

Data Privacy Policy

Young Enterprise Switzerland (YES)

Version: 1.0
Last updated on: 03.09.2024
Author: Patrick Ammann (Head LMS & IT platforms)
Status: published (Patrick Ammann)

Table of Contents

1.	Data Privacy Policy	3
1.1.	Scope of the Privacy Policy	3
1.2.	Data Protection Officer	3
2.	Definition of Terms	4
3.	Data Provision by Data Subject	5
3.1.	Data from Third Parties	5
4.	Types of Personal Data	6
5.	Purpose of Data Collection and Processing	7
6.	Retention and Deletion of Personal Data	8
7.	Measures to Ensure Data Protection Compliance	9
7.1.	Internal and External Communication	9
7.2.	Secure Operation of Applications	9
7.3.	Internal Policies	9
7.4.	Data Protection-Compliant Collaboration with Recipients of Personal Data	9
8.	Recipients of Personal Data	10
8.1.	Partners of YES	10
8.2.	Umbrella Organisations JA Worldwide and JA Europe	10
8.3.	Service Providers and Contractors	10
8.4.	Independent Third-Party Providers	10
8.5.	Public	11
8.6.	Data Transfer and Transmission Abroad	11
9.	Usage Analysis of Provided Platforms	12
9.1.	Third-Party Cookies	12
9.2.	System Cookies	12
9.3.	Blocking Cookies	12
10.	Rights & Obligations of the Data Subject	13
10.1.	Rights of the Data Subject	13
10.2.	Obligations of the Privacy Policy	13
11.	Changes to the Privacy Policy	14

1. Data Privacy Policy

In this privacy policy, the association Young Enterprise Switzerland (hereinafter referred to as "YES") explains how personal data is collected and processed.

According to Article 13 of the Swiss Federal Constitution and the data protection provisions of the federal law (Data Protection Act, DPA), every person is entitled to the protection of their privacy and protection against the misuse of their personal data. As a service provider and operator of various platforms, YES takes the protection of personal data very seriously. YES treats personal data with the utmost confidentiality and in full compliance with legal data protection regulations.

1.1. Scope of the Privacy Policy

The data privacy policy of YES is based on the Swiss Data Protection Act (DPA). It pertains to the collection of personal data from individuals who use the services and offerings of YES as well as the infrastructures provided by YES (e.g., website, YES platform, YES Marketplace, easylearn, etc.).

1.2. Data Protection Officer

Responsible entity in the sense of the data privacy policy of YES:

Young Enterprise Switzerland (YES)

Patrick Ammann
Albisriederstrasse 243 A
8047 Zurich

Phone: +41 43 321 83 72
E-mail: patrick.ammann@yes.swiss

Last updated on: 3 September 2024

In case of uncertainties or additional points, the data protection officer of YES shall be contacted.

2. Definition of Terms

Based on the Data Protection Act (DPA, Art. 5), YES defines the following terms:

- **Personal Data:** Any information relating to an identified or identifiable natural person (e.g., name, date of birth, e-mail address, etc.).
- **Data Subject:** A natural person whose personal data is processed.
- **Sensitive Personal Data:**
 - Data related to religious, ideological, political, or trade union views or activities
 - Data concerning health, private life, race or ethnicity
 - Genetic data
 - Biometric data that uniquely identifies a natural person
 - Data concerning administrative and criminal proceedings or sanctions
 - Data related to social welfare measures
- **Processing of Personal Data:** Any handling of personal data, regardless of the means and procedures used, including the collection, storage, retention, alteration, disclosure, archiving, deletion, or destruction of data.
- **Disclosure of Personal Data:** The transmission or making available of personal data.
- **Data Security Breach:** A security breach that results in personal data being unintentionally or unlawfully altered, lost, deleted, destroyed, or disclosed or made accessible to unauthorised persons.
- **Controller:** A private individual or federal body that alone or jointly with others determines the purposes and means of the processing.
- **Processor:** A private individual or federal body that processes personal data on behalf of the controller.
- **Third-Party Providers:** Services or applications provided by an independent provider that complement the offers of YES.

3. Data Provision by Data Subject

Within their relationship with YES and the data subject, individuals should provide the personal and organisational data necessary to initiate and carry out activities, programmes, services, competitions, or events, and the fulfilment of related obligations. There is no legal obligation for the data subjects to provide data to YES.

To use the services and any applications provided by YES, certain personal data (see Section 4, “Types of Personal Data”) must be collected and processed by YES. The provision of certain personal data is therefore essential. If the data subject refuses to provide personal data, YES may not be able to provide services to the data subject.

The provision of personal data to YES is the responsibility of the data subject. They must ensure that the transmission of personal data is done appropriately and through secure means. Consent to the processing of your personal data is given when using the services provided by YES or the use of digital infrastructures (e.g., contacting, registering on a platform, etc.). From this point onwards, YES processes the personal data provided.

3.1. Data from Third Parties

When using the services and offers of YES, certain personal data may be communicated by a representative (e.g., teacher, contact person, guardian, etc.). The representative providing the personal data must ensure that this is done knowingly and with the consent of the data subject and that it complies with legal requirements. YES ensures that only personal data provided with the consent of the data subject is further processed.

Where permitted and legally justified, YES also obtains data from authorities and publicly accessible sources (e.g., debt enforcement registers, land registers, commercial registers, press, internet, etc.) to supplement its services and offerings.

4. Types of Personal Data

The collection of personal data depends on the context in which the requested service from YES or the provided input mask are involved. In general, YES only collects personal data that has been communicated by the data subject. The following categories of personal data may be collected:

- **Programme-Specific:** Contact details (name, e-mail, telephone number, etc.), demographic data (e.g., gender, date of birth, language, address, etc.), school and class affiliation, additional contacts (e.g., teacher, legal representative, etc.), visual materials, signature of the data subject, signature of the legal representative, any allergens, participation in programmes of YES and events, issued certificates, etc.
- **Partners, Members, and Volunteers:** Contact details (name, e-mail, telephone number, address, etc.), demographic data (e.g., gender, date of birth, language, etc.), company, workplace address, role, potentially party affiliation, involvement in programmes and events, etc.
- **Website:** Technical data (e.g., IP addresses, date and time of access, device details, etc.), forms (e.g., surveys, contact forms, etc.), applications (e.g., contact details, application documents, CV, certificates, etc.).

5. Purpose of Data Collection and Processing

YES primarily processes the personal data it receives in the course of its business relationships with data subjects, or personal data that YES collects from its users during the operation of its websites, platforms, and other applications.

YES uses the collected personal data primarily to manage and further develop its service offerings, to ensure the quality of the programmes and to comply with legal obligations in Switzerland and abroad. Personal data may also be collected when contact is made in order to fulfil requests (e.g. support requests, information, applications, etc.).

The personal data provided is processed for a specific purpose and relates primarily to the following:

- Care and Management of Participants, Employees, Partners, and Other Stakeholders
- Care, Execution, and Development of Programme Offerings and Services
- Statistics and Controlling: Conducting possible analyses of programmes using the available personal data
- Communication of Information regarding the offers and services of YES with data subjects (e.g., annual report, newsletter, e-mail marketing, social media)
- Provision of Information to stakeholders (e.g., YES Alumni Council, partners, etc.) and, if necessary, third independent parties (event participants, media, etc.) to ensure the success of the programmes.
- Assertion of Legal Claims and Compliance with Legal Requirements

6. Retention and Deletion of Personal Data

YES processes and stores personal data in accordance with statutory retention and documentation obligations, as long as it is necessary for fulfilling contractual and legal obligations, for processing the intended purposes, or for the entire duration of the relationship with the data subject. Should a claim arise against YES, it is possible that personal data will be retained by YES for the entire duration of the proceedings. Furthermore, YES is entitled to retain personal data if legally required to do so or if legitimate interests demand it (e.g., for evidence or documentation purposes).

Personal data stored digitally or physically will exist as long as the aforementioned requirements and obligations are met. YES ensures through technical and organisational measures that personal data cannot be accessed by unauthorised persons (access control, access regulation, and user control). If there is a reason for deletion, the relevant personal data will be routinely anonymised or deleted.

7. Measures to Ensure Data Protection Compliance

YES adheres to principles that ensure data security (confidentiality, availability, integrity, and traceability). YES takes various technical and organisational measures to ensure data protection compliance when handling personal data.

7.1. Internal and External Communication

Information and personal data are communicated through designated applications (e.g., Outlook, platforms, etc.). YES ensures that communication is encrypted accordingly (e.g., TLS encryption, SSL encryption). However, in electronic communication, YES has no control over how the communication tools of the data subject are used. The data subject must ensure that appropriate security measures are taken.

7.2. Secure Operation of Applications

To ensure the secure operation of the application of YES, regular backups of servers, databases, applications, etc., are carried out, and updates and upgrades are implemented. Furthermore, measures are taken to ensure secure communication between the applications and the user through appropriate encryption techniques (e.g., SSL) and to obfuscate sensitive data (e.g., passwords).

7.3. Internal Policies

Through routine user controls, YES ensures that only authorised persons have access to stored information and that data protection compliance is maintained at all times. Additionally, continuous internal security audits, backups, training sessions, etc., are conducted to ensure that within the organisation personal data is handled securely.

The physical storage of documents and information containing personal data is the responsibility of the controller. This person ensures that personal data is not accessible to unauthorised persons and is stored securely.

7.4. Data Protection-Compliant Collaboration with Recipients of Personal Data

Collaboration with various stakeholders requires that they adhere to data protection regulations and treat all communicated personal data strictly confidential. YES ensures that the required standards are met and that any partners, service providers, contractors, and other third-party providers comply with Swiss data protection regulations.

8. Recipients of Personal Data

It is possible that YES may forward certain personal data to independent third parties. YES ensures that the communication of such data is limited to the minimum necessary to successfully execute activities and that data protection compliance is maintained by all parties. YES only communicates personal data that has been made accessible by the data subject or their responsible person.

8.1. Partners of YES

YES reserves the right to communicate purpose-specific information and personal data (e.g., name, contact details, gender, age, school, participation in programmes, etc.) to partners. Partners use the communicated information to support or complement the services of YES (e.g., awarding prizes, contacting individuals, reporting, etc.). The partners of YES are required to comply with current data protection regulations and treat personal data with strict confidentiality, unless otherwise agreed with the data subject.

8.2. Umbrella Organisations JA Worldwide and JA Europe

YES communicates certain personal data (e.g., name, gender, participation in programmes, etc.) for reporting purposes (e.g., programme participants, competition winners) to the umbrella organisations JA Worldwide (<https://www.jaworldwide.org>) and JA Europe (<https://www.jaeurope.org>). The umbrella organisations of YES process this personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and thereby extend the programmes of YES.

8.3. Service Providers and Contractors

Service providers may, under certain circumstances, have access to personal data in order to be able to fulfill their contractual relationship (e.g., platform development). Service providers and contractors are contractually obliged to comply with current data protection regulations and to treat personal data with strict confidentiality. They are only allowed to process data for pre-defined purposes and may not use it for their own purposes or disclose it to third parties.

8.4. Independent Third-Party Providers

Third-party providers (e.g., easylearn, Payrex, Google Developer, etc.) may complement the programmes and services of YES. In some cases, personal data may be communicated by YES or directly by the data subjects to third-party providers. YES only communicates personal data that is necessary for the successful use of the applications (e.g., e-mail, name, etc.). In these instances, the handling of personal data occurs independently of YES. YES ensures that collaboration with third-party providers follows legal regulations and that legal obligations are met.

8.5. Public

Personal data provided to YES by data subjects may, under certain conditions and with the consent of the data subject, be made accessible to the public. Each case requires an evaluation based on what is deemed necessary for the purpose. Examples of the publication of personal data include:

- **Annual Report:** Name, school and type of award received by the winners
- **Press Release of Event Winners:** Name of the data subject, school, type of award received
- **Publication on the Website of YES:** Name of the data subject, school, type of award received, possibly including images
- **Platform Profile:** Profile of the data subject (name, participation, awards, etc.)

8.6. Data Transfer and Transmission Abroad

Personal data will only be transferred to other independent recipients abroad with the consent of the data subject, if there is a legal basis, or if there is a major public interest.

9. Usage Analysis of Provided Platforms

To continuously improve the services of YES and ensure the regular operation of digital platforms, various tools are used to track user behaviour.

9.1. Third-Party Cookies

YES uses third-party cookies (so-called “performance cookies”) to collect and track data anonymously on the provided infrastructure (e.g., website, platform, etc.). Cookies allow, for example, the analysis of user traffic and usage (e.g., time spent on the site, links visited, etc.). Cookies are used to operate, optimise, and continuously improve the digital platforms and services of YES. The following cookies are used by YES:

- **Google Analytics:** Google Analytics is a web analytics tool provided by Google. It uses cookies to gather information about users' interactions with websites (storage duration 1.5 years). Examples of cookies set: “_ga”, “_gat”, “_ga_*”, “_gid” etc.
- **Facebook:** A cookie set by Facebook to track visits to websites for marketing purposes (storage duration 3 months). Examples of cookies set: “_fbp”

9.2. System Cookies

The platforms provided by YES store cookies in the user's browser. These cookies ensure the functionality of the platforms of YES. These cookies are necessary (“essential”) to use the platforms with no restriction.

- **“cookie_banner_closed”:** The cookie banner was closed by the user (storage duration ½ year).
- **“banner_closed”:** The banner, which automatically opens on each website visit (see header), was closed (storage duration according to session).
- **“user_language”:** Stores the language selected by the user on the platform in the browser (storage duration according to session).
- **“XSRF-Token”:** Security cookie to prevent Cross-Site Request Forgery attacks (storage duration 1 day).
- **“yes_platform_*_session”:** Stores the current session of the user who is using the platform of YES. The system recognises the user and processes their data and information accordingly (storage duration 1 hour).

9.3. Blocking Cookies

Each user has the option at any time to block the use of cookies through their browser. However, this may prevent the correct functioning and usage of the provided platforms. Here is a brief guide:

- **Google Chrome:** Click on the menu icon in the upper right corner of the browser and select “Settings.” Choose “Privacy and Security” and then click on “Cookies and other site data.” Cookies can be blocked or allowed, and exceptions can be added.
- **Safari:** Click on “Safari” in the menu bar and select “Settings.” Click on “Privacy” and then “Cookies and website data.” Cookies can be blocked or allowed, and exceptions can be added.
- **Microsoft Edge:** Click on the menu icon in the upper right corner of the browser and select “Settings.” Choose “Cookies and site permissions” and then click on “Manage and delete cookies and site data.” Cookies can be blocked or allowed, and exceptions can be added.

10. Rights & Obligations of the Data Subject

10.1. Rights of the Data Subject

Under applicable data protection law, data subjects have the right to access, rectify, or delete their personal data, as well as the right to restrict data processing and to object to the processing of their data by YES. Data subjects also have the right to request the transfer of their personal data to another entity (so-called data portability). Furthermore, they have the right to object to the disclosure of their data to other recipients such as partners, parent organisations, service providers, etc.

To exercise their rights, data subjects may send a written request to the data protection officer. The exercise of such rights generally requires the data subjects to clearly prove their identity and for there to be a legal basis for doing so, or for YES not to have a legitimate interest in retaining the data. Every data subject also has the right to enforce their claims in court¹ or file a complaint with the relevant data protection authority.

Data subjects should consider that YES reserves the right to enforce legally stipulated restrictions, such as when YES is obligated to retain or process certain data, has a prevailing interest in doing so (insofar as YES can claim such an interest), or requires the data for the enforcement of claims. Data subjects should also be aware that exercising the aforementioned rights may conflict with existing contractual agreements, potentially leading to consequences such as early termination of the contract, restrictions on the service offers of YES, or cost implications. In such cases, the data subject will be informed in advance.

10.2. Obligations of the Privacy Policy

The data subject must ensure that the handling of their personal data and any other type of provision of personal data is appropriate to the offers and services of YES and complies with data protection regulations. It is the data subject's responsibility to ensure that the communication of personal data occurs appropriately using secure tools. YES disclaims any liability arising from the improper handling of personal data by the data subject.

The data subject is fundamentally responsible for storing their data as well as documents issued by YES (e.g., certificates, participation confirmations, etc.) or any information communicated in relation to YES securely. YES disclaims any liability in the event of data or information loss by the data subject.

Should personal data be unlawfully disclosed or made public, the controller must be notified immediately so that appropriate steps can be taken to minimise damage and, if necessary, to pursue legal action.

¹ <https://www.edoeb.admin.ch/edoeb/en/home.html>

11. Changes to the Privacy Policy

YES reserves the right to make adjustments and changes to the privacy policy at any time without prior notice. Adjustments and changes will be made transparently and clearly marked. The current version of the privacy policy can always be found on the website of YES. The binding version of the privacy policy is the German-language version, which is available at yes.swiss.