonymization of your personal data	All personal data	See conditions above (point 4.5)
Right to restriction of processing	Retention of your personal data by PRIVATE GALLERY without using it	All personal data	See conditions above (point 4.6)
Right to data portability	A reusable, machine-readable copy of your personal data	Data you uploaded on the App	As applicable, clearly state the identity and contact details of the person or organization to which you wish your data be transferred
Right to provide directives regarding your personal data after your death	Respect of your “last wishes” regarding the retention, use, transfer or deletion of your personal data	All personal data	Clearly state the identity and contact details of the persons who will control the respect of your directives after your death

You consider that we did not provide a satisfactory answer to your request or that we process your personal data in an unlawful manner?

We invite you to first contact us so that we discuss the issue together and try to find a way to solve it efficiently.

If you wish, you have the right to lodge a complaint with the competent data protection supervisory authority, such as the French *Commission Nationale de l'Informatique et des Libertés* (CNIL), through its website cnil.fr or by postal mail at CNIL – 3, place de Fontenoy – TSA 80715 – 75334 PARIS CEDEX 07 (FRANCE).

This right to lodge a complaint may be exercised at any time and free of charge, except for (as applicable) postal fees and legal counsel fees (if you choose to get assistance from a legal counsel).

5. Does the Private Gallery app use cookies or other similar technologies?

When you browse the App (whether on its web or mobile version), some cookies may be stored on your device (i.e. computer, tablet or smartphone).

Cookies, in an extended meaning, refer to technologies consisting in storing and/or reading information on your device; they may be used for various reasons, which are described below.

Name of cookie	Purpose (the reason why the cookie is used)	Name of the entity which stores the cookie on your device	Cookie lifetime (the period during which the cookie remains on your device before being automatically erased)
Cookie strictly necessary	These cookies are essential to enable you to browse the Application and use its features. Without these cookies, the services you request, such as remembering your login information or the products in your shopping cart, could not be provided. These cookies will inform us, based on your behavior as a user of the Application, whether we can do business with you, in order to protect Private Gallery and its customers from any fraudulent activity.	Google Firebase	Until deletion of your User Account

Certain cookies are necessary to the well-functioning of the App and/or the provision of Services thereon; storing and reading of such cookies on your device therefore cannot be avoided.