

Freigegeben am 21.08.2024 07:45 (UTC+02:00)

## Status January 2024

In accordance with the Swiss Federal Act on Data Protection (Bundesgesetz über den Datenschutz, DSG) and the Data Protection Ordinance (Datenschutzverordnung DSV), we inform you below about the nature and scope of the processing of your personal data, the purposes of the processing, the legal basis and your rights.

### 1. Who is responsible for data processing and who can I contact?

Responsible within the meaning of Art. 5 j DSG is:

#### **Penta-Electric AG**

Hammerstrasse 18, 4410 Liestal

Phone: +41 61 416 36 36  
info@penta-electric.ch

hereinafter referred to as "Penta-Electric", "we" or "us".

### 2. Processing of personal data in the business relationship

#### a) Types of personal data

The categories of personal data processed include in particular

- Account data: Login/user ID and password
- Master data (salutation, first and last names, title, company, address)
- Job-related data (e.g. function in the company, department)
- Contact information (telephone number, mobile phone number, fax number and email address, social media accounts if applicable)
- Data required to process an enquiry, including creditworthiness data where applicable
- CRM data, in particular customer history, customer statistics
- Personal data processed in the context of projects and meetings, in particular dates, times, participants, meeting content, minutes, travel, hospitality and accommodation
- Advertising and sales data and other data from comparable categories
- Analysis and usage data of our websites (see separate privacy policy)
- Data in the context of support requests, trouble shooting
- Other information required to process our contractual relationship or a project with our customers or sales partners (e.g. payment data, order data, etc.)

- Visitor management at the site, including Master data and contact information, reason for the visit, Penta-Electric contact person, date, time

We process data of the following categories of persons for the aforementioned purposes:

- Customers, suppliers and business partners
- Employees of customers, suppliers and business partners
- Employees of affiliated companies of customers, suppliers and business partners
- Lawyers, auditors, consultants, data protection officers and ext. service providers of the aforementioned persons
- Interested parties

#### b) Origin of the data

We process personal data that we have obtained from business relationships (e.g. with customers or suppliers) or enquiries. Usually we receive this data directly from the contractual partner or an enquiring person. However, personal data may also come from public sources (e.g. commercial registers), provided that the processing of this data is authorised. Necessary data may also be made available to us by third-party providers and business partners if they are involved in the provision of services or have been commissioned by us. Data may also have been legitimately transmitted to us by other companies, including affiliated companies. Depending on the individual case, we may also store our own information relating to this data (e.g. as part of an ongoing business relationship).

#### c) Purposes and legal bases of the processing

We use your data to initiate business, to fulfil contractual and legal obligations, to implement the contractual relationship, to offer products and services and to strengthen the customer relationship, which may also include analyses for marketing purposes, customer satisfaction surveys and direct advertising.

We process personal data primarily for the fulfilment of contractual obligations and the provision of the associated services or in the context of a corresponding contract initiation (e.g. contract negotiations, preparation of offers). The specific purposes depend on the respective service or product to which the business relationship or contract initiation relates, in particular in connection with orders from customers and orders from suppliers and service partners.

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We also process your data in order to process the services provided, in particular invoicing, debtor management, dunning and debt collection.

Data processing serves the following purposes in particular:

- Initiation, realisation and processing of orders
- Administration of customer data, for processing payments and, if necessary, for credit checks
- Communication with customers, service providers, subcontractors, business partners and authorities
- Support, in particular answering enquiries from our contacts, interested parties, customers or partners
- Organisation and implementation of training courses, workshops and certifications
- Carrying out internal and external audits on our behalf
- Organisation and planning, implementation and management of the business relationship between us and our customers and partners as well as our affiliated companies

Where necessary, we process your data beyond the actual fulfilment of the contract to protect our legitimate interests or those of third parties, namely

- Data processing for security, quality assurance and process optimisation: We process the data collected in the course of contract performance for (data) security purposes (e.g. to detect criminal offences or misuse), to compile statistics and for quality assurance, process optimisation and planning security to the extent permitted by law. The controller has a legitimate interest in this processing with regard to ensuring the smooth operation and continuous improvement of the respective products and services. In the opinion of the controller, there is no predominantly legitimate interest on the part of the data subjects, as the processing is carried out with as little intrusion intensity as possible, e.g. by using pseudonyms
- Credit check and fraud prevention
- Settlement of legal disputes, enforcement of existing contracts and for the assertion, exercise and defence of legal claims
- Maintaining and protecting the security of our systems and the company's IT operations
- Measures for building and system security (e.g. access control or video surveillance)
- Exchange of control and planning data, key figures with affiliated companies and their consultants and service providers

The purposes of processing include the fulfilment of tax and social security control and reporting obligati-

ons. This also includes statutory reporting obligations for the provision of services and secondment.

If you have given us your consent to process personal data for specific purposes (e.g. film and photo shoots, newsletter subscription, consent to direct marketing and electronic advertising or consent to customer satisfaction surveys, for example), the lawfulness of this processing is based on your consent. You can revoke your consent at any time with effect for the future.

We collect and process your address data and the customer segment for our own marketing purposes and the marketing purposes of our affiliated companies. Furthermore, we are authorised to store and use additional information, e.g. from your previous orders, in compliance with the statutory provisions, in order to send you advertising that is as tailored to your needs and interests as possible. Any additional data not previously mentioned will not be passed on. You can object to the use and forwarding of your data for advertising purposes at any time.

#### **d) Are you obliged to provide your data?**

We process your personal data to the extent necessary to fulfil our contractual and legal obligations and to protect our legitimate interests or if you have given us your consent. As part of the execution or initiation of a contract, you must provide the personal data required to fulfil the contract or to carry out pre-contractual measures and the associated obligations. You must also provide the personal data that we are legally obliged to collect. Without providing this data, we will not be able to conclude or fulfil a contract with you.

In cases of data collection based on consent, the provision of data by you is voluntary and not mandatory.

### **3. Who receives my data?**

At our company, access to your personal data is granted to those persons who need it to fulfil our contractual and legal obligations or to protect legitimate interests.

We may transfer personal data to courts, supervisory authorities or law firms, insofar as this is legally permissible and necessary to comply with applicable law or to assert, exercise or defend legal claims.

Furthermore, service providers and vicarious agents employed by us may receive data for these purposes. We may only pass on information about you if this is required by law, if you have given your consent, if we are legally authorised to provide information or pass on data and/or if processors commissioned by us equally guarantee compliance with confidentiality and data protection requirements.

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Under these conditions, the following recipients may receive data insofar as this is necessary for the processing purposes:

- Affiliated companies, namely Penta-Electric GmbH, Rheinallee 30, D-79639 Grenzach-Wyhlen, in the context of financial controlling and reporting, the processing of data as a processor, the fulfilment of tasks, reporting and/or intercompany order processing
- Microsoft (Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-6399, USA), in particular use of the M365 services
- Processors, in particular cloud services
- External IT support (setup and support of IT/telecommunications equipment, network, mail, collaboration systems, remote maintenance)
- Debt collection service provider
- Auditing services, auditors, tax auditors
- Lawyers in the event of legal disputes
- Data destruction service provider
- Payment service providers (credit cards) and payment transactions with banks
- Telecommunications and telephone provider
- Insurances
- Courts and arbitration tribunals for legal disputes
- Customers, suppliers and business partners as well as authorities in the context of order processing
- Subcontractors for order fulfilment
- Auditors
- Credit assessment service provider
- Electronic signatures:
  - DocuSign (DocuSign Inc, San Francisco, 221 Main St., Suite 1550, United States);
  - Adobe (Adobe Systems Software Ireland Limited, 4-6 Riverwalk, Citywest Business Campus, Dublin 24, Republic of Ireland)

#### 4. Is personal data transferred abroad?

Data is only transferred to countries outside the EU or the EEA (so-called third countries) if this is necessary for the execution of your orders (e.g. material procurement, production, delivery, logistics) or is required by law (e.g. reporting obligations under tax law), if you have given us your consent or as part of order processing. We also transfer data to affiliated companies to protect legitimate interests.

If personal data is transferred to third countries, we ensure an appropriate level of data protection. This means, for example, that processing takes place on the basis of special guarantees, such as the officially recognised determination of a level of data protection

equivalent to that in Switzerland and the EU or compliance with recognised special contractual obligations (so-called "EU standard contractual clauses").

When providing services and seconding employees, we may be required to transfer personal data about our customers and/or clients or the place of work to the competent authorities in accordance with the statutory reporting obligations.

If necessary and legally permissible, we transfer personal data when commissioning external service providers as part of order processing. The recipients named in section 3, including Microsoft, are possible.

#### 5. How long will my data be stored?

We process and store your personal data as long as it is necessary for the fulfilment of our contractual and legal obligations. We delete your personal data as soon as it is no longer required for the above-mentioned purposes. Personal data may be stored for the period during which claims can be asserted against our companies (statutory limitation periods). We also store your personal data insofar as we are legally obliged to do so. Corresponding proof and retention obligations arise from commercial, tax and social security regulations. We also store business-related documents and emails for the purpose of legally compliant archiving for tax purposes and documentation for the defence against unauthorised claims and the enforcement of claims. The storage period for business documents is generally 10 years to the end of a financial year.

#### 6. to what extent is there automated decision-making (including profiling)?

We do not use automated decision-making to establish and conduct the business relationship. Profiling does not take place.

#### 7. What data protection rights do I have?

##### 7.1 Right to information

You can request information about whether and what data about you is being processed (Art. 25 DSGVO). As a rule, the information must be provided within 30 days.

##### 7.2 Right to erasure

You have the right to request that your personal data be deleted, e.g. if the data is no longer required for the purposes pursued. However, if we are obliged to retain your personal data due to legal or contractual retention obligations, we can therefore only restrict your personal data to the extent necessary in these cases or block.

##### 7.3 Right to restriction of processing

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You have the right to request that we restrict the processing of your personal data in accordance with the statutory provisions.

#### **7.4 Revocation**

You have the right to withdraw your consent to the processing of your personal data at any time, in principle with effect for the future.

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## **7.5 Right to data output or transfer**

You have the right to demand the surrender or transfer of your personal data in accordance with the statutory provisions.

## **7.6 Right of appeal**

If you believe that the processing of your personal data violates data protection law or that your data protection rights have been violated in any other way, you can lodge a complaint with the supervisory authority responsible for you. In Switzerland, this is the Federal Data Protection and Information Commissioner (Eidgenössische Datenschutz- und Öffentlichkeitsbeauftragte EDÖB). The contact information can be found at the following [link](#).

If you have any questions in connection with our data protection policy and for information regarding your rights and how to assert them, you can contact us at any time using the contact details provided in section 1 of this privacy policy.