

## **Data Protection Statement of IST-Edelstahl-Anlagenbau AG**

Version from 01. September 2023

With this Data Protection Statement we, the IST-Edelstahl-Anlagenbau AG mit Sitz in CH-3645 Thun-Gwatt (named IST), describe how we collect and further process personal data. This Data Protection Statement is not necessarily a comprehensive description of our data processing. It is possible that other data protection statements [or General Terms and Conditions, Conditions of Participation or similar documents] are applicable to specific circumstances.

The term "personal data" in this Data Protection Statement shall mean any information that identifies, or could reasonably be used to identify any person.

If you provide us with personal data of other persons (such as 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 Privacy Notice is aligned with the EU General Data Protection Regulation («**GDPR**»), the Swiss Data Protection Act («**DPA**») and the revised Swiss Data Protection («**revDPA**»). However, the application of these laws depends on each individual case.

### **I. Controller / Data Protection Officer / Representative**

Ms. Regula Leuenberger is responsible for the data processing that we describe here. If you have any data protection concerns, you can let us know at the following contact address:

Frau Regula Leuenberger  
[r.leuenberger@istinox.ch](mailto:r.leuenberger@istinox.ch)  
Telefonisch: +41 33 334 26 00

### **II. 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) or we may receive such information from affiliated companies of iST, from authorities or other third parties (such as e.g., [credit rating agencies, ][[list brokers]]). 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 in connection with your professional role and activities (e.g., in order to conclude and carry out contracts with your employer), information about you in correspondence and discussions with third parties, credit rating information (if

we conduct business activities with you personally), information about you given to us by individuals associated with you (family, consultants, legal representatives, etc.) in order to conclude or process contracts with you or with your involvement (e.g. references, your delivery-address, 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, previous purchases), 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/sales, 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).

### **III. 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 to our clients and the procurement of products and services from our suppliers and subcontractors, 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 (or, as the case may be, any third parties') 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);
- 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 you are part of our customer base and you receive our advertisement, you may object at any time and we will place you on a blacklist against further advertising mailings);
- market and opinion research, media surveillance;
- 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 XXX.

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 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.

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

We do not use "cookies" and similar techniques on our websites.

#### **V. Datatransfer and Transfer of Data Abroad**

In the context of our business activities and in line with the purposes of the data processing set out in Section III, we may transfer data to third parties, insofar as such a transfer is permitted and we deem it appropriate, in order for them to process data for us or, as the case may be, their own purposes. In particular, the following categories of recipients may be concerned:

- our service providers (such as e.g. banks, insurances), including processors (such as e.g. IT providers);
- dealers, suppliers, subcontractors and other business partners;
- clients;
- domestic and foreign authorities or courts;
- the media;
- the public, including users of our websites and social media;
- competitors, industry organizations, associations, organizations and other bodies;
- acquirers or parties interested in the acquisition of business divisions, companies or other parts of the XXX group;
- other parties in possible or pending legal proceedings;
- affiliates of the IST group;

together **Recipients**.

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 the XXX-Group is represented by affiliates, branches or other offices ([LINK ON LIST]) as well as to other countries in Europe and the USA where our service providers are located (such as [Microsoft],[SAP],[Amazon],[Salesforce.com]).

If a recipient is located in a country without adequate statutory data protection, we require the recipient to undertake to comply with data protection (for this purpose, we use the revised European Commission's standard contractual clauses, which can be accessed here: [https://eur-lex.europa.eu/eli/dec\\_impl/2021/914/oj?](https://eur-lex.europa.eu/eli/dec_impl/2021/914/oj?)), unless the recipient is subject to a legally accepted set of rules to ensure data protection and unless we cannot rely on an exception. 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.

## **VI. 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, i.e. for the duration of the entire business relationship (from the initiation, during the performance of the contract until it is terminated) as well as beyond this duration in accordance with legal retention and documentation obligations. 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). As soon as your personal data are no longer required for the above-mentioned purposes, they will be deleted or anonymized, to the extent possible. In general, shorter retention periods of no more than twelve months apply for operational data (e.g., system logs).

## **VII. 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][, pseudonymisation][, inspections].

## **VIII. 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).

## **IX. Your Rights**

In accordance with and as far as provided by applicable law (as is the case where the GDPR is applicable), 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 III 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 I above.

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

**X. 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. If the Data Protection Statement is part of an agreement with you, we will notify you by e-mail or other appropriate means in case of an amendment.