Privacy Statement smart byte GmbH

1. General Information

Based on Article 13 of the Swiss Federal Constitution and federal data protection regulations (**Data Protection Act, DSG**), every person is entitled to protection of their privacy and to protection against misuse of their personal data. We take the protection of your personal data very seriously. We treat your personal data confidentially and in accordance with legal data protection regulations and this privacy policy.

In close cooperation with our hosting providers, we strive to protect the databases as much as possible from unauthorized access, loss, misuse or falsification. We would like to point out that data transmission over the Internet (e.g. when communicating by e-mail) may have security gaps. It is not possible to completely protect data from access by third parties.

By using this website, you agree to the collection, processing and use of data in accordance with the following description. In principle, this website can be visited without registration. Data such as pages viewed, IP address, date, time, browser request and general information transmitted about the operating system or browser are stored on the server for statistical purposes without this data being directly related to your person. Insofar as personal data (such as name, address or e-mail addresses) is collected on our pages, this is always done on a voluntary basis as far as possible. This data will not be passed on to third parties without your express consent.

2. Processing of Personal Data

Personal data is any information relating to an identified or identifiable person. A data subject is a person about whom personal data is processed. Processing includes any handling of personal data, regardless of the means and procedures used, in particular the storage, disclosure, procurement, deletion, storage, alteration, destruction and use of personal data.

We process personal data in accordance with Swiss data protection law. In addition, we process personal data (to the extent and as far as the EU GDPR is applicable) in accordance with the following legal bases in connection with Article 6 (1) GDPR:

- **Consent (Article 6 (1) (a) GDPR)** - The data subject has given consent to the processing of personal data concerning him or her for a specific purpose or several specific purposes.
- **Contract performance and pre-contractual inquiries (Art. 6 (1) (b) GDPR)** - Processing is necessary for the performance of a contract to which the data subject is a party or to carry out pre-contractual measures taken at the request of the data subject.
- **Legal obligation (Art. 6 (1) (c) GDPR)** - Processing is necessary to fulfil a legal obligation to which the person responsible is subject.
- **Protection of vital interests (Art. 6 (1) (d) GDPR)** - Processing is necessary to protect the vital interests of the data subject or of another natural person.
- **Legitimate interests (Art. 6 (1) (f) GDPR)** - Processing is necessary to protect the legitimate interests of the controller or of a third party, unless the interests or fundamental rights and freedoms of the data subject, which require the protection of personal data, prevail.
- **Application process as a pre-contractual or contractual relationship (Art. 9 para. 2 lit. b GDPR)** - If, as part of the application process, special categories of personal data within the meaning of Article 9 (1) GDPR (e.g. health data, such as disability status or ethnic origin) are requested from applicants so that the person responsible or the data subject can exercise the rights conferred on him or her under employment law and social security and social protection law and fulfil his or her obligations in this regard, their processing is carried out in accordance with Article 9 (2) lit. b. GDPR, in case of protection vital interests of applicants

or other persons in accordance with Art. 9 para. 2 lit. c. GDPR or for health care or occupational medicine purposes, for the assessment of the employee's ability to work, for medical diagnostics, care or treatment in the health or social sector or for the administration of systems and services in the health or social sector in accordance with Art. 9 para. 2 lit. h. GDPR. In the case of communication of special categories of data based on voluntary consent, their processing is carried out based on Article 9 (2) lit. a. GDPR.

We process personal data for the period necessary for the respective purpose or purposes. In the event of longer-term storage obligations due to legal and other obligations to which we are subject, we will restrict processing accordingly.

3. Safety measures

In accordance with legal requirements, considering the state of the art, implementation costs and the nature, scope, circumstances and purposes of processing as well as the different probabilities of occurrence and the extent of the threat to the rights and freedoms of natural persons, we take appropriate technical and organizational measures to ensure a level of protection appropriate to the risk.

The measures include, in particular, ensuring the confidentiality, integrity and availability of data by controlling physical and electronic access to the data as well as the access, input, transfer, availability and separation of data relating to it. We have also set up procedures that ensure the exercise of data subject rights, the deletion of data and responses to data risks. In addition, we take the protection of personal data into account when developing or selecting hardware, software and processes in accordance with the principle of data protection, through technology design and through privacy-friendly default settings.

4. Transfer of Personal Data

As part of our processing of personal data, the data may be transferred to other bodies, companies, legally independent organizational units or persons or disclosed to them. Recipients of this data may include, for example, service providers tasked with IT tasks or providers of services and content that are integrated into a website. In such cases, we comply with legal requirements and, in particular, conclude appropriate contracts or agreements with the recipients of your data that serve to protect your data.

5. Data processing in third countries

If we process data in a third country (i.e. outside the European Union (EU), the European Economic Area (EEA)) or processing takes place as part of the use of third-party services or the disclosure or transfer of data to other persons, bodies or companies, this is only done in accordance with legal requirements.

Subject to express consent or transfer required by contract or law, we only process the data in third countries with a recognized level of data protection, contractual obligation through so-called standard protection clauses issued by the EU Commission, if certifications or binding internal data protection regulations are available (Articles 44 to 49 GDPR, **Information page of the EU-Commission**).

6. SSL/TLS-Encryption

This website uses SSL/TLS encryption for security reasons and to protect the transmission of confidential content, such as inquiries that you send to us as the site operator. You can recognize an encrypted connection by the fact that the browser's address line changes from "**http://**" to "**https://**" and click on the lock icon in your browser line.

If SSL or TLS encryption is enabled, the data you submit to us cannot be read by third parties.

7. Server log files

The provider of this website automatically collects and stores information in so-called server log files, which your browser automatically transmits to us. These are:

- IP address and host name of the accessing computer
- Browser type and browser version
- Operating system used
- Source of request (referrer URL)
- Time of server request

This is necessary for technical reasons to make our website available to you. This data cannot be attributed to a specific person and this data is not combined with other data sources. We reserve the right to check this data retrospectively if we become aware of concrete evidence of illegal use.

The web hosting provider uses technical and organizational measures to protect this data from unauthorized access and does not pass it on to third parties. Insofar as we process personal data, we do so because of our interest in offering you the best possible user experience and ensuring the security and stability of our systems.

8. Using cookies

This website uses cookies. These are small text files that make it possible to store specific user-related information on the user's device while the user is using the website. Cookies make it possible to determine the frequency of use and the number of users of the pages, to analyse behavioural patterns of site usage, but also to make our offer more customer friendly. Cookies remain stored beyond the end of a browser session and can be retrieved when you visit the site again. If you do not want this to happen, you should set your Internet browser so that it refuses to accept cookies.

The following types of cookies and functions are differentiated:

- **Temporary cookies (also: session or session cookies)** are deleted at the latest after a user has left an online offer and closed their browser.
- **Persistent cookies** remain saved even after the browser is closed. For example, the login status can be saved or preferred content can be displayed directly when the user visits a website again. The interests of users that are used to measure reach or for marketing purposes can also be stored in such a cookie.
- **Third party cookies** are primarily used by advertisers to process user information.
- **Necessary (also: essential or absolutely necessary) cookies** may be absolutely necessary for the operation of a website (e.g. to save logins or other user inputs or for security reasons).
- **Statistics, marketing and personalization cookies** are usually used as part of audience measurement and when a user's interests or behaviour (e.g. viewing certain content, using functions, etc.) are stored in a user profile on individual websites. Such profiles are used, for

example, to show users content that matches their potential interests. This process is also known as “tracking”, i.e. tracking the potential interests of users. If we use cookies or “tracking” technologies, we will inform you separately in our privacy policy or when you obtain consent.

A general objection to the use of cookies for online marketing purposes can be submitted for a variety of services, in particular tracking, via the **US-site** or the **EU-site** be explained. In addition, cookies can be saved by deactivating them in the browser settings. Please note that not all functions of this online offer can be used in this case.

9. Third party services

This website only uses Google Maps to embed maps, Google Invisible reCAPTCHA to protect against bots and spam, and YouTube to embed videos.

These services provided by the American Google LLC use cookies, among other things, and as a result, data is transferred to Google in the USA, although we assume that no personal tracking takes place solely using our website.

Google is committed to ensuring adequate data protection in accordance with the American-European and American-Swiss Privacy Shield.

Further information can be found in **Google’s privacy policy**.

10. Google Analytics Privacy Policy

This website uses Google Analytics, a web analysis service provided by Google Ireland Limited. If the person responsible for data processing on this website is located outside the European Economic Area or Switzerland, Google Analytics data processing is carried out by Google LLC. Google LLC and Google Ireland Limited are hereafter referred to as “Google.”

Using the statistics obtained, we can improve our offer and make it more interesting for you as a user. This website also uses Google Analytics for cross-device analysis of visitor flows, which is carried out via a user ID. If you have a Google user account, you can deactivate the cross-device analysis of your usage under “My data”, “personal data” in the settings there.

The legal basis for the use of Google Analytics is Art. 6 (1) (f) GDPR. The IP address transmitted by your browser as part of Google Analytics is not combined with other data from Google. Please note that Google Analytics has been configured on this website with an anonymized collection of IP addresses. As a result, IP addresses are further processed in abbreviated form and personal identification can thus be ruled out. Insofar as the data collected about you is personally identified, this is therefore immediately excluded, and the personal data is therefore immediately deleted.

Only in exceptional cases will the full IP address be transmitted to a Google server in the USA and abbreviated there. On behalf of the operator of this website, Google will use this information to evaluate your use of the website, to compile reports on website activity and to provide other services related to website and Internet usage to the web hosting provider.

You can also prevent the use of Google Analytics by clicking on the link **Deactivate Google Analytics**. This stores a so-called opt-out cookie on your data carrier, which prevents the processing of personal data by Google Analytics.

Please note that if you delete all cookies from your device, these opt-out cookies will also be deleted, i.e. you must set the opt-out cookies again if you want to continue to prevent this

form of data collection. The opt-out cookies are set per browser and computer / device and must therefore be activated separately for each browser, computer or other device.

11. Google Web Fonts Privacy Policy

This website uses so-called web fonts provided by Google to uniformly display fonts. When you call up a page, your browser loads the required web fonts into your browser cache to correctly display texts and fonts. If your browser does not support web fonts, a standard font is used by your computer.

You can find more information about Google Web Fonts in **Google Web Font FAQ** and in **Google's privacy policy**.

12. Google reCAPTCHA Privacy Policy

We use "Google reCAPTCHA" (hereinafter referred to as "reCAPTCHA") on our websites. The provider is Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland, hereinafter referred to as "Google".

reCAPTCHA is used to check whether the data entry on our websites (e.g., in a contact form) is made by a human or by an automated program. To this end, reCAPTCHA analyses the behaviour of the website visitor based on various characteristics. This analysis begins automatically as soon as the website visitor enters the site. For the analysis, reCAPTCHA evaluates various pieces of information (e.g., IP address, duration of the website visitor's stay on the website, or mouse movements made by the user).

The data collected during the analysis are forwarded to Google. The reCAPTCHA analyses run entirely in the background. Website visitors are not informed that an analysis is taking place. Data processing is based on Article 6(1)(f) GDPR. The website operator has a legitimate interest in protecting its web offerings from abusive automated snooping and SPAM.

For more information about Google reCAPTCHA and Google's privacy policy, please see the following links: **Google's Privacy Policy** and **Terms of Service** von Google.

13. Privacy statement for newsletter data

If you would like to receive the newsletter offered on this website, we need an e-mail address from you as well as information that allows us to verify that you are the owner of the e-mail address provided and that you agree to receive the newsletter. No further data is collected. We use this data exclusively to send the requested information and do not pass it on to third parties.

You can withdraw your consent to the storage of the data, the e-mail address and their use to send the newsletter at any time, for example via the "unsubscribe link" in the newsletter.

14. Changes

We can amend this privacy policy at any time without notice. The current version published on our website applies.

To the extent that this privacy policy is part of an agreement with you, we will notify you of the change by email or other appropriate means in the event of an update.

15. Questions and Information

In principle, you have the rights to information, correction, deletion, restriction, data portability, revocation and objection. If you believe that the processing of your data violates data protection law or that your data protection claims have otherwise been violated in any way, you can complain to the supervisory authority.

You can reach us at **data-privacy@smart-byte.ch**.

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