

Data protection declaration based on the terms used by the European legislator for the adoption of the General Data Protection Regulation (GDPR)

I. Name and address of the responsible party

The responsible party within the meaning of the General Data Protection Regulation and other national data protection laws of the member states as well as other data protection regulations is:

Instore Solutions GmbH
Seemattstraße 25
6333 Hünenberg See
Switzerland
Tel.: +41 41 544 4136
E-mail: info@instore-solutions.com
Website: www.instore-solutions.com

II. Name and address of the data protection officer

The data protection officer of the responsible party is:

Manuela Ernst
Telephone: +41 41 544 4136
E-mail: manuela.ernst@instore-solutions.com

III. General information on data processing

1. Scope of processing of personal data

We generally only process personal data of our users to the extent that this is necessary to provide a functional website and our content and services. The processing of our users' personal data is generally only carried out with the user's consent. An exception applies in cases where prior consent cannot be obtained for actual reasons and the processing of the data is permitted by law.

2. Legal basis for the processing of personal data

If we obtain the consent of the data subject for processing personal data, Art. 6 (1) lit. a of the EU General Data Protection Regulation (GDPR) serves as the legal basis.

If personal data is required to fulfill a contract to which the data subject is a party, Art. 6 (1) lit. b of the GDPR serves as the legal basis. This also applies to processing operations that are necessary to carry out pre-contractual measures.

If processing of personal data is required to fulfill a legal obligation to which our company is subject, Art. 6 (1) lit. c of the GDPR serves as the legal basis.

In the event that vital interests of the data subject or another natural person require the processing of personal data, Art. 6 (1) lit. d GDPR serves as the legal basis.

If processing is necessary to protect a legitimate interest of our company or a third party and the interests, fundamental rights and freedoms of the data subject do not outweigh the first-mentioned interest, Art. 6 (1) lit. f GDPR serves as the legal basis for processing.

3. Data deletion and storage period

The personal data of the data subject will be deleted or blocked as soon as the purpose of storage no longer applies. Storage may also take place if this has been provided for by the European or national legislator in Union regulations, laws or other provisions to which the controller is subject. The data will also be blocked or deleted if a storage period prescribed by the aforementioned standards expires, unless there is a need to continue storing the data for the conclusion or fulfillment of a contract.

IV. Provision of the website and creation of log files

1. Description and scope of data processing

Every time our website is accessed, our system automatically records data and information from the computer system of the accessing computer.

The following data is collected:

- (1) Information about the browser type and version used
- (2) The user's operating system
- (3) The user's Internet service provider
- (4) The user's IP address
- (5) Date and time of access
- (6) Websites from which the user's system accesses our website
- (7) Websites accessed by the user's system via our website

The data is also stored in the log files of our system. This data is not stored together with other personal data of the user.

2. Legal basis for data processing

The legal basis for the temporary storage of the data and log files is Art. 6 Para. 1 lit. f GDPR.

3. Purpose of data processing

The temporary storage of the IP address by the system is necessary to enable the website to be delivered to the user's computer. For this purpose, the user's IP address must be stored for the duration of the session.

The data is stored in log files to ensure the functionality of the website. In addition, the data helps us to optimize the website and to ensure the security of our information technology systems. The data is not evaluated for marketing purposes in this context.

These purposes also constitute our legitimate interest in data processing in accordance with Art. 6 Para. 1 lit. f GDPR.

4. Duration of storage

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected. The user's email address is therefore stored as long as the newsletter subscription is active.

The other personal data collected during the registration process is usually deleted after a period of seven days.

5. Possibility of objection and removal

The newsletter subscription can be canceled by the user concerned at any time. For this purpose, there is a corresponding link in every newsletter.

This also makes it possible to revoke the consent to the storage of the personal data collected during the registration process.

V. Use of cookies

a) Description and scope of data processing

Our website uses cookies. Cookies are text files that are stored in the Internet browser or by the Internet browser on the user's computer system. When a user visits a website, a cookie can be stored on the user's operating system. This cookie contains a characteristic character string that enables the browser to be clearly identified when the website is visited again.

We use cookies to make our website more user-friendly. Some elements of our website require that the browser that is visiting the website can be identified even after changing pages.

The following data is stored and transmitted in the cookies:

- (1) Language settings
- (2) Items in a shopping cart
- (3) Log-in information

We also use cookies on our website that enable an analysis of users' surfing behavior.

The following data can be transmitted in this way:

- (1) Search terms entered
- (2) Frequency of page views
- (3) Use of website functions

The user data collected in this way is pseudonymized by technical precautions. It is therefore no longer possible to assign the data to the user who accessed it. The data is not stored together with other personal data of the users.

When you visit our website, users are informed by an information banner about the use of cookies for analysis purposes and referred to this data protection declaration. In this context, there is also a note on how the storage of cookies can be prevented in the browser settings.

When you visit our website, users are informed about the use of cookies for analysis purposes and their consent to the processing of the personal data used in this context is obtained. In this context, there is also a reference to this data protection declaration.

b) Legal basis for data processing

The legal basis for the processing of personal data using technically necessary cookies is Art. 6 Para. 1 lit. f GDPR.

The legal basis for the processing of personal data using cookies for analysis purposes is Art. 6 Para. 1 lit. a GDPR if the user has given their consent.

c) Purpose of data processing

The purpose of using technically necessary cookies is to simplify the use of websites for users. Some functions of our website cannot be offered without the use of cookies. For these, it is necessary that the browser is recognized even after changing pages.

We need cookies for the following applications:

- (1) Shopping cart
- (2) Adopting language settings
- (3) Remembering search terms

The user data collected by technically necessary cookies is not used to create user profiles.

The analysis cookies are used to improve the quality of our website and its content. The analysis cookies tell us how the website is used and can thus continuously optimize our offering.

Our legitimate interest in processing personal data in accordance with Art. 6 Para. 1 lit. f GDPR also lies in these purposes.

d) Duration of storage, possibility of objection and removal

Cookies are stored on the user's computer and transmitted from there to our site. As a user, you therefore have full control over the use of cookies. You can deactivate or restrict the transmission of cookies by changing the settings in your Internet browser. Cookies that have already been stored can be deleted at any time. This can also be done automatically. If cookies are deactivated for our website, it may no longer be possible to use all of the website's functions to their full extent.

The transmission of Flash cookies cannot be prevented via the browser settings, but by changing the Flash Player settings.

VI. Newsletter

1. Description and scope of data processing

On our website, you have the option of subscribing to a free newsletter. When you register for the newsletter, the data from the input mask is sent to us.

In addition, the following data is collected when you register:

- (1) IP address of the computer accessing the newsletter
- (2) Date and time of registration

Your consent to the processing of the data is obtained during the registration process and reference is made to this data protection declaration.

If you purchase goods or services on our website and provide your email address, we can subsequently use it to send you a newsletter. In such a case, the newsletter will only be used to send direct advertising for our own similar goods or services.

No data will be passed on to third parties in connection with data processing for sending newsletters. The data will only be used to send the newsletter.

2. Legal basis for data processing

The legal basis for processing data after the user has registered for the newsletter is Art. 6 Para. 1 lit. a GDPR if the user has given their consent.

The legal basis for sending the newsletter as a result of the sale of goods or services is Section 7 Para. 3 UWG.

3. Purpose of data processing

The user's email address is collected to deliver the newsletter.

The collection of other personal data as part of the registration process serves to prevent misuse of the services or the email address used.

4. Duration of storage

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected. The user's email address is therefore stored for as long as the newsletter subscription is active.

The other personal data collected as part of the registration process is usually deleted after a period of seven days.

5. Possibility of objection and removal

The subscription to the newsletter can be canceled by the affected user at any time. For this purpose, there is a corresponding link in every newsletter.

This also makes it possible to revoke the consent to the storage of the personal data collected during the registration process.

VII. Registration

1. Description and scope of data processing

On our website, we offer users the opportunity to register by providing personal data. The data is entered into an input mask and transmitted to us and stored. The data is not passed on to third parties. The following data is collected as part of the registration process:

- (1) The user's IP address
- (2) Date and time of registration

As part of the registration process, the user's consent to process this data is obtained.

2. Legal basis for data processing

The legal basis for processing the data is Art. 6 Para. 1 lit. a GDPR if the user has given their consent.

If the registration serves to fulfill a contract to which the user is a party or to carry out pre-contractual measures, the additional legal basis for processing the data is Art. 6 Para. 1 lit. b GDPR.

3. Purpose of data processing

The user must register in order to provide certain content and services on our website.

4. Duration of storage

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected.

This is the case for the data collected during the registration process if the registration on our website is canceled or changed.

5. Possibility of objection and removal

As a user, you have the option of canceling your registration at any time. You can have the data stored about you changed at any time. To do this, it is sufficient to send an informal email to datenschutz@instore-solutions.com.

VIII. Contact form and email contact

1. Description and scope of data processing

There is a contact form on our website that can be used to contact us electronically. If a user takes advantage of this option, the data entered in the input mask is sent to us and stored.

This data is:

- Name, first name of the user
- Email address of the user
- Telephone number of the user (if provided)

The following data is also stored at the time the message is sent:

- (1) The IP address of the user
- (2) Date and time of registration

Your consent to the processing of the data is obtained during the sending process and reference is made to this data protection declaration.

Alternatively, you can contact us using the email address provided. In this case, the user's personal data transmitted with the email will be saved.

In this context, the data will not be passed on to third parties. The data will only be used to process the conversation.

2. Legal basis for data processing

The legal basis for processing the data is Art. 6 (1) lit. a GDPR if the user has given their consent. The legal basis for processing the data transmitted when sending an email is Art. 6 (1) lit. f GDPR. If the email contact is aimed at concluding a contract, the additional legal basis for processing is Art. 6 (1) lit. b GDPR.

3. Purpose of data processing

The processing of the personal data from the input mask serves us solely to process the contact. In the case of contact by email, this also represents the necessary legitimate interest in processing the data.

The other personal data processed during the sending process serve to prevent misuse of the contact form and to ensure the security of our information technology systems.

4. Duration of storage

The data will be deleted as soon as it is no longer required to achieve the purpose for which it was collected. For the personal data from the input mask of the contact form and those that were sent by email, this is the case when the respective conversation with the user has ended. The conversation is ended when it can be inferred from the circumstances that the matter in question has been conclusively clarified.

The additional personal data collected during the sending process will be deleted after a period of seven days at the latest.

5. Possibility of objection and removal

The user has the option of revoking his consent to the processing of personal data at any time. If the user contacts us by email, he can object to the storage of his personal data at any time. In such a case, the conversation cannot be continued.

To do this, it is sufficient to send an informal email to datenschutz@instore-solutions.com. In this case, all personal data stored during the contact process will be deleted.

VIII. Rights of the data subject

The following list includes all the rights of the data subject under the GDPR. Rights that are not relevant to your own website do not need to be mentioned. In this respect, the list can be shortened.

If your personal data is processed, you are a data subject within the meaning of the GDPR and you have the following rights vis-à-vis the controller:

1. Right to information

You can request confirmation from the controller as to whether personal data concerning you is being processed by us.

If such processing takes place, you can request information from the controller about the following information:

- (1) the purposes for which the personal data is processed;
- (2) the categories of personal data that are processed;
- (3) the recipients or categories of recipients to whom the personal data concerning you have been or will be disclosed;
- (4) the planned duration of storage of the personal data concerning you or, if specific information is not possible, criteria for determining the storage period;
- (5) the existence of a right to rectification or erasure of the personal data concerning you, a right to restriction of processing by the controller or a right to object to such processing;
- (6) the existence of a right to lodge a complaint with a supervisory authority;
- (7) all available information on the origin of the data if the personal data are not collected from the data subject;
- (8) the existence of automated decision-making, including profiling, in accordance with Art. 22 (1) and (4) GDPR and - at least in these cases - meaningful information on the logic involved and the scope and intended effects of such processing for the data subject.

You have the right to request information as to whether the personal data concerning you will be transferred to a third country or to an international organization. In this context, you can request to be informed of the appropriate guarantees in accordance with Art. 46 GDPR in connection with the transfer.

2. Right to rectification

You have the right to request rectification and/or completion from the controller if the personal data concerning you that are processed are incorrect or incomplete. The controller must carry out the rectification immediately.

3. Right to restriction of processing

Under the following conditions, you can request the restriction of the processing of personal data concerning you:

- (1) if you contest the accuracy of the personal data concerning you for a period that enables the controller to verify the accuracy of the personal data;
- (2) the processing is unlawful and you refuse to delete the personal data and instead request the restriction of the use of the personal data;
- (3) the controller no longer needs the personal data for the purposes of the processing, but you need them to assert, exercise or defend legal claims, or
- (4) if you have objected to the processing in accordance with Art. 21 Para. 1 GDPR and it has not yet been determined whether the legitimate reasons of the controller outweigh your reasons.

If the processing of personal data concerning you has been restricted, this data - apart from its storage - may only be processed with your consent or for the purpose of asserting,

exercising or defending legal claims or protecting the rights of another natural or legal person or for reasons of important public interest of the Union or a Member State.

If the restriction of processing has been restricted in accordance with the above-mentioned requirements, you will be informed by the responsible party before the restriction is lifted.

4. Right to deletion

a) Obligation to delete

You can request that the responsible party delete the personal data concerning you immediately, and the responsible party is obliged to delete this data immediately if one of the following reasons applies:

- (1) The personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed.
- (2) You withdraw your consent on which the processing was based in accordance with Art. 6 (1)(a) or Art. 9 (2)(a) GDPR and there is no other legal basis for the processing.
- (3) You object to the processing pursuant to Art. 21 Para. 1 GDPR and there are no overriding legitimate reasons for the processing, or you object to the processing pursuant to Art. 21 Para. 2 GDPR.
- (4) The personal data concerning you have been processed unlawfully.
- (5) The deletion of the personal data concerning you is necessary to fulfill a legal obligation under Union law or the law of the Member States to which the controller is subject.
- (6) The personal data concerning you were collected in relation to information society services offered in accordance with Art. 8 Para. 1 GDPR.

b) Information to third parties

If the controller has made the personal data concerning you public and is obliged to delete it in accordance with Art. 17 (1) GDPR, he shall take appropriate measures, including technical ones, taking into account the available technology and the implementation costs, to inform data controllers who process the personal data that you, as the data subject, have requested that they delete all links to these personal data or copies or replications of these personal data.

c) Exceptions

The right to deletion does not exist if the processing is necessary

- (1) to exercise the right to freedom of expression and information;
- (2) to fulfill a legal obligation that requires processing under Union or Member State law to which the controller is subject, or to perform a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (3) for reasons of public interest in the area of public health in accordance with Art. 9 (2)(h) and (i) and Art. 9 (3) GDPR;

(4) for archiving purposes in the public interest, scientific or historical research purposes or for statistical purposes in accordance with Art. 89 (1) GDPR, insofar as the right referred to in section a) is likely to make the realization of the objectives of this processing impossible or seriously compromises it, or

(5) to assert, exercise or defend legal claims.

5. Right to information

If you have asserted the right to rectification, erasure or restriction of processing vis-à-vis the controller, the controller is obliged to inform all recipients to whom the personal data concerning you was disclosed of said rectification, erasure or restriction of processing, unless doing so should prove impossible or involve disproportionate expenditure.

You have the right to be informed by the controller of these recipients.

6. Right to data portability

You have the right to receive the personal data concerning you that you have made available to the controller in a structured, common and machine-readable format. In addition, you have the right to transmit this data to another controller without hindrance from the controller to whom the personal data was made available, provided that

(1) the processing is based on consent in accordance with Art. 6 Para. 1 lit. a GDPR or Art. 9 Para. 2 lit. a GDPR or on a contract in accordance with Art. 6 Para. 1 lit. b GDPR and

(2) the processing is carried out using automated procedures.

In exercising this right, you also have the right to have the personal data concerning you transmitted directly from one controller to another controller, insofar as this is technically feasible. The freedoms and rights of other persons must not be impaired by this.

The right to data portability does not apply to the processing of personal data necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

7. Right of objection

You have the right to object at any time to the processing of personal data concerning you based on Art. 6 (1) (e) or (f) GDPR for reasons related to your particular situation; this also applies to profiling based on these provisions.

The controller will no longer process the personal data concerning you unless it can demonstrate compelling legitimate grounds for the processing which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

If the personal data concerning you are processed in order to conduct direct advertising, you have the right to object at any time to the processing of the personal data concerning you for the purpose of such advertising; this also applies to profiling insofar as it is related to such direct advertising.

If you object to processing for direct marketing purposes, the personal data concerning you will no longer be processed for these purposes.

In connection with the use of information society services, you have the option of exercising your right of objection by means of automated procedures that use technical specifications, regardless of Directive 2002/58/EC.

8. Right to revoke the declaration of consent under data protection law

You have the right to revoke your declaration of consent under data protection law at any time. The revocation of the consent does not affect the legality of the processing carried out on the basis of the consent until the revocation.

9. Automated decision in individual cases, including profiling

You have the right not to be subjected to a decision based exclusively on automated processing - including profiling - that has legal consequences for you or significantly affects you in a similar way. This shall not apply if the decision

- (1) is necessary for entering into or fulfilling a contract between you and the controller,
- (2) is permitted by Union or Member State law to which the controller is subject, and this law contains appropriate measures to safeguard your rights and freedoms as well as your legitimate interests, or
- (3) is made with your explicit consent.

However, these decisions must not be based on special categories of personal data pursuant to Art. 9 (1) GDPR, unless Art. 9 (2)(a) or (g) GDPR applies and appropriate measures to protect your rights and freedoms as well as your legitimate interests have been taken.

With regard to the cases referred to in (1) and (3), the controller shall take appropriate measures to safeguard your rights and freedoms as well as your legitimate interests, including at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

10. Right to lodge a complaint with a supervisory authority

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your residence, place of work or place of the alleged infringement, if you believe that the processing of personal data concerning you violates the GDPR.

The supervisory authority to which the complaint was submitted will inform the complainant of the status and results of the complaint, including the possibility of a judicial remedy under Art. 78 GDPR.

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Register number: CHE-388.692.705, District Court of Zug, Switzerland