

# **Privacy Policy - Website**

**Personalvorsorgestiftung der IBM (Schweiz), Zurich**

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# Privacy Policy

Data protection is a high priority for the Personalvorsorgestiftung der IBM (Schweiz) (hereinafter referred to as “IBM PVS”, “**we**” or “**us**”). In this Privacy Policy, we explain how and for what purpose we collect and process (e.g. store, use, transmit, etc.) personal data from you in connection with your visit to our website pkatavadis50.ch and our related services, to whom we disclose your personal data, as well as your rights arising in this context from data protection legislation or other legal bases.

In principle, our website can be used without providing any personal data. However, if you wish to use specific services via our website, it may be necessary for personal data to be processed.

We collect and process your data when you visit our website primarily in order to be able to provide you with an interesting, user-friendly, functional, stable and secure website and to deliver the content and services it includes. If you contact us via a corresponding feature (e.g. correspondence by e-mail, contact form, etc.), we record the communication between you and us as well as the personal data transmitted to us in this context for the purposes of this communication.

Personal data refers to all information about personal or factual circumstances that relate to an identified or identifiable natural person (e.g. name, address, e-mail address, etc.). In this Privacy Policy, we also use the terms “your data” or “your personal data”.

We are committed to handling your personal data responsibly. Therefore, we process personal data strictly in compliance with the Swiss Federal Act on Data Protection (FADP) (Datenschutzgesetz, DSG), as well as the associated ordinance and other Swiss data protection regulations that may be applicable.

In this Privacy Policy we explain:

- the type of personal data we collect and process;
- the purposes for which we use your personal data;
- who has access to your personal data;
- for how long we process your personal data;
- the rights you have with respect to your personal data; and
- how to contact us.

This Privacy Policy covers the collection of personal data online in connection with our business activities.

Please note that this Privacy Policy does not include an exhaustive description of our data processing activities and that individual matters may be governed in whole or in part by specific privacy statements, general terms and conditions, fact sheets or similar documents (with or without reference in this Privacy Policy).

## 1 Controller

Responsibility for data processing according to data protection law lies with:

Personalvorsorgestiftung der IBM (Schweiz)  
c/o IBM Schweiz  
Vulkanstrasse 106  
8048 Zurich

If you have any concerns or queries related to the provision of our insurance services or this Privacy Policy, please contact the person specified in section 1.1.

### 1.1 Data protection advisor

The contact details of our data protection advisor are:

Datenschutzberater.Schweiz@ibm.com

## 2 Data protection in general

### 2.1 Personal data processed by us

PVS IBM processes a variety of personal data regardless of the means by which individuals contact us, e.g., by telephone, via a website, an app, a social network, at an event, etc. This concerns personal data in particular:

- that we collect during the use of our websites;
- that we obtain when you contact us;
- that we receive in the context of an authorisation.

Depending on the nature of the relationship, we process personal data from you such as:

- **Contact data, inventory data and identification data**, for example, surname, first name, address, e-mail address, telephone number;
- **Marginal data** from telecommunications traffic such as telephone number, value-added service codes, date, time and duration of connection, type of connection, location data, IP address, and device identification numbers such as MAC address;
- **Interaction and usage data** such as correspondence, type of device, device settings, operating system, software, and information from assertion of rights.

### 2.2 How do we obtain personal data?

#### 2.2.1 Personal data that you disclose to us

We obtain personal data from you when you submit data to us or when you contact us. This may occur through various channels, such as the different means by which you communicate with us (e-mail, phone, etc.) or through your use of our website.

### 2.3 Purposes for which we process personal data

The data you provide us with are used for administrative and communication purposes.

### 2.4 Legal basis of the processing

We process your personal data based on:

- **consent**, to the extent you have given it to us, to process your personal data for specific purposes. We process your personal data within the scope of and based on this consent where we require such a legal basis in the absence of any other legal basis. Consent given can be

revoked at any time, however this has no effect on data processing that has already taken place. You can send us a revocation by e-mail or by post to the (e-mail) address indicated in section 1.1.

### 3 Disclosure and transfer of personal data to third parties

If your personal data are not processed by us, but by processors or other responsible parties, we ensure full compliance with the legal requirements. As a rule, data is disclosed to third parties only:

- if the disclosure is necessary for the contractual arrangement with you,
- if the disclosure is permissible due to a balancing of interests,
- if the disclosure is necessary due to legal obligations, or
- with your explicit consent.

Within the scope of our business activities and for the above-mentioned purposes, we also disclose personal data to third parties, insofar as this is permitted and appropriate. This is the case either if such parties process the data for us (processing) or if they want to use it for their own purposes (data disclosure). This applies in particular to (all hereinafter referred to as **“Recipients”**):

- Service providers (such as external administrators or IT providers), including processors, for the processing and storage of your data, sending and receiving e-mails, offering and developing certain functions in connection with our website, as well as for research, analysis, maintenance and security in connection with our website;

### 4 Duration of data processing

We process personal data for as long as it is necessary for the fulfilment of our contractual obligations or for other purposes pursued with the processing. This is often for the duration of the entire business relationship (from the initiation, to the processing and termination of a contract) and beyond in accordance with the statutory retention and documentation obligations. In this context, it is possible that personal data will be retained for the time during which claims can be asserted against us or we are otherwise legally obligated to do so, or as long as is necessary due to legitimate interests (e.g. for evidence and documentation purposes). As soon as your personal data are no longer required for the above-mentioned purposes, they will essentially be deleted or anonymised.

### 5 Transmission of personal data abroad

Personal data are processed almost exclusively in Switzerland. An exception is the disclosure of personal data when we use IT services for which the transmission of personal data abroad is unavoidable.

Where we transfer personal data to a country without an adequate level of data protection, we safeguard the protection of these data in an adequate manner. One means of guaranteeing sufficient data protection is the conclusion of data transfer agreements with the recipients of your personal data in third countries that ensure the necessary data protection. This may include, for example, contracts approved, issued or recognised by the European Commission and the Federal Data Protection and Information Commissioner, so-called standard contractual clauses, which are available [here](#).

Please note that such contractual arrangements can partially compensate for weaker or missing legal protection, but cannot completely exclude all risks (e.g. from government access abroad). In exceptional cases, transmission to countries without adequate protection may also be permitted, e.g. based on consent, in connection with legal proceedings abroad or if transmission is necessary for the performance of a contract.

## 6 Visiting our web pages

In principle, our web pages can be used without providing any personal data. This does not apply to areas and services that naturally require your name, address or other personal data, e.g. completing an online form.

If you contact us via e-mail and online forms (contact form or quote form), personal data are collected and transmitted to us. Which data are involved depends on the corresponding input mask. If you use the corresponding features, we also process your personal data

- to contact you;
- for electronic mail dispatch;

### 6.1 Server log files

Each time you visit our website, our servers temporarily store your access in a log file, the so-called server log file.

In this context, the following are recorded: your IP address, the date and time of your visit, the name of the file accessed, access status (successful, partially successful, not successful, etc.), the web browser and operating system used, referrer URL (the page visited before) as well as other similar information, which serves to avert risks in the event of attacks on our information technology systems. These data will not be merged with other data sources.

The purpose of processing this information is to display our website, its content and services correctly; to ensure data traffic; to optimise our website, its content and services; to guarantee the stability and security of our website and systems on a permanent basis; and to enable the clarification, defence and prosecution of cyberattacks, spam and other unlawful acts in relation to our website and systems, and to enforce claims in this regard.

We delete your personal data as soon as they are no longer required to achieve the purpose for which they were collected. In the case of the collection of data for calling up our website, the deletion takes place when the respective session has ended.

For the hosting of the website, we may use services of third parties in Switzerland and abroad, which perform the above-mentioned processing on our behalf. Currently, our websites are hosted exclusively on servers in Switzerland and the EU.

### 6.2 Contact

On our website, you have the option of contacting us by e-mail as well as by telephone. The data collected in the case of contact via an online form can be found in the respective form. If we are contacted by you via e-mail or telephone, the personal data transmitted in the context of this contact (e.g. e-mail address, name, telephone number, etc.) will be collected, stored and used by us to respond to your request.

Your information will be stored for the purpose of processing your request, its handling and in case of follow-up questions with us and will not be disclosed to unauthorised third parties without your consent. Of course, this also applies to requests that you send to us by post.

Mandatory data are necessary to process your request. The voluntary provision of further data facilitates the processing of your inquiry and enables us to provide you with the information requested.

You can object to this data processing at any time. Please send your objection to the e-mail address indicated in section 1.1 and we will review your objection. In the event of an objection, your contact request will not be processed further.

Your personal data will be deleted as soon as the request you have made has been resolved, i.e. when the circumstances indicate that the matter in question has been conclusively clarified and the deletion does not conflict with any statutory retention obligations.

### **6.3 Online portal for active members**

If you wish to use the benefits of our online portal for members, registration of a member account is required. You complete the registration process by entering the required data, such as e-mail address, first name and surname, mobile phone number and language. We require this information to provide you with password-protected direct access to your data stored with us and to process your request.

Access to the online portal is achieved by means of the following identification features: login ID, personal password and two-factor authentication.

The two-factor authentication is generated for each login and is forwarded to you via text message or e-mail.

You may cancel your member account at any time by sending us an e-mail to the e-mail address indicated in section 1.1. If you cancel your member account, the associated data will be deleted, subject to legal retention obligations. It is your responsibility to back up your personal data when cancelling your account. We are entitled to irretrievably delete all data stored during the term of the contract.

### **6.4 Cookies**

We use so-called cookies on our website. Cookies are small text files that are placed and stored on your device (laptop, tablet, smartphone etc.) by your browser. They are used to make our website more user-friendly, safer and more effective and thus make your visit to our website as pleasant as possible. Cookies do not damage your device. They cannot be used to run programs and they do not contain viruses.

Most of the cookies we use are so-called session cookies. They are automatically deleted when you log out or close the browser. Other cookies remain on your device beyond the respective usage process and enable us or our partner companies (third-party cookies) to recognise your browser on your next visit. If other cookies (such as those used to analyse your surfing behaviour) are stored, they will be treated separately in this Privacy Policy.

You can change the settings of your browser, so that it informs you prior to a cookie being stored on your device. You can also allow the use of cookies only in individual cases or generally deactivate the use of cookies via your browser settings. However, please note that if you do this you may not be able to use all the features of our website.

## **7 Data security**

To protect your personal data against unauthorised access, tampering, loss, destruction or disclosure by unauthorised persons, we have taken technical and organisational security measures that are state of the art.

Our security mechanisms include, among others, encryption of your personal data. All information that you enter online, for example, is transmitted via an encrypted transmission path, which means that this information cannot be viewed by unauthorised third parties at any time. Organisational security measures include, for example, directives to our employees, confidentiality agreements and regular monitoring. In addition, we require our processors to take appropriate technical and organisational security measures.

With the support of external experts, we continuously improve our security measures in line with the latest technological developments.

Our employees and external providers are subject to strict confidentiality and are obliged to comply

with the provisions of data protection law. Furthermore, external providers are granted access to your personal data only to the extent necessary.

## 8 Your rights

You have the right

- to request information about your personal data stored with us;
- to have inaccurate or incomplete personal data corrected;
- to ask for your personal data to be deleted or rendered anonymous if they are not (or no longer) necessary for the provision of occupational benefits or the leasing of residential and commercial properties;
- to request a restriction to processing your personal data insofar as the processing is not (or no longer) necessary for the provision of occupational benefits;
- to receive certain personal data in a structured, common and machine-readable format;
- to revoke consent with effect for the future, insofar as processing is based on consent.

Please note that we reserve the right to enforce the restrictions provided for by law, for example if we are obliged to retain or process certain data, have an overriding interest in doing so (insofar as we are entitled to invoke such overriding interest), or require certain data for the assertion of claims.

Note that exercising these rights may conflict with contractual agreements and may have consequences such as early termination of the contract or resulting costs. We will inform you in advance where such consequences are not contractually regulated.

If you believe that the processing of your personal data breaches data protection law, or that your data protection rights have been breached in any other way, you may also complain to the competent supervisory authority. In Switzerland, the competent authority is the Federal Data Protection and Information Commissioner (FDPIC; <https://www.edoeb.admin.ch/>).

The exercise of your rights under data protection law generally requires that you prove your identity (e.g. by means of a copy of your ID card, if your identity is not otherwise ascertained or cannot be verified). To assert your rights, please contact us by e-mail at the e-mail address specified in section 1.1.

## 9 Amendments to this Privacy Policy

This Privacy Policy may be amended at any time, in particular to incorporate any changes to our data processing practices or any new legal requirements. In general, the version current at the start of the processing in question shall apply to the data processing in each case.