



**PRIVACY POLICY AND WEBSITE GENERAL TERMS & CONDITIONS OF USE**  
**VERSION DATED January 1<sup>st</sup> 2019**

The purpose of this document is to set out the general terms and conditions governing use of the Website, to inform you about the applicable procedures to collect, process and secure your data and to explain the various types of cookies used by the website <https://www.stbarthexecutive.com> (hereinafter the “*Privacy Policy*”).

SAINT BARTH EXECUTIVE (a French *société par actions simplifiée* (simplified joint stock company) with share capital of €100,000 which has its registered office at Aéroport Remi De Haenen, 97133 Saint-Barthélemy F.W.I. and is registered in the Trade and Companies Register of Basse-Terre (Guadeloupe) under number 814 853 552 (hereinafter “*SBE*”), pays particular attention to the processing of the Personal Data which it collects and to the rights associated therewith.

By using the Website, you accept the terms of this Privacy Policy. This Privacy Policy may be modified in order to reflect any amendments made to the Applicable Regulations or any changes to the services which we provide.

**1. Definitions**

- “*Customer*” will mean any natural or legal person having made a Booking, irrespective of whether the Booking is made directly by the Customer on his own behalf or whether the Customer is acting as a commercial intermediary on behalf of a third party, namely the end traveller taking the Flight.
- “*Booking*” will mean any reservation of a Flight made by the Customer on the Website.
- “*Personal Data*” will mean any information relating to an identified or identifiable natural person, i.e. a natural person who can be identified, 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
- “*Member*” will mean any user of the Website who opened an account on the Website.
- “*Applicable Regulations*” will mean the regulations applicable to the processing of Personal Data and in particular French Law No. 78-17 of 6 January 1978 on Information Technology, Data Files and Personal Freedoms, as amended, and, where applicable, Regulation 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.
- “*Processing*” and any derived term: will mean any operation performed by any means whatsoever on Personal Data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, viewing, use, disclosure, dissemination, provision, alignment or combination, restriction, erasure or destruction.
- “*Website*” will mean the website operated by SBE accessible at <https://www.stbarthexecutive.com> in both its online and mobile versions, as well as the corresponding mobile applications.
- “*Flight*” will mean the air transport services provided by SBE from one point of departure to one destination, using a crewed chartered aircraft or an air taxi, in accordance with the statutory regime governing public transport.

## **2. PROTECTION OF PERSONAL DATA**

All Personal Data collected will be Processed by SBE in its capacity as the controller within the meaning of the Applicable Regulations.

The Processing of your Personal Data may be necessary: (i) for the purposes of performing the contract to which you are a party in your capacity as a Member or Customer; (ii) if you have expressly consented thereto (for example in the context of subscribing to the newsletter, in connection with a request for information on a Flight or when you contact us); (iii) for the purposes of compliance with a statutory obligation (for example the obligation to retain invoices, obligations in terms of flight safety or mandatory immigration formalities); or (iv) for the purposes of the pursuit of a legitimate interest (for example, improving our services or preventing fraud).

We have in place appropriate technical and organisational measures to Process your data in compliance with the Applicable Regulations and to ensure a level of security appropriate to the risk whilst protecting your Personal Data against loss, abuse, unauthorised access, disclosure and modification.

### **2.1 What Personal Data do we collect?**

The optional or mandatory nature of the Personal Data which you disclose to us will be specified on the forms through which we collect such data. If you do not provide us with all relevant mandatory information, you will be unable to receive our services.

In addition to the Personal Data which you provide to us directly, we may also collect Personal Data in the context of the provision of our services.

#### **Personal Data relating to Members**

When you register as a Member on the Website, we will collect your e-mail address and any other data which you provide to us voluntarily.

When you visit the Website, if you have consented thereto, we will collect your log-in data and browsing data. With your consent we will collect, in accordance with section 2.6 relating to Cookies, your IP address, data on the offers viewed, the outcome and browsing and more generally your conduct on the Website.

You warrant that you are not a minor or that you are authorised to become a Member by the person with parental responsibility for you.

#### **Personal Data relating to Customers**

In addition to the data which is collected on Members, we may request that you provide us with all the following information in your capacity as a Customer for each person travelling on the relevant Flight, including persons whom you represent: family name, first name(s), date of birth, passport details (number, issue date, expiry date, place of issue), copies of passports and/or visas, nationality and any other relevant information requested by SBE or its partners. You warrant that you have obtained the consent of all passengers whose Personal Data you have provided to us and that you have parental responsibility for any passenger who is not yet 16 or have been authorised by the person with parental responsibility for any passenger who is not yet 16 to provide their Personal Data to us.

You must also provide us with your telephone number so that we may be contact you at any time with regard to your Bookings.

The bank information provided in the context of the Booking will be collected by our banking services provider and will not be retained by SBE.

We may be required to request from you certain items enabling us to ensure the lawfulness of any payment made and in particular a black and white photocopy of the reverse side of the identity document of the holder of the payment card.

Similarly, in the context of the exercise of your rights listed in section 2.5, we may be required to request from you certain items confirming your own identity or the identities of the passengers and in particular a black and white photocopy of the reverse side of your identity document.

## 2.2 Why do we need to collect your Personal Data?

We Process your Personal Data for the following purposes:

- To allow you to discover our Flights and services

In accordance with the Applicable Regulations, we may use your Personal Data to keep you informed of our news and offers by electronic means (e-mail, SMS, etc.). You may at all times object to the transmission of such electronic messages by clicking a link in each message which we send to you.

- To manage your Bookings and our relationship

When you make a Booking on one of our Flights, the Personal Data collected will enable us to conclude the relevant customer management operations relating to contracts, bookings, invoices, accounts, management of the customer relationship (services ordered, amount, date, Bookings history, etc.), to process claims and to manage any non-payment or dispute and the after-sales service.

This information may also be retained to serve as evidence in accordance with the Applicable Regulations.

We also Process your Personal Data in order to manage your comments and reactions on our Website or on the official pages created by us on social networks.

- For customer loyalty campaigns and marketing purposes

Your Personal Data may be used to enable us to select you for the purposes of completing studies, surveys or tests, to ask your opinion, to propose special offers to you, to engage in canvassing and sponsorship activities, to compile sales statistics, to organise competitions, draws or any other promotional activity and to personalise our communications.

We may store information relating to your preferences, particularly with regard to the offers we display on the Website, and your browsing and conduct on the Website.

We may also engage in targeted marketing and targeted advertising using automated decision-making processes (profiling) in order to propose personalised offers or send personalised advertisements to you, without such Processing producing legal effects concerning you or similarly significantly affecting you.

You have the right to object to the Processing of your Personal Data for direct marketing purposes, which includes profiling to the extent that it is related to such direct marketing in accordance with the conditions of section 2.5.

- To improve our service

Information and data relating to you enables us to improve our service, for example by personalising offers which we may communicate to you, by compiling sales statistics or measuring visitors (number of pages viewed, number of log-ins, etc.), by modifying our Website on the basis of the browsing conduct observed, or to train our personnel, etc.

- For fraud prevention

Certain items of your Personal Data will be Processed to determine the risk of fraud associated with each Booking and, where applicable, to request additional information, to modify the form of payment for the Booking or to cancel the Booking.

- To enable us to exercise our rights or comply with our obligations

The Processing of your Personal Data may be necessary in order to identify, exercise or defend our rights, in particular before the courts, and in order to ensure compliance with our statutory or regulatory obligations.

- In order to enable you to exercise your rights

We may be required to Process certain items of your Personal Data in order to enable you to exercise the rights granted by the Applicable Regulations, as set out in section 2.5.

### **2.3 Who receives your Personal Data?**

Strictly for the purposes set out in section 2.2, we may be required to transmit your Personal Data to:

- the various departments of our company (whether operated by SBE itself or by any company controlled by SBE or which controls SBE) subject to the scope their respective tasks, such as the sales department, administrative departments, the marketing department, the technical department and the audit department (statutory auditor, internal audit office, etc..).
- our processors within the meaning of the Applicable Regulations, namely the entities which Process your Personal Data in accordance with our instructions and on our behalf, such as the host of the Website, our IT service-providers, our payment service-providers, our technical service-provider, our advertising service provider, partner Travel agencies, concierge partner, Your payment details will be managed by a third-party service-provider in accordance with the PCI DSS standard, ensuring maximum security for your payment data.
- our partners, who may Process your Personal Data for their own purposes. Therefore, if you purchase an insurance policy on our Website, the insurer or its representative will be the controller but we may transmit Personal Data to it. You may also share information via social networks (Facebook, Twitter, etc.) by in particular clicking on the share buttons when creating your account.
- the French or foreign public authorities authorised to receive Personal Data, such as the courts, police, customs authorities or officers of the court who may request Personal Data from us in the context of the performance of their tasks, for example in order to comply with mandatory immigration formalities or to prevent and combat terrorism or other crimes. Similarly, we may disclose your Personal Data where required in order to safeguard our rights, your safety or the safety of third parties or for the purposes of investigating any fraud.
- a potential seller or purchaser in the event that SBE sells or acquires a business or assets. Similarly, if SBE or its assets are acquired by a third party, Personal Data may comprise one of the assets transferred.

We may also be obliged to transmit or share your Personal Data in order to comply with a statutory obligation or in order to ensure compliance with or the application of the terms and conditions governing the use of the Website, our Booking and Carriage General Terms & Conditions or any other contract in force between ourselves.

Your Personal Data may be transferred to a country outside the European Union which does not provide an adequate level of protection in accordance with the Applicable Regulations. SBE will take in advance all appropriate measures to ensure that any such recipient implements all appropriate technical and organisational measures to ensure the security of the Personal Data and the same level of protection as that required by the Applicable Regulations.

## 2.4 How long do we retain your Personal Data?

We retain your Personal Data only for as long as is strictly necessary for the purposes set out in section 2.2 and in compliance with the applicable regulations.

The Personal Data of a Member who is not a Customer will be retained for a period of three years from the date of the collection thereof or from the date of the last contact instigated by the Member (for example the last log-in on the Website or the last click on a hyperlink contained in an e-mail). On the expiry of such period, we may contact you again in order to propose that you continue to receive information from us and that you retain your account on the Website.

The Personal Data of a Customer will be retained for the period necessary to manage our commercial relationship, namely for the period until the Flight is completed plus three years. Once such period expires, we will archive your Personal Data and retain your data for the period necessary to perform our statutory obligations or to safeguard or defend our rights (for example access to your Bookings with a value in excess of €120 for ten years, in accordance with Article L213-1 of the French Consumer Code or the obligation to retain invoices for ten years in accordance with Article L123-22 of the French Commercial Code or for the limitation period under ordinary law of five years in accordance with Article 2224 of the French Civil Code, or for the duration of any litigation).

The payment details provided by you in the context of any Booking are collected by our banking services provider and are not retained by SBE. Should you so wish, it will be possible to save securely your payment card details with our banking services provider (tokenisation) in order to enable you to make each subsequent payment from the Website without having to re-enter your payment details in the context of each new Booking.

Viewing statistics, information stored in your device (for example Cookies) and any other information used to identify you and ensuring your traceability, as well as the raw data collected on visits involving a log-in will not be retained for longer than 13 months.

Should you exercise your right to erasure or right to object, your Personal Data will be deleted from our active database but may be retained for the applicable limitation period or for the retention period imposed on us by the law and will be stored in our archives.

## 2.5 What are your rights under the Applicable Regulations?

In accordance with the Applicable Regulations you have the following rights:

- the right of **access** to your Personal Data;
- the right to **rectify**, supplement and update your Personal Data;
- the right to **object**: (i) on grounds relating to your personal situation to the Processing of your Personal Data on the basis of legitimate interests, including profiling; and/or (ii) to the Processing of your Personal Data for direct marketing purposes, which includes profiling to the extent that it is related to such direct marketing;
- the right to request that we **erase** your Personal Data in the cases stipulated by the Applicable Regulations;
- the right to request that we **limit** the Processing of your Personal Data in the cases stipulated by the Applicable Regulations;
- the right to request the **portability** of Personal Data which you have voluntarily provided to us, i.e. the right to receive such Personal Data in a structured, commonly used and machine-readable format. We can transmit such Personal Data directly to another controller, should you so wish and should this be technically possible;
- the right to lodge a **complaint** to the CNIL;
- the right to **withdraw your consent** to the Processing of your Personal Data where such Processing is based on consent. You will then no longer be able to receive our services which depend on such consent;

- the right to **give instructions** relating to the retention, erasure and transmission of your Personal Data after your death. Such instructions may be amended or revoked at any time; and
- the right to **add your name the list of persons** who do not wish to receive direct marketing calls which is maintained by Bloctel.

You may exercise these rights by sending a letter to SBE at Airport Rémi DE HAENEN- St Jean- ZIP : 97133- State : St Barthelemy - French West Indies or by sending an e-mail to [booking@stbarthexecutive.com](mailto:booking@stbarthexecutive.com).

SBE undertakes to process any such request within the periods stipulated by the Applicable Regulations. Should it have any reasonable doubts as to your identity, SBE may request that additional information be provided in order to process your request.

You may exercise your right to object to Processing for marketing purposes by clicking on the “Unsubscribe” link in each commercial communication which SBE sends to you by e-mail.

## 2.6 What Cookies do we use and how do we regulate their settings?

When you visit the Website, information relating to your browsing on the Website may be stored in files referred to as “Cookies” installed in your device (computer, tablet, Smartphone, etc.).

Cookies will be installed by SBE or our third-party partners in order to facilitate your browsing on the Website, by for example making it possible to display more quickly pages which you have already viewed or by making it possible for you to avoid having to re-enter your log-in details or by making it possible to collect and store information on your browsing on the Website in order to offer you personalised services. When you use the Internet, Cookies may be installed by any third party (some of whom may be our partners) who uses this technology on its own website. Third parties may place anonymous cookies on the web browsers of visitors to the Website and may install their own cookies in the cookies file of visitors. In such circumstances, these Cookies will be governed by the privacy policies of such third parties. We will inform you how to regulate your Cookie settings.

Cookies make it possible to identify a device and are deemed to constitute Personal Data. You are at liberty to grant or withhold your consent to the installation of Cookies on your device and to modify this choice in this regard at any time.

### What Cookies do we use?

In accordance with your decision, the following types of cookie may be placed in a device from which you view the Website:

#### *Technical cookies:*

These cookies are necessary for the Website to operate and to enable you to navigate through the Website and to avail yourself of its services and features. Without these cookies, the Website will not function as effectively as we might wish; without them, SBE would be unable to operate the Website or offer certain services or features.

#### *Preference cookies:*

These cookies collect information relating to your choices and preferences and enable us for example to remember the applicable language or other local settings and to personalise the Website accordingly.

#### *Analytical cookies:*

These cookies collect information relating to your use of the Website and enable us to improve the operation of the Website. For example, analytical cookies record the most frequently visited pages of the Website, make it possible to identify any difficulties you may encounter and accordingly help



SBE resolve these difficulties.

*Marketing cookies:*

These cookies record what you have looked at on the Website, for example which products and destinations, and then make it possible for SBE to improve the relevance of the offers it sends you.

*Social network cookies:*

These cookies are used to monitor visitors having followed links from social networks for the purposes of market studies, analytical studies and product development purposes.

How to regulate Cookie settings?

You may accept Cookies and decide at any time to deactivate them. You may also accept or reject Cookies on a case-by-case basis on the basis of the entity wishing to install them or block the installation of all Cookies.

Settings are generally regulated from your web browser. The settings of your browser may be adjusted in order to display Cookies which are installed on your device and to ask you to accept or block such Cookies.

This process is described in the Help menu of web browsers, which enables you to adjust your cookie settings.

The procedures to be followed on different web browsers in order to deactivate the third-party cookies selected by you (source: CNIL) are set out below:

WEB BROWSER	PROCEDURE
Google Chrome	Menu > Settings > Click on More Settings (at the bottom of the page) Then click on “Content settings”, “Block cookies and data from third-party websites” and lastly on “OK” to confirm your choice Or enter the “Privacy and security” menu and click on “Content Settings” and go into “Cookies”, click on “All cookies and website data” and select the cookies you wish to delete
Firefox	Menu > Options > “Privacy” tab Set “History” menu to “Use custom settings for history” Lastly tick “Accept third-party cookies” Or click on “Display cookies” and select the cookies you wish to delete
Internet Explorer	Menu > Internet Options > Select “Privacy” tab and click on the Advanced tab, in order to display the Advanced Privacy Settings window Then click on “Ignore automatic cookie management” and select “Decline” in the “Third-party cookies” column Menu > Internet Options > General > Settings Click on “Display files” and select the cookies you wish to delete

Please be aware that Cookie settings may affect access to the Website. Blocking all Cookies may in particular have a significant impact on your access to and use of the Website.

### **3. CREATION AND MANAGEMENT OF YOUR ACCOUNT**

In order to make a Booking on the Website, you must create a user account comprised of a log-in name (e-mail address) and a password. You undertake to update your log-in details and contact details so that we are able to contact you at all times with regard to any current Booking. You undertake to ensure that your contact details are kept private and not to disclose them to any third party. SBE will not be liable for any consequences of the fraudulent or malicious use of such contact details as a result of your fault or negligence. You will be liable for the accuracy and completeness of the information you provide to us and you must inform us of any change to such information. You may access and modify your information in the My Account space on the Website.

### **4. CONTENTS**

All the information and items published by SBE or its partners and in particular the Website and its e-mails, including inter alia logos, text, photographs, images, illustrations, etc., are the property of SBE or its partners. Such content is protected by intellectual property rights, database producer's rights and by law.

Consequently you may not use such content without our express prior written consent.

The Website may contain hyperlinks to other websites operated by third parties or may include content which has not been produced by SBE. We will have no liability for any such links, references and content.

### **5. OPERATION OF THE WEBSITE**

We will use our best endeavours to ensure the availability and proper operation of the Website. Nonetheless, we cannot guarantee that the Website will be free of errors or malfunctions or that it will operate without disruption or that it will be compatible with all hardware. In particular, access to the Website may be suspended or restricted from time to time for the purposes of corrective or upgrading maintenance.