

Privacy Policy

V2.0, July 10, 2020 / ERNI Data Privacy
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1 Scope / Controller / Data Protection Officer / Representative

This Privacy Policy describes our collection, use, disclosure, retention and protection of your personal data and your rights in relation to the processing of your personal data. It applies to any ERNI website where this Privacy Policy appears in the footer, and to any ERNI system, application, service, or tool (collectively "Services") where this Privacy Policy is referenced, regardless of how you access or use them, including through mobile devices.

This Privacy Policy is based on the requirements of the EU General Data Protection Regulation ("GDPR") and the Swiss Data Protection law ("DSG").

Please note that this Privacy Policy is not necessarily a comprehensive description of our data processing. It is possible that other privacy policies or general terms and conditions or similar documents are applicable to specific circumstances.

The company of the ERNI Group you are contracting with is your data controller, and is responsible for the collection, use, disclosure, retention and protection of your personal data in accordance with this Privacy Policy and our global privacy standards (see Section 2) as well as any applicable national laws. When you are using our website, ERNI Management Services AG is your data controller, and is responsible for the collection, use, disclosure, retention and protection of your personal data in accordance with this Privacy Policy and our Cookie Policy.

You can contact our data protection officer according to Article 37 GDPR using the following contact details: dataprivacy@betterask.erni. Our representative in the EEA according to Article 27 GDPR is: ERNI Management Services AG, Group Information Security Office, Löwenstrasse 11, 8001 Zürich.

We and our customers can be jointly responsible when we recruit personnel for these customers. In the event of such joint controllership, we will inform you about the essence of the arrangement with the joint controller and, if necessary, its privacy policy in the context of the job advertisement.

Please note that your data controller may transfer your personal data to other members of the ERNI Group as described in this Privacy Policy.

We may process and retain your personal data on our servers in Europe and elsewhere in the world where our data centres or cloud service provider are located. In any case we implement appropriate measures (technical and/or contractual) to ensure the data privacy level according to GDPR at all our data centres or with all our cloud service provider.

1.1 Personal Data

"Personal Data" is information that can be associated with a specific person and could be used to identify that specific person whether from that data or from that data and other information that we have or are likely to have access to. We do not consider personal data to include information that has been made anonymous within the meaning of the GDPR and DSG or aggregated so that it can no longer be used to identify a specific person, whether in combination with other information or otherwise.

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

1.2 Purpose of data collection, processing or use

The collection, processing or use of your personal data is carried out to fulfil our corporate purpose or supporting secondary purposes, such as customer service. We thus collect, process and use your personal data exclusively for the preparation and fulfilment of contracts, out of a legitimate interest, to comply with legal obligations or with the consent of the person concerned.

Please note that if you do not provide the information we require, we may not be able to provide some or all of our Services to you.

1.3 Changes to this Privacy Policy

We may amend this Privacy Policy at any time without prior notice. The current version published on our websites, applications etc. shall apply. If the Privacy Policy is part of an agreement with you, we will notify you by e-mail or other appropriate means in case of an amendment.

2 Global Privacy Standards

We operate a certified Information Security Management System (ISMS) according to ISO 27001:2013 including all Companies from ERNI Group in order to protect all relevant data.

3 Collection

3.1 Categories of Persons and of Data

We may collect, process and retain the below described personal data from you and any devices (including mobile devices).

- Candidate/applicant personal data
- Customer personal data
- Interested Party personal data
- Employee and Alumni (former employees) personal data
- Supplier personal data
- Website visitors personal data
- Other business partners personal data

3.2 Candidate personal data

The personal data we collect includes the following information:

- Name;
- Age;
- Sex/gender;
- Profile picture;
- Marital status;
- Contact details;
- Education details;
- Employment history;
- Languages;
- Personal goals;
- Salary expectations;
- Referee details;
- Immigration status (whether you need a work permit);

- Nationality/citizenship/place of birth;
- Social security number (or equivalent in your country) and any other tax-related information;
- Details about your current remuneration, pensions and benefits arrangements;
- Information on your interests and needs regarding future employment, both collected directly and inferred, for example from jobs viewed or articles read on our website;
- Extra information that you choose to tell us;
- Extra information that your referral contact chooses to tell us about you;
- Extra information that our Clients may tell us about you, or that we find from other third party sources such as job sites;
- IP address;

3.2.1 We collect candidate personal data in the following way:

- Personal data you give us
- Personal data we collect automatically
- Personal data we collect using cookies, web beacons and similar technologies
- Personal data from other publicly accessible sources (such as LinkedIn and other professional social media platforms)

Personal data you give us

- Entering your personal data on our recruiting websites (application form)
- Leaving a hard copy CV at a recruitment event, job fair or in one of our offices
- Mailing your CV to ERNI
- Applying for jobs through a job aggregator
- Participating in a campaign on social media channels such as Facebook or Twitter

Personal data we collect automatically

- Geo-location information (IP address), including location information from your mobile device. Keep in mind that most mobile devices allow you to control or disable the use of location services by any application on your mobile device in the device's settings' menu
- Computer and connection information such as statistics on your page views, traffic to and from the sites, referral URL, ad data, your IP address, your browsing history and your web log information

Personal data we collect using cookies, web beacons, and similar technologies

- We use cookies, web beacons, unique identifiers and similar technologies to collect information about the pages you view, the links you click and other actions you take on our Services, within our advertising or e-mail content. For more information about our use of these technologies and how to control them, see our policy on Cookies, Web Beacons and Similar Technologies.

Personal data from other sources

- From third party researcher, recruiting agencies and online and offline media
- From our employees to the extent that they provide us with your details to act as a referral

3.3 Customer personal data

The personal data we collect includes the following information:

- Name,
- Sex/gender,
- Position,
- Company,
- Contact details,

- Employment history,
- Information on your interests and needs, for example from articles read on our website;
- Extra information that you choose to tell us;
- IP address;
- The dates, times and frequency with which you access our websites

3.3.1 We collect Customer personal data in the following way:

- Personal data you give us
- Personal data we collect automatically
- Personal data we collect using cookies, web beacons and similar technologies
- Personal data from other sources

Personal data you give us

- in meetings and personal conversations
- Participating in a campaign on social media channels such as Facebook or Twitter

Personal data we collect automatically

- Geo-location information (IP address), including location information from your mobile device. Keep in mind that most mobile devices allow you to control or disable the use of location services by any application on your mobile device in the device's settings' menu
- Computer and connection information such as statistics on your page views, traffic to and from the sites, referral URL, ad data, your IP address, your browsing history and your web log information

Personal data we collect using cookies, web beacons, and similar technologies

- We use cookies, web beacons, unique identifiers and similar technologies to collect information about the pages you view, the links you click and other actions you take on our Services, within our advertising or e-mail content. For more information about our use of these technologies and how to control them, see our policy on Cookies, Web Beacons and Similar Technologies.

Personal data from other sources

- From third party researcher, recruiting agencies and online and offline media
- From our employees to the extent that they provide us with your details to act as a referral

3.4 Employee and Alumni personal data

The personal data we collect includes the following information:

- Name,
- Sex/gender,
- Position,
- Company,
- Contact details,
- Employment details
- Account Information,
- Social contribution information,
- Employment history,
- Timesheets including all booking types such as sick leave, annual leave, performance time,
- Extra information that you choose to tell us,
- Information discussed in Dialogs
- The dates, times and frequency with which you access our websites and systems
- Pictures
- Network usage

- Information on your interests and needs, for example from articles read on our website;

3.4.1 We collect Employee personal data in the following way:

- Personal data you give us
- Personal data we collect automatically
- Personal data we collect using cookies, web beacons and similar technologies
- Personal data from other sources

Personal data you give us

- in appointments, Dialogs
- in personal discussions with your superior or with other business related roles
- by participating in a campaign on social media channels such as Facebook or Twitter

Personal data we collect automatically

- Geo-location information (IP address), including location information from your mobile device. Keep in mind that most mobile devices allow you to control or disable the use of location services by any application on your mobile device in the device's settings' menu
- Computer and connection information such as statistics on your page views, traffic to and from the sites, referral URL, ad data, your IP address, your browsing history and your web log information

Personal data we collect using cookies, web beacons, and similar technologies

- We use cookies, web beacons, unique identifiers and similar technologies to collect information about the pages you view, the links you click and other actions you take on our Services, within our advertising or e-mail content. For more information about our use of these technologies and how to control them, see our policy on Cookies, Web Beacons and Similar Technologies.

Personal data from other sources

- Customer feedback about mandate performance
- Pictures from events

3.5 Supplier personal Data

The personal data we collect includes the following information:

- Name,
- Sex/gender,
- Position,
- Company,
- Contact details,
- Extra information that you choose to tell us;
- The dates, times and frequency with which you access our websites

3.5.1 We collect Supplier personal data in the following way:

- Personal data you give us
- Personal data we collect automatically
- Personal data we collect using cookies, web beacons and similar technologies
- Personal data from other sources

Personal data you give us

- in appointments,
- in any kind of conversation,
- Participating in a campaign on social media channels such as Facebook or Twitter

Personal data we collect automatically

- Geo-location information (IP address), including location information from your mobile device. Keep in mind that most mobile devices allow you to control or disable the use of location services by any application on your mobile device in the device's settings' menu
- Computer and connection information such as statistics on your page views, traffic to and from the sites, referral URL, ad data, your IP address, your browsing history and your web log information

Personal data we collect using cookies, web beacons, and similar technologies

- We use cookies, web beacons, unique identifiers and similar technologies to collect information about the pages you view, the links you click and other actions you take on our Services, within our advertising or e-mail content. For more information about our use of these technologies and how to control them, see our policy on Cookies, Web Beacons and Similar Technologies.

3.6 Website Visitor data

The personal data we collect includes the following information:

- Name,
- Sex/gender,
- Position,
- Company,
- Contact details including email address
- Extra information that you choose to tell us;
- The dates, times and frequency with which you access our websites;
- IP Address

3.6.1 We collect Visitor personal data in the following way:

- Personal data you give us
- Personal data we collect automatically
- Personal data we collect using cookies, web beacons and similar technologies
- Personal data from other sources

Personal data you give us

- Filling out webforms
- Participating in a campaign on social media channels such as Facebook or Twitter

Personal data we collect automatically

- Geo-location information (IP address), including location information from your mobile device. Keep in mind that most mobile devices allow you to control or disable the use of location services by any application on your mobile device in the device's settings' menu
- Computer and connection information such as statistics on your page views, traffic to and from the sites, referral URL, ad data, your IP address, your browsing history and your web log information

Personal data we collect using cookies, web beacons, and similar technologies

- We use cookies, web beacons, unique identifiers and similar technologies to collect information about the pages you view, the links you click and other actions you take on our Services, within our advertising or e-mail content. For more information about our use of these technologies and how to control them, see our policy on Cookies, Web Beacons and Similar Technologies.

4 Use and Retention

4.1.1 Candidate personal data

We use personal data we collect for:

- Recruiting Activities
- Marketing Activities

4.1.2 Customer personal data

We use personal data we collect for:

- Recruiting Activities
- Marketing Activities
- Providing our Services

4.1.3 Employee personal data

We use personal data we collect for:

- Recruiting Activities
- Marketing Activities
- HR related Activities
- Providing our Services

4.1.4 Supplier personal data

We use personal data we collect for:

- Supplier management Activities

4.1.5 Website visitors personal data

We use personal data we collect for:

- Marketing Activities
- Provide, improve and personalize our Websites

4.2 Marketing Activities

The following describes our use of personal data for marketing purposes:

- Targeted E-mail
 - Existing customers: Article 6 para. 1 lit. f GDPR
 - New customers: Article 6 para. 1 lit. a GDPR
- Customer Relationship Management(CRM) Databases (Article 6 para. 1 lit. f GDPR)
- Combining and Analysing Personal Data (Article 6 para. 1 lit. f GDPR)

4.2.1 Targeted E-mail

We send commercial e-mail to individuals at our client or other companies with whom we want to develop or maintain a business relationship in accordance with applicable marketing laws. Our targeted e-mail messages typically include web beacons, cookies, and similar technologies that allow us to know whether you open, read, or delete the message, and links you may click. When you click a link in a marketing e-mail you receive from us, we will also use a cookie to log what pages you view and what content you download from our websites, even if you are not registered at or signed into our site.

All our commercial e-mails include a link where you can opt out from our mailing lists.

Targeted e-mails from us may include additional data privacy information, as required by applicable laws.

4.2.2 Customer Relationship Management (CRM) Databases

Like all companies, we use customer relationship management (CRM) database technology to manage and track our marketing efforts. Our CRM databases include personal data belonging to individuals at our client and other companies with whom we already have a business relationship or want to develop one. The personal data used for these purposes includes relevant business information.

If you wish to be excluded from our CRM databases, please inform us via the Contact Us form or by sending us an email to marketing@erni.ch

4.2.3 Combining and Analyzing Personal Data

As described above, we may combine data from publicly available sources, and from our different e-mail, website, and personal interactions with you (this includes information collected across our different websites such as our careers and corporate sites and information collected when you sign-up or log on to our websites or connect to our websites using your social media credentials (such as LinkedIn and Xing). We combine this data to better assess your experience with ERNI and to perform the other activities described throughout our Privacy Policy.

4.2.4 Your Rights (right to object)

You can exercise your right to prevent marketing communications to you by checking certain boxes on the forms we use to collect your personal data, or by utilizing opt-out mechanisms in e-mails we send to you. You can also exercise the right to discontinue marketing communications to you, or to have your personal data removed from our customer relationship management (CRM) databases at any time by using our Contact Us form or our Privacy Center on the webpage. In such cases, we will retain minimum personal data to note that you opted out in order to avoid contacting you again.

4.3 Recruiting Activities

Recruiting Activities includes the following processes:

- Validation of the candidate in order to check whether the candidate suits one or multiple vacancies (based on the screenings by our recruiters, line managers and domain experts) (Article 6 para. 1 lit. b GDPR).
- Keeping the candidate in a candidate pool for later consideration up to three years after receiving the candidate's personal data (Article 6 para. 1 lit. a GDPR).
- Linking personal data, which has been submitted via above defined sources, and information which were provided by the candidate during the screening/interview process (including technical exercises, e-mail correspondence, written telephone protocols and similar data) (Article 6 para. 1 lit. b GDPR).
- In case of an employment, the personal data may be forwarded to external partners for work contract preparation and work permit organization (Article 6 para. 1 lit. b GDPR).

4.4 HR related Activities (Article 6 para. 1 lit. b/f GDPR)

HR Activities includes the following processes:

- Entry & leave process
- Performance review
- Employee development
- HR Administration processes including pay-rolling

4.5 Providing our Services (Article 6 para. 1 lit. b/f GDPR)

Providing our Services includes the following processes:

- Winning Mandates (submitting CV to Customers)
- Project Performance Reviews

4.6 Provide, improve and personalize our Websites (Article 6 para. 1 lit. a/f GDPR)

- Provide access to and use of our Services.
- Offer you site content that includes items and services that you may like.
- Customize, measure and improve our Services
- Provide other services requested by you as described when we collect the information

- We may use geo-location (IP address) information to provide you with location based services (such as advertising, search results and other personalized content)

4.7 Prevent, detect, mitigate and investigate fraudulent or illegal activities (Article 6 para. 1 lit. c/f GDPR)

- Prevent, detect, mitigate and investigate fraud, security breaches, potentially prohibited or illegal activities
- Enforce our Privacy Policy, our User Agreement or other policies

4.8 Data retention

We retain your personal data as long as it is necessary and relevant for our operations. In addition, we may retain personal data from closed accounts to comply with national laws, prevent fraud, collect any fees owed, resolve disputes, troubleshoot problems, assist with any investigation, and take other actions permitted or required by applicable national laws. After it is no longer necessary for us to retain your personal data, we dispose of it in a secure manner according to our data retention and deletion policies.

4.8.1 Retention Candidate Data

The personal data of the candidate will be saved up to two years. Afterwards, the personal data of the candidate will get deleted automatically. However, saving the personal data of the candidate for a longer time range than two years can be agreed between the candidate and ERNI in a written form (where applicable; depending on legal situation of the corresponding country).

The candidate will always be able to request a deletion of her/his personal data via e-mail or via post (see imprint of join.ERNI for further information).

5 Choice

You have a choice about how we use your personal data to communicate with you and to send you marketing information.

5.1 Marketing and communication preferences

If you do not wish to receive marketing communications from us, you can unsubscribe from the link in the e-mail you received, change your Communication Preferences or indicate your communication preferences within the direct communication from us.

5.2 Withdraw consent

If you wish to withdraw your consent, please send us an e-mail to marketing@erni.ch. Please consider, that if you withdraw your consent for the use or disclosure of your personal data for purposes set out in this Privacy Policy, you may not have access to all our Services and we might not be able to provide you some or all of the Services and customer support offered to our users and authorized under this Privacy Policy.

6 Your rights

It is important to us that our data processing is fair and transparent. It is therefore important to us that you can exercise the following rights in addition to your right to object if the respective legal requirements are met:

- Right of access, Art. 15 GDPR
- Right of rectification, Art. 16 GDPR
- Right of erasure ("right to be forgotten"), Art. 17 GDPR
- Right of restriction of processing, Art. 18 GDPR
- Right to data portability, Art. 20 GDPR

- Right to object, Art. 21 GDPR

To exercise your right, you can contact dataprivacy@erni.ch by e-mail.

Furthermore, according to Article 77 GDPR you have the right to appeal to a supervisory authority. The competent data protection authority in Switzerland is the Federal Data Protection and Information Commissioner “EDÖB” (<https://www.edoeb.admin.ch/edoeb/de/home.html>).

7 Disclosure

We may transfer your personal data to other companies of the ERNI Group or to third parties as described below. This transfer may be required for to operate (for example Cloud Services) and to provide you access to our Services, to perform Customer satisfaction surveys, to comply with our legal obligations, to facilitate our marketing and advertising activities, or to prevent, detect, mitigate and investigate fraudulent or illegal activities related to our Services. We minimize the amount of personal data we transfer to what is directly relevant and necessary to accomplish the specified purpose. As stated above, we do not transfer your personal data to third parties (other than ERNI Group companies) for their marketing and advertising purposes.

We may transfer your personal data to the following parties and for the following purposes:

7.1 ERNI Group companies, who may use it to:

- provide joint content and services (such as customer support)
- help detect and prevent potentially fraudulent and illegal acts, violations of our User Agreement and data security breaches
- guide decisions about their products, sites, applications, services, tools and marketing communications. Companies of ERNI Group will use your personal data to send you marketing communications only if you have consented to receive such communications from them

7.2 ERNI Customers

- submitting CV of our employees towards Customers to verify the expertise level

7.3 Service Providers and financial institution partners

- Third party service providers who help us to provide our Services, payment processing services, assist us in providing customized advertising, to assist us with the prevention, detection, mitigation and investigation of potentially illegal acts, violations of our User Agreement, fraud and/or security breaches, bill collection, and other business operations
- Third party service providers who provide us Cloud Services and Cloud Storage

7.4 Law enforcement, legal proceedings and as authorized by law

- to comply with our legal requirements, respond to claims that a listing or other content violates the rights of others, or protect anyone's rights, property or safety.
- to law enforcement or governmental agencies, or authorized third-parties, in response to a verified request relating to a criminal investigation or alleged or suspected illegal activity or any other activity that may expose us, you, or any other of our users to legal liability. We will only transfer information we deem relevant to the investigation or inquiry, such as name, city, state, postcode, telephone number, email address, User ID history, IP address, fraud complaints
- to third parties involved in a legal proceeding, if they provide us with a subpoena, court order or substantially similar legal procedure, or we otherwise believe in good faith that the disclosure of information is necessary to prevent imminent physical harm or financial loss or to report suspected illegal activity

8 Data Transfers Abroad

We may transfer your personal data to recipients abroad (they may be located in any country worldwide), including to countries that do not provide the same level of protection as Switzerland or the member states of the EU/EEA. If we transfer your personal data to such a country, we take appropriate measures to protect your personal data, such as concluding data transfer agreements based on „Standard Contractual Clauses“ (SCC). Please contact us if you would like to receive a copy of our data transfer agreements. In exceptional cases, your personal data may be transferred to countries without adequate protection, e.g. if explicit consent has been granted (Article 49 para. 1 lit. a GDPR), to execute a contract with the person concerned, or to process your contract request (lit. b), to conclude or execute a contract with someone else in the interest of the person concerned (lit. c), or to establish, exercise or defend legal rights (lit. e).

9 Security

We manage Information Security with our ISO 27001:2013 certified Information Security Management System (ISMS). Within ISMS we protect your personal data using technical and organizational security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centres and information access authorization controls. If you believe your personal data had been misused, please contact us following the instructions in the Contact Us section (Art. 10) below.

10 Third Party Privacy Practices

This Privacy Policy addresses only the use and disclosure of personal data we collect from you. If you disclose your information to others, or if you are directed to a third-party website, their privacy policies and practices will apply.

We cannot guarantee the privacy or security of your personal data once you provide it to a third party and we encourage you to evaluate the privacy and security policies before you share your information.

11 Questions or Complaints

If you have a question or a complaint about this Privacy Policy, our information handling practices, you can reach the Global Information Security Office in writing by sending us a letter or postcard to: ERNI Management Services AG, Group Information Security Office, Löwenstrasse 11, 8001 Zürich, Switzerland or by e-mail to dataprivacy@erni.ch,

You can also find more information on how to contact us at [privacypolicy.ERNI](https://www.erni.com/privacypolicy)