

# Data Privacy Policy

In this data privacy policy, we, the association YES (hereinafter referred to as "YES"), will elaborate on the collection and use of personal data. This is not a conclusive policy with the General Terms and Conditions or eligibility requirements of our programmes describing specific situations. "Personal data" refers to all details and information which can be linked to a certain and definable person.

This data privacy policy is in alignment with the General Data Protection Regulation (GDPR) of the European Union as well as the Swiss Data Protection Act.

## Office Responsible for Data Protection

The office, which is responsible for the data protection laws as well as the GDPR, is as follows:

Young Enterprise Switzerland  
Davide Mastruzzo  
Albisriederstrasse 243a  
8047 Zürich

Phone: +41 (0) 43 321 83 72  
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Website: <https://yes.swiss>  
LMS: <https://yes.easylearn.ch>

## Collection and Use of Personal Data

Based on article 13 of the Swiss Federal Constitution and the federal terms concerning data protection (Swiss Data Protection Act), every person is entitled to privacy protection as well as protection against abuse of their personal data. As operator of multiple websites, platforms, and user of a Learning Management System (LMS), we at YES care deeply about the protection of your personal data. YES treats your personal data in strict confidence and according to data protection regulations.

We use primarily personal data, which we have received from our partners, schools, volunteers, participants, students, and other affiliates as part of our business ties or which we have gathered from users of our websites, platforms, the LMS, and further applications.

Unless prohibited, we also gather certain data from authorities and publicly accessible sources (e.g., debt collection register, land register, commercial register, media, internet). Generally, we use your data which you have directly provided to us, and do not collect any further data from external or electronic sources through the use of our website or the LMS (e.g., IP address, MAC address, details about your device and settings, cookies, date and time of visit, accessed websites and contents, used functions, redirecting website, location).

## Purpose of Data Use and Legal Basis

We primarily use the collected data to process our programmes and services, mainly as part of different training programmes, contests and events with schools, partner organisations, participants, and students as well as fulfilling our legal duties, domestic and abroad.

If appropriate and unless prohibited, we use the data provided by you, other people, and organisations for the following purposes, in which we (and sometimes third parties) have substantial and reasonable interest

- Offering and further development of our programmes, services, websites, the LMS, apps, and further platforms, on which we are present.
- Communication with third parties and processing their inquiries (e.g., applications, press information).
- Collection of school data from publicly available sources with the purpose of school acquisition.
- Communication and advertisement (including events), provided that you did not reject this use of your data.
- Enforcement of rights and defence in relation to legal disputes and proceedings by authorities.
- Prevention and resolution of criminal acts and other misconduct (e.g., conducting internal investigations, data analysis to prevent fraud).
- Guarantee of the functioning our enterprise, especially IT, our websites, apps, and further platforms.

Provided that you agreed for us to use your personal data for certain purposes (e.g., when registering for a programme) and that we do not have or need further legal basis, we use your data for this purpose and based on your permission. A granted permission can be retracted at any time. However, this will not influence previous data uses.

Personal data refers to all details and information which can be linked to a certain and definable person. An affected person is a person whose personal data is being used. Use of data refers to every process with personal data, independent of the means and methods used, especially storage, sharing, collection, deletion, saving, editing, destruction, and use of personal data.

### **Data Privacy Policy for Cookies**

We use cookies and comparable technologies on our websites and LMS, with which your browser and device can be identified. A cookie is a small file, which is being sent to your device or rather, saved to your device by your browser upon visiting our website or logging into a platform or the LMS. If you visit our website or the LMS again, we are then able to identify you without knowing who you are. Cookies can be so-called “session cookies”, which are saved during a visit and deleted upon leaving the site, or “permanent cookies”, which allow to save settings and other information over a prolonged time. Through your browser, you can allow either session or permanent cookies, or you can decide to reject them altogether. Most browsers accept cookies by default. We use permanent cookies to save settings such as language and autologin data. If you reject cookies, it might happen that some functionalities (e.g., language selection, cart, order processes) do not work anymore.

By using our websites, platforms, and the LMS as well as the newsletter and marketing e-mail subscription, you agree to the use of these technologies. If you do not agree, you must change your browser settings accordingly.

Furthermore, we use so-called “plug-ins” by social media such as Facebook, Twitter, YouTube, Google+, Pinterest, or Instagram on our websites. This is made evident through the respective symbols. We have configured these plug-ins to be deactivated by default. If you activate them by pressing on a symbol, the operator of the respective site will be able to see that you have visited our website and can thus use this information for their own purpose. The use of your personal data will then be governed by the operator’s data privacy policy. We do not receive any details about you from the operator.

### **International Transfer of Data**

We do not transfer personal data to third parties, neither in Switzerland nor abroad. Solely statistical data as well as the first and last name of participants for some programmes will be transferred to JA Europe as a means of reporting. JA Europe does not use this data for communication or marketing purposes. JA Europe does not transfer this data to third parties.

### **Duration of Personal Data Storage**

We use and save your personal data as long as required for us to fulfil our contractual and legal duties or as long as required by the desired purposes, e.g., for the duration of a programme or contest or for the duration of a long-term relationship with a school or an affiliate (meaning from the initiation to the termination of a contract). Furthermore, we store your personal data according to the legal storage and documentation duties. It may therefore be possible that personal data will be stored during a time in which claims against our association can be asserted or reasonable interests call for data storage (e.g. for evidence or documentation). As soon as your personal data is not needed anymore for the purposes mentioned above, they are generally deleted or anonymized wherever possible. Operational data such as system logs have shorter storage periods of twelve months or less.

### **Data Security**

We take reasonable technical and organisational safety precautions to protect your personal data from unwarranted access and abuse, e.g., IT and network security, admission control and restriction, and encryption of data carriers and transfers.

### **Duty to Provide Personal Data**

As part of our relation, you must provide personal and organisational data required for the conduction of programmes, services, contests, or events as well as the **fulfilment** of the related duties. You do not have a legal duty to provide data. However, we will not be able to provide our services, nor will you be able to use our websites, platforms, and the LMS without certain data to secure data traffic (e.g., IP address).

### **Rights of the Person Affected**

Based on the data privacy policy applicable to you as well as the GDPR, you are entitled to disclosure, correction, deletion, limitation or rejection of data use and data transfer. Please bear in mind that we reserve the right to assert the legal limitations, e.g., in situations where storage and use of data is mandatory, where we have an overriding interest, or where we require them for asserting a claim. If there are costs thereby incurred, you will be informed beforehand. We hereby inform you about the possibility to retract your permission. Please bear in mind that the exercise of these rights may conflict with contractual agreements, which may result in cost implications or premature termination of the contract. If there is no contractual agreement concerning this matter, we will inform you beforehand.

The exercise of such rights requires a clear proof of identity, e.g. (copy of) identity card. To assert your rights, you can contact our office responsible for data protection.

Furthermore, each person affected has the right to take legal steps as well as the right to issue a complaint. The responsible data protection authority in Switzerland is the Federal Data Protection and Information Commissioner (<https://www.edoeb.admin.ch>)

## **Copyright**

The copyright and any other rights regarding content, pictures, photographs, and other files on the website and platforms belong exclusively to YES or specifically appointed holders of rights. In order to reproduce any file, a written approval provided by the copyright holder is required beforehand. If no approval is granted, any reproduction poses a copyright infringement and causes the person affected to be liable to prosecution.

## **Modifications**

We can modify and adjust this data privacy policy anytime at no notice. The effective, most current version is uploaded and published on our website. If the data privacy policy is part of a common agreement with you, we will inform you in case of modifications by e-mail or any other appropriate means.