

## **Data Protection Statement of E. Gutzwiller & Cie, Banquiers**

Version dated 22.05.2023

In this Data Protection Statement we, E. Gutzwiller & Cie, Banquiers, explain how we collect and otherwise process personal data. This is not a comprehensive description; other Data Protection Statements or General Business Conditions, Conditions of Participation and similar documents may govern specific matters. Personal data shall mean any information that identifies, or could reasonably be used to identify any person.

If you provide us with personal data of other people (e.g. family members, work colleagues), please make sure the respective persons are aware of this Data Protection Statement and only provide us with their data if you are allowed to do so and such personal data is correct.

This Data Protection Statement is particularly in line with the Swiss data protection legislation (FADP). However, the applicable law depends on each individual case.

### **1. Control/Responsibility of data protection**

The controller of data processing as described in this data protection statement is E. Gutzwiller & Cie, Banquiers, Kaufhausgasse 7, 4051 Basel (Switzerland) unless we have informed you differently in certain cases. You can notify us of any data protection related concerns using the following contact details:

E. Gutzwiller & Cie, Banquiers  
Re: data protection  
Kaufhausgasse 7  
4051 Basel  
Schweiz  
e-mail: [dataprotection@gutzwiller.ch](mailto:dataprotection@gutzwiller.ch)

### **2. Collection and Processing of Personal Data**

We primarily process personal data that we obtain from our clients and other business partners as well as other individuals in the context of our business relationships with them or that we collect from users when operating our websites, apps and other applications.

Insofar as it is permitted to us, we obtain certain personal data from publicly accessible sources (e.g., debt registers, land registries, commercial registers, press, internet). Apart from data you provided to us directly, the categories of data we receive about you from third parties include, but are not limited to, information from public registers, data received in connection with administrative or court proceedings, information about you in correspondence and discussions with third parties, credit rating information, information about you given to us by individuals associated with you (family, consultants, legal representatives, etc.) while maintaining banking confidentiality (e.g. references, powers of attorney, information regarding legal regulations such as anti-money laundering and export restrictions, bank details, information regarding insurances, our distributors and other business partners for the purpose of ordering or delivering services to you or by you (e.g., payments made), information about you found in the media or internet (insofar as indicated in the specific case, e.g. in connection with job applications, media reviews, marketing, etc.), your address and any interests and other socio-demographic data (for

marketing purposes), data in connection with your use of our websites (e.g., IP address, MAC address of your smartphone or computers, information regarding your device and settings, cookies, date and time of your visit, sites and content retrieved, applications used, referring website, localization data).

### **3. Purpose of Data Processing and Legal Grounds**

We primarily use collected data in order to conclude and process contracts with our clients and business partners, in particular in connection with providing banking services to our clients as well as in order to comply with our domestic and foreign legal obligations. You may be affected by our data processing in your capacity as an employee of such a client or business partner.

In addition, in line with applicable law and where appropriate, we may process your personal data and personal data of third parties for the following purposes, which are in our legitimate interest, such as:

- providing and developing our products, services and websites, apps and other platforms, on which we are active;
- communication with third parties and processing of their requests (e.g., job applications, media inquiries) always being bound by banking confidentiality according to 47 of the Federal Banking Act<sup>1</sup>;
- review and optimization of procedures regarding needs assessment for the purpose of direct customer approach as well as obtaining personal data from publicly accessible sources for customer acquisition;
- advertisement and marketing (including organizing events), provided that you have not objected to the use of your data for this purpose (if we already have a business relationship and you receive our advertisement, you may object at any time);
- asserting legal claims and defense in legal disputes and official proceedings;
- prevention and investigation of criminal offences and other misconduct (e.g. conducting internal investigations, data analysis to combat fraud);
- ensuring our operation, including our IT, our websites, apps and other appliances
- video surveillance to protect our domiciliary rights and other measures to ensure the safety of our premises and facilities as well as protection of our employees and other individuals and assets owner by or entrusted to us (such as e.g. access controls, visitor logs, network and mail scanners, telephone recordings);
- acquisition and sale of business divisions, companies or parts of companies and other corporate transactions and the transfer of personal data related thereto as well as measures for business management and compliance with legal and regulatory obligations as well as internal regulations of E. Gutzwiller & Cie, Banquiers.

If you have given us your consent to process your personal data for certain purposes (for example when registering to receive newsletters or carrying out a background check), we will process your personal data within the scope of and based on this consent, unless we have another

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<sup>1</sup> (Schweizerisches) Bundesgesetz über die Banken und Sparkasse, Systematische Sammlung des Bundesrechts SR 952.0

legal basis, provided that we require one. Consent given can be withdrawn at any time, but this does not affect data processed prior to withdrawal.

#### **4. Cookies / Tracking and Other Techniques Regarding the Use of our Website**

We typically use "cookies" and similar techniques on our websites and potential apps, which allow for an identification of your browser or device. A cookie is a small text file that is sent to your computer and automatically saved by the web browser on your computer or mobile device, when you visit our website or install our app. If you revisit our website or our app, we may recognize you, even if we do not know your identity. Besides cookies that are only used during a session and deleted after your visit of the website ("session cookies"), we may use cookies in order to save user configurations and other information for a certain time period (e.g., two years, "permanent cookies"). Notwithstanding the foregoing, you may configure your browser settings in a way that it rejects cookies, only saves them for one session or deletes them prematurely. Most browsers are preset to accept cookies. We currently do not use permanent cookies.

If you block cookies, it is possible that certain functions (such as, e.g., language settings) are no longer available to you.

By using our websites and potential apps and consenting to the receipt of newsletters and other marketing e-mails you agree to our use of such techniques. If you object, you must configure your browser or e-mail program accordingly or uninstall the app, should the respective setting not be available.

We may use Google Analytics or similar services on our website. These are services provided by third parties, which may be located in any country worldwide, which allow us to measure and evaluate the use of our website (on an anonymized basis). For this purpose, permanent cookies are used, which are set by the service provider. Although we can assume that the information we share with a third party is not personal data for them (e.g. Google), it may be possible that he may be able to draw conclusions about the identity of visitors based on the data collected, create personal profiles and link this data with other data (e.g. Google accounts) of these individuals for its own purposes. If you have registered with the service provider, the service provider will also know your identity. In this case, the processing of your personal data by the service providers will be conducted in accordance with their data protection regulations. The service provider only provides us with data on the use of the respective website (but not any personal information of you).

In addition, we use plug-ins from social networks such as Facebook, LinkedIn, X (formerly Twitter), YouTube, Pinterest or Instagram on our websites. This is visible for you (typically based on the respective symbols). We have configured these elements to be disabled by default. If you activate them (by clicking on them), the operators of the respective social networks may record that you are on our website and where on our website you are exactly and may use this information for their own purposes. This processing of your personal data lays in the responsibility of the respective operator and occurs according to its data protection regulations. We do not receive any information about you from the respective operator.

#### **5. Datatransfer abroad**

In the context of our business activities and in line with the purposes set out in section 3 we do as a rule not pass on any data to third parties of our own accord. However, we may disclose

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data to third parties (hereinafter referred to as "recipients") in the course of providing our services, processing orders and where we are legally authorized or obliged to do so. In particular, the following categories of recipients may be concerned:

- Our service providers (e.g. banks, insurances), including processors (such as e.g. IT providers);
- Service providers with whom we cooperate to provide banking services (in payment transactions, securities transactions, credit card providers, etc.). In the processing of orders, the transfer of personal data is sometimes indispensable, both nationally and internationally. We also refer to information brochures of the Swiss Bankers Association, among others:
  - Information from the SBA regarding the disclosure of client details in payment transactions, securities and other transactions in connection with SWIFT (June 2009)
  - Information from the SBA regarding the disclosure of client data and other information in international payment transactions and investments in foreign securities (February 2016).
- Authorities or courts, if there is a legal basis for doing so.
- Acquirers or parties interested in the acquisition of business divisions, companies or other parts of E. Gutzwiller & Cie, Banquiers;
- other parties in possible or pending legal proceedings;
- Affiliates of E. Gutzwiller & Cie, Banquiers.

Certain Recipients may be within Switzerland but they may be located in any country worldwide. In particular, you must anticipate your data to be transmitted to any country in which our service providers are located. We only cooperate with foreign service providers where it is indispensable and avoid the transfer of personal data with all service providers as far as possible.

If a recipient is located in a country without adequate statutory data protection, we require the recipient to comply with an equivalent level of data protection. An exception may apply for example in case of legal proceedings abroad, but also in cases of overriding public interest or if the performance of a contract requires disclosure, if you have consented or if data has been made available generally by you and you have not objected against the processing. We consider your consent to be, in particular, the placing of orders for the execution of which the transmission of personal data to third parties is unavoidable.

## **6. Retention Periods for your Personal Data**

We process and retain your personal data as long as required for the performance of our contractual obligation and compliance with legal obligations or other purposes pursued with the processing. Personal data may be retained for the period during which claims can be asserted against our company or insofar as we are otherwise legally obliged to do so or if legitimate business interests require further retention (e.g., for evidence and documentation purposes). At this point, we would like to point out the 10-year storage obligation to which we are subject by law. As soon as your personal data is no longer required for the above-mentioned purposes, it will be deleted or made anonymous as far as possible.

## **7. Data Security**

We have taken appropriate technical and organizational security measures to protect your personal data from unauthorized access and misuse such as internal policies, training, IT and network security solutions, access controls and restrictions, encryption of data carriers and transmissions, anonymization.

## **8. Obligation to Provide Personal Data To Us**

In the context of our business relationship you must provide us with any personal data that is necessary for the conclusion and performance of a business relationship and the performance of our contractual obligations (as a rule, there is no statutory requirement to provide us with data). Without this information, we will usually not be able to enter into or carry out a contract with you (or the entity or person you represent). In addition, the website cannot be used unless certain information is disclosed to enable data traffic (e.g. IP address).

## **9. Profiling (and Automated Individual Decision-Making)**

We do not automatically process your personal data with the aim of evaluating certain personal aspects ("profiling"). As a matter of principle, no automated decision-making is used when establishing and implementing a business relationship or in any other way. Should we use such procedures in individual cases, we will inform you separately, insofar as this is required by law, and inform you of the associated rights.

## **10. Your rights**

In accordance with and as far as provided by applicable law you have the right to access, rectification and erasure of your personal data, the right to restriction of processing or **to object to our data processing, in particular for direct marketing purposes, for profiling carried out for direct marketing purposes and for other legitimate interests in processing** in addition to right to receive certain personal data for transfer to another controller (data portability). Please note, however, that we reserve the right to enforce statutory restrictions on our part, for example if we are obliged to retain or process certain data, have an overriding interest (insofar as we may invoke such interests) or need the data for asserting claims. If exercising certain rights will incur costs on you, we will notify you thereof in advance. We have already informed you of the possibility to withdraw consent in Section 3 above. Please further note that the exercise of these rights may be in conflict with your contractual obligations and this may result in consequences such as premature contract termination or involve costs. If this is the case, we will inform you in advance unless it has already been contractually agreed upon.

In general, exercising these rights requires that you are able to prove your identity (e.g., by a copy of identification documents where your identity is not evident otherwise or can be verified in another way). In order to assert these rights, please contact us at the addresses provided in Section 1 above.

In addition, every data subject has the right to enforce his/her rights in court or to lodge a complaint with the competent data protection authority. The competent data protection

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authority of Switzerland is the Federal Data Protection and Information Commissioner (<http://www.edoeb.admin.ch>).

**11. Amendments of this Data Protection Statement**

We may amend this Data Protection Statement at any time without prior notice. The current version published on our website shall apply.