

Privacy Statement for Swisscard AECS GmbH merchants

August 2023

1.	What is this Privacy Statement about?	1
2.	Who is responsible for processing your data?	1
3.	What data do we process?	2
4.	For what purposes do we process your data?	3
5.	Whom do we disclose your data to?	4
6.	When do we disclose personal data to foreign countries?	5
7.	How long do we process your personal data?	5
8.	What are your rights?	5
9.	How may we modify this Privacy Statement?	6

1. What is this Privacy Statement about?

Swisscard AECS GmbH, Neugasse 18, 8810 Horgen ("**Swisscard**" or "**we**") processes personal data relating to you as contact persons of merchants or merchants yourselves (sole proprietorships) (hereinafter "**merchants**" or "**you**").

This Privacy Statement explains our processing of such data (hereinafter "**personal data**" or "**data**") in connection with the acceptance of American Express Cards.

For further details on our data processing, please refer to our terms and conditions for the acceptance of American Express Cards as well as further terms of use and documentation.

To facilitate reading, only the masculine form is used in this document. All references to the male gender will be deemed and construed to include the female gender.

2. Who is responsible for processing your data?

For data processing under this Privacy Statement the following company is the data controller – i.e. the entity primarily responsible under data protection law:

Swisscard AECS GmbH
Data Protection
Neugasse 18
P.O. Box
8810 Horgen
E-Mail: datenschutz@swisscard.ch

If you have any questions about data protection, you are welcome to contact us at this address.

3. What data do we process?

We process various data from various sources depending on the occasion and purpose. Information on the purposes of this processing can be found in Section 4.

In the case of corporate merchants, we also process information, but it is not personal data because data protection law only covers the data of natural persons (i.e. people). However, we process personal data about merchants in the case of sole proprietorships and about contact persons of merchants with whom we are in contact, as part of the general information about companies with which we work.

Processed data relates not only to you, but also, in some cases, to third parties (e.g. in the context of complaints or data of additional employees of the merchant). Whenever you transmit data about third parties to us, we assume that you are authorised to do and that such data is correct. Therefore, please inform these third parties about the processing of their data by us and notify them of this Privacy Statement.

We primarily process the following **categories of data**:

- **Basic customer data:** Basic customer data is what we call data relating to your person and characteristics, e.g. the following data: name, language, nationality, date of birth (for sole proprietorships), information from identification documents, copies of identification documents of the representatives of the merchant, information in connection with your activity for the merchant, e.g. company name, additional contact details, function, information about the contractual relationship with us, information about the merchant or the branch and its bank or postal account. In the case of sole proprietorships, we also process the owner's private address. We receive this data directly from you as an employee of a merchant or owner of a sole proprietorship, but may also collect data from third parties (e.g. from the Commercial Register).
- **Financial and risk data:** This is data relating to the financial situation as well as other data used to prevent misuse and fraud or to comply with other legal provisions and compliance requirements. This includes, for example, information to determine the merchant's credit rating (e.g. information that allows conclusions to be drawn about the probability that claims will be settled). We receive this data from you, but also from financial institutions (Swiss Post, your bank), from credit reference agencies, from the Central Office for Credit Information (ZEK), from government offices and from publicly accessible sources.

- **Transaction data:** Such data may include, for example, type of transaction, amount, currency, time of a transaction, terminal ID, contractual partner (merchant) number and certain card details. We process such data, for example, when your customers' cards are used (which can also be attributed to the merchant in this regard), or in the course of investigations by you in the event of a complaint or possible misuse.
- **Contract data:** This is additional information in connection with the contractual relationship (besides basic customer data and transaction data), e.g. information about the application and, if applicable, the conclusion, execution and termination of an acceptance agreement or information about complaints, feedback to customer service, etc. We also receive this data from you.
- **Behavioural and preference data:** We try to get to know you better and to better tailor our products and services to you. For this purpose, we evaluate transaction data and, on this basis, collect information about your behaviour and preferences. Thus, for example, we can calculate the probability that you want, need or do certain things. We already know some of the data required for this (e.g. where and when you use our services) or we obtain it by recording your behaviour and possibly linking it with other data, e.g. with anonymous information from government statistical offices.
- **Communication data:** This is data related to our communication with you, e.g. the content of messages or information about the nature and time of communications and records of telephone conversations.
- **Other data:** We may process additional data that we collect or receive in connection with the contractual relationship, e.g. information from government agencies when we are involved in official investigations. The processing of other data also refers to information about complaints, feedback to customer service, etc.

4. For what purposes do we process your data?

We process the data specified in Section 3 for various purposes related to the contractual relationship, particularly for the following compatible purposes:

- To comply with laws, directives and recommendations issued by government agencies, and internal regulations ("**compliance**"), e.g. to comply with regulatory monitoring and reporting obligations as well as record-keeping obligations. To this end, we process your basic customer data and financial information in particular, as well as transaction data. This includes computer-based analysis of transaction data and payment transactions to identify unusual transactions.
- For purposes of our **risk management, fraud prevention and credit rating checks**, and as part of prudent corporate governance, including operational organisation and corporate development, we process basic customer data and transaction data, among others, that allow relevant conclusions to be drawn. We only use the aforementioned data to verify your address and credit rating and then delete it (with the exception of a current address). If it makes sense in the context of concluding a contract, we can obtain further data from public registers (e.g. the Commercial Register) or the internet.

- To process your **application** and the **contractual relationship**, we process basic customer data and transaction data in particular.
- We process data for **market research, marketing and customer care**. For example, we can provide you with information, advertising and product offerings from Swisscard and from third parties, as printed matter, electronically or by telephone. Like most companies, we also personalize marketing and other communications to provide you with information and offers that are relevant to you. We therefore collect data on preferences as the basis for these personalisations (see Section 3).
- **We also process your data to** improve our services and for product **development**. To this end, we process behavioural and preference data in particular.
- We process your data in connection with **communication** with you. For this purpose we will particularly use communication data and registration data. Telephone conversations with us may be recorded. We store the aforementioned data in order to be able to subsequently document our communication with you, as well as partly for training purposes, for quality assurance and for subsequent enquiries. In order to identify you, we may also process information about proof of identity.
- We may also process your data for **IT security purposes**. Such processing includes, for example, analyses, tests, error checks and backup copies.
- We also process the aforementioned data for **statistical analyses**. Such non-personal statistics support the improvement and development of products, business strategies and marketing.
- We may process your data to the extent necessary **for other purposes**. These include training and education purposes, internal procedures and administrative purposes (e.g. management of basic customer data, accounting and record-keeping), enforcement of our rights and defence against claims (e.g. by securing evidence, legal assessments and participating in court or administrative proceedings), and preparing and processing purchases and sales of companies and assets (including the realization of existing or future credit card claims) and safeguarding other legitimate interests.

You may object to processing for **marketing purposes** at any time by notifying us. This does not apply to automatically generated messages that cannot be individually adjusted. Further information about your rights can be found in Section 8.

5. Whom do we disclose your data to?

We may disclose your data particularly as follows (for further information, see Sections 3 and 4):

- **Service providers** (e.g. for IT services and sending information)
- **Card network and Swisscard Group companies**
- **Other recipients:** E.g. courts and government agencies (in the context of proceedings and statutory duties of disclosure and cooperation), purchasers of assets, financing companies (in case of securitisations), debt collection companies, credit reference agencies.

The aforementioned disclosures in Switzerland and abroad (see Section 6) are necessary for legal

or operational reasons. By submitting the application for the acceptance of American Express Cards, you therefore expressly **release** us from the **statutory and contractual confidentiality obligations** that could prevent such disclosures.

6. When do we disclose personal data to foreign countries?

The recipients of your data may be located outside of Switzerland. Your data may also be transferred abroad and processed worldwide even outside of the EU or the European Economic Area (EEA), particularly in the USA, also due to the fact that card services are based on international collaboration, that card networks have an international structure, and that the cards may also be used abroad.

The laws of the respective countries (e.g. the USA) do not always ensure an adequate level of data protection in accordance with the standards of Swiss law. We therefore take contractual precautions to contractually compensate for the weaker statutory protection, unless disclosure is otherwise permitted by data protection law on a case-by-case basis (e.g. through express consent to disclosure, if the disclosure is directly connected with the formation or performance of a certain agreement, or if it is necessary for the determination, exercise or enforcement of legal claims). These precautions particularly include standard contractual clauses issued or recognised by the European Commission and the Swiss Data Protection and Information Commissioner (FDPIC). For further information and a copy of these clauses, see: https://www.edoeb.admin.ch/edoeb/en/home/datenschutz/arbeit_wirtschaft/datenuebermittlung_ausland.html

Please note that data exchange via the Internet is frequently routed via third countries. In such a case, your data may therefore be transferred abroad even if the sender and recipient are located in the same country.

7. How long do we process your personal data?

We store your data for as long as required by applicable statutory requirements or by the purpose of its processing. The duration of storage is based on statutory retention obligations and the processing purposes (see Section 4), which also include safeguarding our legitimate interests.

8. What are your rights?

Data protection law gives you specific rights related to your personal data:

- You have the right to request certain information about our processing of your personal data (right to information).
- You may also require us to correct or supplement inaccurate or incomplete data, to cease processing for specific purposes (e.g. by objecting to marketing or by revoking a specific consent, which will not affect the legality of the processing performed pursuant to the consent up to the time of revocation) or to delete data that requires no further processing for the fulfilment of legal obligations or the protection of overriding interests. In the case of certain data, you also have the right to require us to make such data available in machine-readable format.

Please note that these rights are subject to statutory requirements and limitations and are therefore not available in their entirety in every case.

You are under no obligation to disclose data to us. However, we must process certain data for legal or operational reasons.

If you wish to exercise any rights against us, please write a letter to us using regular mail (see Section 2) and attach a legible copy of your identification document.

9. How may we modify this Privacy Statement?

This Privacy Statement is not an integral part of the contractual relationship with you and we reserve the right to adapt this Privacy Statement at any time. At any given time, the version that is posted on our website shall be applicable.

Version of 08/2023