

## » *Data Protection Declaration of the Fisch Asset Management AG*

This data protection declaration applies to all persons whose data we process, regardless of how the persons contact us, e.g. by telephone, on a website, in an app, via a social network, at an event etc. It is both applicable to the processing of personal data that has already been collected and that will be collected in the future. Fisch Asset Management AG and its affiliated companies (hereinafter "Fisch") are required to protect and securely store the personal data of their current, future and former clients (hereinafter "clients", "users") in accordance with applicable legislation, in particular the Swiss Federal Data Protection Act (hereinafter the "DPA") and, where applicable, the European General Data Protection Regulation (hereinafter the "GDPR"). The present Data Protection Declaration includes information on how we collect and further process personal data. This Data Protection Statement is not necessarily a comprehensive description of our data processing. It is possible that other data protection statements or General Terms and Conditions, Conditions of Participation or similar documents are applicable to specific circumstances. The term "personal data" in this Data Protection Statement shall mean any information that identifies or could reasonably be used to identify any person.

Notwithstanding the provisions of this Data Protection Declaration, the provisions of any contracts into which you have entered with us shall take precedence.

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### A. General note on data processing

#### **1. Controller**

The "controller" of data processing as described in this data protection statement (i.e. the responsible person) is Fisch Asset Management AG, Bellerivestrasse 241, CH-8008 Zürich. You can notify us of any data protection related concerns using the following contact details: [privacy@fam.ch](mailto:privacy@fam.ch)

Our representative in the EEA according to art. 27 GDPR (if required) is: Fisch Asset Management GmbH, Niedenau 45, D-60325 Frankfurt am Main.

## 2. Processing of personal data

### 2.1. Scope of processing of personal data

Fisch primarily processes personal data that are obtained from clients and other business partners of Fisch as well as other individuals in the context of the business relationships with them or that are collected from users when operating our websites, apps and other applications.

Insofar as it is permitted to us, we obtain certain personal data from publicly accessible sources (e.g., debt registers, land registries, commercial registers, press, internet) or we may receive such information from affiliated companies of Fisch, from authorities or other third parties (such as e.g., KYC Databases).

Fisch may collect, use and pass on your personal data to enable Fisch (i) to conduct its day-to-day business activities and transactions with you; (ii) to meet its obligations based on the terms of use of the website; (iii) to carry out statistical analyses of the pages of the website that were visited; (iv) to monitor and analyze its business activities; (v) to play its part in preventing crime and complying with statutory and supervisory regulations; (vi) to develop and market other products and services and (vii) to delegate Fisch's rights or obligations.

Apart from data you provided to us directly, the categories of data we receive about you from third parties include, but are not limited to, information from public registers, data received in connection with administrative or court proceedings, information in connection with your professional role and activities (e.g., in order to conclude and carry out contracts with your employer), information about you in correspondence and discussions with third parties, credit rating information (if we conduct business activities with you personally), information about you given to us by individuals associated with you (family, consultants, legal representatives, etc.) in order to conclude or process contracts with you or with your involvement (e.g. references, your delivery-address, powers of attorney), information regarding legal regulations such as anti-money laundering and export restrictions, bank details, information regarding insurances, our distributors and other business partners for the purpose of ordering or delivering services to you or by you (e.g., payments made, previous purchases), information about you found in the media or internet (insofar as indicated in the specific case, e.g. in connection with job applications, media reviews, marketing/sales, etc.), your address and any interests and other socio-demographic data (for marketing purposes), data in connection with your use of our websites (e.g., IP address, MAC address of your smartphone or computers, information regarding your device and settings, cookies, date and time of your visit, sites and content retrieved, applications used, referring website, localization data).

In addition, in line with applicable law and where appropriate, we may process your personal data and personal data of third parties for the following purposes, which are in our (or, as the case may be, any third parties') legitimate interest, such as:

- providing and developing our products, services and websites, apps and other platforms, on which we are active;
- communication with third parties and processing of their requests (e.g., job applications, media inquiries);
- review and optimization of procedures regarding needs assessment for the purpose of direct customer approach as well as obtaining personal data from publicly accessible sources for customer acquisition;
- advertisement and marketing (including organizing events), provided that you have not objected to the use of your data for this purpose (if you are part of our customer base and you receive our advertisement, you may object at any time and we will place you on a blacklist against further advertising mailings);
- market and opinion research, media surveillance;
- asserting legal claims and defense in legal disputes and official proceedings;
- prevention and investigation of criminal offences and other misconduct (e.g. conducting internal investigations, data analysis to combat fraud);
- ensuring our operation, including our IT, our websites, apps and other appliances;
- video surveillance to protect our domiciliary rights and other measures to ensure the safety of our premises and facilities as well as protection of our employees and other individuals and assets owner by or entrusted to us (such as e.g. access controls, visitor logs, network and mail scanners, telephone recordings).

Fisch will not collect or require the disclosure of any sensitive personal data (e.g. ethnicity, religion or medical data). However, should you decide to provide such sensitive personal data, Fisch may assume that these sensitive data have been made available with your consent, and they may be processed by Fisch as we deem appropriate, unless you provide Fisch with written instruction to the contrary.

## **2.2. Data security**

At Fisch, your personal data are transferred and stored in a secure environment. We have taken appropriate technical and organizational security measures to protect your personal data from unauthorized access and misuse such as internal policies, training, IT and network security solutions, access controls and restrictions, encryption of data carriers and transmissions. We will take all reasonable steps to prevent third parties who are not trusted service providers of Fisch from gaining access to your personal data. We shall pass on your data to other third parties only if compelled to do so on statutory, official or supervisory reasons. We shall not pass on to others any information on you except to the extent we deem lawful or if you have consented to our doing so.

## **2.3. Outsourcing**

Fisch has delegated the storage and archiving of company and client data to a specialized third-party company. This outsourced activity is limited to data storage and archiving and may take place abroad. Data processing remains within the company and is not outsourced. The activity of the third-party company primarily entails hosting and server maintenance.

## 2.4. Data transfer

In the context of our business activities and in line with the purposes of the data processing set out in Section 3, we may transfer data to third parties, insofar as such a transfer is permitted and we deem it appropriate, in order for them to process data for us or, as the case may be, their own purposes. In particular, the following categories of recipients may be concerned:

- our service providers (within the Fisch group or externally, such as e.g. banks, insurances), including processors (such as e.g. IT providers);
- dealers, suppliers, subcontractors and other business partners;
- clients;
- domestic and foreign authorities or courts;
- the media;
- the public, including users of our websites and social media;
- other parties in possible or pending legal proceedings;
- affiliates of the Fisch group;

together Recipients.

Certain Recipients may be within Switzerland but they may be located in any country worldwide. In particular, you must anticipate your data to be transmitted to any country in which the Fisch-Group is represented by affiliates, branches or other offices as well as to other countries in Europe and the USA where our service providers are located (such as Microsoft, Amazon, Salesforce.com).

## 2.5. Data protection on the internet

At Fisch applies various security regulations to ensure the protection of your personal data. However, Fisch assumes no responsibility or liability for the security of your data at the time when they are transmitted to us via the internet. We wish to remind you that, to protect your privacy, you may also contact us through other means of communication should you deem it appropriate.

This website may contain hyperlinks to third-party websites that are not operated or monitored by Fisch. Once you leave our website, Fisch is not responsible for the content or privacy practices of third-party websites.

## 2.6. Recording and monitoring

Fisch may record or monitor telephone calls and email correspondence between you and Fisch for security reasons, for compliance purposes and to maintain and improve the quality of Fisch's services.

### 3. Legal basis for the processing of personal data

Fisch processes personal data in accordance with the provisions of the DPA and – where applicable – the GDPR. In particular, Article 6 of the GDPR governs the lawfulness of data processing.

We primarily use collected data in order to conclude and process contracts with our clients and business partners, in particular in connection with the management of collective investment schemes, the portfolio management and adopting functions in the investment fund business to our clients and the procurement of products and services from our suppliers and subcontractors, as well as in order to comply with our domestic and foreign legal obligations. You may be affected by our data processing in your capacity as an employee of such a client or business partner.

At Fisch, the processing of personal data is based on:

- contractual agreements. Its purpose is to fulfil contractual obligations between you and Fisch. This also applies to processing operations required to take steps prior to entering into a contract.
- a legal obligation to which Fisch is subject.
- your consent through your use of Fisch's website.
- a legitimate interest pursued by Fisch or by a third party, except where such interests are overridden by your interests, or fundamental rights and freedoms.

### 4. Duration of storage

The personal data will be processed or stored for as long as is necessary to fulfil the purpose of data collection and to meet the contractual or statutory obligations. Storage over and above this is possible where provided for in national or international law applicable to Fisch (legal retention and documentation periods).

As a rule, data are also blocked or erased when the retention period laid down in the applicable legal standards expires, barring the necessity for continued storage of the data for entering into a contract or for the performance of a contract. As soon as your personal data are no longer required for the above-mentioned purposes, they will be deleted or anonymized, to the extent possible. In general, shorter retention periods of no more than three years apply for operational data (e.g., system logs). Regarding the storage of cookies, we would refer you to section 3 of the information below relating to the use of cookies and web analytics services.

### B. Use of cookies and web analytics services

Our website uses cookies. We take data protection and transparency very seriously, particularly with regard to the internet. We have therefore provided the following important information on the use of cookies and how to disable them.

When you visit our website for the first time, you will be asked to agree to the use of cookies in accordance with the conditions set out below. This request will generally not appear on subsequent visits to the website. By using our websites and consenting to the receipt of newsletters and other marketing e-mails you agree to our use of such techniques. However, you may revoke your consent at any time by disabling cookies in your browser settings.

If you do not disable cookies, we will assume that you agree to our use of cookies.

### **1. What are cookies?**

Cookies are small text files that are stored on your computer or mobile device. The purpose of cookies is to make our website recognize your device as you browse the site, making it easier for you to use as well as personalizing it to your preferences. Cookies also help our website developers compile statistics on how visitors engage with different areas of the website, using this information to help us continue to make our website even more responsive and user-friendly for you.

### **2. Types of cookies used by Fisch**

Fisch makes use of technically necessary cookies and may also use analytical cookies as described below.

### **3. Technically necessary cookies**

Fisch uses technically necessary cookies for displaying relevant approved financial products. The type of investor and domicile of the user are checked and stored. We are not permitted to display any financial products without these cookies and the corresponding definition of investor type and domicile.

These settings are stored in a session cookie for the duration of your website visit. When you close your browser, the technically necessary cookie is automatically deleted. Technical cookies are strictly necessary in order to provide the desired service.

### **4. Analytical cookies**

Analytical cookies are used to collect statistical data on the use of our websites, e.g. which websites are visited most frequently, how many users the websites have, and where the users are located. The purpose of analytical cookies is to record the quality and performance of our web pages and in particular help us to continually improve our offering and website security as well as our content and services.

### **5. Google Analytics**

When you visit our website for the first time, a pop-up message will indicate that cookies are being used to evaluate the use of our website. By clicking the "Yes, I accept" button, you agree to the use of your data within the scope of this data protection declaration. Your user behaviour will only be recorded if and when you expressly agree to this. This is known as opting-in.

#### **Purpose of Google Analytics processing**

Google Analytics is a tool used to measure how users interact with website content. This analysis provides us with statistics such as the number of users, which pages are visited most often, and the duration of visits.

#### **Data retention period of Google Analytics**

In order to keep track of activities, cookies are stored on the hard disk of your computer or mobile device and automatically deleted after a maximum of 24 months. These cookies contain a machine-generated alphanumeric identifier that does not allow any personal information or the anonymized IP address of your computer to be exposed. Your IP address is partially masked and subsequently anonymized immediately. We only use cookies to collect anonymized data, which enables us to analyze how our website is used.

Usage data is stored in Google Analytics in anonymized form for an unlimited period. This allows us to compare how our website is used over a longer period of time.

The information generated by cookies about your use of this website is generally transmitted to a Google server in the United States and stored there.

Google uses this information on behalf of the website operator to evaluate your cross-device use of this website, to compile reports on website activity and to provide further services to the website operator in connection with the use of this website and the internet.

### **Data protection rights**

You may revoke your consent at any time with effect for the future by disabling cookies using the appropriate browser settings; however, we wish to point out that in doing so you may not be able to enjoy full use of all website functions.

You can clear cookies at any time using your browser settings.

Google Analytics supports an optional add-on browser under this link. By installing and activating it, users can prevent their data from being collected when visiting Google Analytics websites. However, the add-on only disables data collection by Google Analytics.

Your consent forms the legal basis for the use of Google Analytics in accordance with Art. 17 Abs. 1 lit. a. DSGVO or Art. 6 Para. 1 lit. a GDPR.

Further information on the use of cookies and data protection at Google Analytics can be found via the following two links:

[Google Analytics Cookie Usage on Websites](#)

[Google Analytics Data Protection](#)

### **6. Personal evaluation**

We would like to provide you with information that reflects your interests. Wherever possible, we therefore try to evaluate user behaviour on our website on an identifiable basis.

### **7. Duration of storage of cookies**

The duration of storage of cookies is in accordance with the applicable legal requirements. We would like to point out the possibility of deleting already stored cookies at any time; this can also be done automatically. You may delete cookies by using your internet browser settings.

### **8. Disabling cookies**

Cookies are stored on the user's computer and sent from there to our website. You, the user, thus have full control over the use of cookies.

If you do not wish to receive cookies, you have the option to disable cookies in your web browser. Disabling cookies means that it is no longer possible to install new cookies. However, it does not prevent previously stored cookies from continuing to function on your device as long as you have not deleted them from your browser settings. Instructions on how to manage cookies on your browser can usually be found in the browser's help function or in your smartphone user guide.

## 9. Social Media

In addition, we use plug-ins from social networks such as Facebook, X (Twitter), Youtube or LinkedIn on our websites. This is visible for you (typically based on the respective symbols). We have configured these elements to be disabled by default. If you activate them (by clicking on them), the operators of the respective social networks may record that you are on our website and where on our website you are exactly and may use this information for their own purposes. This processing of your personal data lays in the responsibility of the respective operator and occurs according to its data protection regulations. We do not receive any information about you from the respective operator.

### C. Email correspondence

Contact may be made via the email address provided. In this case, the sender's personal data sent with the email will be stored. This data will be used exclusively for processing the correspondence.

In handling client initiation of correspondence via email, the requisite legitimate interest in data processing on the part of Fisch lies in Fisch's duty to process the correspondence. The purpose of the other personal data processed when sending a response is to ensure the security of our IT systems. If you make contact with us via email, you can object to the storage of your personal data at any time (cf. G. below: "Data protection rights of the client"). If you do this, the communication cannot proceed.

### D. Marketing-E-Mails

Fisch sends informational marketing emails (newsletters, event invitations, etc.) using software which enables the collection of behavioural data. This process entails the storage and evaluation of the personal data of the recipients of these emails abroad, including:

- Statistical evaluation of emails, including actions traceable to individual recipients, such as clicking or link opening behaviour. This information is used to form target groups and influence the sending of future emails.
- Automatic sending of follow-up emails based on recipient reactions.
- Non-anonymized surveys and the evaluation of data specific to individuals.

By using marketing emails, you agree to the processing of the data collected about you in the manner and for the purposes described in this data protection declaration. Recipients can opt out of receiving such marketing emails at any time using the unsubscribe link in each email.

All tracking data collected through marketing emails are stored abroad in line with legal and regulatory requirements.

### E. Obligation to provide personal data

In the context of our business relationship you must provide us with any personal data that is necessary for the conclusion and performance of a business relationship and the performance of our contractual obligations (as a rule, there is no statutory requirement to provide us with data). Without this information, we will usually not be able to enter into or carry out a contract with you (or the entity or person you represent). In addition, the website cannot be used unless certain information is disclosed to enable data traffic (e.g. IP address).

### F. Profiling

We may partially process your personal data automatically with the aim of evaluating certain personal aspects (profiling). In particular, profiling allows us to inform and advise you about products possibly relevant for you more accurately. For this purpose, we may use evaluation tools that enable us to communicate with you and advertise you as required, including market and opinion research.



## G. Data protection rights of the client

In accordance with and as far as provided by applicable law, you have the right to access, rectification and erasure of your personal data, the right to restriction of processing or to object to our data processing, in particular for direct marketing purposes, for profiling carried out for direct marketing purposes and for other legitimate interests in processing in addition to right to receive certain personal data for transfer to another controller (data portability). Please note, however, that we reserve the right to enforce statutory restrictions on our part, for example if we are obliged to retain or process certain data, have an overriding interest (insofar as we may invoke such interests) or need the data for asserting claims. If exercising certain rights will incur costs on you, we will notify you thereof in advance. We have already informed you of the possibility to withdraw consent in Section 2 above. Please further note that the exercise of these rights may be in conflict with your contractual obligations and this may result in consequences such as premature contract termination or involve costs. If this is the case, we will inform you in advance unless it has already been contractually agreed upon.

In general, exercising these rights requires that you are able to prove your identity (e.g., by a copy of identification documents where your identity is not evident otherwise or can be verified in another way). In order to assert these rights, please contact us at the addresses provided in Section 1 above.

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

## H. Initiating contact

If you are, a Fisch client and you have any further questions about Fisch's data protection or would like to check that your personal data is accurate and up to date, please contact your relationship manager directly or send an email to [privacy@fam.ch](mailto:privacy@fam.ch).

## I. Data Protection Declaration updates

This Data Protection Declaration was last updated on 31 August 2023. Please be aware that Fisch reserves the right to amend this Data Protection Declaration at any time. Changes or additions to the above description of the processing of personal data are communicated through suitable channels of information, such as the Fisch website. We may amend this Data Protection Statement at any time without prior notice. The current version published on our website shall apply. If the Data Protection Statement is part of an agreement with you, we will notify you by e-mail or other appropriate means in case of an amendment. Your continued use of this website is an expression of consent and agreement with additional or amended provisions of this Data Protection Declaration.

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