

## PRIVACY POLICY

### 1 Scope of data protection declaration

This privacy policy at [www.mendo.ch](http://www.mendo.ch) and [www.mendoweb.ch](http://www.mendoweb.ch) applies to the websites, webshop and all other services. Swiss data protection law (DSG) applies. Specific reference is made to any additional applicable law from the European General Data Protection Regulation (GDPR).

### 2 Processing of personal data; nature, purpose and use thereof

#### 2.1 When visiting the website

The software platform we use is "Infomaniak.com" by Infomaniak Network SA, rue Eugène-Marziano 25, 1227 Les Acacias, Switzerland. Your data will be deleted by Infomaniak.com after 14 days. When you visit our website, information is temporarily stored in so-called log files on our server in Switzerland by Infomaniak Network SA. The legal basis for this forwarding is the fulfilment of a contract in accordance with Art. 6 Para. 1 lit. b GDPR. This is information that the browser of your terminal device automatically sends. Namely:

- IP address of the contacting device
- Date and time
- URL of the accessed page
- Referrer URL
- Browser and other device information
- Data required for transmission security, troubleshooting and improvements

The above data will be processed by us for the following purposes:

- Responding to your enquiries and communicating with you
- Processing your registration or orders
- Provision of the website and the online platform
- Analysis and optimisation of the use of the website and the online platform
- Marketing and advertising
- Optimisation of our posts on our social media company pages
- Information about new developments at Mendo and about new services
- Fulfilment of legal obligations and
- Enforcement of legal claims.

The data processing is carried out in response to your request and is necessary for the fulfilment of the contract and pre-contractual measures in accordance with Art. 6 para. 1 sentence 1 lit. b GDPR for the aforementioned purposes or you have given your consent to the described data processing in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR because you have accessed the website. We or third parties (e.g. our customers) have a legitimate interest in the processing of your personal data corresponding to the aforementioned purposes. Some processing is also necessary so that we can fulfil our contractual obligations towards you or our legal obligations (e.g. storage obligations). On this basis, we process your personal data if and insofar as the applicable data protection law requires a legal basis or



justification for the lawfulness of the data processing in general or for specific processing activities.

## **2.2 When you contact us or enter into a contract with us**

When you enter into a contract with us, the following data is collected:

- Name, first name, address, date of birth, telephone number, e-mail, business data
- Information about orders placed
- Information on services, including Cicero number, SAQ certificate data

Data processing is carried out in response to your request and is necessary for the aforementioned purposes for the fulfilment of the contract and pre-contractual measures in accordance with Art. 6 para. 1 sentence 1 lit. b GDPR or you have given your consent to the described data processing in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR.

## **3 Disclosure of data to third parties (incl. joint controllers and commissioned data processors)**

In order to achieve the purposes described in this privacy policy, it may be necessary for us to pass on your personal data to other companies. These are mainly business partners, where applicable authorities and courts and external service providers. A separate data processing agreement has been concluded with the service providers to ensure the protection of your personal data.

## **4 For the execution of the contract**

Insofar as this is legally permissible according to Art. 6 Para. 1 Sentence 1 lit. b GDPR and necessary for the processing of contractual relationships with you, your personal data will be passed on to third parties. This includes, in particular, the forwarding to shipping companies for the purpose of delivering the services you have ordered and the forwarding of payment data to payment service providers or credit institutions in order to carry out a payment transaction. The data passed on may only be used by the third party for the purposes stated.

## **5 Cookies**

We use cookies (session cookies as well as temporary and permanent cookies) on our website. These are small files that your browser automatically creates and that are stored on your terminal device (laptop, tablet, smartphone, etc.) when you visit our site. A cookie does not always mean that we can identify you.

The use of cookies serves on the one hand to record the frequency of use, number of users and behaviour patterns on our website, to increase the security of website use and to design our information offer in a user-friendly way. As soon as you leave the website, these cookies are automatically deleted.

In addition, we also use temporary cookies to optimise user-friendliness, which are stored on your end device for a certain fixed period of time. If you visit our site again to use our services, it is automatically recognised that you have already been with us and which entries and settings you have made so that you do not have to enter them again.

The legal basis for the data processing is Art. 6 para. 1 sentence 1 lit. f GDPR. Our legitimate



interest follows from the operation of the website.

You can configure your browser settings so that no cookies are stored on your computer. Complete deactivation of cookies may mean that you cannot use all the functions of our website.

By continuing to use our website and/or agreeing to this privacy policy, you consent to cookies being set by us and thus to personal usage data being collected, stored and used, even beyond the end of the browser session. You can revoke this consent at any time by activating the browser setting to refuse third-party cookies.

## **6 Analysis tools**

### **6.1 Hotjar**

This website uses the service of Hotjar to improve user friendliness. Hotjar Ltd Hotjar Ltd is a European company based in Malta (Hotjar Ltd, Level 2, St Julians Business Centre, 3, Elia Zammit Street, St Julians STJ 1000, Malta, Europe). Mouse clicks as well as mouse and scroll movements can be recorded. Keystrokes made on this website may also be recorded. Personalised information is not recorded. Hotjar uses a tracking code to collect and transmit your data. When you visit our website, the Hotjar tracking code automatically collects data based on your activity and stores it on the Hotjar servers (located in Ireland). In addition, the cookies placed on your computer or terminal device by the website also collect data. For more information on how Hotjar works, visit this page: <https://www.hotjar.com/privacy>.

If you would like to object to the collection of data by Hotjar (opt-out), please click here: <https://www.hotjar.com/opt-out>.

### **6.2 Google Analytics**

Our website uses the web analytics service Google Analytics from Google Inc, USA. Google Analytics uses cookies (see under Cookies). These enable an analysis of the use of our website offer incl. IP addresses by Google in the USA. We would like to point out that on this website Google Analytics has been enhanced by the code "gat.anonymizelp();" to ensure anonymised collection of IP addresses (so-called IP masking). If anonymisation is active, Google shortens IP addresses within member states of the European Union or in other contracting states of the Agreement on the European Economic Area, which is why no conclusions can be drawn about your identity. Only in exceptional cases will the full IP address be transmitted to a Google server in the USA and shortened there. Google uses the information collected to evaluate the use of our websites for us, to compile reports for us in this regard and to provide us with other related services. You can find out more at [www.google.com/intl/de/analytics/privacyoverview.html](http://tools.google.com/dlpage/gaoptout?hl=de), in particular regarding the possibility of deactivating Google Analytics at <http://tools.google.com/dlpage/gaoptout?hl=de>.

The legal basis for the data processing is Art. 6 para. 1 sentence 1 lit. a and f GDPR.

## **7 Social media plug-in**

We use the social plug-ins listed below on our website to raise awareness of our company. The underlying promotional purpose is to be regarded as a legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR. The responsibility for data protection-compliant operation is to be ensured by their respective providers. Data processing in connection with these plug-



ins takes place with your consent when you use them.

If you use the services of these social networks independently of or in connection with our website, the social networks evaluate your use of the plug-in. In this case, information about the plug-in is forwarded to the social networks.

### **7.1 LinkedIn**

Plug-ins of the social network LinkedIn Corporation, USA, are installed on our website. You can recognise the LinkedIn plug-in ("LinkedIn Recommended" button) by the LinkedIn logo. When you call up a page of our website that contains such a plug-in, a direct connection is established between your browser and the LinkedIn server. LinkedIn thereby receives the information that you have visited our site with your IP address. If you click the LinkedIn button while you are logged into your LinkedIn account, you can link the content of our pages on your LinkedIn profile. This enables LinkedIn to assign the visit to our pages to your user account. We would like to point out that we, as the provider of the pages, have no knowledge of the content of the transmitted data or its use by LinkedIn. You can find further information at: [www.linkedin.com/legal/privacy-policy](http://www.linkedin.com/legal/privacy-policy)

### **7.2 Google Maps**

Google Maps services are used on our website (e.g. in-screen or via interfaces/API). Google LLC, USA, may therefore process information about your actual location. Google uses various technologies such as IP addresses, GPS and other sensors to determine your location, which provide Google with information about nearby devices, WLAN access points or mobile phone masts, for example.

For the purpose and scope of the data collection and the further processing and use of the data by Google, as well as your rights in this regard and setting options for protecting your privacy, please refer to Google's privacy policy at <https://policies.google.com/privacy?hl=en&gl=en>.

### **7.3 Newsletter**

With the registration for the newsletter and the confirmation to receive the newsletter (double opt-in), the following personal data are processed: Name, first name, e-mail address. The data is processed for the purpose of authenticating the subscriber upon registration and delivering a newsletter to the subscriber, determining whether and when the subscriber has opened this newsletter and individual articles on it.

The newsletter is sent using the dispatch service provider "getresponse", a dispatch platform in Grundwaldzka 413, 80-309 Gdansk in Poland or via mail (host: Infomaniak). This data is processed exclusively on the basis of your consent. You can revoke this consent at any time, for example via the "unsubscribe" link in the newsletter or by sending us a message. The data processing operations that have already taken place remain unaffected by the revocation. When we send newsletters using our dispatch platform, we can determine whether a newsletter has been opened and which links have been clicked. The dispatch service provider is used on the basis of our legitimate interests pursuant to Art. 6 para. 1 lit. f GDPR and an order processing agreement pursuant to Art. 28 para. 3 p. 1 GDPR.

The dispatch service provider may use the recipients' data in pseudonymous form, i.e. without assigning it to a user, to optimise or improve its own services, e.g. to technically optimise the dispatch and presentation of the newsletter or for statistical purposes. However, the dispatch service provider does not use the data of our newsletter recipients to write to them itself or to



pass the data on to third parties.

## **8 Zoom and teams for online teaching and audio and video conferencing**

We use audio and video conferencing services to communicate with our users and others. In particular, we can use them to conduct audio and video conferences, virtual meetings and training such as webinars. We only use services for which an appropriate level of data protection is guaranteed. In addition to this privacy policy, the terms and conditions of the services used, such as terms of use or privacy statements, also apply.

In particular, we use Zoom, a service of the American Zoom Video Communications Inc. Zoom also grants users in Switzerland the rights under the European General Data Protection Regulation (GDPR). Further information on the nature, scope and purpose of data processing can be found in the data protection guidelines and on the "Legal Provisions and Data Protection" page of Zoom respectively: <https://explore.zoom.us/en/trust/legal-compliance/>

We also use teams from Microsoft. Further information on the type, scope and purpose of data processing can be found in the Microsoft data protection guidelines : <https://privacy.microsoft.com/de-de/privacystatement>

## **9 Vimeo**

On our learning platform "Mendoweb", plugins of the video portal Vimeo of Vimeo, LLC, 555 West 18th Street, New York, New York 10011, USA are integrated. When you visit a page that offers one or more Vimeo video clips, a direct connection is established between your browser and a Vimeo server in the USA. Information about your visit and your IP address will be stored there. Through interactions with the Vimeo plugins (e.g. clicking the start button), this information is also transmitted to Vimeo and stored there. You can find Vimeo's privacy policy with more detailed information on the collection and use of your data by Vimeo in Vimeo's privacy policy.

If you have a Vimeo user account and do not want Vimeo to collect data about you via this website and link it to your membership data stored with Vimeo, you must log out of Vimeo before visiting this website.

In addition, Vimeo calls up the Google Analytics tracker via an iFrame in which the video is called up. This is Vimeo's own tracking, to which we have no access. You can prevent tracking by Google Analytics by using the deactivation tools that Google offers for some internet browsers. You can also prevent the collection of data generated by Google Analytics and related to your use of the website (including your IP address) by Google and the processing of this data by Google by downloading and installing the browser plugin available at the following link: <https://tools.google.com/dlpage/gaoptout?hl=en-GB>

## **10 Survio for surveys and course assessments**

For our quality assurance (participant surveys) and surveys we use the tool Survio (Survio s.r.o., Hlinky 995/70, 60300 Brno, Czech Republic).

Survio's privacy policy can be downloaded using the following link : <https://www.survio.com/en/privacy-policy>.

## 11 Place of processing

We store and process your personal data primarily in Switzerland and the EU. However, we may also transfer your personal data to recipients in countries outside Switzerland or the EU (worldwide, in particular the USA). We transfer data to countries without adequate data protection on the basis of standard data protection clauses or legal exceptions (e.g. necessity for contract fulfilment).

## 12 Cross-border disclosure to third countries without adequate level of data protection

Insofar as data transfers are made to a recipient outside the EEA, an appropriate level of data protection for the foreign transfer is ensured by means of suitable security measures. Insofar as you have questions about such data protection contracts based on the EU standard contractual clauses or you would like more information about further security mechanisms and security measures for data transfers to third countries, please feel free to contact our data protection officer.

## 13 Your rights

You have the right:

- Request information about your personal data processed by us. In particular, you can request information about the processing purposes, the category of personal data, the categories of recipients to whom your data has been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, restriction of processing or objection, the existence of a right of complaint, the origin of your data if it has not been collected by us, as well as the existence of automated decision-making, including profiling, and, if applicable, meaningful information about its details (Art. 15 GDPR). In the event of a disproportionately large effort, we reserve the right to demand proof of identity from you in advance as well as the assumption of the effective costs.
- Immediately request the correction of inaccurate or incomplete personal data stored by us (Art. 16 GDPR).
- Request the erasure of your personal data stored by us, unless the processing is necessary for the exercise of the right to freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the establishment, exercise or defence of legal claims (Art. 17 GDPR).
- To request the restriction of the processing of your personal data, insofar as the accuracy of the data is disputed by you, the processing is unlawful, but you object to its erasure and we no longer require the data, but you need it for the assertion, exercise or defence of legal claims or you have objected to the processing pursuant to Art. 21 GDPR (Art. 18 GDPR).
- To receive your personal data that you have provided to us in a structured, commonly used and machine-readable format or to request that it be transferred to another controller (Art. 20 GDPR).
- revoke your consent once given to us at any time. This has the consequence that we may no longer continue the data processing based on this consent for the future (Art. 7 (3) GDPR).
- Complain to a supervisory authority (see below) (Art. 77 GDPR).

## 14 Right of objection

Insofar as your personal data is processed on the basis of legitimate interests pursuant to Art. 6 (1) sentence 1 lit. f GDPR, you have the right to object to the processing of your personal data pursuant to Art. 21 GDPR, insofar as there are grounds for doing so that arise from your particular situation or the objection is directed against direct advertising. In the latter case, you have a general right of objection, which is implemented by us without specifying a particular situation.

## 15 Copyright

The copyright and all other rights to the content, images, photos or other files on our websites and in particular on the Mendoweb learning platform belong exclusively to Mendo AG.

Our websites and their components are protected by copyright and trademark law. You only have the right to view these web pages and their components for personal and private use. Reproduction or public reproduction of our web pages or their components for other purposes, in particular business purposes, is not permitted.

If you wish to use our web pages or parts thereof for any other purpose, written permission must be obtained from the copyright holders in advance. Please contact [info@mendo.ch](mailto:info@mendo.ch) for this purpose. Anyone who commits a copyright infringement without the consent of the respective copyright holder may be liable to prosecution and, under certain circumstances, to claims for damages.

## 16 Data security

Your data is protected by means of SSL encryption and organisational measures within the company.

## 17 Retention period

Your data will be processed confidentially, responsibly, as described in this privacy policy and in accordance with applicable data protection law. We only store data for as long and to the extent necessary for the purposes described or for legal reasons.



## 18 Contact details

This privacy policy applies to data processing by:

Responsible	Mendo AG Data Protection Officer Neuengasse 20 3011 Bern Switzerland info@mendo.ch 031 380 10 03 <a href="http://www.mendo.ch">www.mendo.ch</a>
Supervisory authority (in Switzerland)	Federal Public Information and Data Protection Commissioner, FDPIC Feldeggweg 1 3003 Bern. Switzerland <a href="https://www.edoeb.admin.ch/edoeb/en/home.html">https://www.edoeb.admin.ch/edoeb/en/home.html</a>

## 19 Up-to-dateness and amendment of this privacy policy

We may change or modify this privacy policy at any time. The current privacy policy can be found at [www.mendo.ch](http://www.mendo.ch).

**Please note that our privacy policy in German is legally relevant.**

Bern, 25 August 2023