

# Privacy Policy

With this Privacy Policy, we provide information about the processing of personal data in connection with our activities and operations, including our website under the domain name [www.eclatin.ch](http://www.eclatin.ch). In particular, we inform about what personal data we process, for what purposes, how and where. We also inform about the rights of individuals whose data we process.

For individual or additional activities and operations, we may publish further privacy policies or other information on data protection.

We are subject to Swiss law as well as any applicable foreign law, in particular that of the European Union (EU) with the General Data Protection Regulation (GDPR).

The European Commission recognized in its decision of 26 July 2000 that Swiss data protection law ensures an adequate level of protection. In its report of 15 January 2024, the European Commission confirmed this adequacy decision.

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## 1. Contact Addresses

The controller for data protection purposes is:

### **Eclatin AG**

Eclatin AG  
Bürenstrasse 131  
CH-4574 Lüsslingen

info@eclatin.ch

In individual cases, third parties may be responsible for the processing of personal data or there may be joint responsibility with third parties. We are happy to provide data subjects with information about the respective responsibility upon request.

### **Data Protection Officer or Advisor**

We have the following data protection officer or advisor as a point of contact for data subjects and authorities regarding data protection inquiries:

### **Markus Friedli**

Markus Friedli  
Wendschatzstrasse 2  
3006 Bern

m.friedli@procede.ch

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## 2. Definitions and Legal Bases

### 2.1 Definitions

**Data subject:** Natural person whose personal data we process.

**Personal data:** All information relating to an identified or identifiable natural person.

**Sensitive personal data:** Data relating to trade union, political, religious or philosophical views and activities, data concerning health, the intimate sphere or belonging to an ethnicity or race, genetic data, biometric data uniquely identifying a natural person, data relating to criminal and administrative sanctions or proceedings, and data relating to social assistance measures.

**Processing:** Any handling of personal data, regardless of the means and procedures used, for example querying, comparing, adapting, archiving, storing, reading, disclosing, obtaining, recording, collecting, deleting, revealing, organizing, arranging, storing, modifying, disseminating, linking, destroying and using personal data.

**European Economic Area (EEA):** Member states of the European Union (EU) as well as the Principality of Liechtenstein, Iceland and Norway.

### 2.2 Legal Bases

We process personal data in accordance with Swiss law, in particular the Federal Act on Data Protection (FADP) and the Ordinance on Data Protection (ODP).

Where and insofar as the General Data Protection Regulation (GDPR) is applicable, we process personal data based on at least one of the following legal bases:

- Art. 6(1)(b) GDPR for the processing necessary for the performance of a contract with the data subject as well as for carrying out pre-contractual measures.
- Art. 6(1)(f) GDPR for the processing necessary to safeguard legitimate interests – including the legitimate interests of third parties – provided that the fundamental freedoms, fundamental rights and interests of the data subject do not prevail. Such interests include in particular the sustainable, human-friendly, secure and reliable exercise of our activities and operations, ensuring information security, protection against misuse, enforcement of our own legal claims and compliance with Swiss law.
- Art. 6(1)(c) GDPR for the processing necessary for compliance with a legal obligation to which we are subject under any applicable law of member states within the European Economic Area (EEA).
- Art. 6(1)(e) GDPR for the processing necessary for the performance of a task carried out in the public interest.
- Art. 6(1)(a) GDPR for the processing of personal data with the consent of the data subject.
- Art. 6(1)(d) GDPR for the processing necessary to protect the vital interests of the data subject or another natural person.
- Art. 9(2) et seq. GDPR for the processing of special categories of personal data, in particular with the consent of the data subjects.

The General Data Protection Regulation (GDPR) refers to the processing of personal data as “processing of personal data” and the processing of sensitive personal data as “processing of special categories of personal data” (Art. 9 GDPR).

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### **3. Nature, Scope and Purpose of Processing Personal Data**

We process the personal data necessary to be able to carry out our activities and operations in a sustainable, human-friendly, secure and reliable manner. The personal data processed may in particular fall into the categories of browser and device data, content data, communication data, metadata, usage data, master data including inventory and contact data, location data, transaction data, contract data and payment data. Personal data may also constitute sensitive personal data.

We also process personal data that we receive from third parties, obtain from publicly accessible sources or collect in the course of our activities and operations, insofar as such processing is permitted.

We process personal data, where necessary, with the consent of the data subjects. In many cases, we may process personal data without consent, for example to fulfill legal obligations or to safeguard overriding interests. We may also request consent from data subjects even if their consent is not required.

We process personal data for the duration necessary for the respective purpose. We anonymize or delete personal data in particular depending on statutory retention periods and limitation periods.

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#### **4. Disclosure of Personal Data**

We may disclose personal data to third parties, have it processed by third parties or process it jointly with third parties. Such third parties may be, for example, specialized providers whose services we use.

We may, in the course of our activities and operations, disclose personal data in particular to banks and other financial service providers, authorities, educational and research institutions, advisors and lawyers, interest groups, IT service providers, cooperation partners, credit and business information agencies, logistics and shipping companies, marketing and advertising agencies, media, parent, sister and subsidiary companies, organizations and associations, social institutions, telecommunications companies, insurance companies and payment service providers.

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#### **5. Communication**

We process personal data in order to be able to communicate with individuals as well as with authorities, organizations and companies. In doing so, we process in particular data that a data subject transmits to us when contacting us, for example by post or email. We may store such data in an address book or with comparable tools.

Third parties who transmit data about other persons to us are obliged to independently ensure the data protection of those data subjects. In particular, they must ensure that such data is accurate and may be transmitted.

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#### **6. Applications**

We process personal data about applicants to the extent necessary to assess their suitability for an employment relationship or for the subsequent execution of an employment contract. The required personal data results in particular from the requested information, for example in the context of a job advertisement. We may publish job advertisements with the help of suitable third parties, for example in electronic and printed media or on job portals and recruitment platforms.

We also process personal data that applicants voluntarily provide or publish, in particular as part of cover letters, CVs and other application documents as well as online profiles.

We process – where and insofar as the GDPR is applicable – personal data of applicants in particular in accordance with Art. 9(2)(b) GDPR.

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#### **7. Data Security**

We take appropriate technical and organizational measures to ensure a level of data security appropriate to the respective risk. With our measures, we ensure in particular the confidentiality, availability, traceability and integrity of the processed personal data, without, however, being able to guarantee absolute data security.

Access to our website and our other digital presence is carried out by means of transport encryption (SSL / TLS, in particular via the Hypertext Transfer Protocol Secure, abbreviated HTTPS). Most browsers warn against visiting a website without transport encryption.

Our digital communication is subject – like any digital communication in principle – to mass surveillance without cause or suspicion by security authorities in Switzerland, in the rest of Europe, in the United States of America (USA) and in other countries. We have no direct influence on the corresponding processing of personal data by intelligence services, police authorities and other security authorities. We also cannot exclude that a data subject is subject to targeted surveillance.

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## 8. Personal Data Abroad

We generally process personal data in Switzerland and in the European Economic Area (EEA). However, we may also export or transfer personal data to other countries, in particular in order to process it there or have it processed there.

We may export personal data to all countries in the world and elsewhere in the universe, provided that the applicable law guarantees adequate data protection in accordance with a decision of the Swiss Federal Council and – where and insofar as the GDPR is applicable – also in accordance with a decision of the European Commission.

We may transfer personal data to countries whose laws do not guarantee adequate data protection, provided that data protection is ensured for other reasons, in particular on the basis of standard contractual clauses or other appropriate safeguards. By way of exception, we may export personal data to countries without adequate or appropriate data protection if the specific data protection requirements are met, for example the explicit consent of the data subjects or a direct connection with the conclusion or execution of a contract. We are happy to provide data subjects with information about any safeguards or provide a copy of such safeguards upon request.

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## 9. Rights of Data Subjects

### 9.1 Data Protection Claims

We grant data subjects all rights in accordance with applicable law. In particular, data subjects have the following rights:

- **Right of access:** Data subjects may request information on whether we process personal data about them and, if so, which personal data is concerned. Data subjects also receive the information necessary to assert their data protection rights and to ensure transparency. This includes the personal data as such, but also, among other things, information on the purpose of processing, the duration of storage, any disclosure or export of data to other countries and the origin of the personal data.
- **Right to rectification and restriction:** Data subjects may have inaccurate personal data corrected, incomplete data completed and request the restriction of the processing of their data.
- **Right to express their own point of view and to human review:** In the case of decisions based exclusively on automated processing of personal data that produce legal effects or significantly affect them (automated individual decisions), data subjects may express their own point of view and request a review by a human being.

- **Right to erasure and objection:** Data subjects may have personal data deleted (“right to be forgotten”) and object to the processing of their data with effect for the future.
- **Right to data release and transfer:** Data subjects may request the release of personal data or the transfer of their data to another controller.

We may postpone, restrict or refuse the exercise of the rights of data subjects within the legally permissible framework. We may inform data subjects of any requirements to be fulfilled for the exercise of their data protection claims. For example, we may refuse to provide information in whole or in part with reference to confidentiality obligations, overriding interests or the protection of other persons. For example, we may also refuse to delete personal data in whole or in part, in particular with reference to statutory retention obligations.

We may exceptionally provide for costs for the exercise of rights. We inform data subjects in advance of any costs.

We are obliged to identify data subjects who request information or assert other rights by means of appropriate measures. Data subjects are obliged to cooperate.

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## 9.2 Legal Remedies

Data subjects have the right to enforce their data protection claims through legal proceedings or to file a report or complaint with a data protection supervisory authority.

The data protection supervisory authority for private controllers and federal bodies in Switzerland is the Federal Data Protection and Information Commissioner (FDPIC).

European data protection supervisory authorities are organized as members of the European Data Protection Board (EDPB). In some member states of the European Economic Area (EEA), the data protection supervisory authorities are structured on a federal basis, in particular in Germany.

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## 10. Use of the Website

### 10.1 Cookies

We may use cookies. Cookies – both our own cookies (first-party cookies) and cookies from third parties whose services we use (third-party cookies) – are data that are stored in the browser. Such stored data do not necessarily have to be limited to traditional cookies in text form.

Cookies can be stored in the browser temporarily as “session cookies” or for a certain period of time as so-called permanent cookies. “Session cookies” are automatically deleted when the browser is closed. Permanent cookies have a specific storage duration. Cookies make it possible in particular to recognize a browser on the next visit to our website and thereby, for example, measure the reach of our website. Permanent cookies may also be used for online marketing purposes.

Cookies can be completely or partially deactivated, restricted or deleted at any time in the browser settings. Browser settings often also allow automated deletion and other management of cookies. Without cookies, our website may no longer be fully available. We actively request – at least where and insofar as required by applicable law – explicit consent to the use of cookies.

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## **10.2 Logging**

For each access to our website and our other digital presence, we may log at least the following information, insofar as this information is automatically determined or transmitted to our digital infrastructure during such access: date and time including time zone, IP address, access status (HTTP status code), operating system including user interface and version, browser including language and version, individual subpage of our website accessed including the amount of data transferred, last website accessed in the same browser window (referrer or referring URL).

We log such information, which may also constitute personal data, in log files. This information is necessary to be able to provide our digital presence in a sustainable, human-friendly and reliable manner. The information is also necessary to ensure data security – including by third parties or with the help of third parties.

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## **10.3 Tracking Pixels**

We may integrate tracking pixels into our digital presence. Tracking pixels are also referred to as web beacons. Tracking pixels – including those of third parties whose services we use – are usually small, invisible images or scripts formulated in JavaScript that are automatically retrieved when our digital presence is accessed. With tracking pixels, at least the same information as in logging in log files can be recorded.

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## **11. Social Media**

We are present on social media platforms and other online platforms in order to communicate with interested persons and to provide information about our activities and operations. In connection with such platforms, personal data may also be processed outside Switzerland and the European Economic Area (EEA).

The general terms and conditions (GTC), terms of use as well as privacy policies and other provisions of the respective operators of such platforms also apply. These provisions inform in particular about the rights of data subjects directly vis-à-vis the respective platform, which include, for example, the right of access.

For our social media presence on Facebook, including so-called Page Insights, we are – where and insofar as the GDPR is applicable – jointly responsible with Meta Platforms Ireland Limited (Ireland). Meta Platforms Ireland Limited is part of the Meta companies (including in the USA). Page Insights provide information on how visitors interact with our Facebook presence. We use Page Insights in order to be able to provide our social media presence on Facebook effectively and in a user-friendly manner.

Further information on the type, scope and purpose of data processing, information on the rights of data subjects as well as the contact details of Facebook and the data protection officer of Facebook can be found in Facebook's privacy policy. We have concluded the so-called "Controller Addendum" with Facebook and have in particular agreed that Facebook is responsible for ensuring the rights of data subjects. The relevant information for Page Insights can be found on the page "Information on Page Insights" including "Information on Page Insights Data".

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## 12. Third-Party Services

We use services of specialized third parties in order to be able to carry out our activities and operations in a sustainable, user-friendly, secure and reliable manner. With such services, we can, among other things, embed functions and content into our website. In the case of such embedding, the services used collect at least temporarily the IP addresses of users for technically necessary reasons.

For necessary security-related, statistical and technical purposes, third parties whose services we use may process data in connection with our activities and operations in aggregated, anonymized or pseudonymized form. This includes, for example, performance or usage data in order to be able to provide the respective service.

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### 12.1 Digital Infrastructure

We use services of specialized third parties in order to be able to make use of required digital infrastructure in connection with our activities and operations. This includes, for example, hosting and storage services from selected providers.

We use in particular:

- **Cyon:** Hosting; provider: cyon GmbH (Switzerland); data protection information: “Data Protection”, privacy policy.

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### 12.2 Audio and Video Conferences

We use specialized services for audio and video conferences in order to be able to communicate online. We can, for example, hold virtual meetings or conduct online teaching and webinars. For participation in audio and video conferences, the legal texts of the respective services, such as privacy policies and terms of use, also apply.

Depending on the life situation, we recommend muting the microphone by default when participating in audio or video conferences and blurring the background or using a virtual background.

We use in particular:

- **TeamViewer Meeting:** video conferences; provider: TeamViewer Germany GmbH (Germany); data protection information: privacy policy, “First-Class Data Protection”.
- **Zoom:** platform for collaborative work, in particular with video conferences; provider: Zoom Video Communications Inc. (USA); data protection information: “Privacy at Zoom”, privacy policy, “Legal Compliance”.