

## Privacy Policy

This Privacy Policy is applicable to you as you are a customer and/or a supplier of any BenLink entity (**'Business Partner'**). Your trust is of highest priority to us and we treat your Personal Data at all time confidential and are processing your Personal Data only in accordance with the applicable data protection law and especially the requirements set forth under the EU 'General Data Protection Regulation' (**'GDPR'**). Thereby information by which you as a particular natural person can be identified or are identifiable (**'Personal Data'**) is protected. We would like to use this opportunity to inform you how BenLink processes and protects information by which you as a particular natural person can be identified or are identifiable (**'Personal Data'**).

### 1) Who is processing my Personal Data?

Your Personal Data is processed by BenLink AG, having its headquarter at BenLink AG, Technoparkstrasse 1, 8005 Zurich, Switzerland.

In accordance with this Privacy Policy your Personal Data may be transferred to third parties (this may also include public authorities) so that these recipients can process personal data for their own or our purposes. Third parties are obliged to process the Personal Data exclusively on our behalf and according to our instructions.

Additionally, we may disclose your Personal Data to other recipients if this is so required by law. We also reserve the right to share your Personal Data in accordance with a court order or to assert or defend legal claims or if we consider it necessary for other legal reasons. The recipients of your Personal Data may be located abroad including in countries outside of the EU or the European Economic Area. There may not be an adequacy decision by the European Commission for such country. This means that the level of data protection in such country may not be comparable with the level of data protection in Switzerland or the European Union. To safeguard the security of your Personal Data in the context of such transfers we will use the so-called EU Model Clauses issued by the European Commission.

### 2) What kind of Personal Data is processed?

We especially process the following Personal Data:

- Personal Data of independent business partners: business contact detail (name, business e-mail address and business telephone number, business address), offered and/or purchased services, contract information, communication content, payment information, invoice information, health policies in place, insurance situation and course of business relation.
- Personal Data of employees of a business partner and Freelancers: contact detail, feedback of service jobs performed, and training status. This includes name, position, e-mail address, address, telephone number, name of the employer, department, work experience, education, training progress and status, feedback of customers and partners about the service job execution, and health and safety certifications.
- BenLink has access to Personal Data tracked by TalentLMS the learning management system (talentlms.com). TalentLMS is built, maintained and operated by "Epignosis LLC", located in the United States of America (315 Montgomery Street (9th Floor) San Francisco, California CA 94104 USA tel. (+1) 646 797 2799) and "Epignosis UK Ltd", having as seat of establishment the United Kingdom (1 Buckwell Road, Kingsbridge, South Hams, United Kingdom, TQ7 1NQ, tel. (+44) 20 7193 1614) (in the following "TalentLMS"). This includes date, time and amount of times logged into the system, test answers and results, number and date of taken courses / tests. (See [privacy policy by TalentLMS](#).)
- BenLink uses third-party service to provide additional features to our users, such as embedded videos from YouTube, LLC, 901 Cherry Ave., San Bruno, CA 94066, USA (in the following „YouTube“), map and location information services from Google Maps which is operated by Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (in the following „Google“), and the reCAPTCHA service of Google to prevent automated, unlawful access to our systems. These services typically use Cookies to store and track this data. On many of

these services you can opt-out of the usage of this data through our Cookie-Banner on our systems and websites. However, some are necessary to provide a correct functioning service to our users, so when opting out, we cannot guarantee the correct functioning of our services. (See [privacy policy by Google and YouTube](#).)

- BenLink uses third-party services to analyze the general user behavior on our systems in order to learn where and how to improve and optimize the user experience of our systems. The systems are BenLink's TechPortal, Marketplace and website. The services we use are Google Analytics by Google and Fullstory (Fullstory, Atlanta, GA, USA) (in the following "Fullstory"). The data tracked consists of ip address, time and location of access, which content was accessed, browser and OS type information, which url the visitor came from, and other similar data and information which serves to avert danger in the case of attacks on our systems. These services typically use Cookies to store and track this data. You can opt-out of the usage of this data through our Cookie-Banner on our systems and websites. (See [privacy policy by Google](#) and [privacy policy by Fullstory](#) and [how Fullstory uses the data](#).)
- BenLink uses third-party services to host the systems TechPortal, Marketplace and website. The services are by AWS (Amazon Web Services EMEA SARL, 38 Avenue John F. Kennedy, L-1855, Luxembourg) by Amazon (in the following "AWS"), Google and Hostpoint (Hostpoint AG, Neue Jonastrasse 60, 8640 Rapperswil-Jona, Switzerland) (in the following "Hostpoint"). These services have access to of ip address, time and location of access, which content was accessed, browser and OS type information, which url the visitor came from, and other similar data and information which serves to avert danger in the case of attacks on our systems. (See [privacy policy by AWS](#), [privacy policy by Google](#), and [privacy policy by Hostpoint](#).)
- Some service professionals and technicians have access to our mobile app based on SAP Field Service Management (SAP FSM). Here, some user behavior and usage data, as well as contact data from using of the mobile app is also saved by SAP and accessible to SAP. (See [privacy policy by SAP FSM](#) and the [privacy policy by SAP](#).)

### **3) From what sources and for what purpose does BenLink process my Personal Data?**

The sources of your Personal Data can be you, your colleagues, our customer, our partner, and/or your employer. The provision of your Personal Data is voluntary. This means that you are not obliged to provide your Personal Data to us. Nevertheless, if you do not provide your Personal Data to us we might not be able to communicate with you and may potentially not be able to proceed with our business relationship. We process this Personal Data for the purposes of contractual performance, customer relationship management and business development with you and/or the company you work for. If the company you work for enters into an agreement with us, an additional privacy notice may apply.

### **4) How and on what legal grounds is BenLink processing my Personal Data?**

Processing describes any operation or set of operations which is performed on Personal Data (such as collecting, storing, restraining, organizing, administering, adapting, retrieving, consulting, using, applying, disclosing, combining, restricting, deleting, destructing or transferring).

While processing your Personal Data we do not make any automated decisions solely based on automatic processing, including profiling, which would produce legal effects concerning you or similarly significantly affect you. We safeguard the security of your Personal Data and protect it against unauthorised or unlawful processing, prevent the risk of loss, unintentional alteration, unintentional disclosure or unauthorised access by appropriate technical and organizational security measures.

The processing of Personal Data is justified as it is either necessary for the performance of a contract or our legitimate interest within the acceptable legal ground according the applicable law.

### **5) For how long will my Personal Data be stored?**

We retain your Personal Data no longer than it is necessary for the purposes indicated in the above. Moreover, we retain Personal Data as long as we have a legitimate interest in the storage, for archiving purposes and for guaranteeing IT security or in the case of running statutes of limitations (often 10 years, in some cases 5 years or 1 year). We also retain your Personal Data as long as it is subject to a legal retention obligation.

## 6) What are my rights with regard to my Personal Data?

You have especially the right to request:

- (a) access to, rectification of, and/or erasure of your Personal Data;
- (b) restriction or objection to the processing of your Personal Data;
- (c) to no longer receive marketing information; and
- (d) (in some circumstances) that your Personal Data are transferred to you or a third party.

To the extent our processing of your Personal Data is based on your consent, you also have the right to withdraw your consent, without affecting the lawfulness of our processing based on your consent before its withdrawal.

To exercise your rights, you can contact us as indicated above. You can also lodge a complaint about the processing of your Personal Data with a data protection authority. Contact us through [privacy@benlink-services.com](mailto:privacy@benlink-services.com) (general privacy email address).

This Privacy Policy is an essential element of our business relationship. If you have any questions, please contact us through [support-de@benlink.com](mailto:support-de@benlink.com) (Germany) or [support-uk@benlink.com](mailto:support-uk@benlink.com) (UK).

## 7) Amendments to our privacy policy

To ensure that our privacy policy always complies with statutory requirements, we reserve the right to make amendments at any time. This also applies in cases where new or revised offerings, such as new services, require us to update the privacy policy. The new privacy policy will then apply the next time you visit our electronic systems or website. The latest version of our privacy policy can be found on our main website [benlink.com](http://benlink.com).

This Privacy Policy is version 2.0 and was last updated on September 30<sup>th</sup>, 2020.