

## Privacy Statement TX Markets Ltd

**This Privacy Statement of home.ch, a service by TX Markets Ltd, provides you with information about how we and the companies from the TX Group and related companies ([you can find a complete list of all related companies here](#)); hereafter referred to jointly as «We») deal with the data processed concerning you resulting from the use of our websites and mobile applications (hereafter, also referred to as the «Digital Offers» or «Portals»; ([you can find a complete list here](#)) or in any other manner. With regard to this Portal we are responsible for the Processing of your Personal Data and for the compliance of the Data Processing with applicable law. When processing data we shall abide by the applicable provisions of data protection law.**

«Personal Data» mean all individual details relating to the personal or factual circumstances of an identified or identifiable natural person. This means that it relates to information that may be attributed to you personally and reveal certain information about you. This Privacy Statement will also use the formulation «Your Data» to refer to these. «Processing» means any operation involving Your Data, including in particular the collection, storage, management, use, transfer, disclosure or cancellation of Your Data.

Please note that the terms set out below may be adjusted from time to time. We therefore recommend that you consult this Privacy Statement regularly. Third party websites that may be reached through our Portals are not subject to the principles laid down herein. We do not accept any responsibility or liability for the compliance with data protection requirements by third party websites.

We shall provide you with information below concerning the Personal Data that we collect and save concerning you in the event that you use our Portals and how we use this Data and to whom we may pass on this data if ap-

plicable. In addition, you will also receive information concerning the rights that you have against us in relation to the use of Your Data:

### 1. Scope and purpose of the Processing of Personal Data

#### a. if our Portals are visited

If you use our Digital Offers without providing any further indications, the web server technology used by us will automatically record general technical visit information in so-called log files. This includes inter alia the IP address of the device used by you for the visit, information relating to the browser type, the Internet Service Provider and the operating system used, the Digital Offers that are requested from us, reference/exit pages, along with the time and duration of the visit.

This information will be collected and processed for the purpose of enabling our websites to be used (connection setup), guaranteeing and enhancing the security and stability of our systems and Offers, analysing the usage of our Offers and services, collecting general demographic information and enabling our Internet presence to be improved (including but not limited to product improvements, marketing measures, targeted advertising etc.), and for internal statistical purposes. The user is not identified in this process. In addition, this automatically collected information and the Personal Data stored with us are generally not cross-referenced. However, an exception to this general rule may apply if you already have a registered User Account on one of our Portals. For more detailed information on the processing of registered users' Personal Data, see Sections 1.b and 1.c below.

If you send a message through a corresponding function on our Portal to a third party (for example an advertiser), it may be stored by us. You can also use free services on our Portal. Any Personal Data that you provide along

with the use of a free service or with the message (email address, telephone number etc.) may be used by us, for example, for the purposes of marketing and analysis. For more detailed information on the processing of Personal Data for purposes of marketing and analysis, see Section 4 below.

We can publish already on our Portal published information by you on other platforms or other media (e.g. newspapers), in adapted form where necessary.

In addition, we use cookies and analysis tools (e.g. Google Analytics) in relation to visits to our Portals. See further Sections 9 and 10 of this Privacy Statement.

#### b. when registering for a User Account

You can register and set up a User Account in order to use personalised services or enter restricted-access areas or in order to submit queries and administer your subscriptions. When doing so you will have to provide specific Personal Data. This may include for example:

- your email address, which may also be used as your username;
- password;

and, depending upon the context and offer, further information such as:

- first name and surname;
- address (full postal address, post code, locality);
- telephone number;
- date of birth;
- sex;
- information concerning the newsletters subscribed to or other advertising;
- language preferences.

In addition to the information marked as compulsory for the use of a particular Digital Offer, you may also provide and save further Personal Data on an optional basis.

We shall use the data in order to handle and administer our Digital Offers, to examine of the plausibility of the data entered, i.e. in relation to the foundation, substantive design, handling and alteration of the contractual relationships established with you through your User Account and in relation to chargeable services with a view to ensuring orderly invoicing.

If you post content using the relevant functions of our Portals (comments, photographs, videos etc.) in order to share it with other users, it may be published by us and thus made available to the public at large. The same shall apply also to your username or if need be a nickname chosen by you for this purpose. We refer you to the fact that once such data have been published on the Internet, even in the event that they are deleted or anonymised by you or by us, they will continue to be available to third parties, for example through search engines.

In clicking confirm in order to complete the registration process for the recording or modification of your User Account information, you guarantee that the information provided by you is substantively correct.

### **c. when using a Portal as a registered user**

When the Portal is being used by a registered user, we will collect data for statistical purposes in order to enable the smooth operation of the Portal and for the purpose of analysis, optimisation and the personalisation of the usage of our Offers and services. We thus collect data on whether and how you use our Digital Offers, and in particular which functions and which advertising you view. For more detailed information on the processing of these Personal Data, see Section 1.d and Section 4 below.

In the event that you use our Portal as a registered user, statistical data may be visible for other registered users and

will be collected and assessed by us.

### **d. in the event of the purchase / acquisition of a chargeable service**

If you buy a product on our websites or respectively acquire a chargeable service, the provision of data including for example first name and surname, address (full postal address, post code, locality) and any further data is compulsory, as we require this information in order to process the contract with you. If you select an online payment option such as a credit card or PayPal in relation to the purchase of a product or respectively a chargeable service, payment will be made through the online payment system of the relevant provider. In such cases, personal and payment data will be processed direct through the provider of the relevant payment system. We will not receive or save your payment data. The privacy policy of the relevant provider of the online payment system will apply in addition.

Insofar as you have registered and have created a User Account, we may save Your Data in the User Account for the next purchase / contract.

In any case, we will save all information regarding your current and previous purchases and contracts, i.e., products, services, number of products and services per purchase, and payment amount. We are entitled to use this information for purposes of marketing and analysis.

For more information about marketing and analysis purposes, please see Section 4 below.

### **e. in the event of participation in sweepstakes, competitions (events)**

We shall use the Data provided by you in order to organise and hold events and to inform the winners and/or publish information relating to them on our Portals either through direct notification

or on social networks. If you have allowed us to do this, we may use Your Data in accordance with Sections 2 and 4 and also disclose it in accordance with Section 3.

### **f. for user surveys and market research**

We use the data you provide exclusively to improve the user experience and to further develop our products. The results consist solely of aggregated and anonymous data. If you have given your consent, you may also be contacted by other companies of the TX Group for example to participate in other user surveys.

## **2. Direct marketing and online advertising**

By registering or placing an order as a visitor on one of our Portals (you can find a complete list here ) we may use your Personal Data by us also for personalised advertising. This relates both to the personalisation of advertising by email, such as for example emails containing general information or promotional material (newsletters), by telephone, mail, fax, text message, picture message and instant messaging services as well as the provision of personalised content and advertising on our Portals. When doing so we may evaluate the information automatically that is known to us concerning your conduct as a user on our Portals so we can avoid you receiving inappropriate advertising. You can find details of this Processing in Section 4.

By registering a User Account you will in principle also be automatically registered for one of our newsletters and your email address can be used accordingly also for our own advertising purposes until you unsubscribe from the newsletter concerned. At the end of each email sent by us you will find a link through which you may unsubscribe from the newsletter at any time.

You may also unsubscribe from the

newsletter at any time by sending an email to [datenschutz@homegate.ch](mailto:datenschutz@homegate.ch). Subscriptions may be cancelled at any time.

We are entitled to engage third parties to attend to the technical management of advertising measures and for our own advertising and are entitled to provide Your Data to them for this purpose (see below Section 3).

### 3. Disclosure of data to third parties

We work with other companies or persons or may appoint other companies or persons to process and store data. They may gain access to your Personal Data or user data, although only insofar as this is necessary in order to perform their tasks.

We may use and pass on the data registered by you or collected in relation to our usage measurements according to Section 1 above concerning your personal circumstances or respectively your User Account either to companies from the TX Group or companies related to the TX Group ([you can find a current list of all companies concerned here](#)) for the purpose of the assessment, improvement and customisation of our services or respectively the services of the related companies, customer care, personalisation and marketing. The forms of data processing performed by companies other than the TX Group or companies related to the TX Group are described in Section 4 below.

Disclosure to companies from the TX Group or to companies related to the TX Group ([you can find a full list of all companies concerned here](#)) in accordance with Section 3 above will occur in principle after the data have been pseudonymised or anonymised. This means that it will no longer be possible to attribute the data to you without drawing on additional information. Within companies from the TX Group or companies related to the TX Group ([you can find a full list of all companies](#)

[concerned here](#)) we ensure through contracts and technical and organisational measures that personal identification is no longer possible.

In addition, we may provide Your Data to third parties insofar as necessary for compliance with the contract. For this purpose, we may provide the necessary data to, as appropriate, transport companies, banks and other service providers. These service providers will use Your Data exclusively for compliance with the contract and not for other purposes. Insofar as this may be necessary for the purposes specified in sentence 1, data may also be disclosed abroad, for instance in order to enable the delivery of goods. You can find further information concerning transfers abroad in Section 5.

The Personal Data provided to us by you will not be sold, leased or handled outside the TX Group or related companies.

Aside from the disclosure described above, we will only disclose your Personal Data with your express consent, if we are required to do so by law or insofar as this is necessary in order to enforce our rights, and in particular to enforce claims arising under the contractual relationship.

In the event of a sale, merger or other reorganisation of several or all assets of our company, Personal Data may be transferred, sold or otherwise disclosed to third parties as part of this transaction or reorganisation.

If we are required to perform in advance, for example in relation to a purchase on account, we may carry out a credit check with a credit agency in order to uphold our justified interests on the basis of mathematical and statistical processes. In order to do so we will provide the Personal Data required for a credit check to a credit agency and use the information obtained regarding the statistical likelihood of a payment default in order to make a de-

cision concerning the establishment, implementation or termination of the contractual relationship. The credit check may contain probability values (scores) calculated on the basis of a scientifically recognised mathematical and statistical process and incorporate inter alia address details into the calculation. Your justified interests will be taken into account in accordance with statutory provisions.

### 4. Processing of your Personal Data for purposes of marketing and analysis

The companies of the TX Group or companies related to the TX Group (you can find a complete list of all relevant companies here ) strive to continuously improve the digital products and services offered you and to design them so as to better meet users' needs and to be more secure.

To this effect, user-specific past and future data available to us may be cross-referenced on an ongoing basis using various analytical tools in order to analyse, aggregate, pseudonymise or anonymise user behaviour beyond the confines of the Offer. In order to improve our database we may draw on publicly available data or data provided by third parties. The information obtained from your usage of our Offer may be used and assessed during the analysis of user behaviour by other participating companies. Such data Processing will take place primarily using pseudonymised or anonymised data. Processing will occur in particular for the purpose of providing personalised advertising to you in accordance with Section 2 or displaying such advertising to you on one of our Portals as well as enhancing the security of our Portals.

### 5. Transfer of Personal Data abroad

We are entitled to transfer your Personal Data abroad, including to third party companies (designated service providers) insofar as this is expedient for

the Data Processing described in this Privacy Statement. The recipients will be obliged to protect Your Data to the same extent as ourselves. If the level of data protection in a particular country is lower than that applicable in Switzerland, we will ensure under contract that the level of protection for your Personal Data is equivalent to that applicable in Switzerland. We shall ensure this through one or more of the following measures:

- by concluding EU Model Clauses with the appointed service providers, cf. [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en)
- through the appointed service providers having in place Binding Corporate Rules (BCR) that are recognised by a European data protection authority, cf. [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules_en)

## 6. Right to information, correction, cancellation or complaint

You have the right to exercise Your Data protection rights at any time and to request information as to whether and which Personal Data relating to you has been processed by us. You may also arrange for your Personal Data to be corrected, blocked or cancelled at any time in writing, enclosing appropriate proof of your identity, by contacting the following address: [policy@homegate.ch](mailto:policy@homegate.ch).

We reserve the right to exchange correspondence with you in this regard.

Please note that we may be required to retain your Personal Data in part even after a request for blocking or cancel-

lation under the terms of our statutory or contractual retention requirements (such as for accounting purposes) and in such an eventuality will only block your Personal Data insofar as necessary for this purpose. In addition, the cancellation of your Personal Data may have the effect that you are no longer able to acquire or use the services registered by you. Under certain circumstances, you have the right to require us to provide you or a third party specified by you with your personal data in a commonly used format.

You may object at any time by email to the processing of Your Data for marketing and advertising purposes and to the disclosure of Your Data within the TX Group in accordance with Sections 2 and 4.

Such an objection will not prevent the collection of data entirely. You can prevent us from collecting your user data by clicking on the following [link](#). The objection merely prevents collected Personal Data from being processed in non-anonymised form for marketing purposes and also from being shared with other companies and analysed by them for this purpose. In order to entirely prevent or at least reduce the collection of Personal Data, you must follow the steps described in Section 9 relating to the deactivation of cookies. This may mean that you are no longer able to receive or use the services acquired by you.

In addition, you have the right to make a complaint concerning the data processing with the competent supervisory authority. You can do this with the supervisory authority at your place of residence, at your place of work or at the place of the alleged data breach.

## 7. Retention period of your Personal Data

We shall only retain Your Data for as long as is legally necessary or in accordance with the purpose for which they were Processed. If we carry out

analyses, we shall store Your Data until the analysis has been concluded. If we store Your Data on the basis of a contractual relationship with you, these data will remain stored for at least the duration of the contractual relationship and at most for the duration of the limitation periods within which any claims may be brought by or against us, or for the duration of statutory or contractual duties of retention.

## 8. Data security

We operate appropriate technical and organisational security measures in order to protect Personal Data stored with us against unintended, unlawful or unauthorised manipulation, cancellation, modification, access, disclosure or usage or against any full or partial loss. Our security measures will be adjusted and enhanced in line with technological progress. We do not accept any liability for data loss or the access to or usage thereof by third parties.

If you register with us as a user, your User Account will only be accessible if your personal password is entered. Payment information and access credentials should be treated as confidential at all times and the browser window should be closed after you have ended the communication with us, especially if you use the computer alongside other users.

We also take data protection within the company very seriously. Our staff and the service providers contracted by us are subjected to an obligation by us to uphold confidentiality and to abide by the requirements of data protection law.

## 9. Cookies

Cookies help to make your visits to our websites easier, more pleasant and more meaningful. Cookies are information files which your web browser automatically saves on the hard disk of your computer when you visit our webpages.

Cookies will not cause damage to the hard disk of your computer and will not transmit any Personal Data concerning the user to us.

We use cookies for example in order to establish who has visited our Portal and to determine from this how often particular pages or Offers are visited, which parts of the Portal are particularly popular and generally in order to assess how the Portal is used. We use other cookies in order to enable you to move freely on our Portal and to use its functions, such as also in relation to access to restricted-access areas. Such cookies may also be necessary in order to use shopping baskets or payment functions. By using cookies it is possible to use the options chosen by you or the decisions made as settings in order to facilitate your visit to the Portal. In general, the use of cookies is intended to improve our services and to make them more effective and secure. However, cookies may also be used to collect information in order to offer advertising to you that may be of interest. Most Internet browsers automatically accept cookies. You may however configure your browser at any time in such a manner that no cookies are saved on your computer or that an indication always appears when you receive a new cookie.

Our Digital Offers may in principle be used without accepting cookies, although individual functions may thereby be limited.

## 10. Tracking and analysis tools

The use of our Digital Offers is also measured and assessed using various technical systems, predominantly from third party providers such as for example Google Analytics. These measurements may be carried out anonymously or in a personalised manner. It is possible that the data thereby collected by us or the third party providers of such technical systems may be disclosed by them to third parties for Processing. The most frequently used

analysis tool is Google Analytics, a service of Google Inc. Therewith the recorded data can in principle be transmitted to a Google Server in the USA, whereat the IP address is anonymised by IP-anonymisation, so that a correlation is not possible. The IP address of your browser sent in relation to Google Analytics will not be cross-checked against other data held by Google. The recording and Processing of these data by Google Analytics may be objected to by setting an opt-out cookie, which will prevent the future recording of Your Data during visits to this website: <https://tools.google.com/dlpage/gaoptout?hl=en>

You can find further information concerning the systems which we use, especially concerning the opt-out you find at: <https://www.tamedia.ch/en/privacystatement/tracking-tools>

## 11. Plug-ins and other integration of third party offers

Our Digital Offers are interconnected in a variety of ways with third party functions and systems, including by the embedding of plug-ins of third party social networks such as Facebook, Google Plus and Twitter. More information and details about the plug-ins and the Data Processing in relation to them through us and other companies of the TX Group you can find at: <https://www.tamedia.ch/en/privacystatement/plugin-ins>

If you have a User Account with these third parties, it may under certain circumstances be possible for these third parties to measure and assess your usage of our Digital Offers. In this respect further Personal Data such as your IP address, personal browser settings and other parameters may be transmitted to these third parties and stored by them. By using a Social Login-Service such as Facebook-Connect, the provider can transmit to us personal data such as Name, E-Mail address and profile picture, which he has saved about you. We do not have any control

over the Personal Data recorded by third parties in this manner, for which we do not accept any responsibility or liability. We refer to the more detailed further information available through the above links.

## 12. Location information

If you use our mobile apps with a mobile device ([a list of all relevant mobile apps can be found here](#)), we can use GPS signal data to capture information about the location of your mobile device (longitude and latitude, horizontal accuracy data).

We use the location data to enhance your user experience by using the mobile app(s) ([a list of all relevant mobile apps can be found here](#)) to show you location-based online advertising and other location-based digital content on your mobile device (location-based weather information and news; display of approximate user locations). Where legally required, we ask for your consent before we collect your location data for the above applications. We may use the services of other companies internal or external to the TX Group («processors»). Where necessary in order to provide the applicable services, we may disclose your location data to these companies. [A list of the applicable companies can be found here](#). In our selection of the contracted data processors and through appropriate contractual agreements we ensure that your data is protected throughout the entire processing.

Even after you have provided your consent, you have the option to deactivate the collection, processing and disclosure of your location data at any time. If you do not wish to receive location-based online advertising and content, you can either refuse access to your location or deactivate the location services in the settings of your mobile device at any time. To deactivate the location services, please follow the directions of the device manufacturer: for Apple devices: <https://support.ap->

[ple.com/en-gb/HT202074](https://support.google.com/ads/answer/2662922?hl=en), for Android devices: <https://support.google.com/ads/answer/2662922?hl=en>.

### 13. Legal basis

We shall only Process your Personal Data in accordance with principles of data protection and if there is a legal basis to do so. If in furtherance of the establishment or implementation of our contract, it shall serve as the legal basis. Otherwise, we have an interest in continuously improving our Offers, adjusting our Offers in line with your needs and showing you advertising that may be of interest to you. This is necessary in order to develop our Offers further, as well as to be able to finance and guarantee the security of our Offers. We act on the presumption that our interests are predominant. If you have consented to data Processing, this consent will apply.

### 14. Contact person

If you have any questions concerning data protection on our website, if you would like to ask for information or request the cancellation of Your Data, please contact our data protection law contact person by sending an email to [policy@homegate.ch](mailto:policy@homegate.ch).

The contact details for our Data Protection Officer are as follows:

TX Markets Ltd  
Data Protection Officer  
Werdstrasse 21, 8004 Zürich

### 15. Current validity and changes to data protection rules

It may be necessary to amend this Privacy Statement due to the further development of our website or the deployment of new technologies. Any material change to the Privacy Statement will be notified to registered users by email to the email address specified by them during registration or by posting a notice to that effect at a suitable location after logging in to the User Account.

The relevant applicable version of the Privacy Statement may be downloaded by you from our website and printed at any time.

The original Privacy Statement is in German. The translated versions serve only for a better understanding. In case of a dispute, the German text will prevail.

#### Valid from: January 1, 2020

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