

Privacy Notice Fondation Collective Opcion

1. Principle

This Privacy Notice¹ applies to all personal data² processed by us in connection with the provision of occupational pension benefits and related activities, including rentals.

This Privacy Notice aims to explain how we collect and process your personal data on a day-to-day basis, when you visit our website or use our online services, and how we collect and store this data, and transfer it to third parties when we provide services to you.

We collect and process your personal data only for the purposes described in the Privacy Notice and to the extent necessary for that purpose, and in accordance with applicable legal requirements. In doing so, we will only store your personal data to the extent necessary and for as long as required for the provision of our services. We take great care to ensure that our databases are protected against external intrusion, loss, misuse or falsification.

To ensure the security of your personal data and protect it from unauthorised or even unlawful processing, we take appropriate technical measures (e.g. encryption or pseudonymisation of personal data, logs, access restrictions and storage of back-up copies) and organisational measures (e.g. instructions to employees, confidentiality clauses and controls).

2. Who is responsible for your data?³

From a data protection point of view, Fondation Collective Opcion pension fund is responsible for processing your personal data.

3. Recipients of the Privacy Notice

This Privacy Notice applies to all persons whose personal data we process, regardless of the method of communication used.

Our data processing operations may, in particular, concern the following categories of persons, insofar as we process their personal data: insured persons, pension beneficiaries and their next of kin, as well as other beneficiaries; previous, current and future employers or their contacts, family members and employees; agents (e.g. legal representative), claimants and beneficiaries of the XY pension fund, and other persons to whom we process personal data. members of our bodies; contacts of social and private insurers, pension and vested benefits institutions, suppliers and partners, as well as public authorities and offices; tenants and their contacts when renting residential and commercial property; persons who benefit from our services; visitors to our websites or persons consulting our secretariat; any other persons who contact us.

¹ Legal bases: Art. 19 LPD/DSG; Art. 13 OPDo/DSV

² All data relating to an identified or identifiable natural person (Art. 5 let. a LPD/DSG)

³ Art. 5 let. j LPD/DSG

4. Types of personal data

The personal data we process in accordance with this Privacy Notice relates to insured persons and pension beneficiaries, as well as to third parties. When you send us data about third parties, we assume that you have the right to do so and that the data is accurate. We therefore recommend that you inform these third parties of the data we have processed and provide them with a copy of this notice.

Certain types of personal data are considered "particularly sensitive" from the point of view of data protection law. This is the case, for example, for data concerning health or biometric characteristics. Fondation Collective Opcion only processes particularly sensitive personal data in the context of providing occupational pension benefits, in particular for assessment of affiliation upon entry and entitlement to benefits, the processing of cases of disability or death, and with your prior consent.

5. Purpose of data processing and legal basis

Personal data is processed primarily for the purposes of occupational pension provision (e.g. conclusion and management of affiliation agreements with employers, admission of insured persons, assessment and processing of pension cases, including coordination with other insured persons) and the rental of residential and commercial property (conclusion and management of rental agreements).

The legal basis for these activities is provided by occupational pension legislation, in particular the Swiss Federal Law on Occupational Retirement, Survivors' and Disability Pension Plans (LPP/BVG) and the Swiss Federal Law on Vesting in Pension Plans (LFLP/FZG), as well as the corresponding ordinances. As a federal body⁴, we process your personal data within the scope of our legal processing rights (e.g. Art. 85a ff. LPP/BVG). In the area of non-compulsory pension provision, our data processing is not subject to the data protection provisions of the LPP/BVG, but to those of the Law on Data Protection (LPD/DSG). The LPD/DSG applies to the processing of personal data in connection with the rental of residential and commercial property.

6. Disclosure of personal data to third parties

6.1 Prohibition on disclosure of personal data to third parties

We do not disclose data related to your health to your employer.

Furthermore, your personal data will not be forwarded, sold or communicated in any way whatsoever to third parties, unless this is necessary for the management of the contract or the performance of our legal duties, or you have expressly authorised it. Data may also be disclosed to third parties if we are obliged to do so by law or by legally binding administrative decisions.

⁴ Art. 5 let. i LPD/DSG

6.2 Exceptional disclosure of personal data to third parties

Data relating to insured persons or the recipients of pensions in connection with compulsory occupational pension benefits will only be disclosed within a legal framework.

6.2.1 Pension cases, incentives for home ownership, divorces, disputes between heirs, address checks, solvency checks and debt collection

We may exchange data with vested benefits institutions, other pension funds, public authorities and offices (e.g. social insurance institutions, in particular disability insurance or social offices), other insurers, service providers and medical experts, banks and lenders, courts and external lawyers in connection with the notification and occurrence of a pension claim and other benefits, such as a transfer or payment of termination benefits. We may also collect data from third parties and forward them, for example, to doctors and other service providers, experts, authorities, courts, information providers and lawyers (coordination of benefit obligations, clarification and exercise of rights of recourse). In particular, in the event of divorces and disputes between heirs, we pass on personal data to the courts and to other pension or vested benefits institutions.

We are also entitled to pass on personal data to third parties concerning, for example, claims or the behaviour of debtors, for the purposes of solvency checks and debt collection.

6.2.2 Disclosure of personal data to service providers as "subcontractors"

Our subcontractors are required to process personal data in accordance with our instructions and to take appropriate data security measures. We ensure that the protection of your personal data is guaranteed throughout the processing process by carefully selecting the service provider and by means of appropriate contractual provisions. This applies in particular to IT services (policyholder and property management as well as data storage), data analysis (e.g. accredited expert, auditor, risk reinsurer, etc.), as well as consultancy services (e.g. insurance broker or adviser).

Our websites may use cookies, which you will be informed of when you log on.

7. Transfer of personal data abroad

Computer data is stored on servers in Switzerland. Contracts concluded with subcontractors include "standard contractual clauses" relating to the transfer of data with recipients in third-party countries, in order to guarantee the required data protection. In principle, these are contracts that have been approved, issued or recognised by the European Commission and the Federal Data Protection and Information Commissioner (FDPIC).

In exceptional cases, data may also be transferred to countries that do not provide adequate protection, on the basis of an authorisation in the context of legal proceedings abroad or on the grounds that the transfer is necessary for the performance of a contract.

8. Duration of processing and storage of personal data

We process and store your personal data

- for as long as is necessary to fulfil the purpose of the processing operation;
- for as long as we have a legitimate interest that justifies their storage (to assert or dispute claims, for archiving purposes or to ensure IT security);
- for as long as the data is subject to the legal retention obligation (cf. Art. 27i ff. LPP/OPP 2).

9. Profiling⁵ and automated decision-making

Personal data is not subject to automated decision-making and no personality profile is established (no profiling).

10. Rights of the person concerned

You have the following rights with regard to your personal data:

- the right to obtain information about the personal data stored by us;
- the right to have inaccurate or incomplete personal data corrected;
- the right to request the deletion or anonymisation of your personal data if it is not (no longer) required for the purposes of occupational pension provision or for the rental of residential or commercial property;
- the right to request that the processing of your personal data is restricted, insofar as it is not (no longer) necessary for the performance of the occupational pension scheme;
- the right to obtain certain personal data concerning you in a structured, commonly used and machine-readable format;
- the right to revoke an authorisation granted, with effect for the future, provided that the processing is based on an authorisation.

However, these rights may then be limited or excluded if there is doubt about the identity of the person or if this is necessary for the protection of other persons, to safeguard interests worthy of protection or to comply with legal obligations.

You also have the right to lodge an appeal with the Federal Data Protection and Information Commissioner (FDPIC) if you are concerned that your personal data is not being processed in accordance with the law.

11. Changes to the Privacy Notice

We reserve the right to make changes to this Privacy Notice at any time and without prior notice. As a general rule, the current version of the Privacy Notice published on our website at the time of processing will apply to all data processing.

This Privacy Notice may be translated. The French version is authoritative.

⁵ Art. 5 let. f, g LPD/DSG

12. Contact details

If you have any questions about this Privacy Notice or the processing of your personal data, you can contact us electronically at the address: opcion@groupemutuel.ch.

Edition August 2023