

Data Privacy Statement of the Swiss Banking Ombudsman

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1. WHAT IS THIS PRIVACY STATEMENT ABOUT?

The **Swiss Banking Ombudsman, Zurich** (the "**Ombudsman**"), (hereinafter also referred to as "**we**", "**us**") collects and processes personal data, in particular personal data about enquirers and complainants ("**enquirers**"), persons associated with enquirers, contracting parties (e.g. service providers, suppliers), visitors to our website, participants in events, banks and financial service providers and their bodies or persons acting on their behalf ("**financial business**") (hereinafter also referred to as "**you**"). We provide information about this data processing in this Privacy Statement. In addition to this Privacy Statement, we may inform you separately about the processing of your data (e.g. in the context of forms or contractual conditions).

If you disclose data about other persons (e.g. family members) to us, we assume that you are authorised to do so, that this data is correct and that you have ensured that these persons have been informed of this disclosure and are aware with this Data Privacy Statement, where possible, or insofar as a legal obligation to provide information applies.

2. WHO IS RESPONSIBLE FOR PROCESSING YOUR DATA?

The responsible body for the processing described in this Privacy Statement:

Swiss Banking Ombudsman
Bahnhofplatz 9
P.O. Box
8021 Zurich
Tel. Deutsch/English: +41 43 266 14 14
Tel. Français / Italiano: +41 21 311 29 83

3. WHAT CATEGORIES OF DATA DO WE PROCESS?

We process various categories of your personal data. The most important categories are as follows:

- **Master data:** This is the general personal data such as name, contact details, personal data, customer history, powers of attorney, authorisation forms and information about their relationship with us (e.g. enquirers, financial businesses) as well as information about third parties (e.g. contact persons).
- **Bank client data:** This is data that we receive from enquirers or financial businesses as part of the fulfilment of our tasks and contains information on the relationship with the respective financial business or its customers (e.g. account number, details of holders of dormant assets).
- **Contractual and financial data:** This is data that we obtain and process as part of the fulfilment of our tasks and when concluding contracts, as well as data in connection with the initiation and conclusion of contracts. This may also include financial data.
- **Communication data:** This is data that arises in connection with communication between us and with third parties (e.g. by email, telephone, letter or online via forms). This includes, for example, the content of e-mails or letters, your contact details and peripheral communication data.
- **Technical data:** This is data that is generated as part of the use of our electronic offers (e.g. website), such as IP address, information about the operating system of your end device, the region and the time of use. Technical data alone does not allow any conclusions to be drawn about your identity.
- **Behavioural and preference data:** This is data about your behaviour, such as navigation on the website and details about participation in events.
- **Applicant data:** This is data which we process as part of an application to us and which is contained in your application documents, among other things (e.g. professional background, training and further education, references). We may also obtain data from public sources, such as job-related social networks, the internet or the media.
- **Other data:** This includes in particular data that is processed in connection with official or judicial proceedings (e.g. files, evidence, etc.), public data about you (e.g. from registers, data from the media and the press) and data, photos, video or audio recordings that we produce or receive from third parties and on which you are recognisable (e.g. at events).

4. FOR WHAT PURPOSES DO WE PROCESS WHICH OF YOUR DATA?

If you make use of our services or products, use www.bankingombudsman.ch/en (hereinafter "**Website**"), or otherwise have dealings with us, we process various categories of your personal data (see para. 3). In particular, we may obtain and process this data for the following purposes:

- **Communication:** In order to communicate with you and third parties by e-mail, telephone, letter or otherwise (e.g. to respond to enquiries, as part of a consultation or to initiate or process a contract), we process your data. If we need or want to establish your identity, we collect additional data (e.g. a copy of an identity document). We maintain an electronic case processing system and a physical dossier for the administration of enquiries, which contains your correspondence with us as well as your master data.
- **Fulfilment of our tasks:** In order to fulfil our tasks (e.g. processing complaints as part of a mediation procedure or searching for contactless assets), we process in particular personal data of you as the person making the enquiry or complaint as well as of contact persons at financial businesses.
- **Initiation, conclusion, administration and fulfilment of contracts:** We process personal data in connection with the initiation, conclusion, administration or fulfilment of contracts with our contractual partners (e.g. suppliers, service providers, project partners). This also includes the enforcement and defence of legal claims arising from contracts (e.g. legal proceedings, etc.), accounting, the termination of contracts and public communication.
- **Training and education as well as improvement of our services (in particular our website):** In order to provide and continuously improve our services (including our website), we may process your data for training and education purposes and collect data about your behaviour, for example by collecting and analysing statistics on how you navigate through our website.
- **Operation of our website:** In order to operate our website securely and stably, we also process personal data (in particular technical data). For further information, see para. 9.
- **Security purposes and access controls:** We process personal data in order to ensure and improve the appropriate security of our IT and other infrastructure (e.g. buildings). This includes, for example, monitoring electronic access to our IT systems and physical access to our premises, analysing and testing our IT infrastructures and creating backup copies.
- **Compliance with laws, directives and recommendations from authorities:** We may process personal data in the context of compliance with the law. In addition, data may be processed in internal and external investigations (e.g. by a law enforcement or supervisory authority or an authorised private body).
- **Foundation management and operational organisation:** We obtain and process personal data as part of the management of our foundation, which also includes risk management (e.g. to protect against criminal activities) and operational organisation (e.g. resource planning).
- **Job application:** If you apply for a job with us, we obtain and process the relevant data for the purpose of checking the application, carrying out the application procedure and, in the case of successful applications, for the preparation and conclusion of a corresponding contract.

- **Training and use of AI applications:** We may use personal data collected in the course of our activities for the development, operation and improvement of applications using so-called "artificial intelligence (AI)" that we deploy in the course of our activities.
- **Assertion and defence of legal claims:** We may process personal data in connection with legal disputes as well as administrative and regulatory proceedings in Switzerland and abroad, including the assessment of litigation prospects and other legal and economic matters.
- **Other purposes:** Other purposes include, for example, administrative purposes (e.g. bookkeeping) or the organisation of events. The protection of other legitimate interests is also one of the other purposes, which cannot be listed exhaustively.

5. WHERE DOES THE DATA COME FROM?

We receive or obtain personal data in particular from the following sources:

- **From you:** You (or your end device) provide us with much of the data we process (e.g. in connection with our tasks, the use of our website or communication with us). You are not obliged to disclose your data, with exceptions in individual cases (e.g. legal obligations). However, if, for example, you wish to conclude contracts with us or make use of our services (e.g. submit a complaint or search for dormant assets), you must provide us with certain data.
- **From third parties:** We may also obtain data from publicly accessible sources (e.g. commercial register, media or the internet including social media) or receive such data from (i) enquirers, (ii) public authorities, (iii) your employer or principal who either has a business relationship with us or is otherwise involved with us, (iv) financial institutions and from (v) other third parties (e.g. associations, contractual partners). This includes in particular the following categories: General personal data (master data), bank customer data, contract data and other data, but also all other categories of data in accordance with para. 3 as well as data from correspondence and discussions with third parties. If you act for an employer or principal or for someone else who has a business relationship with us or is otherwise in contact with us, they may also provide us with data about you.

6. TO WHOM DO WE DISCLOSE YOUR DATA?

In connection with the purposes described in para. 4 we may disclose your personal data to the following categories of recipients in particular:

- **Service providers:** We work with service providers in Switzerland and abroad who (i) process data on our behalf and upon our instructions (e.g. IT provider, AI providers, external archive), (ii) process data that they have received from us or collected for us on a basis of joint responsibility or (iii) process data on their own responsibility that they have received from us on their own responsibility.

- **Enquirers and other contractual partners:** This initially refers to persons making enquiries to us or the person making the complaint as well as contractual partners of ours for whom a transfer of their data results from the enquiry or complaint or from the contract (e.g. because you work for a contractual partner or they provide services for you). This category of recipients also includes contractual partners with whom we co-operate. The recipients generally process the data under their own responsibility.
- **Mediation party/ Financial Business:** In order to conduct a mediation procedure, a search for contactless or dormant assets or for the clarification of individual questions, we may also disclose personal data to the other party or the financial business concerned to the extent necessary at our discretion. The mediation procedure is confidential. In order to take up your matter with the financial business, you authorise the Banking Ombudsman to exchange documents and information (including personal data) with the financial business within the ombudsman procedure respectively with the search request.
- **Public authorities:** We may pass on personal data to offices, courts and other authorities if we are legally obliged or authorised to do so or if this appears necessary to protect our interests. These recipients process the data under their own responsibility.
- **Other persons:** This refers to other cases where the inclusion of third parties arises from the purposes set out in para. 4 results. This concerns, for example, delivery addressees or payment recipients specified by you, third parties in the context of representation relationships (e.g. your lawyer or your bank) or persons involved in official or court proceedings.

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

7. DOES YOUR PERSONAL DATA ALSO END UP ABROAD?

We generally process and store personal data in our case management (mediation procedure and search for contactless assets) in Switzerland. Our other data processing, such as when you are in contact with us (e.g. via e-mail or other electronic channels) or we otherwise process data about you, also takes place mainly in Switzerland, but in exceptional cases - for example via subcontractors of our service providers - potentially in any country in the world.

Please also note that data exchanged via the Internet may be routed via foreign countries. Your data may therefore be sent abroad even if the sender and recipient are in the same country.

If a recipient is located in a country without adequate data protection, we contractually oblige the recipient to comply with an adequate level of data protection (we use the revised standard contractual clauses of the European Commission, which are available here: https://eur-lex.europa.eu/eli/dec_impl/2021/914/oj? ; including the supplements required for Switzerland), unless the recipient is already subject to a legally recognised set of rules to ensure data protection and we cannot rely on an exemption clause. An exception may apply in particular in the case of legal proceedings abroad, but also in cases of overriding public interests, if the performance of a contract that is in your interest requires such disclosure, if you have given

your consent, or if it is not possible to obtain your consent within a reasonable period of time and the disclosure is necessary to protect your life or physical integrity or that of a third party, or if the data in question has been made generally accessible by you and you have not objected to its processing. We may also rely on the exception for data from a statutory register (e.g. commercial register) which we have authorised access to.

8. WHAT RIGHTS DO YOU HAVE?

You have certain rights in connection with our data processing. In accordance with applicable law, you may in particular request information about the processing of your personal data, have incorrect personal data corrected, request the erasure of personal data, object to data processing, request the handover of certain personal data in a commonly used electronic format or its transfer to other controllers.

If you wish to exercise your rights, please contact us; you will find our contact details in Section 2. So that we can rule out misuse, we must identify you (e.g. with a copy of your ID, if necessary).

Please note that conditions, exceptions or restrictions apply to these rights (e.g. for the protection of third parties or business secrets, in particular bank client confidentiality). We reserve the right to black out copies for reasons of data protection or confidentiality or to supply only extracts.

Please note that the proceedings before the ombudsman's office are confidential and that the parties' right to inspect the files and their right to information is limited to their own correspondence with the ombudsman (see Art. 4.5 of the Rules of Procedure for the Swiss Banking Ombudsman and Art. 75 para. 2 and 3 of the Federal Act on Financial Services (FinSA)).

9. HOW ARE COOKIES AND SIMILAR TECHNOLOGIES USED ON OUR WEBSITE?

When you use our website, data is generated that is stored in logs (in particular technical data). We may also use cookies and similar technologies (e.g. pixel tags or fingerprints) to recognise website visitors, evaluate their behaviour and identify preferences. A cookie is a small file that is transmitted between the server and your system and enables a specific device or browser to be recognised.

You can set your browser so that it automatically rejects, accepts or deletes cookies. You can also deactivate or delete cookies in individual cases. You can find out how to manage cookies in your browser in the help menu of your browser.

Neither the technical data we collect, nor cookies generally contain any personal data. However, personal data that we or third-party providers commissioned by us store about you (e.g. if you have a user account with these providers) may be linked to the technical data or to the information stored in and obtained from cookies and thus possibly to your person

We also use our own tools and third-party services (which may themselves use cookies) on our website, in particular to improve the functionality or content of our website and to compile statistics.

We may currently use offers from the following service providers and advertising partners in particular, whereby their contact details and further information on the individual data processing can be found in the respective privacy statement:

- **Google Analytics**

Provider: Google Ireland Ltd.

Privacy statement: <https://support.google.com/analytics/answer/6004245>

Some of the third-party providers we use may be located outside Switzerland. Information on the disclosure of data abroad can be found in Section 7. In terms of data protection law, some of them are "only" processors on our behalf and some are controllers. Further information on this can be found in the data protection declarations.

10. CAN THIS PRIVACY STATEMENT BE AMENDED?

This privacy statement is not part of any contract with you. We may amend this privacy statement at any time. The version published on this website is the current version.