Data Protection Policy for Clients

1. Scope and purpose

This Data Protection and Privacy Policy ("Policy") applies to Finbou AG, Freiestrasse 34, 8800 Thalwil, ("Company") when it processes personal data of clients and business partners ("Clients").

This Policy sets out the obligations of the Company regarding data protection and the rights of the Clients in respect of their personal data under the Swiss Data Protection Act ("DPA") and General Data Protection Regulation ("GDPR"), as amended from time to time (collectively "Regulation").

The Regulation defines "personal data" as any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

This Policy sets out the procedures that are to be followed by the Company when dealing with personal data of Clients.

2. Company's contact

In the event of questions relating to this Policy or the personal data processed, the Company can be contacted by e-mail to info@finbou.com.

3. Legal basis for processing

The Company processes personal data in order to perform its obligations under the respective contract concluded with the Client, or for the purpose of other legitimate interests, or in order to comply with a legal duty imposed on the Company in connection with the applicable laws.

4. Information collected by the Company

The following personal data may be collected, held, and processed by the Company:

a. the Client’s name, ID or passport, telephone number(s), mailing address, email address and any other information (including KYC information) relating to the Client which the Client has provided to the Company;
b. name, ID or passport, telephone number(s), mailing address, email address and any other information (including KYC information) relating to employees, agents, officers, managers, owners, beneficial owners or other natural persons relating to the entity the Client represents or works for or other third parties, which the Client has provided to the Company.

Finbou AG, Freiestrasse 34, 8800 Thalwil, Switzerland, +41 79 418 37 03, g.carolo@finbou.com.
Company number: CHE-162.519.027, LEI: 8945005TPI7VHWYOOH55 Regulated by “PolyReg Allg. Selbstregulierungs-Verein”.

5. Ways of collecting personal data

Generally, the Company may collect personal data in the following ways:

a. when the Client submits forms or applications to the Company;
b. when the Client submits requests to the Company;
c. when the Client uses the Company's IT infrastructure;
d. when the Client asks to be included in an email or other mailing list;
e. when the Client responds to our initiatives; and
f. when the Client submits personal data to the Company for any other reason.

6. The data protection principles

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data must comply. All personal data must be:

a. processed lawfully, fairly, and in a transparent manner in relation to the Client;
b. collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
c. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;
e. kept in a form which permits identification of the Client for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organizational measures required by the Regulation in order to safeguard the rights and freedoms of the Client;
f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

7. Privacy impact assessments

The Company shall carry out Privacy Impact Assessments when and as required under the Regulation.

8. Client’s rights?

The Client has the following rights under the Regulation:

a. the right to be informed about the collection and use of personal data by the Company;
b. the right of access to the personal data the Company holds about the Client;
c. the right to rectification if any personal data the Company holds about the Client is inaccurate or incomplete;
d. the right to be forgotten – i.e. the right to ask the Company to delete any personal data it holds about the Client;
e. the right to restrict (i.e. prevent) the processing of the personal data;

f. The right to data portability (obtaining a copy of the personal data to re-use with another service or organization);
g. the right to object to the Company using the personal data for particular purposes; and
h. rights with respect to automated decision making and profiling (where applicable).

9. Data protection measures

The Company shall ensure that all its employees, agents, freelancers, contractors, or other parties working on its behalf when processing personal data, will apply and implement the appropriate technical (e.g. use of passwords; encryption of sensitive personal data; regular back-ups; use of secure networks, etc.) and organizational (e.g. access only on a need to know basis; signing of NDAs by Employees where necessary, etc.) measures.

10. Transferring personal data to a country outside the EEA

The Company does not transfer any personal data to countries outside of Switzerland.

11. Data breach notification

All personal data breaches must be reported immediately to the Company by written notice or by e-mail to info@finbou.com. If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of the Client (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Company must ensure that the Swiss Federal Data Protection and Information Commissioner ("FDPIC") and where applicable the competent Information Commissioner's Office in the EU is informed of the breach without delay, and in any event, within 72 hours after having become aware of it. With regard to data security breaches, the FDPIC must be informed immediately. In the event that a personal data breach is likely to result in a high risk to the rights and freedoms of the Client, the Company must ensure that all affected Clients are informed of the breach directly and without undue delay.

12. Withdrawal of consent

In the event consent was given, Clients have the right to withdraw such consent given at any time by sending a written notice or e-mail to the Company to info@finbou.com.

13. Implementation of policy

This Policy shall form part of the respective contract concluded between the Company and the Client.

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