

## DATA PROTECTION NOTICES, INFORMATION OBLIGATIONS

With this information we comply with our information obligations in the context of the collection of personal data from you (the person concerned) in accordance with Art. 13 para. 1, 2 as well as Art. 21 of the European General Data Protection Regulation (Regulation (EU) 2016/679, hereinafter: "GDPR"). The Swiss Data Protection Act (hereinafter: "DSG") and the Swiss Data Protection Ordinance (hereinafter: "VDSG") will also be aligned to it in the future.

pro aurum accords/pays great importance to the protection of personal data. Observing the statutory provisions on data protection and data security is self-evident for us. We process personal data in accordance with the provisions of the EU-GDPR and the Swiss DSG.

The following notices shall provide you an overview/outline of the processing of your personal data by pro aurum and shall constitute your rights from the data protection law related specifications in this regard. The information should at least guarantee a fair and transparent processing. Given that data processing depends on the requested or agreed services/performance, it cannot be ruled out that these notices and information may necessarily apply to you in full.

### Responsible authority for data processing and contact details:

pro aurum Schweiz AG  
Weinbergstrasse 2  
CH-8802 Kilchberg (ZH), Switzerland  
Telefon: +41 (0) 44 71 656 - 00  
Telefax: +41 (0) 44 71 656 - 50  
Email: [info@proaurum.ch](mailto:info@proaurum.ch)

In case of questions and information requests of data protection, you are welcome to contact us at the aforementioned address, or by email at [datenschutz@proaurum.ch](mailto:datenschutz@proaurum.ch).

### Sources and nature/type of data used:

pro aurum processes personal data communicated/transmitted to us by the customer in relation to the underlying business relationship. Furthermore, publicly accessible sources (e.g. commercial register, media etc.) can provide personal data, which we process to execute the business relationship. The personal data concerned may include: personal details (name, address and other contact data, such as date and place of birth as well as nationality and email address), legitimization data (e.g. identification/identity card data) and authentication data (e.g. specimen signature safe-deposit boxes etc.). Furthermore, this can also include data from fulfilling our contractual obligations, order data, information about your financial situation (e.g. origin of assets), documentation data as well as other data corresponding to the listed categories.

### Purposes and legal basis of processing data:

The aforementioned personal data shall be processed depending on the situation, in accordance with the provisions of the EU-GDPR and the Swiss DSG in conjunction with DSGVO, specifically:

**(1) for the performance/fulfilment of a contract/a contractual obligation (Art. 6 para. 1 s. 1 b) GDPR):** The personal data shall be processed to perform/carry out commercial transactions and services as a part of executing our contracts with our customers (you are contracting party to a purchase, sales or a storage service etc.) or for executing pre-contractual measures, which are carried out at your request. Further details on the purposes of processing are set out and can be seen in the underlying contracts, the relevant terms and conditions of business and other documents, where applicable.

**(2) based on your consent to the processing of your personal data (Art. 6 para. 1 s. 1 a) GDPR):** If you have given us your consent for processing your personal data for specific purposes (e.g. photographs as a part of events, sending newsletter, evaluations of transaction data for marketing purposes), this processing is lawful on the basis of your consent.

**NOTE ON REVOCATION:** You can revoke your consent at any time. The same applies to the revocation of declarations of consent, which were submitted to pro aurum before the EU General Data Protection Regulation came into force (i.e. before 25th May 2018). The revocation shall take effect in such a way that data processing, that took place up to the revocation, shall not be affected by it in its lawfulness. You can send a revocation by email to [datenschutz@proaurum.ch](mailto:datenschutz@proaurum.ch) or by post at the above mentioned contact address of pro aurum.

**(3) for performance of duty due to statutory requirements (Art. 6 para. 1 s. 1 c) GDPR) or performance of a task in public interest (Art. 6 para. 1 e) GDPR):** pro aurum is subject to various (supervisory-)legal obligations/requirements (e.g. Anti-Money Laundering Act, tax laws etc.), which may lead to further processing of your personal data. The purposes of processing covered by this include identity verification, documentation or obligations of record keeping and retention, prevention of crime (fraud and money laundering etc.), fulfilment of tax law related inspection and reporting obligations as well as the assessment and control of risks at pro aurum and in the group.

**(4) for processing on the basis of legitimate interest as a part of balancing of interests (Art. 6 para. 1 s. 1 f) GDPR):** Beyond the actual execution of contract and/or statutory obligations, we may, if required, process your data to preserve our legitimate interests and those of third parties. Application examples for processing of data on the basis of legitimate interests are:

» Use of warning- or information services

- » Risk management in the group, interest in collaborative data processing within the group, purposes of internal administration
- » Use of credit agencies/information centers (e.g. debt collection register etc.)
- » Examination and optimisation of procedures for demand analysis and for direct customer contact;
- » Advertising or market research and opinion polling, provided you have not objected to the use of your data; collection of personal data from publicly accessible sources for the acquisition of customers
- » Assertion of legal claims and defense in legal disputes.
- » Ensuring the network- and information security or the IT-security and the IT-operation/running of pro aurum
- » Prevention and investigation/resolution of crimes or threats to public security
- » Measures for building- and facility safety (e.g. access controls) and for ensuring the property right
- » Video surveillances to preserve property right, to collect evidence in robbery/assaults, burglaries and frauds or to provide evidence of orders and payments
- » Measures for business management and advancement of services and products.

### Recipients of data / Categories of recipients:

At pro aurum those areas/departments receive your data, which need it for executing the (pre-)contractual and statutory duties. For these purposes, if needed, also commissioned service providers and vicarious agents receive data in compliance with data protection regulations. These are mainly belonging to the following categories: IT, logistics, credit and financial service institutions, telecommunication, consulting/advisory, printing/publishing services, sales and marketing as well as debt collection. In general, information may only be passed on to external third parties if required/mandated by statutory provisions/law, or if the customer has given his consent or if we are authorised to provide information. Recipient categories of personal data against this background may be: public authorities and institutions if there is a statutory/legal or official or regulatory obligation (e.g. criminal prosecution authorities, financial authorities etc.); creditors or insolvency administrators, who request/make inquiries as a part of an enforcement/foreclosure; service providers whom we consult as a part of contractual relationship for processing (cf. previous paragraph). Furthermore, other recipients of personal data may also be those authorities/bodies to which we are authorised to pass on/transfer personal data on the basis of a balancing of interests or for which you have granted us your consent to pass/transfer on the data.

### Is data passed on abroad (third countries) or to international organisations?

Data shall only be passed on/transferred to authorities in countries outside Switzerland, the EU or the EEA ("third countries") if it should be required to execute your orders (i.e. execute/fulfil a contract/pre-contractual measures), if it is required by law (e.g. reporting obligations, combating money laundering, terrorism financing and other criminal offences), or if you have granted us consent. Your protection-worthy interests shall be taken into account in accordance with the statutory provisions. Certain countries have stricter data protection provisions than Switzerland. If a legislation of a country should not guarantee the level of reasonable data protection and a transfer of data to such a country is targeted/planned, it will be ensured that the recipient complies with the required data protection level by concluding relevant contractual agreements. An access to a copy of the corresponding guarantees can be requested from us at any time. In principle, it is taken into account that the data can only be passed on to third countries that are covered by an adequacy decision of the EU commission regarding the level of data protection, i.e. in compliance with the European data protection level.

### Duration of data storage:

Your personal data shall be processed and stored as long as it is necessary to execute/fulfil our contractual and statutory duties. Particular attention must be paid to continuous obligations (storage, safe-deposit boxes etc.) Data that is no longer required to execute/fulfil the contractual or statutory obligations is generally erased regularly. The latter does not apply to data whose (temporary) processing is necessary for the following purposes:

- » Compliance with/Observance of trade/commercial and tax law related and other retention-/documentation periods: for example, the Swiss Code of Obligation (OR), the Business Records Ordinance (GeBüV), the Anti-Money Laundering Act (GwG), the Federal Act on Direct Federal Tax (DBG), the Federal Act on Harmonization of Direct Taxes of the Cantons and Municipalities (StHG), the Federal Act on Stamp Duties and Withholding Tax (StG), the Value Added Tax Act (MWStG)
- » Preservation of evidence within the framework of the statute of limitations.
- » General information: According to Art. 127 et seq. of the Swiss Code of Obligation (OR), claims generally lapse/are statute-barred after the completion of five to ten years.

### Your rights regarding your personal data:

You are entitled to:

- » the right to information about the personal data in question according to Art. 8 of DSG (Art. 15 GDPR) and the right of rectification according to Art. 5 of DSG (Art. 16 GDPR) or deletion according to Art. 8 DSG (Art. 17 GDPR, "right to be forgotten") or to restriction of the processing according to Art. 12, 13, 15 DSG (Art. 18 GDPR) or the right to right to objection against the processing according to Art. 4 DSG (Art. 21 GDPR, cf. detailed information on right to objection), and - if applicable -, the right to data transferability (Art. 20 GDPR).
- » a right of appeal – if applicable to you - to a competent supervisory authority (Art. 77 GDPR).
- » the right to revoke your consent to the processing of your personal data at any time. The same applies for the revocation of declarations of consent, which were submitted to pro aurum before the EU General Data Protection Regulation ("GDPR") came into force (i.e. before 25 May 2018). The revocation shall take effect in such a way that data processing that took place up to the revoca-

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tion shall not be affected by it in its lawfulness. You can send a revocation by email to [datenschutz@proaurum.ch](mailto:datenschutz@proaurum.ch) or by post at the above mentioned contact address of pro aurum.

### Statutory or contractual duty to provide data:

Certain personal data is required for conclusion of contract. Specifically, you must provide us with those personal data necessary for entering resp. commencement and execution of a business relationship and fulfilment of the associated contractual duties or with such data, which we are statutorily obliged to collect. If such data is not provided, pro aurum will regularly not be able to conclude/to enter into a contractual relationship or shall reject the execution of an order and/or shall no longer be able to execute an existing contract and (possibly) shall terminate it.

We are specifically bound by the provisions/requirements of the Swiss Anti-Money Laundering Act (GwG) to identify you before establishing the business relationship e.g. by means of your valid official identity document with a photograph (i.e. passport/identity card) and to collect and record your first and surname, date and place of birth, nationality as well as your residential address and identification data etc. The same obligation applies to legal entities, partnerships (regarding company, name or designation, legal structure, registry number, address of registered office or main branch office, names of the members of the representative body/legal representative) or to a beneficial owner or controlling owner. In order to meet/fulfil these statutory obligations, you are obliged to pass on/transfer to us the information and documents necessary. If there are any changes in these in the course of the business relationship, these changes must be immediately notified to pro aurum. If you should refuse to fulfil/comply with these duties, we are not allowed to enter into or continue the business relationship that you have requested.

### Automated decision making including profiling:

In accordance with Art. 22 GDPR, you have the right to not be subjected to a decision solely based on an automated processing, including profiling, with a legal effect or a negative impact. According to the definition in Art. 4 no. 4 GDPR, "profiling" is any type of automate processing of personal data which consists in using such personal data to assess/evaluate certain personal aspects relating to a natural person, particularly, to analyse or predict aspects relating to job performance, economic situation, health, personal preferences, interests, reliability/trustworthiness, behavior, place of residence or change of location of this natural person.

The right pursuant to Art. 22 GDPR shall not apply if, among other things, the decision is required for the conclusion or execution of a contract. We hereby notify you that we generally do not make use of automated processing or profiling in decision making for the conclusion or execution of a contract. We will separately inform you due to legal requirements, should we use such aforementioned procedures in individual cases.

### Miscellaneous

In case of questions and information requests on data protection, you are welcome to directly contact us by email ([datenschutz@proaurum.ch](mailto:datenschutz@proaurum.ch)) or by post at the aforementioned address.

You can find more information on data security and data protection in our **Data protection statement/policy**. The latter (and any updates) can be seen/retrieved and printed at any time from the website of pro aurum: <https://proaurum.ch/datenschutz>

### NOTE on your right of objection according to Art. 21 EU General Data Protection Regulation (EU-GDPR)

#### Right of objection on a case-by-case basis (Art. 21 para. 1 GDPR)

For reasons deriving from your specific situation, as the person concerned, you have the right to appeal at any time against the processing of personal data concerning you, which is carried out on the basis of:

- » Art. 6 para. 1 e) GDPR (data processing in public interest) or
- » Art. 6 para. 1 f) GDPR (data processing based on balancing of interests);

this also applies for profiling based on this provision, within the meaning of Art. 4 para. 4 GDPR.

If you lodge an objection, we shall no longer process your personal data, unless we can prove compelling reasons for processing that are worthy of protection and outweigh your interests, rights and freedoms, or unless the processing serves to assert, exercise or defend legal claims.

#### Right to objection against processing of data for the purpose of direct advertising (Art. 21 para. 2 GDPR)

In individual cases, we process your personal data in order to conduct direct advertising. You shall have the right, to object at any time to the processing of personal data concerning you for the purposes of such advertising; this also applies for the profiling, provided it is related to such direct advertising.

If you object to the processing for the purposes of direct advertising, we shall no longer process your personal data for those purposes.

#### Addressee and form of objection:

The objection can be exercised in any form with the subject line "Objection", stating your name, address and date of birth and should be directed to:  
pro aurum Schweiz AG  
Weinbergstrasse 2  
CH-8802 Kilchberg (ZH), Switzerland  
Email: [datenschutz@proaurum.ch](mailto:datenschutz@proaurum.ch)

**The German version of these "Data Protection Notices and Information" («Datenschutzhinweise, Informationspflichten») is authoritative. The English version is for information purposes only.**