

# Privacy Notice.

## What is this about?

We collect various personal data<sup>1</sup> in and for our business. Here we inform you about this as required by the Data Protection Act.

## Who are we?

Here are our contact details:

## What personal data do we collect?

In addition to the information you provide us (through what you tell and what you do with us<sup>2</sup>), we may also collect information about you from third party sources, namely:

- Information about you that we get from a **customer** or your **employer** with whom we deal (e.g., your contact details)
- Credit reports**, references
- Orders** concerning you that we receive from third parties (e.g. if we shall deliver something to or do something for you)
- Documents** concerning you, POAs
- Extracts from state **registers** (e.g. CR)
- Information from **legal proceedings** in which you appear; witness statements
- Recommendations**, referrals, or notes from third parties that concern you
- Your **social media/online** activities
- Publications** in which you appear
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## Does personal data go abroad?

- No, this is not planned.
- Yes, this is possible, within the **EEA**, but exceptionally to any country in the world (which may happen especially for online services that we use). If it is a country without adequate data protection, we will enter into the EU Standard Contractual Clauses, but we may also rely on consent or export data on a case-by-case basis, as it may be necessary for the performance of a contract, it may concern data you have published or the transfer is necessary for legal proceedings abroad.

## Why do we collect personal data?

We do so for these purposes (in addition to those we disclose to you separately):

- Communicate** with you
- Conclude/perform** contracts with you, your employer and customers
- Run **infrastructure**, websites, apps
- Marketing** (e.g. mailings with a link or unsubscribe option, events), CRM
- Market analysis**, planning, development of products & services, R&D
- Compliance** (adherence to laws, industry standards, directives, etc.)
- Legal proceedings**, investigations
- Safeguard security**, access control
- Company and risk management**
- Corporate transactions (e.g. **M&A**)
- Media relations**, PR, publications
- Shareholder** services, investor relations
- Training**, instruction, education
- Crime and **fraud prevention**
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## To whom do we disclose personal data?

- Group companies** (see our website)
- Service providers** (who process data either for us, e.g. IT providers, or under their own responsibility, e.g. banks)
- Authorities**, incl. abroad (as may be)
- Business partners** such as suppliers, customers, marketing, project partners
- Credit agencies** that store this data for credit rating purposes
- Third parties**, who collect your data on our websites/apps (see list on the site)<sup>3</sup>
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## What are your rights?

They include, among other things, the **right to access your data**, the right to correct your data and a right to object. Contact us!

<sup>1</sup>Your personal data is all information that relates to you and can identify you directly or indirectly (e.g. via the Internet) (e.g. name, e-mail address, telephone number, picture, your work profile).

<sup>2</sup>For e.g., if you surf our website, your IP address, your browser type, and the address from which you were referred are automatically transmitted.

<sup>3</sup>On websites and apps, you may be recognized and tracked during your use with so-called cookies and similar technologies. You can partially restrict, block and delete these cookies in your browser (see the relevant settings) and also control such tracking on the website or in the app itself. More info e.g. <https://allaboutcookies.org/how-to-manage-cookies>.

## A simple, general privacy notice for SME.

Included on the preceding page is a very simple privacy notice (**PN**) for small and medium-sized businesses that is aligned with the new Swiss Data Protection Act (**DPA**) that will apply in Switzerland as of September 1, 2023.

Responsible officers of a company (e.g., the BoD) who fail to post a PN risk a personal fine. The legal requirements for a PN are not very comprehensive. It must cover all cases in which a company collects personal data for itself. Collecting means obtaining personal data in a planned manner.

Many companies make the mistake of only covering what happens on or in connection with their website or online in their PN. Many templates and generators of PN available on the market and from supervisory authorities are also limited to these cases. Relying on them is not sufficient. Beyond the activities on their websites, most companies also collect personal data on an ongoing basis (e.g. when communicating with customers, partners, and in the course of performing a contract). All of these situations need to be covered in the PN, as well. This even applies to the collection of personal data of own employees and job applicants (except where Swiss law requires such collection of data), but these cases are typically covered by a separate (internal) PN. Job applicants, however, are already covered in the above PN.

Under the new DPA, a PN must provide for a set of minimum content (Art. 19 DPA), although these do not go very far (in contrast to the requirements of the EU General Data Protection Regulation). The information must be provided to the data subject in a precise, transparent, understandable and easily accessible form. To this end, it has become common practice for companies to make their PN available on their website (on the main page, at the bottom) and to refer to it, for example, in forms, in contracts or other documents (a PN does *not* have to be accepted by individuals, only communicated to them).

The above PN is intended for companies that do not process personal data in a particularly sensitive or extensive manner and therefore a short and concise PN based on the minimum required content should suffice. It does not contain a reference to automated individual decisions (i.e., a computer autonomously making a discretionary decision about an individual), as most companies do not rely on such decisions. Information about them would also need to be included in the PN if they exist as an exception. However, this can also be done separately.

A PN must be adapted to the specific circumstances of the company, but may include planned activities even if they do not occur every day. It must cover any planned collection of personal data. If a new activity involving the collection of personal data is planned, the PN must be updated accordingly (the PN intentionally does not include a date; if you collect personal data, the then most recent PN will apply to that collection).

To use the above PN, check with the various departments in your company that are involved in the collection and further processing of personal data and ask them what personal data they collect and further process. In the above PN, check the relevant boxes and be over-inclusive (if there are items that are only planned, but not yet implemented, include them). If the template does not work for you, consider switching to a more comprehensive, customized PN and seek advice. The template is intended for simple cases only.

In the box at the top left, enter the full name of your company, its address, a telephone number and an email address that interested parties can contact.

You should pay attention to the collection of personal data on your website or any app you may be running. Even if you think you are not collecting much or any data, check it out, as you may be using software and services on your website (and app) from third parties that use your website to collect data about website users for their own purposes. Because you allow them to do so, you will often become jointly responsible for their data collection and therefore must inform about it as if it were your own data collection. The easiest way to do this is to publish a list of these third parties on your website in addition to the PN (with their name and registered office), with an indication of what exactly they do on your website (or in your app) (e.g., serve ads, embed videos) and where their own PN can be accessed. Ask your provider or web agency for the necessary information. The PN will then refer to this (check the appropriate box). Unlike these third parties who collect data for their own purposes, you do not have to include in your PN the names and details of those third parties who merely process data on your behalf (e.g., many analytics providers). However, it has become common practice to provide information about these third parties as well. A general, brief reference to "cookies" is already included in the PN above.