

**Privacy policy of the
hba Rechtsanwälte AG**

(as at 31 July 2024)

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1. WHAT IS THIS PRIVACY POLICY ABOUT?

- 1.1 hba Rechtsanwälte AG with registered office in Zurich and domicile at Bellerivestrasse 28, 8008 Zurich ("**hba**", hereinafter also "**we**", "**us**"). As part of our business activities, we obtain and process personal data, in particular personal data about our clients, associated persons, counterparties, courts and authorities, law firms, professional and other associations, visitors to our website, participants in events, recipients of newsletters and other bodies or their respective contact persons and employees (hereinafter also referred to as "**you**"). We provide information about this data processing in this privacy policy.
- 1.2 If you provide us with data about other persons (e.g. family members, representatives, counterparties or other associated persons), we assume that you are authorised to do so, that this data is correct and that you have ensured that these persons are informed about this disclosure, insofar as a legal obligation to provide information applies (e.g. by bringing this data protection declaration to their attention in advance).

2. WHO IS RESPONSIBLE FOR PROCESSING YOUR DATA?

The data controller is responsible for the processing described in this privacy policy:

hba Rechtsanwälte AG
Bellerivestrasse 28
8008 Zürich
zuerich@hba.ch

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

When you make use of our services, use **www.hba.ch** (hereinafter "**website**") or otherwise deal with us, we obtain and process various categories of your personal data. In principle, we may obtain and otherwise process this data for the following purposes in particular:

- **Communication:** We process personal data so that we can communicate with you and with third parties, such as parties to proceedings, courts or authorities, by e-mail, telephone, letter or otherwise (e.g. to answer enquiries, in the context of legal advice and representation and the initiation or execution of contracts). This also includes providing our clients, contractual partners and other interested parties with information about events, changes to the law, news about our law firm or similar. This may take the form of newsletters and other regular contact (electronically, by post, by telephone). You can reject such communication at any time or refuse or revoke your consent to such communication. For this purpose, we process in particular the content of the communication, your contact details and the marginal data of the communication, but also image and audio recordings of (video) telephone calls. In the event of an audio or video recording, we will inform you separately and you are free to inform us if you do not wish to be recorded or to terminate the communication. If we need or want to establish your identity, we will collect additional data (e.g. a copy of an identity document).
- **Initiation and conclusion of contracts:** With regard to the conclusion of a contract, such as in particular a contract to establish a client relationship, with you or your client or employer, which also includes the clarification of any conflicts of interest, we may in particular obtain

your name, contact details, powers of attorney, declarations of consent, information about third parties (e.g. contact persons, family details and counterparties, contract contents, date of conclusion, creditworthiness data and all other data which you provide us with or which we otherwise process. contact persons, family details and counterparties), contract contents, date of conclusion, creditworthiness data and all other data that you make available to us or that we collect from public sources or third parties (e.g. commercial register, credit agencies, sanction lists, media, legal expenses insurance companies or from the Internet).

- **Administration and processing of contracts:** We obtain and process personal data so that we can fulfil our contractual obligations towards our clients and other contractual partners (e.g. suppliers, service providers, correspondence law firms, project partners) and, in particular, provide and demand contractual services. This also includes data processing for mandate management (e.g. legal advice and representation of our clients before courts and authorities and correspondence) as well as data processing for the enforcement of contracts (debt collection, legal proceedings, etc.), accounting and public communication (if permitted). For this purpose, we process in particular the data that we receive or have collected as part of the initiation, conclusion and fulfilment of the contract as well as data that we create as part of our contractual services or that we collect from public sources or from other third parties (e.g. courts, authorities, counterparties, information services, media, detective agencies or from the Internet). This data may include, in particular, minutes of meetings and consultations, notes, internal and external correspondence, contractual documents, documents that we prepare and receive in the context of proceedings before courts and authorities (e.g. statements of claim, appeals and complaints, judgements and decisions), background information about you, counterparties or other persons as well as other mandate-related information, proof of performance, invoices and financial and payment information.
- **Operation of our website:** In order to operate our website securely and stably, we collect technical data such as IP address, information about the operating system and settings of your end device, region, time and type of use. We also use cookies and similar technologies. For more information, see the marginal number (the "**marginal number**") 8.
- **Improvement of our electronic offers:** In order to continuously improve our website and other electronic offerings, we collect data about your behaviour and preferences, for example by analysing how you navigate through our website and how you interact with our social media profiles.
- **Registration:** In order to use certain offers and services (e.g. [free WLAN], newsletter), you must register (directly with us or via our external login service providers). For this purpose, we process the data provided during the registration process. We may also collect personal data about you while you are using the offer or service; if necessary, we will provide you with further information about the processing of this data.
- **Security purposes and access controls:** We obtain and process personal data in order to ensure and continuously improve the appropriate security of our IT and other infrastructure (e.g. buildings). This includes, for example, monitoring and controlling electronic access to our IT systems and physical access to our premises (if necessary also by means of procedures in which biometric data is processed), analyses and tests of our IT infrastructures, system and error checks and the creation of backup copies. For documentation and security purposes (preventive and to clarify incidents), we also keep access logs and visitor lists in relation to our premises and reserve the right to use surveillance systems (e.g. security

cameras). We will inform you of surveillance systems at the relevant locations by means of appropriate signs.

- **Compliance with laws, directives and recommendations from authorities and internal regulations (together "compliance"):** We obtain and process personal data to comply with applicable laws (e.g. anti-money laundering, tax obligations or our professional obligations), self-regulation, certifications, industry standards, *our corporate governance* and for internal and external investigations to which we are a party (e.g. by a law enforcement or supervisory authority or an authorised private body).
- **Risk management and corporate governance:** We obtain and process personal data as part of risk management (e.g. to protect against criminal offences) and corporate governance. This includes our business organisation (e.g. resource planning) and corporate development (e.g. acquisition and sale of business units or companies).
- **Job application:** If you apply for a job with us, we will obtain and process the relevant data for the purpose of reviewing the application, carrying out the application process and, in the case of successful applications, for the preparation and conclusion of a corresponding contract. In addition to your contact details and the information from the corresponding communication, we also process the data contained in your application documents and the data that we can additionally obtain about you, e.g. from job-related social networks, the Internet, the media and from references, if you consent to us obtaining references. Data processing in connection with the employment relationship is the subject of a separate privacy policy.
- **Other purposes:** Other purposes include, for example, training and education purposes and administrative purposes (e.g. accounting). We may listen to or record telephone or video conferences for training, evidence and quality assurance purposes. In such cases, we will inform you separately (e.g. by means of a display during the video conference in question) and you are free to inform us if you do not wish to be recorded or to terminate the communication (if you simply do not wish your image to be recorded, please switch off your camera). We may also process personal data for the organisation, implementation and follow-up of events, in particular lists of participants and the content of presentations and discussions, as well as image and audio recordings made during these events. The protection of other legitimate interests is also one of the other purposes, which cannot be listed exhaustively.

4. WHERE DOES THE DATA COME FROM?

4.1 The data processed by us originates from

- **From you:** You (or your end device) provide us with the majority of the data we process yourself (e.g. in connection with our services, the use of our website and apps, or communication with us). You are not obliged to disclose your data, with exceptions in individual cases (e.g. legal obligations). However, if you wish to conclude contracts with us or use our services, for example, you must provide us with certain data. The use of our website is also not possible without data processing.
- **From third parties:** We may also obtain data from publicly accessible sources (e.g. debt collection registers, land registers, commercial registers, media or the internet including social media) or receive such data from (i) authorities, (ii) your employer or client who either has a business relationship with us or is otherwise involved with us, as well as from (iii) other third parties (e.g. clients, counterparties, legal expenses insurers, credit reference agencies, address dealers, associations, contractual partners, internet analysis services). This includes in particular the data that we process in the context of the initiation, conclusion and execution of contracts as well as data from correspondence and discussions with third parties, but also all other categories of data in accordance with para. 3.

5. TO WHOM DO WE DISCLOSE YOUR DATA?

5.1 In connection with the provisions set out in margin no. 3. we transfer your personal data in particular to the categories of recipients listed below. If necessary, we will obtain your consent for this or have our supervisory authority release us from our professional duty of confidentiality.

- **Affiliated law firms:** If necessary for the fulfilment of our contractual obligations, in particular for the management of mandates, we may forward your data to hba Rechtsanwälte GmbH based in Graz. hba Rechtsanwälte GmbH may use your data for the same purposes as we do, as described in this data protection declaration (cf. para. 3.). The recipients generally process the data under their own responsibility.
- **Service providers:** We work with service providers in Germany and abroad who (i) process data on our behalf (e.g. IT providers), (ii) on our joint responsibility or (iii) on their own responsibility, which they have received from us or collected for us. These service providers include, for example, IT providers, banks, insurance companies, debt collection agencies, credit reference agencies, address verifiers, other law firms or consulting firms). We generally agree contracts with these third parties on the use and protection of personal data.
- **Clients and other contractual partners:** This initially refers to clients and other contractual partners of ours for whom the transfer of your data arises from the contract (e.g. because you work for a contractual partner or they provide services for you). This category of recipients also includes organisations with which we cooperate, such as other law firms in Switzerland and abroad or legal expenses insurance companies. The recipients generally process the data under their own responsibility.
- **Authorities and courts:** We may disclose personal data to offices, courts and other authorities in Switzerland and abroad if this is necessary for the fulfilment of our contractual obligations and in particular for the performance of our mandate, or if we are legally obliged or entitled to do so or if this appears necessary to protect our interests. These recipients process the data under their own responsibility.

- **Counterparties and persons involved:** Insofar as this is necessary for the fulfilment of our contractual obligations, in particular for the management of the mandate, we also pass on your personal data to counterparties and other persons involved (e.g. guarantors, financiers, affiliated companies, other law firms, persons providing information or experts, etc.).
- **Other persons:** This refers to other cases where the inclusion of third parties arises from the purposes set out in para. 3. This concerns, for example, delivery addressees or payment recipients specified by you, third parties in the context of agency relationships (e.g. your lawyer or your bank) or persons involved in official or court proceedings. We may also pass on your personal data to our supervisory authority, in particular if this is necessary in individual cases to release you from our professional confidentiality obligation. If we work with the media and send them material (e.g. photos), you may also be affected by this. As part of our corporate development, we may sell or acquire businesses, parts of businesses, assets or companies or enter into partnerships, which may also result in the disclosure of data (including your data, e.g. as a client or supplier or as their representative) to the persons involved in these transactions. In the course of communication with our competitors, industry organisations, associations and other bodies, data relating to you may also be exchanged.

5.2 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.).

5.3 We also enable certain third parties to collect personal data from you on our website and at events organised by us on their own responsibility (e.g. media photographers, providers of tools that we have integrated on our website, etc.). Insofar as we are not decisively involved in this data collection, these third parties are solely responsible for it. If you have any concerns and wish to assert your data protection rights, please contact these third parties directly. We have summarised your rights in para. 7. listed below. Information on the activities on our website can be found in para. 8.

6. DOES YOUR PERSONAL DATA ALSO END UP ABROAD?

6.1 We process and store personal data mainly in Switzerland and the European Economic Area (EEA), but potentially in any country in the world, depending on the case - for example via subcontractors of our service providers or in proceedings before foreign courts or authorities. Your personal data may also be transferred to any country in the world in the course of our work for clients.

6.2 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 can be accessed 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. We may also disclose personal data to a country without adequate data protection without concluding a separate contract if we can rely on an exemption clause for this. An exception may apply in particular in the case of legal proceedings abroad, but also in cases of overriding public interests or if the fulfilment of a contract that is in your interest requires such a disclosure (e.g. if we disclose data to our correspondence offices), 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 it concerns data that you have made generally accessible and whose processing you have not objected to. We may also rely on the exception for data from a register provided for by law (e.g. HR), which we have legitimately obtained access to. We may also rely on the exception for data from a register provided for by law (e.g. HR), which we have legitimately obtained access to.

7. WHAT RIGHTS DO YOU HAVE?

7.1 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 disclosure of certain personal data in a commonly used electronic format or its transfer to other controllers.

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

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

8. HOW ARE COOKIES, SIMILAR TECHNOLOGIES AND SOCIAL MEDIA PLUG-INS USED ON OUR WEBSITE AND OTHER DIGITAL SERVICES?

8.1 When using our website (including newsletters and other digital offers), data is collected 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.

8.2 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.

- 8.3** 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 us or 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.
- 8.4** We may also use social media plug-ins, which are small pieces of software that establish a connection between your visit to our website and a third-party provider. The social media plug-in informs the third-party provider that you have visited our website and may send the third-party provider cookies that they have previously placed on your web browser. For more information on how these third-party providers use your personal data collected via their social media plug-ins, please refer to their respective privacy policies.
- 8.5** We also use our own tools and third-party services (which in turn may use cookies) on our website, in particular to improve the functionality or content of our website (e.g. integration of videos or maps), to compile statistics and to place adverts.
- 8.6** 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 policy:

Google Analytics

Provider: Google Ireland

Data protection information: <https://support.google.com/analytics/answer/6004245>

Information for Google accounts: <https://policies.google.com/technologies/partner-sites?hl=de>

- 8.7** Some of the third-party providers we use may be located outside Switzerland. Information on the disclosure of data abroad can be found under para. 6. 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.

9. HOW DO WE PROCESS PERSONAL DATA ON OUR PAGES IN SOCIAL NETWORKS?

- 9.1** We operate pages and other online presences on social networks and other platforms operated by third parties and process data about you in this context. In doing so, we receive data from you (e.g. when you communicate with us or comment on our content) and from the platforms (e.g. statistics). The providers of the platforms can analyse your use and process this data together with other data that they have about you. They also process this data for their own purposes (e.g. marketing and market research purposes and to manage their platforms) and act as their own data controllers for this purpose. For further information on processing by the platform operators, please refer to the privacy policies of the respective platforms.

- 9.2** We currently use the following platforms, whereby the identity and contact details of the platform operator can be found in the privacy policy:

- **LinkedIn**
www.linkedin.com
Privacy Policy: <https://de.linkedin.com/legal/privacy-policy>

- 9.3** We also reserve the right to use the following platforms:

- **Facebook**
www.facebook.com
Privacy Policy: www.facebook.com/privacy/policy

- **Instagram**
www.instagram.com
Privacy policy: <https://privacycenter.instagram.com/policy>
- **Youtube**
www.youtube.com
Privacy policy: <https://policies.google.com/privacy?hl=de>
- **Twitter**
www.twitter.com
Privacy policy: <https://twitter.com/de/privacy>
- **Xing**
www.xing.com
Privacy policy: <https://privacy.xing.com/de/datenschutzerklaerung>

9.4 We are authorised, but not obliged, to check third-party content before or after its publication on our online presences, to delete content without notice and, if necessary, to report it to the provider of the platform in question.

9.5 Some of the platform operators may be located outside Switzerland. Information on the disclosure of data abroad can be found under margin no. 6.

10. WHAT ELSE NEEDS TO BE CONSIDERED?

10.1 We do not assume that the EU General Data Protection Regulation ("**GDPR**") is applicable in our case. However, should this be the case in exceptional cases for certain data processing, this para. 10 shall also apply exclusively for the purposes of the GDPR and the data processing subject to it. 10.

10.2 We base the processing of your personal data in particular on the fact that

- them as in margin no. 3. is necessary for the initiation and conclusion of contracts and their administration and enforcement (Art. 6 para. 1 lit. b GDPR);
- it is necessary to protect our legitimate interests or those of third parties as described in para. 3. in particular for communication with you or third parties, to operate our website, to improve our electronic offers and registration for certain offers and services, for security purposes, for compliance with Swiss law and internal regulations for our risk management and corporate governance and for other purposes such as training and education, administration, evidence and quality assurance, organisation, implementation and follow-up of events and to safeguard other legitimate interests (see para. 3.) (Art. 6 para. 1 lit. f GDPR);
- it is required or permitted by law on the basis of our mandate or our position under the law of the EEA or a member state (Art. 6 para. 1 lit. c GDPR) or is necessary to protect your vital interests or those of other natural persons (Art. 6 para. 1 lit. d GDPR);
- you have separately consented to the processing, e.g. via a corresponding declaration on our website (Art. 6 para. 1 lit. a and Art. 9 para. 2 lit. a GDPR).

- 10.3** We would like to point out that we will process your data for as long as is necessary for our processing purposes (see para. 3), the statutory retention periods and our legitimate interests, in particular for documentation and evidence purposes, require it or if storage is technically necessary (e.g. in the case of backups or document management systems). If there are no legal or contractual obligations or technical reasons to the contrary, we generally delete or anonymise your data after the storage or processing period has expired as part of our normal processes and in accordance with our retention policy.
- 10.4** If you do not provide certain personal data, this may mean that it is not possible to provide the associated services or conclude a contract. As a matter of principle, we indicate where personal data requested by us is mandatory.
- 10.5** The procedure described in para. 7. applies in particular to data processing for the purpose of direct marketing.
- 10.6** If you do not agree with our handling of your rights or data protection, please let us know (see contact details in para. 2). If you are located in the EEA, you also have the right to lodge a complaint with the data protection supervisory authority in your country. You can find a list of authorities in the EEA here: https://edpb.europa.eu/about-edpb/board/members_de.
- 10.7** Our representative in the EEA pursuant to Art. 27 GDPR (if required) is: hba Rechtsanwälte AG, Karmeliterplatz 4, 8010 Graz, Austria, e-mail: graz@hba.at.

11. CAN THIS PRIVACY POLICY BE AMENDED?

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