

## TERMS OF USE

### Important legal information

Please read the following conditions carefully before continuing. Persons who log on to the Schilthorn.ch website of Schilthornbahn AG signify their agreement to the following conditions.

### Copyright and trademark rights

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### No warranty

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Schilthornbahn AG accepts no responsibility and gives no guarantee to the effect that the functions on Schilthorn.ch website will not be interrupted or that the Schilthorn.ch website or the relevant server is or are free from viruses or other harmful contents.

### Limitation of liability

All liability of Schilthornbahn AG (including liability for negligence) for direct, indirect or secondary damage suffered as a result of access to the elements of the Schilthorn.ch website or to use of that site or as a consequence of impossibility of access to or use thereof or links to other websites, is hereby declined.

### Links to other websites

The Schilthorn.ch website contains links to websites operated by third parties which might be of interest to you. When activating these links, you might leave the Schilthorn.ch website or summaries of third-party websites may be displayed within the context of the Schilthorn.ch website. Schilthornbahn AG has not carried out any checks whatsoever on the websites of third parties accessible via links on the Schilthorn.ch website and is in no way responsible for their content or effective operation. This applies regardless of whether when activating the link, you leave the Schilthorn.ch website or the display

appears within the context of the Schilthorn.ch website, as well as if in the latter case the information provider of an external website is not immediately obvious. Establishing the link or consulting websites operated by third parties is at the sole risk and peril of the user.

## TERMS OF USE

### Data protection

Schilthornbahn AG (Höheweg 2, 3800 Interlaken, Switzerland), an Institute of Swiss Public Law (CHE-101.367.136) represented by Christoph Egger (CEO), operates the website schilthorn.ch and is therefore responsible for the collection, processing and use of your personal data and the compliance of the said data processing with Swiss law. Your trust is important to us, which is why we take the issue of data protection seriously and ensure the appropriate level of security. We of course abide by the statutory provisions of the Federal Act on Data Protection (FADP), the Ordinance to the Federal Act on Data Protection (OFADP), the Telecommunications Act (TCA) and, if applicable, other data protection provisions, in particular the General Data Protection Regulation of the European Union (GDPR). Please take note of the information below so that you know which data we collect from you and for what purposes it is used.

### 1. Scope and purpose of the collection, processing and use of personal data

#### • a. when you visit Schilthorn.ch

When you visit our website, our servers make a temporary record of each access and store it in a log file. The following data is collected and stored, without any action on your part, until it is automatically deleted by us after 12 months at the latest:

- the IP address of the accessing computer
- the time and date of access
- the name and URL of the file called up
- the website from which access is made
- the operating system of your computer and the browser used
- the country from which access is made and the language settings of your browser
- the name of your Internet access provider

The said data is collected and processed for the purpose of allowing you to use our website (establishing a connection), ensuring system security and stability in the long term and allowing our Internet offering to be optimised, as well as for internal statistical purposes. This is our legitimate interest in the processing of data within the meaning of Art. 6 para. 1 lit. f GDPR. The IP address in particular is used in order to determine the country of residence of the visitor to the website and set the language of the website accordingly. The IP address is also analysed in the event of attacks on the network infrastructure of www.schilthorn.ch as well as for statistical purposes.

When you visit our website, we also use what are known as pixels and cookies to display advertising that is personalised for you and to use web analysis services. Further details of this can be found in Sections 2, 6 and 7 of this privacy policy.

#### • b. when you use our contact form

You have the option of using a contact form to get in touch with us. Doing so requires that you enter the following personal data:

- Title
- First name and surname

- Address (street, number, town/city, postcode)
- Telephone number
- E-mail address

We only use this data in order to answer your queries in an optimum manner and in a way that is tailored to you. The processing of your contact request constitutes our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR. You can object to this data processing at any time (for contact details, see further below, Section 11). After your request has been processed, the data will be deleted after 12 months.

- **c. when you register for our newsletter**

You have the option of subscribing to our newsletter through our website. Registration is required in order to do so. As part of the registration, the following data must be provided:

- Title
- First name and surname
- Mobile number
- E-mail address

We process this data in order to personalise the information and offers sent to you and to better align ourselves to your interests.

By registering, you give your agreement to the data provided being processed for regular dispatch of the newsletter to the address you provided, for the statistical analysis of user behaviour and optimisation of the newsletter. Your consent constitutes our legal basis for the processing of your e-mail address in the sense of art. 6 para. 1 lit. a GDPR. We are entitled to commission third parties with the technical processing of advertising measures and to pass your data on for this purpose (see under Section 3). At the end of each newsletter is a link which you can use to unsubscribe from the newsletter at any time. Once you have unsubscribed, your personal data will be deleted. Further processing shall take place only in anonymised form for the purpose of optimising our newsletter.

We expressly point to the data analysis during the newsletter distribution (see Section 9).

- **d. when you book, place orders or make reservations with third parties**

On our website there are a number of ways to make bookings or reservations or request informational material or other services. The corresponding services are provided by third parties in each case.

Depending on the service to be provided, different data is collected in this respect. This could be the following data, for example:

- Title and/or company
- First name and surname
- Address (street, number, postcode, town/city, country)
- Other contact details (e-mail address, telephone number)
- Credit card details, where required

The data you provide is generally collected by the relevant provider directly or for certain offers passed on to the relevant provider by us. For further data processing, the data protection provisions of the relevant provider shall apply in these cases. The legal basis for the processing of the aforementioned data lies in the performance of a contract within the meaning of Art. 6 para. 1 lit. b GDPR.

## 2. Use of your data for advertising purposes

- **a. Creation of pseudonymised usage profiles**

In order to provide you with personalised services and information on our website (on-site targeting), we use and analyse the data that we collect about you when you visit the website. For the corresponding data processing, what are known as cookies may be used where necessary (see also under Section 6). The analysis of your user behaviour may be used to create what is known as a usage profile. The usage data is combined only with pseudonymous data, and never with data that has not been pseudonymised.

To allow personalised marketing in social networks, we incorporate so-called remarketing pixels from Facebook and Twitter into the website. If you have an account with one of the aforementioned social networks and are logged in at the time of your visit to our website, this pixel links the visit to our website with your account. Log out of your account prior to visiting our website if you would like to prevent this link from being made. Further advertising settings can be made from in your user profile in the relevant social networks.

The creation of pseudonymised user profiles for advertising and analysis purposes is based on a legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR. This applies to all data processing operations listed in this Section 2. The legitimate interest lies in direct marketing and analysis of the use of our website.

- **b. Retargeting**

We use retargeting technologies on this website. These technologies analyse your user behaviour on our website in order to subsequently offer you advertising that is tailored specifically to you on partner websites. Your user behaviour is collected in a pseudonymised form.

Most retargeting technologies work with cookies (see Section 6 below).

This website uses Google AdWords Remarketing and Doubleclick by Google, services offered by Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA ("Google"), in order to place advertisements based on the use of websites visited previously. To do so, Google uses the DoubleClick cookie, which allows your browser to be recognised when visiting other websites. The information collected by the cookie about visits to these websites (including your IP address) is transferred to a Google server in the United States and stored there (more information about the transfer of personal data to the United States can be found further below under Section 10).

Google will use this information to analyse your use of the website with respect to the advertisements placed, in order to compile reports about website activity and advertisements for the website operator and to provide further services that are linked to usage of the website and the Internet in general. Google will also transfer this information to third parties in certain cases, where this is required by law or if the said third parties process this data on Google's behalf. Google will under no circumstances associate your IP address with other data from Google, however.

In order to manage usage-based advertising services, we also use Google Tag Manager. The Tag Manager tool itself is a cookieless domain and does not collect any personal data. Instead, the tool ensures the activation of other tags that may for their part collect certain data (for more details, see above). If you have opted for deactivation this at a domain or cookie level, this deactivation will continue to apply for all tracking tags that are implemented with Google Tag Manager.

You may choose to prevent retargeting at any time by rejecting or disabling the relevant cookies in the menu bar of your web browser (see Section 6 below). In addition, you can disable any of the other tools listed herein on the Digital Advertising Alliance website under [optout.aboutads.info](https://optout.aboutads.info).

- **c. Twitter Analytics**

For statistical purposes, our website uses the conversion tracking pixel from Twitter Inc. ("Twitter"). The pixel allows us to track the behaviour of users once they have been sent to our website after clicking on a Twitter advertisement. This process is used to analyse the effectiveness of Twitter advertisements for statistical and market research purposes and can help to optimise future advertising measures as a result.

The data collected during this process does not allow us to draw any conclusions as to the identity of the user. The data from Twitter is stored and processed, however, which means that a link to the profile of the relevant user is possible and Twitter may use this data for its own advertising purposes. This data may allow Twitter and its partners to place advertisements on and outside of Twitter. For these purposes, a cookie may also be stored and read on your computer.

### 3. Transfer of data to third parties

We pass your personal data on only if you have expressly consented to this, if there is a legal obligation to do so or if this is required in order to enforce our rights, in particular in order to enforce claims resulting from the relationship between you and Schilthornbahn AG.

We also pass your data on to third parties where this is required in conjunction with use of the website in order to provide you with the services requested or to analyse your user behaviour. If this is required for the purposes specified in the preceding sentence, your data may also be passed on to third parties abroad. If the website contains links to websites of third parties, Schilthornbahn AG will no longer have any influence on the collection, processing, storage or use of personal data by third parties once you click on such links and assumes no responsibility in this regard.

### 4. Transfer of personal data abroad

Schilthornbahn AG is entitled to also pass your personal data on to third-party companies (commissioned service providers) abroad, where this is required for the data processing described in this privacy policy. The said third-party companies are obliged to protect your data to the same extent as we are. If the level of data protection in a country does not correspond to the level of data protection in Switzerland or the European Union, we ensure by contractual means that the protection of your personal data corresponds to that in Switzerland or the European Union at all times.

### 5. Data security

We take appropriate technical and organisational security measures to protect any of your personal data that we have stored from manipulation, partial or complete loss and unauthorised access by third parties. Our security measures are constantly being improved in line with technological developments. You should always treat your payment information as confidential and close the browser window once you have ended your communication with us, particularly if you are on a shared computer.

We also take data privacy within our organisation very seriously. Our employees and the service providers commissioned by us are obliged to maintain confidentiality and comply with our data protection provisions.

### 6. Cookies

Cookies help in many ways to make your visit to our website simpler, more pleasant and more meaningful. Cookies are information files that your web browser automatically stores on your computer's hard drive when you visit our website. Cookies neither damage your computer's hard drive nor do they transfer the user's personal data to us. We use cookies, for example, in order to personalise the information, offers and advertisements that you see and to better align ourselves to your individual interests. Their use does not mean that we receive new personal data about you as an online visitor. Most Internet browsers accept cookies automatically. It is possible, however, to configure your browser so that no cookies are stored on your computer or so that a message will always appear when you receive a new cookie.

Disabling cookies may prevent you from being able to use all of the features on our website.

### 7. Tracking tools

On our website we use various tracking tools. These tracking tools are used to monitor your surfing behaviour on our website. This is for the purposes of needs-based design and continuous optimisation of our website. In connection with this, pseudonymised usage profiles are created and small text files that are saved on your computer ("cookies") are used.

## 8. Social media plugins

We use social media plugins on our website. The plugins are disabled on our website as standard and therefore do not send any data. By clicking on the corresponding social media button, you can enable the plugins (known as the Shariff solution).

If these plugins are enabled, your browser establishes a direct connection with the servers for the relevant social networks as soon as you call up one of our websites. The content of the plugins is transferred from the social network to your browser directly and integrated by your browser into the website. The plugins can of course be disabled again with just a click of the mouse.

## 9. Analysis of newsletter use

To send our newsletter, we use e-mail marketing services of third parties. Our newsletter may therefore contain a web beacon (tracking pixel) or similar technical tools. A web beacon is an invisible graphic image, 1x1 pixel in size, that is associated with the user ID for the relevant newsletter subscriber.

The use of these services allows us to analyse whether or not the e-mails containing our newsletter have been opened. In addition, the click behaviour of recipients of our newsletter can also be collected and analysed. We use this data for statistical purposes and in order to optimise the newsletter with regard to content and structure. This allows us to better align the information and offers in our newsletter to the individual interests of the recipient in question. The tracking pixel is deleted if you delete the newsletter.

If you wish to prevent tracking pixels from being included in our newsletter, please set your e-mail software such that HTML is not displayed in messages.

## 10. Note about data transfer to the US

For the sake of completeness, we would like to point out to users residing or based in Switzerland that in the US there are monitoring measures taken by the US authorities that generally allow the storage of all personal data relating to all persons whose data has been transferred from Switzerland to the US. This happens without differentiation, limitation or exception on the basis of the aim pursued and without objective criteria that makes it possible to limit access to the data by US authorities and its later use to very specific, strictly limited purposes that may justify the intervention associated with both access to this data and use thereof. We would also like to point out that there are no judicial remedies in place in the US for affected persons from Switzerland that would make it possible to receive access to the data relating to them and to have this corrected or deleted, as well as no effective legal protection against general access rights by US authorities. We refer the persons affected explicitly to this legal and factual situation so that they can make an appropriately informed decision on whether or not to consent to their data being used.

For users residing in EU Member States, please note that, from the point of view of the European Union, the US does not have sufficient data protection levels due, inter alia, to the issues mentioned in this section. To the extent that we have explained in this privacy policy that recipients of data (such as Google, Facebook and Twitter) are located in the US, we will either based on a contract or by securing certification of these companies under the EU-US-Privacy Shield ensure that your data is protected at an appropriate level by our partners.

## 11. Right to information, correction, erasure and restriction of processing; Right to data portability

You have the right to receive information about the personal data that we store about you free of charge upon request. In addition, you have the right to correct inaccurate data and the right to delete your personal data, as far as there is no statutory storage obligation or another legal basis for the processing in the sense of art. 6 GDPR that allows us to continue processing the data. **In accordance with Articles 18 and 21 of the GDPR, you also have the right to demand restrictions on data processing and to object to data processing.** You also have the right to reclaim from us the data you have given us (right to data portability). On request, we also pass the data on to a third party of your choice. You have the right to receive the data in a common file format.

You can reach us for the aforementioned purposes via the e-mail address [info@schilthorn.ch](mailto:info@schilthorn.ch). We may, at our sole discretion, require proof of identity to process your requests. You can also notify us of what should happen to your data after your death by giving us appropriate instructions.

## 12. Data storage

We only store personal information for as long as it is necessary

- to use the above tracking advertising and analysis services within the scope of our legitimate interest
- to carry out services that you requested or to which you have given your consent (for example, to newsletter pursuant to Section 9) to the extent specified above.
- to comply with legal obligations

Contract data is kept longer by us, as this is required by statutory storage requirements. Retention requirements that oblige us to keep data arise from accounting and tax regulations. According to these regulations, business communications, closed contracts and accounting documents must be kept for up to 10 years or up to 5 years in the case of users residing in France. As far as we no longer need this data to carry out the services for you, the data will be blocked. This means that the data may then only be used for accounting and for tax purposes.

## 13. Use of the Schilthorn EXPLORE – mobile app

Schilthornbahn AG and the operator of the mobile app are very committed to the protection of your personal data. We treat your personal data confidentially and in accordance with the statutory data protection regulations and this data protection statement. It is possible to use the app without entering any personal data.

We use the app to collect information that helps us better understand our visitors' needs related to the applications and services we offer. We are the sole owners of the information collected via the app. This information will not be sold, rented or shared with third parties except in the manner set out in this statement or as a result of a court order to that effect.

## 14. Right to complain to a data protection supervisory authority

You have the right to file a complaint to a data protection supervisory authority at any time.