

Privacy Statement - Friends

Mila AG, Gutenbergstrasse 1, CH-8002 Zürich, Switzerland (“**we**” or “**Mila**”) is the controller of the personal data of the users (“**you**”) of the website and service referral platform <https://www.mila.com>. You can contact us by writing to us at the address above or by email at info@mila.com or privacy@mila.com.

Where in the interest of simplicity this Privacy Statement uses the term “website”, this also refers to the data processing undertaken in connection with your use of the Mila app, the Mila Facebook account or comparable Mila social media accounts.

We collect, process and use your personal data in accordance with this Privacy Statement and applicable data protection law (in particular, the General Data Protection Regulation and the Data Protection Act 2018, as amended from time to time).

In this Privacy Statement we inform you which of your personal data we collect, process and use. Please note that we regularly update this Privacy Statement, in particular whenever there is a change to applicable legal provisions. Therefore, please regularly check back on this site regarding any changes.

Please note that any agreements that may have been concluded between you and us may in certain circumstances contain more detailed information on data protection, which – in the event of any conflicts – will prevail over this more general information.

Please also see Parts A and C of our privacy statement for Pros and Customers (INSERT HYPER LINK) for information about how we process your personal data when you access our website.

A. Data processing when you use our services

1. Registration as a “Friend”

If you wish to offer services on our website as a Friend, you are required to register for this purpose. For this we collect and process the following personal data provided by and relating to you:

- data you have provided, such as your name, contact details, date of birth, photo, ID document data, services offered, special skills, bank account details, race or ethnicity data such as information contained in your passport or other citizenship and right to work documentation, and information which you have voluntarily provided to us, and your criminal record,
- the knowledge and skills demonstrated by the documents provided by you, such as trade licences, vocational training certificates, etc. or any qualification test you have passed in connection with this,
- data about the services you provide such as the customer, service performed, price, amounts of commission paid and outstanding, place, time and duration of service, compliance with customer requests regarding date and time of service (including via Geo-Tracking as described at Section 2 below)
- the ratings customers have subsequently given for services performed by you

We use this data:

- to provide our services to you including for referrals and awards of future contracts
- to administer service contracts with customers which includes passing the data on to customers in connection with an engagement under which you provide us services
- to publish customers' ratings (both positive and negative) for the services you have provided on the Mila platform as part of your Friend profile, which includes your photo and name
- with your consent, to send you marketing from Mila (see further our privacy statement for Pros and Customers (INSERT HYPER LINK))

2. Geo-Tracking

As a special service for customers, Mila offers customers the option of seeing the current location of the “Friend” in question on a virtual map starting 30 minutes prior to the commencement of the provision of the services as agreed with the “Friend” in order to be able to check when the “Friend” is likely to arrive (“Geo-Tracking”). Mila will also use this feature to verify whether the “Friend” meets the times for arriving agreed with the customer. Mila could intervene in these situations and assist in the provision of the service.

This Geo-Tracking is only activated when the applicable “Friend” activates it on his/her mobile device for the specific job after receipt of a push message from us. By activating Geo-Tracking, the “Friend” is deemed to expressly consent to this processing of his/her location data. In addition, Geo-Tracking enables us to monitor the amount of time you spend working, which is necessary in order to comply with our legal obligations towards you.

This feature is automatically deactivated as soon as the “Friend” marks the specific job as closed in the Mila app on his/her mobile device.

To provide this service, Mila works with the geo-tracking company Arrivy (Arrivy Inc., 16357 118th Ln Ne, Bothell, Washington 98011, USA) as the processor. Location-specific data are transmitted to this processor for this purpose. To ensure protection of the transferred data, Mila has concluded a data processor agreement in the form of the “Standard Contract Clauses” recommended by the European Commission. You may find further information on Arrivy, its terms and this data processing at the following link: <https://arrivy.com/terms>.

3. Your rights of access, rectification, blocking and erasure, withdrawal of consent and contact address

You have the right:

- (i) to learn from us whether we have stored personal data concerning you, and which data is being stored, and to receive copies of this data. For your privacy and security, we may require you to prove your identity before providing the requested information
- (ii) to request that we rectify your personal data where this is incorrect or incomplete
- (iii) to request that we erase your personal data, except that we are not obligated to do so if we need to retain it in order to comply with a legal obligation or to establish, exercise or defend legal claims
- (iii) to request that we restrict the processing of your personal data where you believe such data to be inaccurate, that our processing is unlawful or that we no longer need to process such data for a particular purpose, including where we are not able to delete the data due to a legal or other obligation or because you do not want us to delete it
- (iv) to receive your data in a structured, commonly used and machine-readable format or to transfer it to a third party (known as "data portability") where this is (a) personal data which you have provided to us, and (b) if we are processing that data on the basis of your consent [(such as for marketing)] or to perform a contract with you (such as to provide our services)
- (v) where we are processing your personal data based on our legitimate interest, to object to its processing. We will abide by your request unless we have compelling legitimate grounds for the processing which override your interests and rights, or if we need to continue to process the data to establish, exercise or defend a legal claim, unless you object to your data being used for marketing in which case we will always abide by your request
- (vi) where you have consented to the processing of your personal data [(such as for marketing)], to withdraw consent at any time

If you wish to exercise one or more of these rights, please contact us by email at privacy@mila.com or by post at Mila Ltd., Gutenbergstrasse 1, 8002 Zürich, Switzerland. Please include your name, email and postal address, as well as your specific request and any other information we may need in order to respond to or otherwise process your request.

In addition, you have the right to lodge a complaint with the local data protection authority if you believe that we have not complied with applicable data protection laws. If you are based in, or the issue relates to, the UK, the Information Commissioner's Office can be contacted by telephone on 0303 123 1113, by email at casework@ico.org.uk, online at www.ico.org.uk/concerns/ or by post to Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

4. Purposes and legal bases for data processing

We process your personal data solely for the following purposes:

Analysis of the use of our website and to improve and ensure its performance and ensure it is safe and secure
 Entering into and administering contracts with you for receiving of providing services, including obtaining payment from customers and making payments to Friends
 To set up and manage your account and/or profile on our website
 Providing the Geo-Tracking service to customers

Sending our newsletter and other marketing materials
 Enforcement of or defence against legal claims

Compliance with record-keeping, information and reporting obligations, to the extent required by law

Criminal records checks for the [purpose of safeguarding our customers]

Right to work checks or visa and immigration checks may involve us using race or ethnicity data such as information contained in your passport or other citizenship and right to work documentation or information collected for visa and immigration purposes.

Insurance compensation, workplace safety, compliance with legal obligations (such as reporting obligations) may require health and medical data such as information on work-related accidents and information on disability

The processing of your personal data relies on the following legal bases:

Our legitimate interest in ensuring and improving the performance of our website and protecting it against illegal or fraudulent activity such as cyber attacks
 This data processing is necessary to enable us to perform our contract with you. If you do not provide the relevant information to us, we may not be able to provide you with our services

The consent of the Friend
 Our legitimate interest in monitoring the provision of the services to customers and ensuring a consistent service level, and allowing customers to better organise their time while waiting for you and benefit from added certainty and security in knowing when the services will take place

Our legitimate interest in informing you about our products and campaigns
 Our legitimate interest in enforcing any legal claims that might arise in connection with our website and defending ourselves against any such legal claims

This data processing is necessary to enable us to comply with our legal obligations, specifically recording, information and reporting obligations

Your explicit consent as allowed by local data protection law

Necessary for reasons of substantial public interest as permitted by local data protection law

Necessary for reasons of substantial public interest as permitted by local data protection law

Necessary to carry out the obligations and to exercise specific rights of Mila or you in the field of employment and social security and social protection law as permitted by local data protection law

5. Third party recipients

In addition to the specific service providers already described earlier in this Privacy Statement, we may share your personal data with the following third party organisations:

- Our payment service provider: For processing payments, Mila works with the licensed payment service provider Adyen (Adyen B.V. Simon Carmiggeltstraat 6-50, 1011 DJ Amsterdam, Netherlands). In order to secure the payment, Adyen requires personal data from “Friends” for verification purposes. For this purpose, Mila forwards the name, ID data, bank account etc. to Adyen (for details, see <https://docs.adyen.com/developers/marketpay/kyc-verification/verification-checks>). You can find further information on data protection at Adyen in Adyen’s Privacy Policy https://www.adyen.com/de_DE/richtlinien-und-haftungsausschluss/privacy-policy. To ensure Adyen’s compliance with data protection rules, Mila has entered into a data processor agreement with Adyen that complies with applicable law.
- External auditors.
- Third parties required or permitted by law: In certain circumstances, we may be required to disclose or share your personal data in order to comply with a legal or regulatory obligation. For example, we may be required to disclose personal data to the police, regulators, government agencies or to judicial or administrative authorities.
- Third parties connected with business transfers: We may transfer your personal data to third parties in connection with a reorganisation, restructuring, merger, acquisition or transfer of assets, provided that the receiving party agrees to treat your personal data in a manner consistent with this Privacy Statement.

6. International transfers and data security

Within Mila, we store all of the data that you send to us on systems within the EU, the European Economic Area or Switzerland. Depending on what third party service provider is providing our web analysis tools (e.g., Arrivy), the servers may be located in the United States. For details of the measures in place to protect the data when it is transferred to those providers, please see the relevant sections of this Privacy Statement.

We secure our systems through corresponding and appropriate technical and organisational measures including against misuse of your personal data by unauthorised third parties.

7. Storage and retention of your data

We will only store your personal data for as long as we reasonably deem necessary in order to achieve the purposes referred to above and to the extent permitted by applicable law. We will store your personal data for as long as legal retention obligations apply or where the statute of limitations for potential legal claims has not yet expired. We will retain your data for longer periods than the prescribed erasure period if and to the extent that we require it to enforce or defend against specific legal claims.