

The protection of your personal data and your privacy are very important to us. We therefore comply with applicable data protection laws when processing your personal data, in particular the *Datenschutzgesetz* [Swiss Federal Act on Data Protection] (DSG) and the *Fernmeldegesetz* [Swiss Telecommunications Act] (FMG). Whenever we refer to “personal” or “person-related” data below, we also mean personal data within the meaning of the Swiss Federal Act on Data Protection. Below, the term “processing” also includes the processing of personal data as defined in the Swiss Federal Act on Data Protection. In order to protect your data from access and misuse by unauthorised persons, we take effective technical and organisational measures, and our employees also receive ongoing training in the handling of personal data. In this Data Privacy Notice, you will read which personal data will be collected, processed and used when concluding, during the term of and after the end of a contract (mobile telephony, data tariffs, TV) and which rights you have in connection with the processing of your personal data in accordance with the applicable law.

1. Who is responsible for data processing and whom can you contact?

The controller for data processing is **MTEL Schweiz GmbH, Hagenholzstr. 81a, 8050 Zurich**, data.ch@mtel.ch (hereinafter referred to as “MTEL Switzerland”). If you have any questions or require information on data protection at MTEL Switzerland, please do not hesitate to contact our data protection officer by post at the above address by adding “[data protection](#)” or by sending an e-mail to data.ch@mtel.ch.

2. How do we collect your data?

We collect and process the data you provide to us when you visit our Website, enter into a contract with us, use our services or communicate with us through any available contact channels. We also process personal data that third parties provide to us about you, e.g. when we obtain creditworthiness information, as well as any personal data about you that is publicly accessible.

3. What data will be processed?

Processing of personal data means the use, collection, registration, compilation, storage and disclosure or a combination thereof. Personal data means any information relating to an identified or identifiable natural person or, in accordance with applicable data protection law, also a legal person.

The following general data will be processed for the performance of the contract:

■ Your master data

Master data means all personal data required for the establishment, content, amendment or termination of the contractual relationship, e.g.: first name and name, title, address, date of birth, academic degree, subscriber number, contact information such as an email address, information on the type and content of the contractual relationship and your creditworthiness data.

■ Other personal data

Other personal data that you or third parties make available to us with your consent or otherwise permissibly provide to us when initiating the contract or during the contractual relationship, e.g. marital status, gender, occupation, identification data, bank details, subscription or representation authorisation, terminal device used, contract commitment, contract term, notice period, incoming payments, payment terms as well as the customer identification data PIN, PUK and password.

Telecommunications services – if you enter into a contract with us for telecommunications services, we will additionally process the following data:

■ Your traffic data

Traffic data means the following data that will be collected, processed or used in the provision of our telecommunication services: the number or identifier of your connection and your terminal equipment as well as other information to identify you as a subscriber; telecommunication services used by you, location data incurred in the process, IP addresses, start, end and scope of connections, the protocol used, data volumes transmitted as well as other data, provided they are related to a specific telecommunication process. Traffic data will exclusively be used to the extent and for as long as necessary for the provision of our telecommunication services, the billing of charges, the detection, containment and elimination of faults, for the fulfilment of legal obligations as well as to secure our claim to payment in order to detect and prevent unlawful use of the telecommunication service. After termination of the contract, this data will be erased in accordance with the applicable laws.

■ Content data

Content data means all personal data relating to the content of the telecommunication. Your content data will not be stored as a matter of principle. Such data will only be processed as far as it is technically necessary or if it concerns the service provision, e.g. SMS, mobile box messages. In addition, we process content data insofar as we are legally obliged to do so, e.g. if the monitoring of telecommunications traffic is ordered as part of criminal proceedings.

TV products – if you conclude a contract with us for a TV product, we will also process the following data:

- TV usage behaviour: Information about the TV channels you watch via MTEL TV, the device IP address, power-on time, channel change, duration, amount of data consumed for the stream;
- service data such as version of the software, service number of the set-top box, IP or MAC address;
- TV app usage behaviour such as power-on time, channel change, duration, amount of stream data used.

4. For what purpose and on what legal basis will your personal data be processed?

We process your personal data in accordance with the provisions of the applicable data protection law, in particular the Swiss Federal Act on Data Protection. We process your personal data for the following purposes and, where we require justification to process it, on the following legal bases:

4.1. Performance of a contract and implementation of pre-contractual measures

Your personal data will be processed in order to conclude a contract with you or to fulfil or terminate a contract that has already been concluded. This also includes data processing carried out in connection with our customer service. If you do not provide us with this data or do not provide it in full, we may not be able to fully perform our contractual obligations to you or may not be able to enter into a contract with you.

4.2. Safeguarding of legitimate interests

If it is necessary for the legitimate interests of us or a third party and your interests are not overriding, we will process:

- your master data and other personal data for creditworthiness checks for contracts with participation in the direct debit procedure and other contracts for which we make advance payments (e.g. payment by instalments). Prior to the conclusion of a contract and during the term of the contract, your data will be transmitted to an officially authorised credit protection institute, credit protection associations or traders for the purpose of credit assessment. This is

processing in the sense of the profiling described above, in which the surveyed credit agency provides us with an assessment of your creditworthiness (score value) on the basis of the aforementioned data. If your credit rating is too low or if information is missing, we reserve the right to restrict the services offered or to make them dependent on the provision of further securities (e.g. advance or partial payment, SIM-only contract) or to offer a prepaid service. In order to evaluate your creditworthiness, your data will be transmitted to **Intrum AG**, Eschenstrasse 12, 8603 Schwerzenbach, Switzerland. If you have any objections, you can use our contact options and explain your point of view.

- your master data and other personal data for debt collection procedures, including, if applicable, the transmission of personal data to debt collection agencies. We are entitled to transfer your data to an officially authorised credit protection institute due to non-contractual behaviour (e.g. debts due, amount owed after termination, account misuse, card misuse) if the legal requirements are met. After two unsuccessful reminders, your data will be handed over to a collection agency. In this case, you will receive a notice in advance so that you can file your comments. The collection agency we currently work with is **Intrum AG**, Eschenstrasse 12, 8603 Schwerzenbach, Switzerland.
- your master data and other personal data (but not traffic or content data) for the purpose of further developing and optimising our products and services. This involves automated data processing procedures of master data as well as other personal data.
- your master data and other personal data (but not traffic or content data) for direct marketing purposes in order to offer you our own similar products or services appropriate to your individual needs, unless we rely on your consent to do so.
- your master and other personal data (but no traffic or content data) for market analysis, needs analysis, market segmentation, and satisfaction surveys, unless we rely on your consent to do so.
- your master data and other personal data to analyse the order processing and to track the order status in the online shop.
- your master data and other personal data (but no traffic and content data) for the detection and elimination of abuse. In the process, the device data (IP address, device type, browser language, operating system) will be transmitted to a service provider who processes this data on our behalf and according to our instructions.
- your traffic, master and other personal data together with your contract attributes such as age, gender, region and product to create non-personal analytics. These data analyses are big data analyses, whereby large amounts of data are anonymised in order to derive statistical conclusions. A conclusion to your identity thus remains excluded.
- your TV usage behaviour as well as your master data to create anonymised statistics on the use of the content available in MTEL TV.
- your master and other personal data (but no traffic and content data) for the purposes of securing legal claims and defending against any litigations.

4.3. Compliance with legal obligations or processing on a legal basis

We are subject to various legal requirements from which an obligation to process personal data may arise, such as e.g. for identity verification, information provision, monitoring of postal and telecommunications traffic as well as for the establishment of emergency connections, according to commercial, company, competition and tax laws, data protection laws as well as other general legal obligations or official orders. Other legal bases entitle us to process certain data. For example, we may process your traffic data to detect and eliminate misuse, to enforce our fee claims against you or to fulfil legal obligations (including orders from authorities or courts) on the basis of Art. 80 (1) of the *FDV* [Swiss Ordinance on Telecommunications Services].

4.4. Processing on the basis of consent

If you have given us the relevant consent, we will process your data to the effect that

- we process your master data, traffic data and other personal data in order to inform you about your customer benefits and personalised offers, products, services and tariffs of MTEL and MTEL's cooperation partners via the contact channels you provided (post, telephone, SMS, e-mail or social media channels) or via pop-up or push notifications and to contact you for customer surveys. For this purpose, your usage behaviour will be analysed with the help of automated data processing procedures. This optimisation and personalisation of offers to suit the customer's needs is also known as profiling. This processing enables us to provide you with suitable and useful offers. However, no automatic decisions will be made that have a legal effect on you or affect you in any other way.
- we process your master data, traffic data and other personal data in order to determine, by way of a comparison, how many people you are in contact with at which part of the day, how many people are particularly important to you based on your usage behaviour, as well as with which devices you use our services. These processing operations are a form of profiling. However, no automatic decisions will be made that have a legal effect on you or affect you in any other way. We use this information to improve our services and to better adapt our offers to your needs. Any inference to individual persons with whom you are in contact as well as to the corresponding communication content is thereby excluded.

Your right of withdrawal

All optional consents that you have given us for the processing of your personal data can be revoked entirely or restricted to certain contact channels (such as e.g. SMS, e-mail, post, etc.) at any time free of charge and without giving reasons:

- in the MY MTEL service portal;
- in text form to the following e-mail address: data.ch@mtel.ch;
- by post to: MTEL Schweiz GmbH, Hagenholzstr. 81a, 8050 Zurich, Switzerland.

If you withdraw your consent, we will no longer use your data for the relevant purposes in the future, unless we are also entitled to continue processing the personal data in question without your consent (e.g. to fulfil legal obligations). The revocation of consent will have no effect on the fulfilment of our contractual obligations or the processing of your personal data in the past on the basis of your consent. Of course, you can also reactivate the revoked consent via the same contact channels, at any time, if you want to receive product information, information on competitions or customer surveys, as well as attractive offers tailored to your needs. If you inform us that you no longer wish to be contacted by us, it may take a few days for your cancellation to be noted in our systems. We ask you for a little patience here.

5. Conclusion of contracts in the web shop

You can also order many of our products and services conveniently via our web shop. If you are not yet a customer and are concluding your contract for the first time, we will collect your personal data relating to your order (object of purchase / date, name, address, e-mail address, method of payment, proof of identity) and, if necessary, carry out a creditworthiness check. In addition, we will create a device ID from information about the device you are using (operating system, language settings, information about the browser used, screen resolution, device type). We will process this data for the purpose of detecting and preventing fraud, such as e.g. the use of stolen identities or payment details. If you withdraw from the order before the contract is concluded, your personal data will be erased after 13 months. This information will be used to prevent fraud. As part of the ordering process, cookies are also used to facilitate the ordering process, e.g. by ensuring that the products you place in the shopping basket remain there throughout your visit to the website. For the use of cookies, see Article 10.

6. Identification of the customer

The personal data required for the conclusion of a contract are marked as mandatory data in the order forms. It is not possible to conclude a contract without providing such personal data. Due to legal regulations *BÜPF* [Swiss Federal Act on the Surveillance of Post and Telecommunication] and *VÜPF* [Swiss Ordinance on the Surveillance of Post and Telecommunication], we are obliged to establish your identity before executing a contract, as well as to register all prepaid customers. For this purpose, inter alia, your name, first name, date of birth, address, as well as your identification data and optionally also your e-mail address and postal address will be stored. Without such personal data, the service cannot be activated.

7. Important information about your contract

We will process your master data to inform you by phone, SMS or e-mail about changes or important information regarding your contract, such as e.g. adjustments to the basic monthly fee, temporary restrictions to our services (e.g. due to maintenance work) or changes to the scope of services.

8. Payment and invoicing

If you pay your invoice by payment slip, direct debit or credit card, we will cooperate, for that purpose, with banks, credit card companies and other payment processors. For the processing of credit card payments, we work together with PAYONE GmbH, Marxergasse 1B, 1030 Vienna, Austria. We will send your invoice by post or by e-mail, depending on your stated preferences. For this purpose, we will process your respective e-mail address or postal address. You can also find your invoice in your service area on our website.

9. MTEL Customer Service

If you have any questions or complaints, you can contact us through various contact channels, e.g. by phone, email, social media channels or post. In order to be able to process your request, we store the contact details you use in each case, such as e.g. your email address, telephone number, address or social media identifier, as well as the time and content of your request.

When you contact our service line, the number you call us from, the time and duration of the call will all be processed. The conversation will only be recorded if you have given us your consent to do so. The call recordings are used for business process and service optimisation.

10. MTEL Website

When visiting our Website www.mtel.ch, MTEL will also process your personal data in connection with cookies and similar technologies. For more information, please see the Cookie Notice on MTEL Schweiz GmbH's Website.

11. Competitions

If you take part in a competition that we organise, we will store the personal data that you provided when you entered in order to determine the winner and to be able to contact the winner. For details see the respective conditions of participation for the competition.

12. Who will the data be passed on to?

Your personal data will be accessed by our employees and partners who gain access to your data during maintenance and service activities, to the extent necessary to provide our services. They are contractually bound to secrecy. We use service providers who assist us with data processing as part of commissioned processing (service providers for the following services: IT and network operations, customer service, mail processing, printing, identity verification, credit assessment, fraud prevention, distribution partners, advertising and marketing, market research, operation of online offerings, websites and apps). Recipients outside our company who do not work for us as part of commissioned processing will also process your personal data to the extent required, on a contractual basis:

- telecommunication service providers e.g. to make calls, send SMS, etc.;
- sales partners and other companies that support us in the distribution of our products;
- other companies involved in the provision of the requested service, e.g. telephone directory publishers in the case of a requested telephone directory entry, companies providing music services if a corresponding service is requested, or those contracted to handle repairs to your terminal devices;
- banks, e.g. for the execution of direct debit procedures; providers of payment services;
- collection agencies, e.g. for the collection of outstanding debts;
- credit agencies, e.g. for checking creditworthiness;
- tax advisors / auditors, on the warranties and verification of the accounting of the legal requirements (e.g. tax law requirements);
- lawyers, to represent and enforce our legal interests;
- logistics providers used for mail delivery;
- other recipients resulting from the purposes and data processing operations mentioned in this data privacy notice.

These recipients are also obliged to comply with data protection on the basis of legal or professional obligations or contractual agreements. We are legally obliged in individual cases to transmit personal data to courts, public prosecutors, the police or other authorities.

13. Data transmission abroad

Recipients in countries outside Switzerland also have access to your data for the above-mentioned purposes, in particular the MTEL Group companies in Austria, Serbia and Bosnia & Herzegovina (MTEL Austria GmbH, Lehargasse 7, 1060 Vienna; Telekom Srbija a.d., Takovska 2, SRB-11000 Belgrade; Telekomunikacije Republike Srpske a.d., Vuka Karadzica 2, BiH-78000 Banja Luka; MTEL Global DOO Beograd, Bulevar Franse d'Eperea 88, SRB-11000 Belgrade). However, transmission to other countries in the world cannot be completely ruled out. In order to ensure an adequate level of data protection, we have concluded contracts with standard contractual clauses as specified by the EU with the MTEL companies in Serbia and Bosnia & Herzegovina. We will be happy to inform you about these existing guarantees. Otherwise, your personal data will only be processed in third countries if it is necessary for the fulfilment of the contract (e.g. provision of the telecommunication service – calls to third countries / roaming connections), if you have given your consent or there is a legal obligation.

14. When will the data be erased?

As a matter of principle, we only process your personal data for as long as is necessary to fulfil the purposes for which we collected it. Legal obligations may result in longer retention periods. We will then erase or anonymise your data.

Erasure of master data and other personal data

- We will erase or make anonymous your master data from the contractual relationship after termination of the contractual relationship and the expiry of billing objection periods with you, or as soon as any and all charges have been collected in full and any customer complaints (for which there is a three-month objection period) have been processed, but at the latest after expiry of all statutory retention obligations. For reasons of proper accounting and pending audits by the tax authorities, your master data will generally be retained for 10 years (from the end of the contract), unless longer retention is necessary due to ongoing proceedings. Books and records, as well as the supporting documents pertaining to the books and records, shall also be retained for as long as they are relevant to pending proceedings. Access to the aforementioned data is restricted and can only be accessed by those employees who carry out processing for the aforementioned purposes. Data from credit checks will be erased at the latest one year after they have been collected.

Erasure of traffic data

- We will store your traffic data for the purpose of billing charges, including charges for interconnection services, until the expiry of the period within which the invoice can be legally challenged or the claim for payment can be asserted. Afterwards they will be erased. The objection period of three months will start differently depending on the customer (receipt of the invoice) and, in this respect, the internal process is also to be taken into account when taking up a possible invoice objection. In order to protect the rights of the customers and to ensure a complete clarification of any invoice objections, data can be stored for up to 6 months. If proceedings are initiated regarding the amount of the charges, we must retain the data until the final decision of the authority.

Erasure of content data

- We will erase your content data as soon as its processing is no longer necessary for the provision of our communication services. Content data relating to customer conversations with MTEL service staff will be erased after 6 months following their evaluation for training purposes and to improve our services.

We will erase your TV usage history when your MTEL TV contract ends. For existing customers, after two years at the latest. If you have given your consent to the processing of personal data, we will erase it at the latest as soon as you revoke your consent and insofar as we are not permitted to process it for other reasons. The copy of your identification document (e.g. passport or identity card) that we may make in order to comply with our legal obligations to verify your identity before providing a prepaid service will be erased seven days after the copy is made and stored.

If you have concluded a contract with us that does not concern a telecommunications service (e.g. mobile phone insurance), your data processed in this context will be erased as soon as the personal data is no longer required and the statutory retention periods have expired (regularly 6-10 years).

15. Changes to the Data Privacy Notice

If MTEL changes this Data Privacy Notice, the customer will be notified by e-mail, invoice printout or SMS. If the customer has any questions or wishes and suggestions regarding the data privacy provisions, they may contact the data protection officer at data.ch@mtel.ch. The most recent version of the Data Privacy Notice, which is published at <https://www.mtel.ch/en/legal> is authoritative.