

## Privacy policy

### Collection and processing of personal data

smarpay AG, with its registered office at Belpbergstrasse 34B in 3110 Münsingen, Switzerland (hereinafter referred to as smarpay), processes personal data that it receives in the course of business relationships with customers, other business partners from these and other persons involved in the services or that is generally collected during the operation of the smarpay website and the websites and applications associated with the provision of the services.

### Explanation

By using smarpay services, service users and system operators declare their agreement with this privacy policy.

The privacy policy is part of the general terms and conditions (GTC) of the services of smarpay. With the use and confirmation at the first registration, the users agree to the GTC's, respectively associated with this also with this privacy policy.

This statement may be updated at any time. We recommend that you check it regularly on our website. The last line of this statement listed below contains the date of the last update.

In case of doubt, the German language version of this privacy policy and other provisions of smarpay shall take precedence over translations in other languages.

### Personal data

Personal data is any information about the personal and factual circumstances of an identified or identifiable natural person. This includes, for example, name, address, telephone number, e-mail address, IP address.

Personal data are only collected and stored if they are provided by the person of their own accord, e.g. as part of a registration or when obtaining a service and its use or other correspondence / communication, respectively the procurement is authorized.

smarpay attempts to store only as much data as is required for the use of the complete range of functions of the services used with the highest possible level of security. In order for smarpay to be able to offer the services, smarpay collects, stores, processes and uses personal data.

### **Data collection and purpose**

Your browser transmits the following data to smarpay when you visit the smarpay websites. This data may be collected without your intervention and stored until automated deletion, e.g.:

- the IP address of your requesting device
- the date, time and duration of the access
- the operating system of your device.

To the extent permitted by law, smarpay also extracts certain data from publicly accessible sources (e.g. commercial register, Internet) or receives such data from authorities and other third parties.

As a rule, personal data is collected during the one-time registration, respectively provided by the person. As a rule, no personal data is collected when using the services. smarpay uses your personal data:

- to ensure the connection establishment as well as their system security and stability
- for the purposes of correct billing of the services received
- for plant operators, respectively owners and user administration
- to be able to identify you personally in case of problems (customer support)
- to be able to process the correctness of the transaction (payment transaction) in accordance with applicable laws
- In asserting legal claims of criminal offenses and other misconduct (e.g., conducting investigations, data analysis to combat fraud).
- to optimize the needs analysis for customer approach and acquisition
- in anonymous form for statistical purposes without the possibility of inference to their person

If you have given smarpay consent to process your personal data for certain purposes (e.g. to receive newsletters or loyalty programs), smarpay will process the personal data within the scope permitted by law and based on the consent. Consent given can be revoked at any time, but this has no effect on data processing that has already taken place.

### **Storage**

smarpay shall retain personal data in accordance with the applicable data protection laws only for as long as is necessary in accordance with the legal requirements for the specified purpose.

Where no legal requirements exist, smarpay retains the data during the use of the services and for 6 months thereafter (after logging off).

## **Use of Google Analytics**

We use Google Analytics on our website. This is a web analytics service provided by Google LLC, Gordon House, Barrow Street, Dublin 4, Ireland, hereinafter referred to as "Google".

Through certification under the EU-US Privacy Shield ("EU-US Privacy Shield") - <https://www.privacyshield.gov/participant?id=a2zt000000001L5AAI&status=Active> - Google guarantees that EU data protection requirements are also complied with when processing data in the USA.

The Google Analytics service is used to analyze the usage behavior of our website. The legal basis is Art. 6 para. 1 lit. f) DSGVO. Our legitimate interest lies in the analysis, optimization and economic operation of our website.

Usage and user-related information, such as IP address, location, time or frequency of visits to our website, is transmitted to a Google server in the USA and stored there. However, we use Google Analytics with the so-called anonymization function. This function allows Google to truncate the IP address within the EU or EEA.

The data collected in this way is in turn used by Google to provide us with an evaluation of the visit to our website and the usage activities there. This data may also be used to provide other services related to the use of our website and the use of the Internet.

Google states that it does not link your IP address with other data. In addition, Google provides further information on data protection law at <https://www.google.com/intl/de/policies/privacy/partners>, e.g. on the options for preventing data use.

In addition, Google offers a so-called deactivation add-on at <https://tools.google.com/dlpage/gaoptout?hl=de> along with further information on this. This add-on can be installed with the most common Internet browsers and offers you further control over the data that Google collects when you visit our website. The add-on tells the JavaScript (ga.js) of Google Analytics that information about the visit to our website should not be transmitted to Google Analytics. However, this does not prevent information from being transmitted to us or to other web analytics services. If and which other web analytics services are used by us, you will of course also find out in this privacy policy.

## **Data sharing**

smarpay may disclose your data to its own affiliated companies as well as to their and its own agents and third party service providers within the country in which you reside for the provision of services and for the purposes mentioned above. Our affiliates, agents and third party service providers who have access to personal data are required to comply with data protection laws.

smarpay may also disclose your information to governmental or regulatory agencies or other persons in compliance with any applicable law, regulation, court order or governmental request, or under and for the purpose of any guidelines or similar procedures issued by regulatory or other authorities, to the extent required or permitted by applicable law.

### **Safety measures**

smarpay has implemented appropriate technical and organizational security measures to protect your collected personal data against unauthorized access, misuse, loss or destruction. Furthermore, we refer to the document of our data center operator: "ISDS Measures Begasoft AG, Bern".

### **User rights**

Where applicable laws and regulations permit, you may:

- inquire whether your personal data is stored by us
- ask us to provide you with a copy of your personal data
- instruct us to correct your personal data to the extent that it is inaccurate
- file a complaint with the supervisory authority if they believe that the data concerning them is being processed by the provider in violation of data protection regulations (www.edoeb.admin.ch)

If you have any questions about the processing of your personal data, please write to us at the following address:

smarpay, Belpbergstrasse 34B, 3110 Münsingen.

Data protection officer at smarpay is:

Nicole Cuttat; [office@smarpay.eu](mailto:office@smarpay.eu)

This Privacy Policy is effective immediately. Smarpay reserves the right to change this privacy policy at any time. The current version of the Privacy Policy is available at <https://smarpay.eu/privacy-policy/>

*Münsingen, 05.04.2022*