

## Overview of this Privacy Policy and Merlin's Privacy Commitments

At Merlin ("we", "us", "our"), we regularly collect and use personal data from customers who visit our attractions and hotels or browse our websites. Personal data is all information that can be used to identify you as an individual. The protection of your personal data is very important to us because we are aware of our responsibility to handle your personal data with care, to protect it and to comply with applicable legal requirements.

The purpose of this Privacy Policy ("**Policy**") is to provide a clear, understandable explanation of when, why, and how we collect and use personal information. We've made them as user-friendly as possible and added headings to each section to make it easier for you to find exactly the information that is relevant to you.

Please read this policy carefully. It contains important information about how we use your personal data and explains your legal rights. This Policy is not intended to override the terms of any existing contracts with us (e.g., Wi-Fi policies or annual pass terms and conditions) or any rights you may have under applicable data protection laws.

We will make changes to this policy from time to time to adapt it to changes in the law or our business policies. We will ensure that you are informed of any relevant changes by sending you an email to the email address you last provided to us or by posting a notice on all affected websites so that you are aware of the impact on the processing of the data before you continue to use our services. We encourage you to review this policy regularly so that you are always aware of what information we collect, how we use it, and who we share it with.

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### 1. WHO is responsible for the processing of your personal data?

Merlin Entertainments Limited ("Merlin") is an entertainment company headquartered in the United Kingdom, whose address is Link House, 25 West Street, Poole, BH15 1LD and which operates over 100 attractions and 20 hotels and holiday villages in 25 countries. Our business model is to provide our visitors with unique, memorable and exciting experiences. A list of our attractions and a list of companies belonging to the Merlin Group is available at (["Merlin Group"](#)).

The Merlin Group company that was originally responsible for collecting information about you is the data controller. Other Merlin Group companies may also be data controllers to the extent that they control the processing of such personal data. There is a single point of contact for all data controllers within the Merlin Group, whose contact details are set out in section 11.

### 2. WHAT personal data do we collect?

We collect the following information **from prospective, past, and current customers, as well as visitors to our attractions** ("Customers"):

- ★ Information you provide by filling in forms on our site. This includes information provided when you register on our site, subscribe to our services, send you materials or request additional services. We also ask for information if you want to report a problem with our website.
- ★ If you contact us about a problem or concern, we will record the content of the respective contact in order to be able to respond appropriately.
- ★ Information you provide in a voluntary survey regarding services received or your experience of visiting an attraction.
- ★ Information about transactions you carry out through our website or about the making of bookings, including credit or debit card details.
- ★ Information about visits to our website, including, but not limited to, traffic data, location data, weblogs and other communication data, whether necessary for the purpose of payment processing or obtained through the use of other functions.
- ★ Your name, address, telephone number and email address to send you booking confirmations or, if necessary, to let us know that we need to contact you urgently about your booking.

This includes collecting **Contact details** such as name, address, date of birth, telephone number and e-mail address, **Business** such as your shopping and visit history, your **Marketing preferences** including interests, marketing lists, permissions for and objections to advertising, website data, **Device data** such as IP addresses and content of your website history, browser type, frequency of visits and cookies. For more information on Cookies please read our separate Cookie Policy [<https://merlinaktionen.de/page/cookies.html>].

### 3. WHEN do we collect personal data?

#### **Customers**

- ★ We raise **direct** Information from you when you sign up for a newsletter on the website of one of our attractions, when you purchase a ticket or an annual pass, when you make a booking by phone, when you log into the Wi-Fi network of one of our attractions, when you book a stay at one of our hotels, when you take part in a survey or contact us with questions and suggestions.
- ★ Telephone calls will also be monitored and recorded to record your consent to send you marketing materials (if necessary, see section 6 for more details) if you contact us. **direct** and we have obtained your consent to do so.
- ★ If someone has registered for a family annual pass or participated in a competition on your behalf, the information about you will be used in this case. **indirect** passed on to us via the respective family member or third party.

We never knowingly collect personal information from children for marketing purposes without clarifying that this information may only be provided with parental permission, if required by applicable law. Merlin therefore only uses children's data to the extent permitted by law and only if the parents or guardians have given their consent to do so.

### 4. WHAT do we use your personal data for and on what LEGAL BASIS?

We use your personal data for the following purposes:

- ★ To ensure that the content on our website is presented in a way that is optimal for you and your computer.
- ★ To provide you with information, products and services that you have requested from us or that may be of interest to you, provided that you have given your consent for us to contact you for this purpose (see section 6 for more information).



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- ★ To comply with obligations arising from contracts between you and us.
- ★ To allow you to participate in interactive service opportunities if you so choose. ★ To notify you about changes to the services we offer.

We may also send you promotional materials, which are explained in more detail in Section 6. This process may also include profiling, which is explained in more detail in Section 8 of this Policy.

We also need your personal information to comply with laws and regulations regarding health and safety when you visit one of our attractions (in particular, to meet the space requirements for wheelchair users or to have an incident at one of our attractions), as well as for consumer protection or tax purposes (e.g., to respond to inquiries regarding our advertising standards and ensure that we can accurately report our visitor numbers and/or revenue).

We need a lawful basis to use your personal data, so we will only use your personal data for the purposes set out in Section 4 and Appendix 1 to ensure that:

- our use of your personal data is necessary to perform a contract or take steps to enter into a contract with you (for example, a booking of tickets to one of our attractions), or
- the use of your data by us is necessary to comply with existing legal provisions and obligations to which we are subject (z.B. ICO provisions, i.e. provisions of a data protection nature), or
- the use of your data by us is necessary to serve the legitimate interests of our company (e.g. the improvement of our products or an analysis of our business data), provided that this is done in an appropriate manner that also respects your personal rights. Where required by separate national laws, we will ensure that you consent to receive marketing materials have. For more information, see Section 6. Please see Appendix 2 for more detailed information on our legitimate interests.

Before we collect and/or use special categories of data, we create an additional legal basis for doing so in addition to the one mentioned above, which allows us to use this information. This additional foundation usually includes

- ★ your explicit consent;
- ★ The establishment, exercise or defence of legal claims by us or by third parties;
- ★ Specific exemptions created by national laws of an EU member state or other states implementing the General Data Protection Regulation.

**PLEASE NOTE that to** the extent that we have relied on your consent to the lawfulness of processing activities in previous versions of our Privacy Policy, we will not maintain that legal basis unless explicitly stated in this Policy.

**PLEASE ALSO NOTE** that if you give us your explicit consent to process special categories of your personal data, you may withdraw that consent at any time. If you decide to withdraw your consent in this regard, we will inform you of the possible consequences, in particular if this means that certain services (especially supervisor passes) can no longer be offered. The withdrawal of your consent does not affect the lawfulness of the data processing carried out on the basis of your consent given before the withdrawal.

### 5. **Who do we SHARE your personal data with?**

As mentioned above, we share your data with other Merlin Group companies.

We also share the data with third parties to enable the administration of our business and the provision of services. These third parties need to access your personal data from time to time. These include:

- *Service providers who maintain our IT and background systems and support our customer relationship management activities, in particular Experian, Accesso, MediaCom and Facebook.*
- *Supervisory authorities, including the German data protection supervisory authorities and other supervisory and law enforcement authorities in EU countries and worldwide.*
- *Legal and other service providers (including our auditors)*

In the event of a sale of parts of our company, we would also have to pass on your personal data to the buyer.

### 6. **Direct marketing**

We use your personal information to send you direct marketing communications about our attractions, hotels, events, and other services. This can be done by e-mail, post, SMS or targeted online advertisements.

We limit our direct marketing to a reasonable extent and, based on the information we hold about you, we will send you



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communications that we think may be of interest or relevance to you.

For the purposes of the GDPR, the processing of your personal data for direct marketing purposes is carried out on the basis of our legitimate interests, which are set out in more detail in Section 4 and Appendix 1. In Germany, the Act against Unfair Competition also applies, according to which we require your prior consent for advertising by e-mail, SMS or telephone, unless we can assume a so-called soft opt-in with regard to our advertising by e-mail (in which we only send advertising to existing customers for such products or services that are similar to those you have previously purchased from us). unless you have opted out of receiving such promotional emails). You have the right to stop receiving promotions at any time. You can do this via the unsubscribe links in our electronic communications (e.g. emails) or by sending a message to the contact details listed in Section 11. If you have revoked a consent given by you, this does not affect the lawfulness of the data processing previously carried out on the basis of the consent.

We also use your personal data to tailor advertisements, offers and content that we present to you according to your visits to our attraction websites and other mobile applications and platforms, and to carry out an analysis of the advertising, offers and content you have implemented and your interaction with them. We may also recommend certain content to you based on information we have collected about you and your viewing habits. This falls under the so-called profiling, which is explained in more detail in Section 8 of this Policy.

### 7. **International Transfers**

Some Merlin Group companies with whom we may share your personal data, as well as service providers with access to your personal data, are located outside the European Union. We may also need to disclose your personal information to third parties abroad, for example at the request of a foreign law enforcement agency. We will always make every effort to ensure that all international data transfers are carried out in accordance with your rights and interests. In detail, this means that we either:

- transfer your personal data only to those countries that have an adequate level of protection in accordance with Article 45 of the GDPR, or
- ensure that data transfers outside the European Union are subject to appropriate safeguards, e.g. the EU Standard Contractual Clauses pursuant to Article 46(2) GDPR/or the EU-US Privacy Shield for the protection of personal data when transferring data to the USA (for more information, please see [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en)).

You have the right to ask us for more information about the above measures. To do so, please contact us using the details set out in section 11 or ask for a copy documenting the relevant warranty (this may be done in a censored form for confidentiality reasons).

### 8. **Profiling**

In the case of '**automated decision-making**', a decision is made only through an automated processing of your personal data, such as software code or algorithm, without human intervention. We do not carry out automated decision-making, but we maintain profiling through automated processes to tailor advertising to a specific customer.

If you are a **customer** who has signed up to receive marketing updates, we may use profiling to tailor the promotional materials to your interests and to content that we think may interest you. In special circumstances, profiling may allow certain conclusions to be drawn about you that may be part of the special categories of your personal data. However, we will only do this if we have received your explicit consent to do so.

### 9. **How long do we keep your personal data?**

In general, we will retain your personal data for as long as necessary to fulfil the purposes for which it was collected, such as to perform a contract and related services (see Section 4 of this Policy). If the personal data is no longer needed for the purpose for which it was collected, we delete this data, with the exception of data that we are required to store in accordance with contractual or statutory (e.g. tax and commercial law) retention periods, which are based, among other things, on the German Commercial Code (HGB) and the Tax Ordinance (AO), according to which retention periods of 6 to 10 years are prescribed. Data that is only retained to comply with the retention periods is excluded from processing until the respective period has expired and will then be deleted.

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Finally, the retention period of your personal data may also depend on the statutory limitation periods under the Civil Code

(BGB), which provide for a maximum limitation period of 30 years, while the general statutory limitation period is 3 years.

**10. What are your rights?**

You have a whole range of rights regarding your personal data. In summary, you have a right to information, correction of inaccurate personal data, deletion of data that is no longer required, restrictions on the processing of your data, data portability as well as various information regarding automated decision-making and profiling as well as international data transfers. You also have the right to complain to your supervisory authority. A detailed explanation of these rights can be found below:

<b>RIGHT</b>	<b>WHAT DOES THAT MEAN?</b>
<b><i>Information</i></b>	<p>You can ask us to:</p> <ul style="list-style-type: none"> <li>• Confirm to you whether we are processing your personal data;</li> <li>• provide you with an extract of this data;</li> <li>• To provide you with details about the personal data we hold, including what data we hold, what we use it for, who we share it with, whether we transfer it abroad and how we protect it, how long we keep it, what your rights are, how you can make a complaint, how we have collected your data and whether we have carried out automated decision-making or profiling to the extent that such information is not already provided for in this Policy on Decision-Making or Profiling. were made available.</li> </ul>
<b><i>Correction</i></b>	<p>You can ask us to rectify any inaccurate personal data. We may check the data for accuracy before correcting it.</p>
<b><i>Erasure / Right to be forgotten</i></b>	<p>You can ask us to delete your personal data, but only if:</p> <ul style="list-style-type: none"> <li>• These are no longer needed for the purposes for which they were collected; or</li> <li>• you have withdrawn your consent (where the processing was based on your consent); or</li> <li>• the deletion of your data is the result of an objection exercised by you (see 'Objection'); or</li> <li>• the data has been collected in an unlawful manner; or</li> <li>• this arises from a legal obligation to which Merlin is subject.</li> </ul> <p>We are under no obligation to comply with your request to delete your personal data if it is necessary for the following purposes: compliance with legal obligations, establishment, exercise and defence of legal claims. For marketing purposes, please note that we maintain a blacklist on which you will be listed if you no longer wish to receive marketing materials to ensure that no such communications reach you again. There are other circumstances listed in Article 17, para. 3 GDPR and § 35 of the Federal Data Protection Act (BDGS-neu) under which we are not obliged to comply with your deletion request, even if these are the two most likely circumstances in which we would deny you this request.</p>

RIGHT	WHAT DOES THAT MEAN?
<b>Restriction</b>	<p>You can ask us to process your personal data in a limited way, i.e. to keep it but not to use it, but only if:</p> <ul style="list-style-type: none"> <li>• The accuracy of which was doubted (see 'Correction') in order to enable us to check the correctness; or</li> <li>• The processing of which is unlawful, but you do not want to be deleted; or</li> <li>• they are no longer needed for the purposes for which they were brought but are still needed to establish, exercise or defend legal claims; or</li> <li>• You have exercised your right to object and the reasons for deletion are still pending.</li> </ul> <p>We will continue to use your personal information even after a restriction request if:</p> <ul style="list-style-type: none"> <li>• We have obtained your consent to do so; or</li> <li>• For the purpose of establishing, exercising or defending legal claims; or</li> <li>• To protect the rights of other natural or legal persons.</li> </ul>
<b>Transferability</b>	<p>You can ask us to convert your data into a structured, commonly used and machine-readable format or ask us to transmit it directly to another data controller, but only if the processing was based on your consent, a contract with you or the processing is carried out by automated means.</p>
<b>Contradiction</b>	<p>You may object to any processing of your personal data which is based on our legitimate interests as a legal basis (see Appendix 2 for more details) if you believe that your fundamental rights and freedoms override our legitimate interests. In the event of your objection, we will have the opportunity to show you how our legitimate interests outweigh your rights, but this does not apply if the objection concerns the use of personal data for marketing purposes.</p>

To exercise your rights, you can contact us using the details set out in section 11. Please note the following if you wish to exercise any of these rights:

- **Proof of identity.** We take the confidentiality of all records containing personal information very seriously and reserve the right to request proof of identity upon request from you.
- **Respites.** We aim to respond to all legitimate requests within one month, unless it is particularly complicated or you have made multiple requests. In this case, we will endeavour to respond within three months. We will let you know if your request will take more than a month. We may ask you to explain to us what exactly you want to know or what your concern is. This will help us process your request more quickly.
- **Exceptions.** National laws, including those within the UK, may provide for further exceptions, in particular in relation to the right of access, although under UK law, personal data may also be withheld from you in certain circumstances, for example where it is subject to confidentiality. According to German law (according to § 34 BGDS-neu), the right to information does not apply in particular if the data is only retained in order to fulfil statutory or statutory retention obligations **or** serves exclusively for the purposes of data security and data protection control **and** the provision of information would require a disproportionately large amount of effort, as well as processing for other purposes by means of suitable technical and organisational measures is excluded.

#### 11. **Contact Information and Complaints**

The primary point of contact for all questions related to this policy as well as requests to exercise your rights as a data subject is our Data Protection Officer. The Data Protection Officer can be contacted in the following ways:

**Data.Protection@merlinentertainments.biz**

If you have a complaint or concern about our use of your personal information, please contact us in the first instance. We will try to solve the problem as soon as possible. You also have the right to lodge a complaint with the competent data protection authority in your country at any time. In Germany, you can, among other things, file a complaint with the competent supervisory authority of the federal state in which you reside. However, we ask that you try to resolve any existing disputes with us first, although you can contact a supervisory authority at any time.

Last updated: May 2018

#### **APPENDIX 1 – LEGAL BASIS FOR DATA PROCESSING**

Activity	Type of Information Collected	Legal basis for use
<b>Customer</b>		
Building Records from in CRM systems	<ul style="list-style-type: none"> <li>Contact details and Contents of interactions</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract</li> <li>Legitimate interests (to ensure that we have accurate records of all customers we interact with)</li> </ul>
To operate customer care and service	<ul style="list-style-type: none"> <li>Contact details, content of interactions and device data</li> </ul>	Performance of a contract
Advertising	<ul style="list-style-type: none"> <li>Contact details, marketing preferences</li> </ul>	<ul style="list-style-type: none"> <li>Legitimate interests (to provide information about Merlin that may be of interest) could Creation of customer segments for the purpose of targeted marketing, enrichment of data that we use to provide you with advertising content in a better and more tailored form)</li> <li>Consent (if necessary according to applicable laws, in Germany according to § 7, para. 2 of the Act against Unfair Competition)</li> </ul>
Fulfilment legal regulations and obligations	<ul style="list-style-type: none"> <li>Contact details and Contents of interactions</li> </ul>	<ul style="list-style-type: none"> <li>Legal obligation</li> </ul>



## ANNEX 2 - GLOSSARY

**Customer:** means a person who buys, has purchased or purchase tickets for an attraction uses the Merlin website, goods and services or participates in a Merlin competition or event.

**Data Controller:** means a natural or legal person who determines the means and purposes of data processing.

**Data Subject:** means an individual whose Personal Data is affected.

**EEA:** means the European Economic Area.

**GDPR:** means the EU's General Data Protection Regulation, which comes into force on 25 May 2018 and replaces the previous Data Protection Directive 95/46/EC.

**Legitimate interests:** means grounds that organisations can provide as a lawful basis for their actions, for example where personal data is used in a way that can reasonably be expected or there is a compelling reason for the processing.

**Member States:** refers to countries that are members of the European Union.

**Privacy Shield:** means a framework designed to protect individuals whose data is transferred to the United States.

**Profiling:** means the analysis of your personal data for the purpose of evaluating your behaviour or to be able to predict certain things about you that may be relevant to you in the context of an entertainment context, for example how likely you are to attend a certain of our events.

**Special categories of personal data:** refer to personal data relating to health, genetic and biometric data, criminal record, sex life, sexual orientation, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership.

**Service Providers:** means third parties to whom we entrust some functions of our business. For example, we engage service providers who provide and maintain our IT applications and systems located in 'clouds', i.e. that your personal data is stored on their servers, but is under our control and direction. We oblige all our service providers to Confidentiality about this personal data as well as its security.