

Privacy Policy of Schenker Switzerland Ltd (Schenker Schweiz AG)

September 2023

In this Privacy Policy, we, Schenker Schweiz AG (hereinafter, **we** or **us**), explain how we collect and otherwise process personal data. This is not an exhaustive description; other privacy policies may regulate specific issues, e.g. those on our group-wide website. Personal data is understood to be all information that relates to an identified or identifiable person.

If you provide us with personal data of other persons (e.g. family members, data of work colleagues), please make sure that these persons are aware of this Privacy Policy and only share their personal data with us if you are allowed to do so and if this personal data is correct.

This Privacy Policy is designed to comply with the Swiss Data Protection Act (*Bundesgesetz über den Datenschutz "DSG"*) and the revised Swiss Data Protection Act (*neue Bundesgesetz über den Datenschutz "revDSG"*) and, where applicable, with the requirements of the EU General Data Protection Regulation ("**GDPR**"). However, whether and to what extent these laws are applicable depends on the individual case.

1. Controller/Data Protection Officer/Representative

Responsible for the data processing we carry out here is

Schenker Schweiz AG
Rautistrasse 77
8021 Zurich, Switzerland
ch.sm.zrh.dataprotection-ch@dbschenker.com

If you have any data protection concerns, you can let us know at the contact address above. You can also reach our data protection officer pursuant to Art. 37 GDPR or data protection advisor pursuant to Art. 10 revDSG at the above address. You can contact our representative in the EU in accordance with Art. 27 of the GDPR (if applicable) at the following address:

Schenker AG
Maik Goehrke
Kruppstrasse 4
45128 Essen, Germany
dataprotection@dbschenker.com

2. Legal Basis

If the data is processed for the performance of a contract with the data subject, including pre-contractual measures, the legal basis is Art. 6 (1) (b) GDPR or Art. 31 (2) (a) revDSG. If we process your personal data on the basis of a legal obligation, this is based on Art. 6 (1) (c) GDPR or Art. 31 (1) revDSG.

In addition, we also process personal data of you and other persons, insofar as permitted and it appears to us to be appropriate, for the following purposes, in which we (and sometimes also third parties) have a legitimate interest corresponding to the purpose (Art. 6 (1) (f) GDPR or Art. 31 (1) revDSG):

- Offer and further development of our products, services and websites, apps and other platforms on which we are present;
- Communicating with third parties and handling their enquiries (e.g. applications, media enquiries);
- Commissioning of third parties for the contractual fulfilment of logistics services;
- Advertising and marketing (including the organisation of events), insofar as you have not objected to the use of your data (if we send you advertising as an existing customer of ours, you can object to this at any time, we will then put you on a blocking list against further advertising mailings);
- Market and opinion research, media monitoring;
- Assertion of legal claims and defence in connection with legal disputes and official proceedings;
- Prevention and investigation of criminal offences and other misconduct (e.g. conducting internal investigations, data analysis to combat fraud, cross-checking against international sanction lists);
- Guarantees of our operations, in particular IT, our websites, apps and other platforms;
- Video surveillance to maintain domiciliary rights, security of goods entrusted to us and other measures for IT, building and facility security and protection of our employees and other persons and assets belonging to or entrusted to us (such as access controls, visitor lists, network and mail scanners, telephone recordings);
- Purchase and sale of business units, companies or parts of companies and other transactions under company law and the associated transfer of personal data as well as measures for business management and insofar as necessary to comply with legal and regulatory obligations as well as internal regulations of DB Schenker.

Insofar as you have given us consent to process your personal data for specific purposes (for example, when issuing an employment contract, registering to receive newsletters, carrying out a background check, providing application documents), we process your personal data within the scope of and based on this consent on the legal basis of Art. 6 (1) (a) GDPR or Art. 31 (1) revDSG, insofar as we have no other legal basis and we require such a basis. Consent given can be revoked at any time, but this has no effect on data processing that has already taken place.

3. Collection and Processing of Personal Data

Business relationships

We process the personal data that we receive in the course of our business relationship with our customers and other business partners, including in the course of commissioning logistics services. The latter also includes electronic data transmission from partners or customers directly. We receive this data for the purpose of contract processing, in particular in the context of logistics services including

customs clearance for our customers and the purchase of products and services from our suppliers and subcontractors. We also receive this data to comply with our legal obligations at home and abroad. In doing so, we process the following personal data: Surname, first name, address, telephone number, e-mail address, company affiliation, creditworthiness data and sanction information (as part of the review of the international sanction lists of the EU, UN and the USA, published in Bundesanzeiger-Verlag (publisher of the Federal Gazette)). The processing is carried out for the execution of the contract (Art. 6 (1) (b) GDPR or Art. 31 (2) (a) revDSG) as well as for the fulfilment of legal obligations (Art. 6 (1) (c) GDPR or Art. 31 (1) revDSG).

Where permitted, we also take certain data from publicly accessible sources (commercial register, press, internet) or receive such data from other companies within the DB Bahn Group, from public authorities and other third parties (such as credit reference agencies). In addition to the data about you that you give us directly, the categories of personal data that we receive about you from third parties include, in particular, information that we learn in connection with official and legal proceedings, information in connection with your professional functions and activities (so that we can, for example, conclude and process transactions with your employer with your help), information about you in correspondence and meetings with third parties, creditworthiness information (insofar as we conduct business with you personally), information about you that people close to you (family, advisors, legal representatives, etc.) give us so that we can conclude or process contracts with you or involving you (e.g. references, your address for deliveries, powers of attorney, information on compliance with legal requirements, such as anti-money laundering and export restrictions, information from banks, insurance companies, sales and other contractual partners of ours for the utilisation or provision of services by you).

Visitors

When third parties (not exhaustive: drivers, tradesmen, other service providers) visit our branches, we process the following personal data: Surname, first name for the collection of corresponding security devices, licence plate of the vehicle, time of arrival and departure and, if necessary, verification of ID (however, this is not stored). These include, but are not limited to, video surveillance at the sites, visitor management and access control.

The processing is carried out for the performance of the contract (Art. 6 (1) (b) GDPR or Art. 31 (2) (a) revDSG), as well as on the basis of an overriding or legitimate interest (security purposes; Art. 6 (1) (f) GDPR or Art. 31 (1) revDSG) on our part.

Employees

Within the scope of the employment relationship, we process the following personal data: Gender, surname, first name, address, postcode, town/city, e-mail address, nationality, date of birth, home town, place of birth, bank details, social security number, absences, health data (e.g. illness), tax information and any attachments, identity cards, employee appraisals, application documents, training and further education data, certificates and qualifications, military service, family members, emergency contacts, marital status, religious denomination, criminal record certificate, references, information from the media and internet about your person (insofar as this is indicated in the specific case, e.g. in the context of an application, press review, marketing/sales, etc.), your addresses and, if applicable, interests.

As we are largely subject to the Air Cargo Act (*Luftfrachtgesetz*), we must also be able to collect and manage the data required in this context and submit it to the Federal Air Cargo Authority upon request. This includes the certificate of good conduct/criminal record certificate, if applicable a residence certificate and a copy of the ID as well as a complete professional curriculum vitae covering at least five years.

For our internal employees, whether permanent or temporary, we collect data for payroll and time recording, as well as for the usual and legally prescribed HR management reports for social security and statutory purposes.

This data is used for the purpose of implementing the employment relationship and for the purpose of fulfilling our legal obligations. The data is therefore processed on the legal basis of contract performance, the legal basis being Art. 6 (1) (b) GDPR or Art. 31 (2) (a) revDSG and because we are legally obliged to do so (Art. 6 (1) (c) GDPR or Art. 31 (1) revDSG).

Applicants

During the application process, correspondence data such as postal address, e-mail address and telephone numbers are processed in addition to salutation, surname and first name. In addition, all application documents such as letters of motivation, curriculum vitae and other data and documents that you send us will be processed. This data is processed exclusively for the purpose of reviewing your application. If you take up a position with us, this data will be stored in the personnel file. If you receive a rejection, all data will be deleted or returned to you after three months. The data is processed on the basis of your consent (Art. 6 (1) (a) GDPR or Art. 31 (1) revDSG) and for the performance of a contract with the data subject, including pre-contractual measures, on the legal basis of Art. 6 (1) (b) GDPR or Art. 31 (2) (a) revDSG.

4. Cookies/Tracking and Other Technologies Related to the Use of Our Website

The Privacy Policy for the operation of our website can be found at:

<https://www.dbschenker.com/ch-en/meta/privacy-policy>

5. Data Transfer and Data Transmission Abroad

Within the scope of our business activities and the purposes described in section 3, we also disclose information to third parties, insofar as this is permitted and appears appropriate to us, either because they process it for us or because they want to use it for their own purposes. This involves the following bodies in particular:

- Head office DB Schenker within the scope of the permissible central Group data collection (e.g. central Human Skill and Capital Management);
- Service providers of ours (within Deutsche Bahn/DB Schenker Group as well as externally, such as banks, insurance companies), including order processors (such as IT providers, externally as well as to the head office in Germany and their partners);
- Dealers, suppliers, subcontractors and other business partners;
- Customers;
- Customs, domestic and foreign public authorities, official agencies or courts;
- Industry organisations, associations, organisations and other bodies;
- Acquirers or parties interested in acquiring business units, companies or other parts of the DB Schenker Group;
- Other parties in potential or actual legal proceedings;
- Other companies of the DB Schenker Group;

all **recipients** jointly.

Some of these recipients are domestic, but can be anywhere in the world. In particular, you must expect the transfer of your data to all countries in which the DB Schenker Group is represented by group companies, branches or other offices, as well as to other countries in Europe and the USA where the service providers we use are located (such as Microsoft, AWS/Amazon).

If a recipient is located in a country without adequate legal data protection, the transfer is based on Art. 46 (1) (c) GDPR or Art. 16 (2) (d) revDSG and we contractually oblige the recipient to comply with the applicable data protection law, insofar as the recipient is not already subject to a legally recognised set of rules to ensure data protection and we cannot rely on an exemption provision.

An exemption may apply in particular in the case of legal proceedings abroad, but also in cases of overriding public interests or if the performance of a contract requires such disclosure, if you have consented or if it concerns data that you have made generally accessible and you have not objected to its processing.

6. Retention Period for Personal Data

We process and store your personal data as long as it is necessary for the fulfilment of our contractual and legal obligations or otherwise the purposes pursued with the processing, i.e. for example for the duration of the entire business relationship (from the initiation, processing, to the termination of a contract) as well as beyond that in accordance with the statutory retention and documentation obligations. In doing so, personal data may be retained for the time during which claims can be made against our company and insofar as we are otherwise legally obliged to do so or legitimate business interests require this (e.g. for evidence and documentation purposes). As soon as your personal data is no longer required for the above-mentioned purposes, it will be deleted or anonymised as far as possible. For operational data (e.g. system logs, logs), shorter retention periods of twelve months or less generally apply.

7. Data Security

We take appropriate technical and organisational security measures to protect your personal data from unauthorised access and misuse, such as issuing instructions, comprehensive training on data protection and IT security, IT and network security solutions, access controls and restrictions, encryption of data media and transmissions, continuous checks on the status of our technical security facilities.

8. Obligation to Provide Personal Data

Within the scope of our business relationship, you must provide the personal data that is required for the establishment and implementation of a business relationship and the fulfilment of the associated contractual obligations. Without this data (e.g. address data for the fulfilment of transport orders, contact person at your company or that of your customers), we will generally not be able to conclude a contract with you (or the body or person you represent) or to process this contract. Our website cannot be used either if certain information to secure data traffic (such as IP address) is not disclosed.

9. Profiling [and Automated Decision-Making]

For the establishment and implementation of the business relationship and also otherwise, we generally do not use automatic decision-making (as regulated, for example, in Art. 22 GDPR or Art. 21 revDSG). Should we use such procedures in individual cases, we will inform you separately about this, insofar as this is required by law, and inform you about the associated rights.

10. Rights of the Data Subject

You have the right to access, correct, delete data, the right to restrict data processing and otherwise to object to our data processing, as well as the right to the surrender of certain personal data for the purpose of transfer to another body (so-called data portability) within the framework of the data protection law applicable to you and to the extent provided for therein (such as in the case of the GDPR). Please note, however, that we reserve the right to assert on our part the restrictions provided for by law, for example if we are obliged to retain or process certain data, have an overriding interest in doing so (insofar as we are entitled to invoke this) or require it for the assertion of claims. If you incur any costs, we will inform you in advance. We have already informed you about the possibility of revoking your consent. Note that the exercise of these rights may conflict with contractual arrangements and may have consequences such as early termination of the contract or cost consequences. We will inform you in advance if this is not already contractually agreed.

The exercise of such rights usually requires that you clearly prove your identity (e.g. by means of a copy of your identity card where your identity is otherwise not clear or cannot be verified). To exercise your rights, you can contact us at the address given in section 1.

In addition, every data subject has the right to enforce his or her claims in court or to lodge a complaint with the competent data protection authority. The competent data protection authority in Switzerland is the Federal Data Protection and Information Commissioner (<http://www.edoeb.admin.ch>).

If the data processing is based on public or legitimate interest, you have the right to object to the processing of your personal data at any time, where applicable (Art. 21 GDPR). If you object, we will no longer process your personal data concerned unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the enforcement, exercise or defence of legal claims.

If your personal data is processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data concerning you for the purpose of such marketing. If you object, your personal data will subsequently no longer be used for the purpose of direct marketing.

11. Amendments

We may amend this Privacy Policy at any time without notice. The current version published on our website and on the intranet shall apply. Where the Privacy Policy forms part of an agreement with you, we will notify you of the amendment by email or other appropriate means in the event of an update.