Data Protection Declaration

SWICA

Version for Switzerland

SW/CA

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Data Protection Declaration – Switzerland

1. General information

1.1 Scope and purpose

SWICA Healthcare Organisation (SWICA Group, hereinafter referred to as "SWICA") consists of SWICA Healthcare Insurance Ltd, SWICA Insurances Ltd and SWICA Health Ltd (including santé24). It is committed to complying with legal provisions in its data processing, promoting open communications with its insured persons, and ensuring transparency in managing personal data. With this Data Protection Declaration we would like to inform you about data processing at SWICA and explain the relevant procedures permitted by law.

At SWICA, data protection aims to safeguard the privacy and fundamental rights of insured persons when their personal data is processed.

1.2 Definitions

SWICA considers **personal data** as all information relating to an identified or identifiable natural person or legal entity that can be associated directly or indirectly, in particular by means of an identifier (such as a name), with an identification number, with location data, with an online identifier or with one or more special characteristics that capture the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person or legal entity.

The term **particularly sensitive personal data** refers to data on religious, ideological, political, and trade union affiliations or activities; to data on health, privacy, race, ethnicity, genetics, and biometrics that clearly identify a natural person; to data on administrative and criminal prosecutions or sanctions; and to data on social assistance measures.

Profiling refers to any automated processing of personal data for the purpose of evaluating personal aspects of a natural person and analysing or predicting aspects of his or her work performance, economic situation, health, preferences, interests, reliability, conduct, location or change of location.

Health data refers to all data that represent a medical finding and could have negative consequences for the person concerned. In particular, the following information is considered to be health data: Records of the course of treatment, medical histories, descriptions of past symptoms, diagnoses, medical prescriptions, reports from doctors and hospitals, therapies, medication, referrals, lab results, rate factors, records of imaging procedures, as well as information about the course of treatments, including any medication, further therapies, or the effectiveness and appropriateness of treatment, etc.

A **personality profile** is a collection of data which can be used to evaluate important information concerning a natural person. A medical finding is any results from medical examinations such as a physical check-up, psychological test, or an examination conducted in a lab or by means of medical equipment.

SWICA defines **processing** as any manual or automated procedure or series of procedures used in connection with collecting, entering, organising, arranging, storing, adapting, modifying, reading, querying, applying, or disclosing personal data, or for making such data available through transmission, distribution or dissemination or some other form of disclosure for the purpose of comparing, linking, restricting, deleting or destroying it.

The term **customer** refers to all natural persons and legal entities who have an insurance relationship with SWICA, whereby it is irrelevant whether the respective party in the private customer or corporate customer segment has a contractual relationship with SWICA.

The term **supplier** refers to all natural persons and legal entities that have a contractual relationship with SWICA, irrespective of the contractual service that this supplier or SWICA is required to provide. This does not include any insurance relationship in which SWICA is a party acting as an insurer.

Service **providers** are natural persons or legal entities that provide medical or therapeutic services in accordance with the Swiss Federal Health Insurance Act (KVG), the Accident Insurance Act (UVG), or the General Insurance Conditions of the respective insurance products under the Insurance Contract Act (VVG).

Interested or prospective customers are natural persons or legal entities who are interested in SWICA's products.

An overriding **private or public interest** exists if SWICA justifies data processing on the grounds of a legitimate interest pertaining to SWICA or the public. A private interest exists if SWICA's interest in processing the data outweighs the risks and dangers to the data subject from having the data processed. A public interest arises if the benefits for the public from processing the data outweigh the risks and dangers to the data subject from having the data processed.

1.3 Relationship with other provisions

1.3.1 Terms of use for online services

Art. 6 of the Terms of Use for Online Services refers to Special Data Protection Provisions. This Data Protection Declaration applies in every case where the Terms of Use for Online Services also apply.

1.3.2 Special provisions

The use of some of SWICA's offers and products that involve data processing (e.g. participation in the Benevita bonus programme, use of the Benecura app, or use of the mySWICA Customer Portal) is subject to further provisions such as the General Terms and Conditions (GTC), Terms of Use (ToU) or Special Data Protection Provisions (SDP). The user must accept these before accessing the service, either explicitly or tacitly through the use of the service itself.

In every case, this Data Protection Declaration constitutes a part of the GTCs or the data protection provisions. This Data Protection Declaration takes precedence over the data protection declaration of the SWICA website and applies to all matters not mentioned in that data protection declaration. This Data Protection Declaration is intended to provide information about all of SWICA's processing procedures and supplements the data protection provisions of the respective insurance application or the General Insurance Conditions (GIC).

1.4 Legal basis for data protection

SWICA offers private and corporate customers mandatory health insurance under the Swiss Federal Health Insurance Act (KVG), mandatory accident insurance under the Swiss Federal Law on Accident Insurance (UVG), and insurance solutions subject to the Insurance Contract Act (VVG).

Data processing outside of insurance activities is subject to the provisions of the Swiss Data Protection Act (DSG). In the areas of mandatory health insurance and mandatory accident insurance, SWICA is considered a federal body and subject to the statutory provisions for federal bodies. Under Art. 34 of the DSG, SWICA is permitted to process data only if there is a legal basis for doing so.

The legal basis for mandatory health insurance is laid out in Art. 84 of the Federal Health Insurance Act (KVG). Accordingly, SWICA is entitled to process the personal data, including particularly sensitive data and personality profiles, it needs in order to complete the tasks as stipulated under the Federal Health Insurance Act (KVG) or the Federal Health Insurance Supervision Act (KVAG), or to have such data processed. This applies to all legal bases of the KVG and the General Part of the Social Security Law (ATSG).

The legal basis for mandatory accident insurance is laid out in Art. 96 of the Federal Accident Insurance Act (UVG). As in the area of healthcare insurance, SWICA is entitled to process the personal data, including particularly sensitive data and personality profiles, it needs in order to complete the tasks as stipulated under the UVG, or to have such data processed. Under Art. 96 of the UVG, SWICA is also entitled to have a third party process the data, provided this third party observes the same data processing principles as SWICA. The legal provisions of the ATSG also apply.

As a social insurance company, SWICA is also subject to the statutory duty of confidentiality under Art. 33 ATSG. This means that all SWICA employees must treat the information they access during their work with absolute confidentiality.

SWICA has a Medical Examiner's Office in accordance with Art. 57 of the Federal Health Insurance Act (KVG). All information of the Medical Examiner's Office is subject to the non-disclosure obligations of physicians in accordance with Art. 321 of the Swiss Criminal Code (StGB).

SWICA is permitted to process data that lies outside of the scope of the Federal Health Insurance Act (KVG) and the Federal Accident Insurance Act (UVG) only if there is a justified reason, which can comprise a legal basis, a matter of consent, or a legitimate interest. Cases requiring consent for data processing will be designated accordingly; if necessary, consent will be obtained in writing.

With respect to insurance solutions under the VVG, SWICA acts as a private individual and must therefore comply with the corresponding legal provisions that apply under the Data Protection Act. When processing personal data in areas that fall under the VVG, SWICA must obtain consent or establish a legal basis or a legitimate interest. SWICA must refer to any cases involving a legitimate interest in this Data Protection Declaration.

SWICA offers its customers the option of choosing the course of treatment (for certain KVG insurance products, choosing the treatment becomes binding) from santé24, which is licensed by the Canton of Zurich to provide telemedical services. In this context, the information that the insured person discloses to santé24 is subject to the professional non-disclosure obligations laid out in Art. 321 of the Swiss Criminal Code.

2. Processing

2.1 Categories of personal data

2.1.1 General provisions

Within the scope of its activities, SWICA processes the personal data of its customers, suppliers, service providers and prospective customers. Data processing comprises a central activity of SWICA under its mandate as a social insurer and private insurance company. The principles of data economy and proportionate processing are of fundamental importance for SWICA. The categories of personal data processed by SWICA include the following:

- **Contact information**
  such as first name, surname, address, postcode, date of birth, email address, phone number (mobile and landline)
- **Master and contract data**
  such as first name, surname, address, postcode, date of birth, email address, phone number (mobile and landline), bank details, marital status, number of family members, data of authorised representatives, PAR number, contract content, contract number, contract term, contact person (surname, first name and function), account information, workloads and schedules, employee data (surname, first name, function, skills), remuneration models
- **Financial information**
  such as bank details, information on income, data on debt enforcement and bankruptcy matters
- **Technical information**
  such as internal and external identifiers, business number, IP addresses, records of access or changes, log files, recordings of phone calls and notes on chats
- **Marketing information**
  such as survey results, wishes, preferences, usage behaviour, tailored and individual support in case of an insurance-relevant event, information on leisure activities, data on preferred services
- **Business information**
  such as correspondence, billing data, claims data
- **Information on interests, behaviour and characteristics**
  such as data on possible allergies, food preferences (e.g. vegetarian or vegan), food intolerances, preferred accommodation services during a hospital stay
- **Data regarding personal circumstances**
  such as information about employment relationships, social assistance, family situation, philosophical or religious beliefs and financial situation
- **Information from third parties**
  such as information from other insurers, service providers and partners

2.1.2 Customers

Customer data that SWICA can process includes the following:

- For the **KVG and UVG private customer** segments: master and contract data, financial data, health data, data from third parties.
- For the **VVG private customer** segment: master and contract data, financial data, health data, data from third parties. SWICA can also process marketing data and data on the interests, behaviour and characteristics of the insured person that it collects during the customer journey.
- For the **KVG, UVG and VVG corporate customer segment:** master and contract data, master and contract data on employees, financial data, health data.
- For **santé24:** master and contract data, health data.
- For **SWICA Care Management:** in addition to the data already mentioned in this section, other information on personal circumstances can also be processed.
- In **the customer acquisition process and customer communications:** information on the current insurer, amount of the current excess, insurance model, contact information, master and contract data, financial information, technical information, information on interests, behaviour and characteristics, information on personal circumstances, marketing data.

2.1.3 Service providers

Service provider data that SWICA can process includes the following:

- Master and contract data, master and contract data about employees
- Technical information
- Business information

2.1.4 Suppliers

Supplier information that SWICA can process includes the following:

- Master and contract data
- Technical information
- Business information

2.1.5 Interested and prospective customers and customer communications

Information about interested and prospective customers that SWICA can process includes the following:

- In the customer acquisition process: information on the current insurer, amount of the current excess, insurance model, contact information, master and contract data, financial information, technical information, information on interests, behaviour and characteristics, information on personal circumstances, marketing data

2.2 Processing purposes

2.2.1 General provisions

SWICA processes the personal data described in Section 2.1 in order to manage its own services and for its own or statutorily prescribed purposes, which may vary based on the business area. SWICA processes the personal data described among other things for the following purposes:

- **Management of contract and provision of services**
  Compliance with insurance obligations, calculation and collection of premiums; verification of benefit claims, assessment of benefits and coordination with other social insurers, reconciliation of AHV and insurance number
- **Fulfilment of statutory and regulatory obligations**
  Carrying out the supervision of this law and carrying out other legally permitted clarifications, such as investigations into insurance fraud, compliance with statutory or regulatory information, disclosure or reporting obligations to courts and authorities and to satisfy the terms of official orders
- **Keeping of statistics**
  Healthcare research, integrated care, planning or developing products as the basis for making business decisions (e.g. determining key figures on the use of services and capacity utilisation, and for developing ideas for new insurance models or assessing existing models, services, procedures, technologies, returns)
- **Conducting marketing activities**
  Market research, comprehensive support, advice and information on the range of services offered; preparing and providing customised services (e.g. advertising in print and online media; holding cultural events and events for customers or prospective customers, sponsorship activities; conducting surveys on customer satisfaction and future customer needs and behaviour; and evaluating the potential of customers, markets or products)
- **Assessing eligibility for discounted premiums**
  Assessing eligibility for discounted premiums in accordance with Article 65 KVG and calculating and granting discounts
- **Asserting right of recourse**
  Asserting the right of recourse against a liable third party
- **Calculations in relation to risk balancing**

2.2.2 Customers

For products and services in the KVG segment, SWICA processes customer data related to the following in particular:

- Contract management and provision of services
- Fulfilment of statutory and regulatory obligations
- Keeping statistics
- Assessing eligibility for discounted premiums
- Asserting the right of recourse
- Calculations in relation to risk balancing

Data processing in the area of compulsory health insurance is carried out based on the legal provisions laid out in Section 1.4 of this Data Protection Declaration.

For products and services in the UVG segment, SWICA processes customer data related to the following in particular:

- Contract management and provision of services
- Fulfilment of statutory and regulatory obligations
- Keeping statistics
- Asserting the right of recourse
- Supervision of how regulations on accident and occupational illness prevention are being applied

Data processing in the area of compulsory accident insurance is carried out based on the legal provisions laid out in Section 1.4 of this Data Protection Declaration.

For products and services in the VVG segment, SWICA processes customer data related to the following in particular:

- Contract management and provision of services
- Fulfilment of statutory and regulatory obligations
- Keeping statistics
- Asserting the right of recourse
- Conducting marketing activities
- Providing customers with exclusive support as part of the customer journey (SWICA understands "customer journey" as the provision of customer-specific and individual support in case of an insurance-relevant event)

Data processing in the area of private insurance is carried out based on the legal provisions laid out in Section 1.4 of this Data Protection Declaration. Accordingly, it is necessary to obtain consent for processing the data of the case in question; if no consent is obtained, SWICA processes the data based on a legitimate interest.

Data processing based on a legitimate interest

The following data processing may also be carried out without SWICA's consent, but based on its legitimate interest: SWICA processes data on the basis of a legitimate interest in order to

- carry out marketing activities;
- comply with statutory or regulatory information, disclosure and reporting obligations to courts and authorities and to satisfy the terms of official orders;
- conduct investigations into insurance fraud;
- keep statistics, and
- provide customer care as part of the customer journey.

Customers can object to the aforementioned data processing, limit such data processing, or prohibit further data processing at any time (see Section 3). Customers are entitled to these rights unless SWICA has an overriding legitimate interest that would justify further processing.

In the area of Care Management, customer data is also used to

- provide care and help with reintegration into work life, or
- assist customers in their everyday life.

Data processing in the area of Care Management is carried out based on the legal provisions laid out in Section 1.4 of this Data Protection Declaration.

Medical Examiner's Office

Data processing for the Medical Examiner's Office is carried out based on the legal provisions laid out in Section 1.4 of this Data Protection Declaration.

In the area of santé24, the data is processed as follows: santé24 is a business area of SWICA but organisationally separate from the rest of the company. It offers telemedical services to all its users, regardless of whether they are SWICA customers. The data mentioned above (Section 2.1.2) must be processed in order to enable santé24 to offer telemedical services. The information stored in the patient files of santé24 is subject to medical confidentiality and can be processed only in accordance with the respective provisions. santé24 processes the data in order to

- provide general health advice;
- administer the prescribed treatment, incl. managing the patient file;
- make specific health recommendations;
- make referrals to general practitioners or specialists;
- prescribe medication in relation to a particular diagnosis; issue medical certificates;
- keep statistics;
- develop the indication questionnaire;
- monitor treatments;
- carry out research within the scope of anonymised data analyses.

Data processing in the area of santé24 is carried out based on the legal provisions laid out in Section 1.4 of this Data Protection Declaration. The data is processed within the scope of the contract and the customer's instructions for the treatment.

santé24 processes data based on a legitimate interest in order to

- administer the prescribed treatment;
- keep statistics;
- develop the indication questionnaire;
- do research within the scope of anonymised data analyses.

2.2.3 Suppliers

The data of suppliers is used for

- carrying out specific transactions;
- managing downstream communications involving the work of SWICA, and
- providing evidence of the business relationship.

The data is processed in accordance with the contractual agreement.

2.2.4 Service providers

The data of service providers is used for

- the above-mentioned purposes relating to the UVG, KVG and VVG segments, and
- quality assurance and customer satisfaction purposes.

Data processing in connection with quality assurance and customer satisfaction must be based on a legitimate interest of SWICA. Service providers can object to the aforementioned data processing, limit such data processing, and prohibit further data processing at any time (see Section 3), provided that the provider is authorised to do so. The supplier is entitled to these rights unless SWICA has an overriding legitimate interest that would justify further processing or doing so only in anonymised form. The results may be published for quality assurance and customer satisfaction purposes.

2.2.5 Prospective customers

Data of prospective customers is processed in particular with regard to marketing activities.

3. Rights of data subjects

3.1 Right to information

All parties affected by data that SWICA processes have the right to request confirmation as to whether personal data relating to them is being processed. SWICA provides the following information on its data processing activities:

- A copy of all processed data, unless justified third-party rights conflict
- The purpose of the processing
- Information on the right of objection, the right to limit processing activities, and the right of rectification
- Information about whether the right to appeal to the supervisory authority applies
- All available information on the origin of the data in cases where personal data is not collected directly from the data subject

Section 3.9 below applies to the exercise of these rights.

3.2 Right to correction

All of SWICA's data subjects have the right to request the immediate correction of any incorrect personal information relating to them. Furthermore, every data subject affected by SWICA's data processing can request to have any incomplete personal data completed by taking into account the purpose of that step – even if it means providing an additional statement.

Section 3.9 below applies to the exercise of these rights.

3.3 Right to deletion

All of SWICA's data subjects have the right to demand that SWICA delete any personal information about them immediately if one of the following reasons applies:

- The personal data is no longer necessary for the purposes stated when it was collected.
- The data subject withdraws his or her consent to data processing and there is no other justification.
- The data subject objects to the processing and there are no overriding legitimate interests that would justify further processing.
- The data was processed unlawfully.
- The deletion is required by law.

Section 3.9 below applies to the exercise of these rights.

3.4 Right to restrict processing

All of SWICA's data subjects have the right to demand an immediate restriction of the processing. The data subject can demand that processing be restricted if one of the following conditions or reasons applies:

- if the data subject disputes the accuracy of the personal data, the processing activity must be restricted while SWICA clarifies the accuracy of the personal data;
- personal data is processed unlawfully, but the data subject does not request its deletion and instead requests that processing be restricted;
- if SWICA no longer requires the personal data, but the data subject still needs the data in order to assert, exercise or defend legal claims;
- if the data subject lodges an objection to processing, it must be suspended until it has been established whether SWICA can assert an overriding legitimate interest or another justified reason applies.

SWICA must inform the data subject in advance if the restriction on the processing activity is lifted.

Section 3.9 below applies to the exercise of these rights.

3.5 Right to objection

All of SWICA's data subjects have the right to object to such processing based on their personal situation, unless a legal provision or legitimate cause outweighs their interests, rights and freedoms.

Data subjects have the right to object to their data being processed for direct marketing purposes. This also applies to profiling in connection with direct advertising. In this case, SWICA will stop using the data for direct marketing purposes.

Section 3.9 below applies to the exercise of these rights.

3.6 Automated decisions in individual cases and profiling

If the data subject is affected by automated processing – including profiling – due to the discharge of a contract, a legal basis or the express consent of the data subject and this decision has legal effect vis-à-vis the data subject, the data subject has the right to have a person intervene on the part of SWICA, explain the decision and grant the data subject the right to challenge the decision.

Section 3.9 below applies to the exercise of these rights.

3.7 Right to withdrawing consent

Any consent to data processing granted to SWICA can be withdrawn, unless there is a legitimate interest or a legal basis that would justify further processing. Consent to processing can be withdrawn in the simplest way, provided that it is SWICA which processes the data. If a third party has been granted power of attorney or a right to inspect the data, SWICA requires this power of attorney to be withdrawn in writing. This does not affect the legality of data processing up to the time when consent is withdrawn.

3.8 Right of appeal to the supervisory authority

In addition to the rights vis-à-vis SWICA, there is also the right to contact the data protection authority directly.

3.9 Help with asserting the rights of data subjects

If you need to exercise any of these rights, please contact our Data Protection Unit directly at **datenschutz@swica.ch**. For Sections 3.1. to 3.4, please send us a written request and a copy of your official identity document. SWICA needs this to prevent the wrong data from being altered or deleted. The request and the copy of the official identity document will be filed for a minimum of eleven years.

4. Occupational Data Protection Officer

SWICA has appointed an Occupational Data Protection Officer to meet its obligations to safeguard personal data. This officer reports to the Federal Data Protection and Information Commissioner (FDPIC) and to the Liechtenstein Data Protection Authority. If you have any questions or comments, please contact the SWICA Data Protection Officer directly.

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Data Protection
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5. Data processing within SWICA

SWICA attaches great importance to the principle of proportionality and grants access to personal data only to employees who must have access to such on account of their role, function and activities at SWICA.

All SWICA employees are subject to the statutory duty of confidentiality in accordance with Art. 33 of the General Part of Social Security Law (ATSG).

Some SWICA employees are also subject to the professional non-disclosure obligation under Art. 321 of the Swiss Criminal Code.

SWICA provides regular training courses, information material and directives to ensure compliance with the statutory provisions on data protection and security.

6. Disclosure of data within the company

In the course of the further development of our business, the structure of our company may change due to a change in its legal form, or when subsidiaries or parts of or holdings in companies are founded, purchased or sold. In the course of such transactions, customer information may be shared with the part of the business that has been transferred. Whenever personal data is passed on to third parties as described above, we ensure that the transaction complies with this Data Protection Declaration and the applicable data protection law.

7. Disclosure of data to third parties

SWICA does not disclose data to unauthorised third parties and processes data in third countries outside the European Union (EU) or the European Economic Area (EEA) only if the legal provisions of the Swiss Data Protection Act are fulfilled. Furthermore, SWICA does not disclose any data to international organisations and allows data to be processed by third parties only if a contract for doing so is in effect (Section 8).

8. Contract data processing

Within the scope of its activities, SWICA can delegate certain data processing operations to third parties in Switzerland and abroad. However, SWICA remains responsible for the lawful processing of such data. The third party engaged to process data may only process data for the purposes for which SWICA has authorised it to do so. In this case, SWICA uses contractual arrangements to ensure that the data is processed only as SWICA itself is permitted to process it. The contractor must also comply with the present Data Protection Declaration.

In addition, SWICA requires its contractors to implement suitable technical and organisational measures to ensure data security.

If, by way of exception, personal data is distributed to countries with no adequate level of data protection, SWICA shall impose on the contract processor an obligation to adhere to an adequate level of data protection by agreeing on the standard contractual clauses approved by the Federal Data Protection and Information Commissioner (FDPIC).

9. Duration of data storage

SWICA stores data for as long as the purpose, legal basis, or another legitimate reason justifies doing so. In particular, all data relevant under commercial law must be stored for at least ten years after the contractual relationship ends. This includes, among other things, all data about contracts, benefits, business correspondence, as well as other information of relevance for the business relationship between SWICA and the customer.

- The following criteria determine the maximum storage period:
- Is the data still needed?
- Is there a legal basis for storing the data for a certain period?
- Should the data be stored for a given period for evidential purposes (the limitation periods are decisive)?
- Does the purpose justify continued data storage?

A dedicated service is solely responsible for disposing of particularly sensitive personal data in paper form, professionally and in accordance with data protection regulations. Data stored in electronic form is deleted permanently before the carriers are disposed of. The data storage device will then be destroyed.

10. Final provisions

10.1 Applicability

This Data Protection Declaration applies whenever customers, suppliers, service providers and potential customers enter into a business relationship or any other relationship with SWICA (regardless of whether it involves a written contract). This Data Protection Declaration can be amended at any time.

10.2 Access to the Data Protection Declaration

The prevailing version of this Data Protection Declaration is always publicly accessible on the SWICA website and can be viewed by data subjects via **swica.ch/data-protection** at any time.

10.3 Severability clause

If any provision of this Data Protection Declaration should be or become invalid, this shall not affect the effectiveness of the remaining provisions.

10.4 Applicable law and place of jurisdiction

This Data Protection Declaration is subject exclusively to substantive Swiss law, to the exclusion of any conflict-of-laws rules.

Any disputes arising from this Data Protection Declaration must be brought before the court in Winterthur, subject to mandatory legal jurisdiction.

SWICA Healthcare Organisation
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SWICA

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