

Data Protection Declaration and Cookie Statement

Swiss Cyber Gate AG, Zurich, (hereinafter referred to as “Swiss Cyber Gate” or “we”) is committed to protect the privacy of the users (hereinafter referred to as “You”) of its services, products and website and ensure that personal data remains secure. This Data Protection Declaration and Cookie Statement is valid for the processing of personal data and use of cookies by Swiss Cyber Gate regarding the provision of its services and products and its website.

Why and on which legal basis does Swiss Cyber Gate process personal data?

In order to make our services work, Swiss Cyber Gate processes some personal data. Personal data means any information relating to an identified or identifiable person. An example of personal data is Your email address. We process Your personal data, so we can send You files, authenticate You for the service and evaluate how You use our service.

Swiss Cyber Gate may process Your personal data for the following purposes:

- Operating its services and/or the website and enable You to use Swiss Cyber Gate's products.
- Creating and operating Your account for Swiss Cyber Gate services;
- Process Your payments.
- Providing support when You reach out to us.
- Following up on legal requests for abuse reports and fraud investigations.
- If necessary, defence of Swiss Cyber Gate's interests in legal proceedings relating to or as a result of Your use of Swiss Cyber Gate services, following a court order, compliance with laws, regulations or official orders, cooperation with law enforcement authorities, cooperation in fraud investigations by third parties, etc.
- Assessment of the use of our website and our service and for statistical purposes.
- Once we have obtained Your consent, we might contact You to keep You up to date with news, features or promotions. You always have the option to stop receiving these messages from us.

Swiss Cyber Gate processes Your personal data in compliance with the Swiss Federal Act on Data Protection (“FADP”) and – where applicable – with the EU General Data Protection Regulation (EU Regulation 2016/679; “GDPR”), in particular on the basis of Art. 12 and 13 FADP and Art. 6 GDPR.

What kind of personal data are processed?

When using the Swiss Cyber Gate service, Swiss Cyber Gate processes the following (personal) data: IP-address and email address of the senders, email addresses of the recipients, potentially phone numbers of the recipients, personal messages for the recipients, IP-addresses of the recipients; file names, sizes and types; country and language settings; browser type and versions; operating system, in case you have an account as well Your name, address and Your payment data.

Why and how are cookies used?

We will use some cookies when operating Swiss Cyber Gate's services, e.g., in order to remember language preferences, e-mail addresses and acceptance of the general terms and conditions and data protection declaration and cookie statement..

Users may block cookies anytime, but this might affect how well our services work.

In particular, we use two different cookies on our websites:

1. **Functional cookies** are used to provide functionalities when using our services, such as the possibility to sign-in, to set preferences or to remember previous recipients.
2. **Analytical cookies** are used to optimise our service. For example, to optimise the usability of our websites and to analyse our services are used. We might also use analytical cookies to stop bots and malicious behaviour like spam.

How does Swiss Cyber Gate collect the personal data?

On the one hand, Swiss Cyber Gate obtains personal data through transmission by the customers / users and on the other hand through collection via cookies

How does Swiss Cyber Gate process personal data?

Swiss Cyber Gate applies highest security standards in order to meet the requirements of a service provider in the field of secure and traceable transmission of electronic files. Our solution is aimed at business customers with a focus on security and a Swiss infrastructure. In case of offered cloud solutions, all servers are exclusively located within the territory of Switzerland and all transfers will be stored on these servers.

Swiss Cyber Gate takes appropriate technical and organisational measures to protect Your personal data against loss or other forms of unlawful processing.

Any file transfer between senders and recipients is treated confidentially. Swiss Cyber Gate will not look into the transfer or files, unless this is necessary and in line with this data protection declaration and cookie statement or the general terms and conditions or in order to provide You with (technical) support on specific request. Swiss Cyber Gate does not proactively monitor the content of a transfer, and cannot edit or see what You send via the platform. However, when Swiss Cyber Gate receives a notice that content is unlawful, Swiss Cyber Gate may be legally obliged to investigate and when needed delete this particular content, following a specific procedure.

Swiss Cyber Gate applies technical as well as organisational security measures in order to ensure highest security standards.

Technical measures include SSL encryption of all transfers (on transit security) and for paid services additional measures such as account authentication with a password and optional with a 2nd factor as well as various parameters for download restrictions (2-factor authentication, individual and GeoIP, time, number of downloads, etc.).

All employees of Swiss Cyber Gate are subject to extensive secrecy obligations. We make sure that personal data is only accessible by those employees, who need access to do their job, and that they are properly trained and authorised.

Does Swiss Cyber Gate disclose the personal data to third parties?

Swiss Cyber Gate discloses data from the websites www.file-express.ch and www.swisscybergate.com (landing pages) to Google Analytics. The personal data of all other websites operated by Swiss Cyber Gate AG will in principle not be disclosed to any third parties, This also applies to applications such as, in particular, app.file-express.ch . Exceptions will be made at users' specific requests and in cases related to potential fraud or if required by law.

However, Swiss Cyber Gate uses a few partners to operate the service. We may need to share some of our client's personal data with them to provide the service. These include providers of virtual machines, payment processing and email processing.

Unless stated differently, our third parties do not have any right to use the personal data we share with them beyond what is necessary to assist us in making Swiss Cyber Gate possible. When we cooperate with third parties and they process Your personal data on our behalf, we agree with them that Your personal data will be handled with the same integrity and security as we do. If You need an extensive overview of our trusted partners, please reach out to info@swisscybergate.com.

Google Analytics

We use Google Analytics for aggregated, anonymized website traffic analysis of our landing pages. In order to track your session usage, Google drops a cookie (`_ga`) with a randomly-generated ClientID in your browser. This ID is anonymized and contains no identifiable information like email, phone number, name, etc. We also send Google your IP Address. We use GA to track aggregated website behaviour, such as what pages you looked at, for how long, and so on. This information is important to us for improving the user experience and determining site effectiveness. If you would like to access what browsing information we have - or ask us to delete any GA data - please delete your `_ga` cookies, reach out to us, and/or install the Google Analytics Opt-Out Browser Add-On.

How long will Swiss Cyber Gate keep the personal data?

We store Your personal data encrypted in our database for a maximum of 18 months. After 18 months it is either deleted or pseudonymised.

For tax purposes, we need to store Your subscription details for 10 years. Once we do not need the data for this purpose anymore, we delete it. Your file-express transfer related metadata is kept as long as Your SMART or TEAM account is active, and pseudonymised 18 months after Your SMART, TEAM or File-Express version account expires.

Your rights

You have various rights with regard to the processing of Your personal data by Swiss Cyber Gate:

Rights to information: You may at any time be informed by Swiss Cyber Gate within one month, as to whether or not personal data concerning You is being processed, and, where that is the case, be informed about the purpose of the data processing, the categories of personal data concerned, the legal basis of the data processing, the source from which the personal data has been collected, if they have not been collected from You, the recipients or categories of recipients to whom Your personal data have been or will be disclosed and to which countries

Your personal data have been transferred, and whether an automated decision making is in place. Furthermore, You are entitled to a copy of Your personal data undergoing processing.

Right to rectification: You may ask us to rectify any inaccurate personal data concerning You.

Right to erasure: You have the right to ask for erasure of personal data concerning You. Such request will not affect the lawfulness of the previous processing of Your personal data.

Right to restrict the data processing: You have the right to ask that Your personal data shall not be processed in a certain manner or for a certain purpose or ask that Swiss Cyber Gate shall not continue to process Your personal data in general. When You provided Your consent to us to process Your personal data, You can withdraw Your consent any time. If You withdraw Your consent, we will no longer process Your personal data. Such request or withdrawal of consent will not affect the lawfulness of the previous processing of Your personal data.

Depending on the applicable data protection law, You may have the right to data portability.

Please note that the restriction of data processing or the erasure of Your personal data may have the consequence that You cannot or not properly use the website and/or the services and/or products of Swiss Cyber Gate and/or that Swiss Cyber Gate is not able to provide You the services that have been offered to or agreed with You.

Please also note that Your rights mentioned above may be limited under certain circumstances.

Changes to this policy:

Swiss Cyber Gate reserves the right to modify or amend this data protection declaration and cookie statement at any time and for any reason; users will be notified about changes via our web site.

Contact information:

Swiss Cyber Gate is the data controller. If You have any questions about this privacy statement or about the practices of this site or other issues concerning the data processing by Swiss Cyber Gate, You can contact:

Swiss Cyber Gate AG

Data Protection Officer

Nüscherstrasse 35

CH-8001 Zürich

Switzerland

info@swisscybergate.com

www.swisscybergate.com

www.file-express.ch

www.cargoserver.ch

Depending on the applicable data protection law, You may also have the possibility to file a complaint to the competent data protection authority.

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