

Data protection notice from AVENA – Fondation BCV 2^e pilier

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Fondation BCV 2^e pilier

As part of its activities, AVENA – Fondation BCV 2^e pilier (“the Fund”) processes the personal data of its members and other persons related to its members (collectively, “Data Subjects”).

The Fund collects and processes the personal data of Data Subjects in conformity with the Swiss Federal Law on Occupational Retirement, Survivors' and Disability Pension Plans (the “LPP”) and with the relevant provisions of the Swiss Federal Data Protection Act (the “LPD”).

This aim of this notice is to inform all Data Subjects about the collection and processing of personal data by the Fund. It also sets out members' rights in this regard.

Data Subjects must send this notice to other related Data Subjects with whom the Fund does not have direct contact (e.g., members' relatives).

Article 1 Data Subjects

The Fund collects and processes personal data from the following Data Subjects:

- members and pension recipients, their relatives, and other beneficiaries
- former, current, and future employers, and specifically the contact persons for and representatives of those companies
- members' relatives
- agents, holders of claims, legal representatives, and other involved persons
- members of the Fund's governing bodies
- insurance brokers
- contact persons from the social security system, private insurers, pension funds, vested benefit institutions, suppliers, business partners, and public authorities and agencies
- persons who benefit from the Fund's services
- persons who contact the Fund's secretariat
- all other persons who contact the Fund.

Article 2 Types and sources of personal data

The term “personal data” refers to all information relating to an identified person (e.g., by their first and last name) or identifiable person (e.g., by an AVS number).

The Fund may be required to process the following types of personal data:

- *personal information*, such as name, AVS number, date of birth, mailing address, email address, telephone number, information on family members such as spouse's and children's names, and marital status
- *work-related information*, such as profession, job title, and employer's name
- *banking information*, such as bank account details
- *financial information*, such any information on the person's income (salary, voluntary contributions, etc.), and taxes (e.g., tax domicile)
- *social security information*, such as the start and end dates of incapacity for work or disability, disability insurance (AI) files, and social security benefits paid out
- *health data*
- *relationships*, e.g., power of attorney, principal.

This information may be collected by the Fund directly from each Data Subject or, in some cases, from public sources or third parties.

Article 3 Legal basis and purpose of personal data processing by the Fund

The Fund processes Data Subjects' personal data on the basis of:

(i) Occupational pension legislation

The Fund processes the personal data of Data Subjects in accordance with occupational pension legislation, including to:

- fulfill its obligations under the LPP and its implementing ordinances
- calculate and collect contributions
- determine entitlement to benefits, calculate and pay them out, and coordinate them with other social insurance
- bring indemnity claims against responsible third parties
- evaluate the health, degree of physical or psychological incapacity, needs, and financial situation of Data Subjects
- enter into and manage membership agreements with employers.

(ii) The legitimate interests of the Fund

The Fund may process personal data in connection with its legitimate interests, including to:

- improve the organization, services and internal processes of the Fund.

(iii) The consent of the Data Subject

- For all processing of personal data that cannot be justified on the above grounds, the Fund obtains consent from Data Subjects.

Data Subjects acknowledge that when they authorize the Fund to process their personal data for specific purposes, such processing is lawful by reason of their consent. Data Subjects may revoke their consent at any time. However, their consent remains valid for all processing of personal data carried out before the consent was revoked. Revoking consent may prevent the Fund from providing certain services to the Data Subjects.

Article 4 Disclosure of personal data

The Fund does not disclose data on Data Subjects' health, or on transactions such as voluntary contributions or early withdrawals, to Data Subjects' employers.

Personal data are not transferred, sold, or communicated in any manner to third parties except when necessary to manage contracts or fulfill the Fund's legal obligations, or when the Data Subject has given their consent. Personal data may also be communicated to third parties when the Fund is required to do so by law or by enforceable administrative or court decisions.

Data relating to members' and pension recipients' compulsory occupational pension coverage are only disclosed when required by law.

With regard to the notification and occurrence of an insured event and other services such as a transfer or payment of termination benefits, the Fund may exchange personal data with, e.g., vested benefits

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institutions, other pension funds, public authorities and agencies (e.g., social security offices, in particular the disability insurance office or social welfare offices), other insurers, service providers and medical experts, banks and creditors, courts, and lawyers. The Fund may also collect personal data on Data Subjects and exchange them with, e.g., doctors and other service providers, experts, the authorities, the courts, persons likely to provide information, and lawyers (e.g., for the purposes of coordinating benefit obligations or clarifying or exercising the right to legal recourse). In particular, in the event of a divorce or an estate dispute, the Fund discloses personal data to the courts and to other pension funds or vested benefits institutions.

The Fund may disclose personal data to third parties for the purposes of credit checks or debt collection, e.g., regarding claims or the conduct of debtors.

The Fund may also disclose personal data to associated entities responsible for processing the data and to subcontractors. These entities are required to process personal data in absolute conformity with the Fund's instructions and to take appropriate measures to preserve the security of personal data. The Fund ensures that personal data is protected throughout its processing through careful selection of service providers and appropriate contractual terms. This clause mainly concerns IT services, data analysis, data valuation, and consulting services.

Article 5 Cross-border transfer of personal data

The Fund may also disclose personal data outside of Switzerland to the persons described in Article 4 above. If the Fund discloses personal data to a state that cannot guarantee adequate protection as set out in the LPD, the Fund will put in place adequate technical, organizational and legal measures to protect the personal data, including standard contractual commitments with the personal data recipient that have been approved by the Swiss federal data protection agency.

When disclosing personal data to foreign authorities, the Fund complies with the applicable legal provisions on international judicial assistance and on the direct transmission of non-public information to foreign authorities and entities.

Article 6 Length of time personal data are stored

The length of time the personal data are stored depends on the applicable legal and regulatory storage period as well as the purpose for which they are processed.

- If pension benefits are paid out, the Fund is required to maintain a record of them until 10 years after the entitlement to pension benefits expires.
- If no pension benefits are paid out, the Fund stores personal data until the member turns or would have turned 100 years old.
- A longer storage period may be justified to enable the Fund to determine facts, exercise its rights, defend itself from a current or future claim, or take part in an investigation carried out by a public authority in Switzerland or abroad.

Article 7 Rights of Data Subjects

Each Data Subject has the following rights with regard to their personal data, subject to the applicable regulations, particularly in the event of a legal restriction, the overriding interest of a third party, or an unjustifiable request:

- the right to access their personal data.

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- the right to receive, in a commonly used electronic format, the personal data communicated by the Data Subject and automatically processed by the Fund on the basis of the Data Subject's consent.
- the right to have their personal data corrected if they are inaccurate or incomplete. In this regard, the Fund seeks to ensure that the personal data are accurate and up to date. If the data change, the Data Subject should inform the Fund as soon as possible.
- the right to request the deletion or destruction of their personal data. However, this right is not absolute and may be limited by overriding interests that require the ongoing collection of personal data.

Any Data Subject can exercise the rights set out above or ask any questions about this notice by contacting the Fund in writing at the address below.

AVENA – Fondation BCV 2e pilier
Case postale 300
1001 Lausanne
Switzerland