



(Last review: July / 2019)

## TERMS OF USE AND PRIVACY POLICY

[www.marianovargas.com](http://www.marianovargas.com)

In compliance with the duty of information contained in article 10 of Law 34/2002, of July 11, of Services of the Information Society and Electronic Commerce, the following is stated:

### 1. IDENTIFICATION DATA:

The owner of the domain [www.marianovargas.com](http://www.marianovargas.com) is Mariano Vargas Castaños (here in after MARIANO VARGAS PHOTOART), with address at Playa Getares Urbanization, n. 170. CP. 11207 - Algeciras, Spain. Contact email: [mail@marianovargas.com](mailto:mail@marianovargas.com).

### 2. USERS:

The access and / or use of the MARIANO VARGAS PHOTOART website attributes the condition of USER, who accepts, from said access and/or use, these terms of use.

### 3. USE OF THE WEBSITE:

MARIANO VARGAS PHOTOART provides access to images, information and data (here in after, «The contents») owned by MARIANO VARGAS PHOTOART. The USER assumes responsibility of the use of the web. The USER undertakes to make appropriate use of the contents that MARIANO VARGAS PHOTOART offers through its website and with an enunciative but not limiting nature, not to use them to:

- incur in illegal activities, illegal or contrary to good faith and public order;
- disseminate content or propaganda of a racist, xenophobic, pornographic-illegal nature, of apology of the terrorism or attempt against human rights;
- cause damage to the physical and logical systems of MARIANO VARGAS PHOTOART, of its suppliers or third parties, introduce or disseminate computer viruses or any network other physical or logical systems that are likely to cause damage previously mentioned;
- try to access and, where appropriate, use the email accounts of other users and Modify or manipulate your messages.

MARIANO VARGAS PHOTOART reserves the right to with draw all comments and contributions that violate respect for the dignity of the person, that are discriminatory, xenophobic, racist, pornographic, that



threaten youth or childhood, order or public safety or that, in their opinion, they will not be suitable for publication.

In any case, MARIANO VARGAS PHOTOART will not be responsible for the opinions expressed by the users through their blog "NEWS" or other participation tools that can be created, according to as provided in the applicable regulations.

#### 4. PRIVACY POLICY

##### 4.1. Data Protection:

Purpose of the data collected and CONSENT to the treatment: The information and/or data that you voluntarily provide us, will be incorporated into the ownership file of MARIANO VARGAS PHOTOART in order to carry out the management and maintenance of our relations with you, send information about our activities and services, as well as for the conducting market or statistical studies.

If you subscribe to our newsletter, we use the required data or the data you provide us by separately to send you our newsletter regularly by email with your consent. Only the owner will have access to their data, and under no circumstances, these data will be transferred, shared, transferred, or sold to any third party.

You can unsubscribe to the newsletter at any time by sending a message to the contact information provided below or by clicking on the link provided for this event in the newsletter. Also, through this form he gives us his consent to receive promotional and/or advertising communications related to the MARIANO VARGAS PHOTOART activities and services to your postal, electronic and/or mailing address to your mobile phone (text and multimedia messages).

The acceptance of the privacy policy, through the established double opt-in procedure, will be understood for all purposes such as the provision of express and unequivocal consent - of the article 6 of the LOPD – of the USER to the processing of personal data in the terms that are set forth in this document.

##### 4.2. Compliance with the application regulations:

MARIANO VARGAS PHOTOART complies with the guidelines of Organic Law 15/1999 of 13 of December of Protection of Personal Data, Royal Decree 1720/2007 of December 21 which approves the Regulations for the development of said Organic Law and other regulations in force and application at all times, ensuring the correct use and processing of personal data of the user.

Also, MARIANO VARGAS PHOTOART guarantees the full and full compliance with the obligations provided by Organic Law 15/1999 on the Protection of Personal Data, as well as those provided in the Royal Decree 1720/2007, of December 21, which approves the Law Development Regulation Organic 15/1999, of December 13, protection of personal data, as well as the rest of development regulations.



In compliance with the provisions of the LOPD, we inform you that the data provided, as well as those data derived from your browsing may be stored in the MARIANO VARGAS PHOTOART files and treaties for the purpose of attending to your request and maintaining the relationship that is established in the forms you subscribe.

Additionally, the USER consents to the processing of their data in order to inform them, by Any means, including email, of MARIANO VARGAS PHOTOART products and services. In case of not authorizing the processing of your data for the purpose indicated above, the USER may exercise your right to object to the processing of your data in the terms and conditions provided later in section 4.4 "Exercise of ARCO Rights".

#### 4.3. Security measures:

MARIANO VARGAS PHOTOART informs you that it has implemented security measures of a kind technical and organizational necessary to ensure the security of your personal data and avoid its alteration, loss and treatment and/or unauthorized access, taking into account the state of the technology, the nature of the stored data and the risks to which they are exposed, already come from the action human or physical or natural environment. All in accordance with the provisions of Art. 9 of the LOPD and the Title VIII of the RLOPD.

In addition, MARIANO VARGAS PHOTOART has established additional measures in order to strengthen the Confidentiality and integrity of the information whose responsibility is your organization. Keeping continuously monitoring, controlling and evaluating processes to ensure respect for privacy of the data.

#### 4.4. ARCO Rights Exercise - Access, Rectification, Cancellation and Opposition:

Those natural persons who have provided their data through the MARIANO VARGAS PHOTOART website, may be addressed to the owner of the same in order to exercise their rights for free of access, rectification, cancellation and opposition regarding the data incorporated in its files.

The interested party may exercise their rights by communication through the mail electronic [mail@marianovargas.com](mailto:mail@marianovargas.com) or in writing addressed to MARIANO VARGAS PHOTOART with the reference «Data protection [www.marianovargas.com](http://www.marianovargas.com)», specifying your data, accrediting your identity and the reasons for your request at the following address: Urbanización Playa Getares, n. 170. CP.11207 - Algeciras, Spain.

#### 4.5 Responsible for the file, and in charge of processing:

The data file manager is Mariano Vargas Castaños and as responsible for processing data outside the afore mentioned responsible is informed:



MARIANO VARGAS PHOTOART has contracted the services of the e-commerce platform to Wix.com Ltd. (Identified with the Wix trademark), with registered office PO box 40190 San Francisco, CA United States, VAT: EU442008451. Representative for the EU at Wix Online Platforms Limited, 1 Grant's Row, Dublin 2 D02HX96, Ireland.

This platform allows you to teach and sell our products and services. Your data can be stored through data storage, databases and general applications of Wix.com, which store your data on secure servers behind a firewall.

All direct payment gateways offered by Wix.com and used by MARIANO VARGAS PHOTOART adhere to the standards set by PCI-DSS and are managed by the PCI Security Standards Council, which is a joint effort of brands such as Visa, MasterCard, American Express and Discover. The PCI-DSS requirements help ensure the safe handling of information on the credit card from our store and its service providers.

In addition, in their Privacy Policy they report:

*“Wix.com participates and has certified its compliance with the EU-US Privacy Shield Framework (Safeguarding of the European Union and the United States). Wix.com is responsible for the treatment of all Personal Information that it receives from the member countries of the European Union (EU) and Switzerland, respectively, under the applicable principles of the Safeguard Framework. For more information about the Safeguard Framework, visit the US Department of Commerce's Privacy Shield List, here. Wix.com is responsible for the treatment of the Personal Information it receives, in accordance with the Safeguard Framework, and subsequently transfers to a third party that acts as an agent on your behalf. Wix.com complies with the principles of the Safeguard Framework for all successive transfers of Information EU staff, including provisions on further responsibility for transfers ”.*

These treatment managers have been verified to comply with the regulatory provisions of application in terms of data protection, at the time of hiring. For more information you can consult the privacy policy and other legal aspects of said company at the following link: <https://es.wix.com/about/terms-of-use>

Thus, you understand that the subscription to MARIANO VARGAS PHOTOART implies that the data introduced are transferred to the servers of said company, assuming a transfer international data and that you expressly consent to the acceptance of this policy of privacy.

#### 4.6 Links

As a service to our visitors, our website may include hyperlinks to other sites that do not they are operated or controlled by MARIANO VARGAS PHOTOART. That is why MARIANO VARGAS PHOTOART does not guarantee, nor is it responsible for the legality, reliability, usefulness, veracity and timeliness of the contents of such websites or their privacy practices. Please, before providing your personal information to these websites outside MARIANO VARGAS PHOTOART, note that your privacy practices may differ from ours.



#### **4.7 Cookies Policy:**

A cookie is an information file that the server of this website sends to the device (computer, *smartphone*, *tablet*, etc.) of who accesses the page to store and retrieve information on the navigation that is carried out from said equipment. None of the cookies used in MARIANO VARGAS PHOTOART collects information that personally identifies the user.

MARIANO VARGAS PHOTOART uses various types of *cookies* (technical, analytical and social) solely for the purpose of improving user navigation on the website for analysis and preparation of navigation statistics that the USER performs on the website, which are detailed below:

##### **> Own cookies:**

They allow the USER to navigate through the website and use the different options or services that exist in it, such as controlling traffic and data communication, identifying the session, access restricted access parts, remember the elements that make up an order, make the purchase process of an order, make the application for registration or participation in an event, use security elements while browsing or sharing content through social networks.

They are intended to identify the user on the screen with their nickname, identify the user as a subscriber or no, register the acceptance of the Cookies Policy, the saving and password reminder and the saving filters set for searches and, in general, providing personalized information according to the preferences expressed by the user.

##### **> Third party cookies:**

Analytical cookies: are those that, well treated by us or by third parties, allow us to quantify the number of users and examine their navigation, thus being able to perform the measurement and statistical analysis of the use made by users. To do this, your browsing on our web site is analyzed in order to improve its contents and provide a better service through it.

Google Analytics cookies: allow the monitoring and analysis of the behavior of USERS and is used in measuring the activity of websites, application or platform, and for the elaboration of navigation profiles of the USERS of said sites, applications and platforms, in order to introduce improvements based on the analysis of the usage data they make the USERS of the service.

Google Analytics stores *cookies* on servers located in the United States and it undertakes not to share it with third parties, except in cases where it is necessary for the operation of the system or when the law requires that effect. According to Google, it doesn't save IP address of the USER.

More information about Google Analytics in the following links: [www.google.com/analytics/](http://www.google.com/analytics/) and <http://www.google.com/intl/es/policies/privacy/>

If you want information about the use that Google gives to cookies we attach this other link: <https://developers.google.com/analytics/devguides/collection/analyticsjs/cookie-usage?hl=en&cs=1>).



Technical cookies: allow you to offer a more personalized experience of the contents of this website, show relevant content for the user and send the messages or alerts that you request.

Wix.com Platform Cookies: Wix uses cookies on the MARIANO VARGAS PHOTOART to improve the browsing experience for users; to identify the registered members (users who registered on your site); to monitor and analyze the performance, operation and effectiveness of the Wix platform; to ensure that your platform is safe and safe to use for MARIANO VARGAS PHOTOART users. For information on the types of cookies used by Wix visit: <https://support.wix.com/en/article/cookies-and-your-wix-site>

Social cookies: those that facilitate and monitor the connection and publication of content between this website and social networks, whose temporality and purpose depends on each social network.

Facebook Connect Session Cookies: Facilitate the interconnection between users who use Facebook y MARIANO VARGAS PHOTOART in the wish. Plus information: [https://www.facebook.com/help/cookies?ref\\_type=sitefooter](https://www.facebook.com/help/cookies?ref_type=sitefooter)

The user can - at any time - choose which cookies he wants to work on this website by configuring your browser. For example:

Chrome, from: <http://support.google.com/chrome/bin/answer.py?hl=es&answer=95647>

Explorer, from: <http://windows.microsoft.com/es-es/windows7/how-to-manage-cookies-in-internet-explorer-9>

Firefox, from: <http://support.mozilla.org/es/kb/habilitar-y-deshabilitar-cookies-que-los-sitios-we>

Safari, from: <http://support.apple.com/kb/ph5042>

Opera, from: <http://help.opera.com/Windows/11.50/es-ES/cookies.html>

There are third-party tools, available online, that allow users to detect *cookies* in each website you visit and manage its deactivation.

Neither this website, nor its legal representatives are responsible for the content or the veracity of the privacy policies that third parties mentioned in this *cookie* policy may have. Web browsers are the tools responsible for storing *cookies* and from those browsers you must make your right to delete or deactivate them. Neither this website nor its Legal representatives can guarantee the correct or incorrect manipulation of *cookies* by the mentioned browsers.

In some cases it is necessary to install *cookies* so that the browser does not forget your decision not to acceptance of them. The acceptance of this Privacy Policy implies that the user has been informed in a way clear and complete about the use of data storage and recovery devices (*cookies*) as well as MARIANO VARGAS PHOTOART has the user's consent for the use of the same as established in article 22 of Law 34/2002, of July 11, on Services of the Company of Information and Electronic Commerce (LSSI-CE).



For any questions or queries about this *cookie* policy, do not hesitate to contact us at through the email address [mail@marianovargas.com](mailto:mail@marianovargas.com).

#### 4.8 Minors:

The MARIANO VARGAS PHOTOART website does not target minors. The owner of the website declines any liability for breach of this requirement.

#### 4.9 Modification of the Privacy Policy:

MARIANO VARGAS PHOTOART reserves the right to modify its Privacy Policy, according to its own criteria, motivated by a legislative, jurisprudential or doctrinal change of the Spanish Agency of Data Protection. Any modification of the Privacy Policy will be published on the page as information to at least ten days before its effective application. The use of the Web after such changes will imply the acceptance of them.

### 5. INTELLECTUAL AND INDUSTRIAL PROPERTY:

MARIANO VARGAS PHOTOART by it self, or as an assignee, is the owner of all property rights intellectual and industrial of this web page, as well as the elements contained in it (by title enunciatively, images, sound, audio, video, software or texts; brands or logos, combinations of colors, structure and design, selection of materials used, computer programs necessary for your operation, access and use, etc.). All rights reserved.

Any use not previously authorized by MARIANO VARGAS PHOTOART, will be considered a serious breach of the intellectual or industrial property rights of the author. Reproduction, distribution and public communication, including its modality of making available, of all or part of the contents of this web page, for purposes commercial, in any support and by any technical means, without the authorization of MARIANO VARGAS PHOTO ART the USER undertakes to respect the rights of Intellectual and Industrial Property, ownership by MARIANO VARGAS PHOTOART. You can view the web elements and even print them, copy and store them on your computer's hard drive or any other physical media provided and when, solely and exclusively, for personal and private use. The USER must refrain from suppress, alter, evade or manipulate any protection device or security system that it was installed in the pages of MARIANO VARGAS PHOTOART.

### 6. EXCLUSION OF GUARANTEES AND RESPONSIBILITY:

MARIANO VARGAS PHOTOART is not responsible, in any case, for the damages of any nature that could cause, by way of example: for errors or omissions in the content, for lack of availability of the website -



which will make periodic stops by technical maintenance - as well as the transmission of viruses or malicious or harmful programs in contents, despite having adopted all the necessary technological measures to avoid it.

## 7. MODIFICATIONS:

MARIANO VARGAS PHOTOART reserves the right to make changes without prior notice that you consider appropriate on your website, being able to change, delete or add both the contents and services that are provided through it as the way in which they appear presented or located on your website.

## 8. LINK POLICY:

8.1 People or entities that intend to make or make a hyperlink from a web page of another Internet portal to the MARIANO VARGAS PHOTOART website must submit the following terms:

- The total or partial reproduction of any of the services or contents of the website is not allowed without the prior express authorization of MARIANO VARGAS PHOTOART;
- No deep-links or image links, or frames with the MARIANO VARGAS PHOTOART will be established without your prior express authorization;
- No false, inaccurate or incorrect statement will be established on the MARIANO VARGAS PHOTOART, nor about the services or contents they're of. Except those signs that they are part of the hyperlink, the web page on which it is established will not contain any brand, trade name, establishment label, denomination, logo, slogan or other signs badges belonging to MARIANO VARGAS PHOTOART, unless expressly authorized by the latter;
- The establishment of the hyperlink will not imply the existence of relations between MARIANO VARGAS PHOTOART and the owner of the website or portal from which it is made, or the MARIANO VARGAS PHOTOART's knowledge and acceptance of services and contents offered on said website or portal. MARIANO VARGAS PHOTOART will not be responsible for the contents or services put to available to the public on the website or portal from which the hyperlink is made, or of the information and manifestations included in them.

8.2. The MARIANO VARGAS PHOTOART website can make connections and connections available to the user links to other websites managed and controlled by third parties.

MARIANO VARGAS PHOTOART does not assume any responsibility, even indirectly or subsidiary, for damages of any kind that may arise from access, maintenance, use, quality, legality, reliability and usefulness of the contents, information, communications, opinions, manifestations, products and services existing or offered on unmanaged websites by MARIANO VARGAS PHOTOART and that are accessible through MARIANO VARGAS PHOTOART.





Please note that although our services may contain links to other websites or services. We are not responsible for the privacy practices of such websites or services. We recommend take it into account when you leave our Website and read everyone's privacy statements and each of the websites and services you visit before giving them your personal Information. Is Privacy Policy does not apply to such linked websites and third-party services.

#### 9. RIGHT OF EXCLUSION:

MARIANO VARGAS PHOTOART reserves the right to deny or with draw access to the portal and/or the services offered without prior notice, on its own or by a third party, to those users who breach these General Conditions of Use.

#### 10. GENERAL:

MARIANO VARGAS PHOTOART will pursue the breach of these conditions as well as any misuse of its website exercising all civil and criminal actions that may correspond in law.

#### 11. MODIFICATION OF THE PRESENT CONDITIONS AND DURATION:

MARIANO VARGAS PHOTOART may modify the conditions here at any time determined, being duly published as they appear here. The validity of the aforementioned conditions it will be based on your exposure and will be valid until they are modified by others properly published.

#### 12. APPLICABLE LEGISLATION AND JURISDICTION:

The relationship between MARIANO VARGAS PHOTOART and the USER will be governed by Spanish regulations in force and any controversy will be submitted to the Courts of the Algeciras city, except that the applicable law provides other wise.

Algeciras, July 2019.