



# Privacy Policy of SoftMetal

## PRIVACY POLICY OF SOFTMETAL LTD.

### 1. Scope

This privacy policy provides information on how and for what purposes SOFTMETAL Ltd. (hereinafter "**we**" or "**SoftMetal**") processes Your Personal Data (hereinafter "**You**") that You disclose to us or that we collect from you in the course of our business activities or in connection with the use of our websites, accessible under the domains "https://softmetal.ch", https://app.softmetal.ch and https://app-demo.softmetal.ch (hereinafter all together the "**Website**").

"**Personal Data**" means all details and information relating to an identified or identifiable natural person.

We process Personal Data in accordance with the requirements of the Swiss Federal Data Protection Act (hereinafter "**FADP**") and, if and to the extent applicable, in accordance with the EU General Data Protection Regulation (hereinafter "**GDPR**").

If You disclose Personal Data to us or share Personal Data with us about other individuals, such as business partners, employees etc., we assume that you are authorized to do so and that the Personal Data is accurate. When you share Personal Data about others with us, you confirm that. Please make sure that these individuals have been informed about this privacy policy.

SoftMetal is the data controller concerning the processing of Your Personal Data under this privacy policy.

The address and contact details of SoftMetal are as follows:

SOFTMETAL Ltd.  
Bahnhofstrasse 7  
6300 Zug  
Switzerland

Telephone: +41 41 552 22 79  
E-Mail: [dataprotection@softmetal.ch](mailto:dataprotection@softmetal.ch)

EU data protection representative according to Art. 27 GDPR is:

**VGS Datenschutzpartner GmbH**  
Am Kaiser Kai 69  
20457 Hamburg  
Deutschland

E-Mail: [info@datenschutzpartner.eu](mailto:info@datenschutzpartner.eu)

<https://datenschutzpartner.eu/>

Please contact us at the above addresses with any questions regarding data protection at SoftMetal.

## 2. Data origin and data categories

We primarily process Personal Data that we receive or collect from our customers (including their employees, shareholders, directors, etc.), Website visitors, suppliers, banks and other business partners in the course of our business activities. In addition, we may also process Personal Data that we have obtained from publicly accessible sources (e.g. websites or public registers such as the commercial register, etc.).

The Personal Data we process includes, as the case may be, in particular name and contact details (e.g. address, telephone number and e-mail address), identification and background information, registration data (e.g. login and use of our services), country of residence, geographic location, financial information for payment purposes (e.g. bank account details), economic data (e.g. financial assets), investment related information (e.g. investment profile, investments), transaction data (e.g. payment instructions, investment instructions), information about the use of our Website (e.g. IP address) and information of any kind from correspondence, contacts and interactions (e.g. photographs, videos and voice recordings) with us.

## 3. Processing purpose and legal basis

**3.1 General in connection with our business activities** We process Your Personal Data primarily in order to provide our services in connection with our business activities. In particular, we process Your Personal Data for the following purposes:

- to communicate with You, in particular to provide You with information or to process Your requests. If You contact us by e-mail/contact form, You authorise us to reply to You via the same channel. Please note that unencrypted e-mails are transmitted via the open Internet, which is why it cannot be ruled out that they can be viewed, accessed and manipulated by third parties. Therefore, we ask You not to send us confidential information by e-mail. We exclude - as far as legally permissible - any liability which You may incur in particular as a result of faulty transmission, falsification of content or disruption of the network (interruptions, overloading, illegal interventions, blocking);
- to make our services and our Website available to You and to evaluate and improve them;
- to process enquiries and provide requested information;
- for the conclusion, administration and performance of our contractual relationships;
- to submit our offers to You;
- to deliver our products to You;
- to maintain and manage the business relationship with You (incl. issuing invoices);
- to inform You of recent updates or to provide You with other information about our services and products;
- to promote services of ours;
- for statistical purposes;
- for IT security and other security measures;
- in connection with corporate transactions (e.g. due diligence, sale of a company, etc.);
- for the assertion of legal claims and defence in connection with legal disputes as well as proceedings before the authorities;
- to comply with our legal obligations nationally and internationally.

We process Your Personal Data for the purposes specified above, depending on the situation, in particular on the following legal bases:

- the processing of Personal Data is necessary for the performance of an agreement with You;
- You have given Your consent to the processing of the Personal Data relating to You. If you give us Your consent, You may withdraw it at any time with effect for the future. However, this does not affect the lawfulness of the processing carried out on the basis of Your consent before Your withdrawal of consent. You can withdraw Your consent at any time by contacting us via the contact details listed in Section 1 of this privacy policy;
- the processing of Personal Data is necessary for the fulfilment of a legal obligation;
- the processing is necessary to protect the vital interests of the data subject or another natural person; or
- we have a legitimate interest in processing the Personal Data.

## **3.2 Account for the use of the SoftMetal Platform**

### **3.2.1 Creation of the account**

You must register on the Website and open an account if You wish to use certain Platform services provided by SoftMetal via the SoftMetal Platform. When registering, You must provide certain Personal Data, in particular Your name, e-mail address, password and geographic location.

We use this Personal Data for running and improving the SoftMetal Platform and in particular for the following purposes:

- for the opening of Your account;
- to enter into and execute the agreement with You for the use of the Platform services;
- for providing and developing the Platform services;
- to maintain and manage the business relationship with You (e.g. issuing invoices);
- to share your Personal Data with other Users as set forth in SoftMetal's Platform terms;
- to improve the Platform services.

The legal basis for this data processing is the fulfilment of the agreement with You (including pre-contractual measures), our overriding legitimate interests (in particular with regard to the improvement of the Platform services) and, if and to the extent necessary, Your consent.

### **3.2.2 Deletion of the account**

You can delete Your account at any time, provided that You are the administrator of Your account and that You do not have any assets in Your portfolio, and that no trades or orders are still in the settlement. In the event of deletion of your account, we will retain Personal Data we obtained from You at least for the duration of that contractual relationship and the applicable limitation periods for potential claims (see also section 5 of this privacy policy).

## **3.3 When visiting our Website**

Each time a user accesses our Website, our server collects a set of user information which is stored in the server's log files. The information collected includes, but is not limited to, the IP address, the date and time of access, the time zone difference relative to GMT, the name and

URL of the downloaded file, the website from which the access takes place, the browser used and the operating system used.

The use of this general information does not involve identification of a specific person. The collection of this information or data is technically necessary in order to display our Website to You and to guarantee its stability and security. This information is also collected in order to improve the Website and to analyse its use. The legal basis for the temporary storage of the information and log files is our legitimate interest in being able to offer You our Website in sufficient quality and to continuously improve it.

### **3.4 Cookies/Tools**

Our Website may use so-called cookies or other technologies/tools such as pixels, tags or external services (hereinafter "**Cookies**" or "**Tools**"). Cookies are text files that are stored in or by the internet browser on the computer system or a mobile device of the user. The Cookie contains a characteristic string that allows the browser or mobile device to be identified unambiguously when the Website is visited again.

The purpose of the use of Cookies is, on the one hand, to enable and simplify the use of our Website for users. Some functions of the Website cannot be offered without the use of Cookies (so-called technically necessary Cookies). On the other hand, we also use Cookies/Tools to analyse user behaviour on our Website, namely for range measurement and marketing purposes.

#### **3.4.1 Technically necessary Cookies**

Technically necessary Cookies are necessary for the functioning of our Website or for certain features. Therefore, these Cookies cannot be deactivated in our systems. These Cookies usually record important actions, such as the number of requests made, the editing of Your privacy settings or when You fill out forms. Although You can block these Cookies in Your browser, some parts of our Website may no longer function then.

The legal basis for the data processing when using technically necessary Cookies is our legitimate interest, which lies primarily in ensuring the functionality and improvement of our Website.

#### **3.4.2 Analytical and marketing Cookies**

Analytical Cookies allow us to analyse visitor behaviour and traffic sources so that we can measure the performance of our Website and improve the user experience. They help us to identify how popular which pages are and indicate how visitors move around our Website. The information collected is aggregated and anonymous.

Marketing Cookies allow us to deliver advertising that is relevant to You. These Cookies may remember that You have visited our Website and share this information with other companies, including other advertisers.

If we use Cookies for analysis and marketing purposes, we obtain Your consent to do so. Therefore, the processing of data for analysis and marketing purposes is based on Your consent. If You give us Your consent, You may withdraw it at any time with effect for the future. However, this does not affect the lawfulness of the processing carried out on the basis of Your consent before Your withdrawal of consent. You can express Your withdrawal at any time by adjusting the Cookie settings.

You can object to the use of Cookies, for example, (i) by selecting the appropriate settings in Your browser or (ii) by using appropriate Cookie blocker software (e.g. ghostery etc.).

### **3.5 Applications**

You can submit Your application for a position with us by post or via the e-mail address provided on our Website. Your application documents and all Personal Data thereby disclosed to us will be treated in the strictest confidence, will not be disclosed to any third party and will only be processed for the purpose of processing Your application for employment with us. Unless You have given consent which provides otherwise, Your application file will either be returned to You after the conclusion of the application process or will be deleted/destroyed, unless it is subject to a statutory retention requirement. The legal basis for the processing of Your data is Your consent, the performance of the contract with You and our legitimate interests.

## **4. Disclosure of Personal Data to recipients and abroad**

### **4.1 Disclosure of Personal Data to recipients**

In addition to the transfers of data to recipients expressly mentioned in this privacy policy, we may to the extent permitted – disclose Personal Data to the following categories of recipients:

- Other companies belonging to SoftMetal;
- Other SoftMetal Platform Users;
- Providers to whom we have outsourced certain services (e.g. IT and hosting providers, payment service providers etc.);
- Subcontractors, suppliers and other business partners;
- Banks and insurance companies;
- Tax advisors, auditors, lawyers, notaries and other external professional advisors of SoftMetal;
- Acquirers, investors or other third parties interested in the acquisition of business divisions, companies or other parts of SoftMetal;
- National and foreign authorities, agencies and courts.

### **4.2 Disclosure of Personal Data abroad**

Your Personal Data may be processed within Switzerland, the European Union or the European Economic Area (hereinafter "**EU/EEA**") but may also be processed in and transferred to a country outside of Switzerland, EU or EEA, for example the USA.

If we transfer data to a country without adequate legal data protection, we ensure an adequate level of protection as provided for by law by using appropriate contracts (namely on the basis of the so-called standard contractual clauses of the European Commission) or we rely on the legal exceptions of consent, the performance of a contract, the establishment, exercise or enforcement of legal claims, overriding public interests, published Personal Data or because it is necessary to protect the integrity of the data subjects. We would like to point out that data transmitted abroad is no longer protected by Swiss law and foreign laws as well as official orders may require the disclosure of this data to authorities and other third parties.

## **5. Duration of storage**

We process and store Your Personal Data only for as long as is necessary in accordance with the relevant purpose of processing or if there is another legal basis for doing so (e.g. statutory retention periods). We retain Personal Data that we hold on the basis of a contractual relationship with You for at least the duration of that contractual relationship and the statutory limitation periods for potential claims or based on contractual retention obligations. As soon as Your Personal Data are no longer required for the above-referenced purposes, they will be set inactive, deleted or anonymised as far as possible.

## **6. Your rights**

Under the data protection law applicable to You and to the extent provided for, You have the right to information, rectification, erasure, the right to restrict data processing and otherwise to object to our data processing as well as to the handover of certain Personal Data for transfer to another location (so-called data portability). Please note, however, that we reserve the right to assert the statutory restrictions on our part, for example if we are obliged to retain or process certain data, if we have an overriding interest in this (to the extent we are entitled to rely on such interest) or if we need the data in order to assert claims. If this results in costs for You, we will inform You in advance.

If data processing is based on Your consent, after giving Your consent You may withdraw it at any time with future effect. However, this does not affect the lawfulness of the processing carried out on the basis of Your consent prior to Your withdrawal of consent.

The exercise of such rights generally requires that You clearly prove Your identity (e.g. by means of a copy of an identification document, where Your identity is otherwise unclear or cannot be verified). In order to assert Your rights, You may contact us at the address specified in Section 1 of this privacy policy.

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 may vary depending on Your place of residence or the place where the alleged infringement of the applicable data protection law takes place.

## **7. Data security**

We take appropriate security measures in order to maintain the required security of your Personal Data and ensure its confidentiality, integrity and availability, and to protect it against unauthorized or unlawful processing, and to mitigate the risk of loss, accidental alteration, unauthorized disclosure or access.

## **8. Amendments to this Privacy Policy**

We expressly reserve the right to amend this privacy policy at any time. If such amendments are made, we will immediately publish the amended privacy policy on our Website. The privacy policy published on our Website, as from time to time amended, shall apply.



[www.softmetal.ch](http://www.softmetal.ch)