

Arbelle

Artificial Intelligence, Privacy and Data Processing Disclosure

This Privacy Disclosure is addressed to Customers of Arbelle and describes how Visage Technologies d.o.o. processes personal data in its capacity as Data Processor.

It forms part of the Data Processing Agreement between Visage and the Customer.

Customers who make this document available to End-users should supplement it with their own privacy notice describing their processing activities as Data Controller, including the legal basis for processing and any further use of data collected through Arbelle.

1 Intended Use of Arbelle

- 1.1 Arbelle is an AI system that serves solely as a sales assistance tool to aid in Customer's End-user's decision-making process.
- 1.2 Arbelle is Visage's AI-based software feature that enables End-users to visualize cosmetic products and receive assistive product suggestions based on user-provided visual input (e.g. facial images) and interaction data. Arbelle is powered by Visage's proprietary face-tracking technology.
- 1.3 Arbelle is intended to support product exploration and assist End-users in the product selection process. It provides simulated visualizations and non-deterministic outputs that are indicative only and may not reflect real-world results.
- 1.4 Arbelle is an assistive tool and does not replace human judgment. It does not provide personalized, definitive, or binding recommendations and must not be used as the sole or decisive factor in any decision affecting End-users. The End-user remains solely responsible for any purchasing decision.
- 1.5 Arbelle is not designed or intended to infer End-user's health or medical conditions End-users might have, for example, allergies.
- 1.6 Any visualizations or recommendations generated by Arbelle are non-binding. They intend to assist and suggest possibilities based on the inputs provided by the End-user.
- 1.7 While Visage strives to ensure the accuracy, inclusiveness, and quality of Arbelle, the results may vary and may not always be an exact representation of the final product, for reasons such as unpredictability of customer behavior.
- 1.8 Factors such as lighting, screen resolution, and individual differences can affect visual output. End-users should be advised to use their discretion when making purchasing decisions. Arbelle is only one of many factors to consider.
- 1.9 Arbelle is intended to process Data of End-users that are 16 years of age or older. The Customer is responsible for ensuring that Arbelle is not made available to End-users under the age of 16, or that appropriate consent has been obtained in accordance with applicable law.

- 1.10 Visage and Third-Party Licensors disclaim any liability for decisions made based on the use of Arbelles.
- 1.11 The use of Arbelles is dependent on the processing of End-user Data. This can involve the processing of End-user's Personal Data.
- 1.12 The intended purpose of Arbelles is not to identify End-users but to provide them with outputs and benefits described in this section.

2 Profiling of End-users and Automated Decision-Making

- 2.1 Data Processor does not make continuous profiles of individuals for Customers:
 - 2.1.1 during the Session, Arbelles provides dynamic output based on immediate context i.e. on immediate conclusions drawn from the Data, and not from a formed profile of an identified End-user.
 - 2.1.2 After the End-user's Session ends, Data Processor processes only statistical overview of user behavior.
- 2.2 Arbelles's performance is not intended to constitute automated decision-making, as it is defined under Applicable Laws:
 - 2.2.1 Automated decision-making refers to decisions made 'based solely' on automated processing with no human involvement in the decision process. In the case of Arbelles, the End-user's decision is final, and Arbelles's recommendation or other output is only a factor in making the final decision.

3 Data Processed by Data Processor

- 3.1 When an End-user uses Arbelles, Data Processor processes the following Data:
 - 3.1.1 **Facial Landmarks During the Session.** Widget processes facial landmarks of the End-user on the End-user's device solely to enable the services (e.g. virtual try on, shade finder, makeup recommendation) and to derive the generalized facial feature outputs described in this Privacy Disclosure. The facial landmarks are processed temporarily on End-user's device, and don't form a biometric template that is capable of uniquely identifying a natural person, is not stored, and it is not transmitted to any server or third party. Facial landmarks are automatically cleared from the device upon termination of the Session.
 - 3.1.2 **Facial image is the End user's Personal data.** Processing of facial images is temporary, minimal, and specific to the functioning of Arbelles because it occurs locally on the End-user's device. Data Processor doesn't store, share, or use facial image for further processing beyond the immediate purpose, keeping the extent of processing narrowly focused on the task at hand. It does not result from specific technical processing that allows or confirms the unique identification of a natural person.
 - 3.1.3 Upon Session termination, the facial landmarks are cleared from the device and no data capable of identifying the End-user is retained by Data Processor. The generalized feature outputs [skin tone value, face shape category etc.] cannot, without additional identifiers, be linked to any individual.
 - (i) **Data Processor does not perform biometric identification**, i.e. it does not process Personal data to uniquely identify a person.
 - (ii) To be able to provide its output, Arbelles needs access to the camera on End-user's device.

- (iii) Arbelle will analyze End-user's facial image, apply virtual makeup on their face and provide recommendations based on the result of the analysis combined with aggregated anonymized Data. The following features of a facial image are analyzed:
 - Estimated MONK skin tone (explained in below) and RGB HEX value,
 - Estimated generalized face shape,
 - Estimated generalized eye shape,
 - Estimated generalized lip shape,
 - Estimated generalized brow shape.

3.1.4 **Estimated MONK skin tone, a value between 1 and 10.0.**

- (i) MONK skin tone can be Personal data only if it is further supported by additional Data that serve as identifiers, for example, photo and name - which Data Processor doesn't store. But when the identifiers are removed, they cannot be traced back to End-user because the MONK skin tone is not a unique biometric data that can identify a person. After the identifiers are removed, it's just Data (anonymous).
- (ii) The MST (Monk Skin Tone) scale was developed by Dr. Ellis Monk, a Harvard professor. It is an alternative scale that is more inclusive than the current industry standard in terms of different skin tones. The MST scale represents a broader spectrum of skin tones that can be used to assess datasets and models for better representation. Previous skin tone scales did not encompass the full spectrum of tones encountered in practice, thereby leaving many users without cosmetic recommendations because their skin tone did not match the standardized ones. However, the expanded spectrum of the MST scale allows for a greater number of users to be represented.

3.1.5 **The RGB/HEX shade is a numerical representation of color expressed through the RGB model (Red, Green, Blue) or its hexadecimal notation (HEX), which describes the visual value of a color in a digital environment. Such notation represents exclusively a technical specification of color (e.g., a combination of red, green, and blue intensity values) and does not contain any semantic, biological, or identifying information about an individual. In the context of data processing, RGB/HEX shades are used for the quantitative description of visual characteristics (such as skin tone), without establishing or inferring conclusions about a person's race, ethnicity, or any other personal characteristic.**

- (i) **The MONK skin tone scale and the RGB/HEX shade** describe exclusively a physical characteristic, namely skin pigmentation, and in and of themselves do not constitute and neither are they processed as data relating to racial or ethnic origin. They are not processed by Data Processor for the purposes of identification, profiling, or revealing race, ethnicity, or any other sensitive personal characteristic. Its sole function in this context is to enable the technical functionality of the software.

3.1.6 **Cookie and UserID.** When a Session is initiated, Data Processor's backend generates a randomly generated UserID and links it to that Session. This UserID contains no data that directly identifies the End-user and is required for the performance of Arbelle, including the delivery of Session data as described in 3.1.8. The UserID is stored on Data Processor's backend systems as an anonymous data point and cannot on its own be linked to any individual.

- (i) The Customer may choose to enable Cookie-based tracking.
- (ii) If enabled, a Cookie containing the same UserID is stored on the End-user's device. The combination of the Cookie on the End-user's device and the UserID on Data Processor's backend allows Arbelle to recognise that the same browser instance has previously accessed the widget on the same domain. If the Customer does not enable Cookie-based

tracking, no Cookie is set and the UserID remains an anonymous data point for Data Processor.

- (iii) The Cookie is domain-specific and browser-specific. It does not track the End-user across different domains or different browsers.
- (iv) The Cookie has an expiry period of 365 days from the End-user's last visit. Each time the End-user returns and the Cookie is recognized, the expiry period resets for a further 365 days. If the End-user does not return within 365 days, the Cookie expires, the backend UserID can no longer be linked to any individual and becomes anonymous for Data Processor. The End-user may delete the Cookie at any time through their browser settings, upon which any subsequent visit will be treated as a new user.
- (v) Processing the UserID for behavioral analytics via Cookie requires the End-user's consent. The Customer is responsible for obtaining and managing that consent, including providing the End-user with the ability to withdraw consent at any time.
- (vi) Data Processor does not have access to information that would allow it to link UserID to an identified individual. Any further processing of the UserID by the Customer, including combining it with other data held by the Customer for the purpose of profiling or identifying End-users, constitutes further processing for which the Customer is solely responsible as Data Controller.
- (vii) Where Cookie-based tracking is not enabled by the Customer, Data Processor has no means of linking the Session ID to any individual and processes it as anonymous data.

3.1.7 **Session ID**

- (i) When an End-user activates the Arbelle widget, the Arbelle CMS generates a randomly assigned Session ID upon request. The Session ID is stored exclusively on the Arbelle CMS backend and is not stored on the End-user's device. It is retained indefinitely on the backend for the purpose of grouping interactions recorded during a Session, including behavioural data.
- (ii) The Session ID does not on its own identify an End-user. Where Cookie-based User ID tracking is enabled by the Customer, the backend holds a record linking the Session ID to the applicable User ID, which may constitute personal data to the extent the User ID is personal data in the circumstances described above. Where Cookie-based tracking is not enabled, or if this Cookie is later disabled, the Session ID is a permanently anonymous data point.

3.1.8 **IP Address.** The IP address of End-user's device is automatically collected by Arbelle when End-user opens it. This is an unavoidable consequence of using website widgets, and this is needed for Arbelle to be able to work and provide outputs. It is required for HTTP requests that get information from the backend.

- (i) IP addresses may constitute Personal Data under applicable law. Data Processor processes IP addresses solely to enable HTTP communication between the End-user's device and the backend and does not use them for identification or tracking purposes.
- (ii) The IP address is not stored after the Session is over.

3.1.9 **Timestamp of launching a product.** The timestamp is a log entry recording when a new user launches the product. The licensing server called VTLS is hosted in the EU. It is needed to count users on which pricing is based.

- (i) This can be End-user's Personal data only if it is further supported by additional Data that serve as identifiers, which Data Processor doesn't store or process. After the identifiers are removed, it's just Data (anonymous).

3.1.10 Personal Data related to a Session with Arbelle

- (i) The following interaction data is collected during a Session and linked to the User ID. This data constitutes Personal Data only where Cookie-based tracking has been enabled by the Customer, allowing the User ID to be associated with a returning browser instance. Where Cookie-based tracking is not enabled, the User ID is anonymous and the data below is processed as anonymous statistical data:
- Start time of the Session,
 - Time of each access within the same Session,
 - End time of the Session,
 - Device type used in Session (e.g. iPhone),
 - Browser type used in the Session (e.g. Mozilla Firefox),
 - Country of origin of the Session,
 - Behavior – use of Arbelle during the Session (activation of product category, activated products, activation of usage patterns, activation of color combinations, duration of use, if “More details/Buy” was selected for a product, activation of “Start” button, products recommended).

4 Where Data Processor may act as an independent Data Controller

- 4.1 In certain limited circumstances, Data Processor may process Personal Data for its own purposes and acts as an independent Data Controller. These cases are strictly limited to the following:
- 4.1.1 **Inquiries and complaints.** If a Customer contacts Data Processor directly with an inquiry or complaint, Data Processor will process the Personal Data provided (such as name, surname, and email address) solely for the purpose of responding to and resolving that inquiry or complaint. Data Processor acts as Data Controller in respect of this processing. The legal basis is Data Processor's legitimate interest in managing its business relationships and resolving disputes.
- 4.1.2 **If an End-user contacts Data Processor directly,** Data Processor will refer the End-user to the relevant Customer as Data Controller. Data Processor will not independently respond to or process End-user requests relating to their Personal Data, except where required to do so by applicable law or by the Data Processing Agreement concluded with the Customer.
- 4.1.3 **Legal obligations.** Data Processor may process Personal Data where necessary to comply with applicable legal obligations, including obligations arising under criminal law, tax law, or in the context of proceedings initiated by a competent court or administrative authority.
- 4.1.4 **Legal claims.** Data Processor may process Personal Data where necessary to establish, exercise, or defend legal claims.
- 4.1.5 **Fraud prevention and security.** Data Processor may process Personal Data where necessary to prevent or detect fraud or other unlawful acts directed against Data Processor, its clients, or third parties, and to ensure the functioning and security of Arbelle.
- 4.2 In all other cases, Data Processor processes Personal Data exclusively on the instructions of the Customer acting as Data Controller, and in accordance with the Data Processing Agreement concluded between the parties.

5 Providing Customer Reports

- 5.1 As a part of the service/contract, Arbelle offers certain insights into user behavior through reporting features.
- 5.2 These reports are generated based on anonymized Data, ensuring that individual user actions remain fully anonymous and cannot be traced back to any specific End-user.
- 5.3 The Data from this section are part of Arbelle, property Visage Technologies Sweden, and can be utilized only under the Terms of Use.

6 Definitions

Applicable laws	means: <ul style="list-style-type: none"> - EU General Data Protection Regulation 2016/679 (GDPR); - Law on Implementation of General Data Protection Regulation (Official Gazette No. 42/18) - Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of Personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) - Electronic Communications Act (Official Gazette No. 76/22) - their subsequent amendments, and other relevant laws of Croatia and the EU.
Customer	is a person who has licensed Arbelle from Visage Technologies Sweden and who is the user of Arbelle based on applicable terms of use.
Data Controller	is defined under Article 4 (7) of the GDPR, and in a nutshell means a person that determines the purposes and means of the processing of Personal data.
Data subject	is defined under Article 4 (1) of the GDPR, and means an identified or identifiable natural person.
Data Processor	means Visage Technologies Croatia: Visage Technologies d.o.o., having its seat in Zagreb, Ulica Ivana Lučića 2a, Croatia, personal identification number (OIB): 11883765066, VAT number: HR11883765066
Personal data	is defined under Article 4 (1) of the GDPR, and means any Data relating to the data subject, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Data	means any information that is collected, stored, and processed for various purposes. Data can, but does not have to be Personal Data.

End-user		is a person who is a visitor of our Customer's web domain, and is interacting with the Arbelle application. End-user is our Customer's customer and not our customer or a customer of Visage Technologies Sweden.
Session		means a single, continuous interaction between an End-user and Arbelle, initiated when the End-user activates the widget and terminated upon closure of the widget, expiry of inactivity timeout, or closure of the browser tab or window, whichever occurs first.
Visage Sweden	Technologies	is our parent company that is the formal owner of and holder of intellectual property titles over Arbelle. The full name is Visage Technologies AB, Linköping, Sweden, VAT number: SE556628691901, Org.no. 556628-6919.