

Privacy Statement for KLARA Business AG

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1. What is this Privacy Statement for?

KLARA Business AG (hereinafter “**Klara**”, “**we**”, “**us**”) procures and processes personal data relating to you or other persons (so-called “**third parties**”). We use the term “**data**” here as synonymous with “**personal data**”.

In this Privacy Statement we describe what we do with your data when you use our apps, obtain our services or products, otherwise have a connection with us under a contract, communicate with us or deal with us in other ways. If necessary, we will inform you by means of a timely written notification about additional processing activities not mentioned in this Privacy Statement. In addition, we can inform you separately about the processing of your data, e.g. in contract conditions, in supplementary terms and conditions for specific products or other information.

This Privacy Statement is based on the requirements of the EU General Data Protection Regulation (“**GDPR**”) and the Swiss Federal Act on Data Protection (“**FADP**”). However, whether and to what extent these laws are applicable depends on the individual case.

2. Who is responsible for processing your data?

KLARA Business AG, Schlössli Schöneegg, Wilhelmshöhe 1, 6003 Lucerne, Switzerland (“**Klara**”), is legally responsible for the data processing described in this Privacy Statement, unless otherwise communicated in individual cases.

You can contact us with regard to your data protection concerns and exercising your rights in accordance with section 11 as follows:

KLARA Business AG
Data Protection Officer
Schlössli Schöneegg
Wilhelmshöhe 1
CH-6003 Lucerne
dataprotection@klara.ch

3. Which data do we process?

We process different categories of data about you. The most important categories are as follows:

- **Technical data:** if you use our website or other electronic services, we collect the IP address of your device and other technical data to ensure the functionality and security of these services. These data also include logs recording the use of our systems. We usually keep technical data for 1 month, and in connection with banking applications for 1 year. In order to ensure the functionality of these services, we may also assign an individual code to you or your device (e.g. in the form of a cookie, see section 12). In principle, the technical data do not allow any conclusions to be drawn about your identity. However, in the context of user accounts, registrations, access controls or the processing of contracts, they may be linked to other data categories (and therefore possibly to you personally).
- **Registration data:** our services can only be used with a user account. You must provide us with certain data that we require to process our contractual and other business relationships or for marketing and advertising purposes. Depending on the service you use, this includes username, password, name, company, information about your role and function, powers of attorney, access authorisations and declarations of consent, address, e-mail, bank details and information about your relationship with us (customers, suppliers and partners). In addition, we collect data about the customer history and the use of the range or services. We process your registration data if you are a customer or other business contact or you work for one (e.g. as a contact person for the business customer), or because we want to contact you for our own reasons or for the purposes of a contractual partner (e.g. in the context of marketing and advertising). We generally retain registration data for 3 months after the termination of the user account.
- **Content data:** when using our services, you provide a large amount of data, import them, or the data are generated during use. This may involve data about your own activities, your employees or your customers. Depending on the service you use, this may be financial data, personal data, information about the relationship with your customers, about your projects, or about your electronic and physical mail. The content data are stored in encrypted form and are essentially neither accessible nor readable by us, unless it is absolutely necessary for the provision of the service, or if you agree in individual cases, e.g. if you make use of our support. We store your content data securely on your behalf and enable you to use

them in our services. To do this, you conclude a separate Data Processing Agreement with us.

If you provide us with data about other people, such as your customers, employees or family members, etc., we assume that you are authorised to do so and that these data are correct. By submitting data about third parties, you confirm this. Please also ensure that these third parties have been informed of this Privacy Statement.

The content data are retained during the contract period. After termination of all contracts with us and after termination of the user account, all content data will be deleted within 3 months.

- **Communications data:** if you get in touch with us via the contact form, by e-mail, telephone or chat, by letter or other means of communication, we record the data exchanged between you and us, including your contact details and the marginal data from the communication. If we record or listen in to telephone conversations or video conferences, e.g. for training and quality assurance purposes, we will expressly make you aware of this. Such recordings may only be made and used in accordance with our internal guidelines. You will be informed if and when such recordings are made, e.g. by notification during the video conference in question. If you do not wish to be recorded, please let us know or end your participation. If it is your image that you do not want recorded, please switch off your camera. If we want or need to establish your identity, e.g. if you submit a request for information, media access, etc., we collect data to identify you (e.g. a copy of an ID card). We generally keep communication data for 3 months after termination of the user account. This period may be longer if this is required for reasons of proof, to comply with legal or contractual requirements or for technical reasons.
- **Contract data:** these are data that arise in connection with the conclusion of a contract or the execution of a contract, e.g. information about the contracts and services to be provided or which have been provided, payments, reminders, collection information and data from the run-up to the conclusion of a contract, or the information required or used for processing and details of responses. We usually collect these data from you, from contractual partners and from third parties involved in the execution of the contract, but also from third-party sources (e.g. credit score provider data) and from publicly accessible sources. We may check your creditworthiness before we offer you purchase on account options. We generally retain these data for 10 years from the last contract activity, but at least from the end of the contract. This period may be longer if this is necessary for reasons of proof, to comply with legal or contractual requirements or for technical reasons.
- **Behaviour and preference data:** depending on the relationship we have with you, we try to get to know you and tailor our products, services and offers accordingly. In order to do this, we collect and use data about your behaviour and preferences. We do this by evaluating information about your behaviour in connection with us, and we may also supplement these details with information from third parties, including sources that are publicly available. Based on this, we can, for example, work out the likelihood that you will use specific

services or behave in a certain way. Some of the data processed for this purpose are already known to us (e.g. if you use our services), or we obtain these data by recording your behaviour (for example, how you navigate on our website). We anonymise or delete these data when they are no longer meaningful for the purposes in question, which may be up to [24] months depending on the nature of the data. This period may be longer if this is required for reasons of proof, to comply with legal or contractual requirements or for technical reasons. In section 12, we describe how tracking works on our website.

4. What are the purposes for which we process your data?

We process your data for the purposes explained below. These purposes, or the objectives on which they are based, represent our legitimate interests and, if applicable, those of third parties. You will find further information on the legal basis of our processing in Section 5.

We process your data for purposes related to **communicating with you**, in particular to answer inquiries and to assert your rights (section 11) and to contact you if you have any questions. We use communications data and registration data for this in particular. We retain these data to document our communications with you, for training purposes, for quality assurance and for inquiries.

We process data for the recording, management, fulfilment and processing of the **contractual relationship** with you. This includes in particular the operation of the services to which you have subscribed with us.

We process data for marketing purposes and to maintain relationships, e.g. to send our customers and other contractual partners personalised advertising about products and services from us and from third parties. This may be carried out, for example, in the form of newsletters and other regular contacts (electronically, by post or by telephone), via other channels for which we have contact details for you, and also as part of individual marketing campaigns (e.g. events, competitions, etc.) as well as free services (e.g. invitations, vouchers, etc.). You may reject such contact at any time (see the end of this section 4) or refuse or revoke your consent to being contacted for advertising purposes. With your consent, we are able to tailor our online advertising on the Internet more specifically to you (see our Privacy Statement on website use).

We can provide you with customised offers, including from third parties. No data will be passed on to third parties. If you are interested in such an offer, you can initiate data transmission to the third-party provider yourself.

We continue to process your data for **market research**, to **improve our services and our operations**, for **product development** and as part of our **internal processes and administration**.

We may also process your data for **security purposes** and to **control access** to our services.

We process personal data to **comply with laws, directives and recommendations from authorities and internal regulations (“compliance”)**.

We also process data for the purposes of our **risk management** and as part of judicious **corporate management**, including business organisation and corporate development.

5. On what basis do we process your data?

If we ask you for your consent for certain processing (e.g. for marketing mailings or for holding competitions), we will inform you separately about the corresponding purposes of the processing. You may revoke your consent at any time by sending us a written message or an e-mail to take effect for the future. Our contact details can be found in section 2. Once we have received the notice of withdrawal of your consent, we will no longer process your data for the purposes to which you initially consented, unless we have another legal basis for doing so. The revoking of your consent does not affect the legality of the processing carried out on the basis of the consent up to the revocation.

Where we do not ask for your consent to processing, we base the processing of your personal data on the fact that the processing is required for the **initiation, fulfilment or execution of a contract** with you (or the office or place you represent) or that we or a third party have a **legitimate interest** in doing so, in particular for the purposes described above under section 4, to pursue related goals and to be able to implement appropriate measures. Our legitimate interests also include compliance with **legal provisions**, insofar as this is not already recognised as a legal basis by the applicable data protection law (e.g. the law in the EEA and Switzerland in the case of the GDPR). However, this also includes the marketing of our products and services, the interest in understanding our markets better and in managing and developing our company, including operations, securely and efficiently.

We can also process your data for other legal reasons, for example, in the case of disputes due to the necessity of processing for any lawsuit or the enforcement or defence of **legal claims**. In individual cases, other legal grounds may apply, which we will communicate to you separately if necessary.

6. What applies to profiling and automated individual decisions?

“Profiling” means the automated processing of personal data in order to analyse or predict certain personal aspects or behaviour. This means that customers can be looked after and advised more individually, for example, or offers can be better tailored to specific customer requirements.

“Automated individual decisions” are those that are made fully automatically, i.e. without relevant human influence, and which have negative legal effects on the customer or other similar negative effects.

We do not generally carry out any profiling nor make any automated individual decisions.

7. To whom do we disclose your data?

In connection with our contracts, the website, our services and products, our legal obligations or to otherwise protect our legitimate interests and the other purposes listed in section 4, we also transmit your personal data to third parties, in particular to the following categories of recipients:

- **Service providers:** we work with service providers domestically and abroad who process data about you on our behalf. (e.g. IT providers, postal and shipping companies, printing and scanning services or advertising service providers). We also obtain services from providers to be able to deliver our services efficiently (e.g. collection agencies, credit agencies or address verifiers who update address lists when moving house). We conclude contracts

with these service providers that make provision for the protection of data, insofar as this does not result from the law. You can find a list of the most important service providers [here](#).

- **Partner companies:** our partner companies, such as authorities, insurance companies, banks, Swiss Post or other enterprises, offer certain services in conjunction with us. If you want to take advantage of such an offer, we share data about you or the necessary content data with these companies. You will always be informed in advance of any such data sharing and this will only be carried out with your consent.
- **Authorities:** we can pass on personal data to offices, courts and other authorities at home and abroad if we are legally obliged or entitled to do so or if this appears necessary to protect our interests (e.g. criminal investigations, police measures, regulatory requirements and investigations, court hearings, reporting obligations and pre-litigation and post-litigation proceedings as well as statutory information and obligations to cooperate).
- **Other persons:** this refers to other cases where the involvement of third parties results from the purposes according to section 4, e.g. delivery addressees or external payment recipients specified by you that differ from yours, other third parties also in the context of representation relationships (e.g. if we send your data to your lawyer or your bank) or persons involved in administrative or legal proceedings. In the course of business development, we may sell or acquire, or enter into partnerships with any business, division, asset or company, which may involve the disclosure of information (including by you, e.g. as a customer or supplier or as a supplier representative) that may have consequences for persons involved in these transactions. The content data are never affected by potential passing on in this sense.

All these categories of recipients may in turn involve third parties, so that your data may also be accessible to them. We can restrict the processing by certain third parties (e.g. IT providers), but not that by other third parties (e.g. authorities, banks, etc.).

8. Where do we process your data?

As explained in section 7, we also disclose data to other bodies. These are not based exclusively in Switzerland. Your **content data** are stored and processed in Switzerland. **Communications data** are processed in Europe and **registration data** may also be processed in the USA. To ensure security of information, **network traffic** can be checked using analysis tools that can be operated worldwide. A list of our most important service providers and the location where the data is processed can be found [here](#).

If a recipient is located in a country without adequate statutory data protection, we contractually oblige the recipient to comply with the applicable data protection regulations, unless they are already subject to a legally recognised set of data protection regulations and we cannot rely on an exemption clause.

9. For what period of time do we process your data?

We process your data for as long as is required for our processing purposes, the legal retention periods and our legitimate interests in processing for documentation and evidence purposes, or when storage is necessary for technical reasons. Further information on the relevant storage and processing period can be found in the individual data categories in section 3. If there are no legal or

contractual obligations to the contrary, we will delete or anonymise your data after the storage or processing period has expired as part of our usual processes.

10. How do we protect your data?

We take appropriate security measures to protect the confidentiality, integrity and availability of your personal data, to protect them against unauthorised or unlawful processing and to counteract the risks of loss, unintentional modification, unwanted disclosure or unauthorised access.

The content data in particular are subject to high information security requirements. For the operation of our services, we have [ISO 27001 certification](#), which ensures a high standard of information security.

11. What rights do you have?

The applicable data protection law grants you the right to object to the processing of your data, in particular when they are used for direct marketing purposes and other legitimate processing interests under specific circumstances.

In order to make it easier for you to control the processing of your personal data, you also have the following rights in connection with our data processing, depending on the applicable data protection law:

- the right to request information from us as to whether and which data we process from you;
- the right to have data corrected if it is inaccurate;
- the right to request the deletion of data;
- the right to request that we provide certain personal data in a commonly used electronic format or transmit it to another party involved;
- the right to withdraw consent where our processing is based on your consent;
- the right, upon request, to obtain further information required for the exercising of these rights.

If you wish to exercise the above rights with us, please contact us by email. Our contact details can be found in section 2. To enable us to rule out misuse, we have to identify you (e.g. via a copy of your ID, unless this is possible by other means).

Please note that these rights are subject to requirements, exemptions or restrictions under applicable data protection law (e.g. to protect third parties or trade secrets).

We will inform you accordingly if necessary. In particular, we may have to process and store your personal data in order to fulfil a contract with you, to protect our own legitimate interests, such as the assertion, exercising or defence of legal claims, or to comply with legal obligations.

If you do not agree with our handling of your rights or data protection, please let us know (section 2). In particular, if you are located in the EEA, UK or Switzerland, you also have the right to complain to your country's data protection supervisory authority.

12. Do we use online tracking techniques?

We use various techniques in our services with which we and third parties we engage can recognise you when you use them and, under certain circumstances, also track you over several visits. We give you information about it in this section.

It is essentially to enable us to be able to differentiate access by you (via your system) from access by other users, so that we can ensure the functionality of the website and carry out evaluations and personalisation. It is not our intention to infer your identity, even if we can, insofar as we or third parties engaged by us can identify you through a combination of registration data. However, even without registration data, the technologies used are designed in such a way that you are recognised as an individual visitor each time the page is accessed, for example by our server (or the servers of third parties) assigning you or your browser a specific identification number (so-called “cookie”).

Other techniques can also be used with which you are more or less likely to be recognised (i.e. distinguished from other users), e.g. “fingerprinting”. Fingerprinting combines your IP address, the browser used, the screen resolution, the language selected, and other information your system communicates to each server, resulting in a fingerprint that is more or less unique. Cookies can therefore be dispensed with.

Whenever you access a **server** (e.g. when using a website or an app or because an e-mail contains a visible or invisible image), your visits can be tracked. If we integrate offers from an advertising partner or provider of an analysis tool on our website, they can track you in the same way, even if you cannot be identified as an individual.

We use techniques such as these on our website and allow certain third parties to do the same. You can set your browser to block or trick certain cookies or alternative technologies, or delete existing cookies. You can also enhance your browser with software that blocks tracking by certain third parties. You will find more information about this on the help pages of your browser (usually under the keyword “Privacy Statement”) or on the websites of third parties, which we list below.

A distinction is made between the cookies below (i.e. techniques with comparable functionalities such as fingerprinting are also meant here):

- **Essential cookies:** some cookies are necessary for the functioning of the website as such or certain features. For example, they ensure that you can switch between pages without losing information entered in a form. They also ensure that you stay logged in. These cookies are only temporary (“session cookies”). If you block them, the website may not work. Other cookies are necessary so that the server can save decisions or entries made by you during a session (i.e. a visit to the website) if you use this feature (e.g. selected language, consent given, the feature for automatic login, etc.).

These cookies have an expiry date of up to [24] months.

- **Performance cookies:** in order to optimise our website and corresponding offers and to better tailor them to the requirements of users, we use cookies to record and analyse the usage of our website, possibly beyond the session. We do this by using third-party analysis services. These are listed below. Performance cookies also have an expiration date of up to [24] months. See the third-party websites for details.

13. Can this Privacy Statement be changed?

This Privacy Statement does not form part of any contract with you. We can adapt this Privacy Statement at any time. The version published on this website is the current version.

Last update: [15 August 2023]