

# Privacy Notice Worldline Switzerland Ltd.

Version 09.2023 (CHE EN)

## 1 Introduction

**1.1** This Privacy Notice aims at informing Data Subjects on the purposes, nature and scope of the various processing activities Worldline carries out as a Data Controller when a Data Subject uses its Products and Services (e.g. acquiring services).

**1.2** This Privacy Notice may be supplemented by additional privacy information provided in the context of specific Products and Services or when required by applicable laws.

## 2 Information Worldline collects and its sources

**2.1** In the context of its services Worldline processes Personal Data related to its Merchants (to the extent that a Merchant may be considered a Data Subject by applicable laws) and their employees, legal representatives and/or ultimate beneficial owners. Worldline will process information related to its Merchants' customers and payers, even though Worldline may not have a direct relationship with them (e.g. Cardholders performing transactions with Worldline's Merchants).

**2.2** Cardholders may choose to share Personal Information directly with Worldline during the participation in one of its offers or promotions. In this case, service specific privacy information may be provided to the Cardholder.

**2.3** Worldline processes the following categories of Personal Data:

- Personal Data of Cardholders: e.g. Cardholder identification data (e.g. name, address), card data (e.g. card/PAN number, expiry date, card type, card issuer), transaction information (e.g. date/time/amount/currency of transaction, authorisation code, transaction ID), account data (e.g. bank account number, issuer), device information (e.g. IP address, device ID). This information may be collected indirectly via our Merchants (e.g. Cardholder performs a transaction at one of our cooperating Merchants) or via the issuer of the payment instrument (e.g. authorisation code or in case of a chargeback).
- Personal Data of the Merchant and its staff members, received directly from the Data Subject (e.g. during the use of the Product and Services, day to day interaction and communication face to face or via electronic means), the Data Subject's employer (e.g. contact persons in the contract, provided list of legal representatives and ultimate beneficial owners) or third parties and public sources (e.g. information publicly available online, information received by credit scoring agencies, information available on public government registries), which includes i.a.:
  - contact information: e.g. name, surname, address, email, telephone number;
  - demographic information: e.g. birth date, gender, country of residence;
  - business information: e.g. job title, company name, Merchant ID, terminal ID, tax identification number, Merchant category code (MCC), business address, individuals' affiliation with the legal entity, including the entity's legal representatives and ultimate beneficial owners;
  - identification information: e.g. copies of national ID/passport and other documentation as required by applicable laws in order to perform due diligence requirements;
  - banking, financial and transaction data: e.g. bank account details, revenue, information relating to the creditworthiness of the Merchant, transaction history, volume/velocity/value/details of transactions, chargebacks' volume;
  - information Worldline collects from other public or private sources: e.g. information publicly available (information published publicly online, including interaction with Worldline's social media pages, company registries, regulatory filings, etc.), publicly available government databases (e.g. list of sanctioned persons), information received from private sources, such as fraud prevention agencies, data broker agencies (to the extent allowed by applicable laws).
- Information Worldline collects from our websites: e.g. IP address, cookies, website forms. The website privacy statement and cookie policy will provide additional information on the relevant Processing of Personal Data in this context; and
- Preferences: e.g. choices regarding marketing communications, purchasing history and preferences, language preferences.
- Special categories of Personal Data: e.g. biometric data (e.g. in case of online authentication and on the condition that this is allowed by applicable law or after having received explicit consent), data revealing political opinions (e.g. if a person is included in the list of politically

exposed persons that Worldline has to consult in case of its compliance obligations when necessary by applicable laws).

## 3 Why does Worldline use the Personal Data?

**3.1** Worldline Processes Personal Data for the following purposes:

**3.1.1** When it is necessary for the performance of the contract with the Merchant or in order to enter into a contract with the Merchant, for the purposes of execution of the Products and Services and managing its relationship with the Merchant (including processing the payment transactions, replying to requests for information, administration of the Merchant account, customer onboarding, making a commercial offer for entering into a contract, invoicing, providing security alerts, providing transaction information on the payment transactions executed etc.).

**3.1.2** For operational reporting and administrative purposes and for providing its Products and Services in an efficient, sustainable and compliant way, Worldline may share Personal Data with other members of Worldline Group on the basis of its legitimate interest to improve the efficiency of its operations, enhance security and reduce administrative costs (see also clause 4.3). The processing of the Cardholders' data received indirectly from the Merchant in the context of providing the Products and Services to the Merchant is processed on the basis of Worldline's legitimate interest to provide the service to the Merchant in order for the electronic payment to be completed.

**3.1.3** For the purpose of prevention of money laundering and terrorism financing. The Processing of Personal Data is carried out before the beginning of the contractual relationship and at regular intervals.

**3.1.4** For the purpose of managing risk, detecting and preventing fraud and ensuring the security and business continuity of its operations (including performing fraud and risk analysis, checking and updating the Card Schemes' and alternative payment means (APM) providers lists of terminated Merchants, auditing its systems, using real-time data for monitoring the performance of its systems and detect possible deficiencies or generate reports to assess performance and compliance with applicable service level agreements or regulatory requirements) on the basis of its and its partners legitimate interests to protect assets and promote safety and security on the payments market or on the basis to comply with applicable laws.

**3.1.5** For the purpose of analyzing and improving its Products and Services or developing new ones (e.g., Worldline may analyze the time required to facilitate Merchant requests or the availability of our services to assess and improve our performance or analyze the results and effectiveness of our Products and Services) on the basis of Worldline's legitimate interest to ensure the quality and improvement of its Products and Services and meet the Merchant's expectations and requirements.

**3.1.6** For the purpose of market analysis, information services, business intelligence and research we may analyze data, including transaction information (such as generating statistics, aggregated reports or analysis of market trends for internal or external use, benchmarking,) on the basis of Worldline's and its partners' legitimate interest to improve their product offering, understanding market trends and predicting market behavior. Worldline will take measures to ensure that its legitimate interest will not cause a risk for the rights and freedoms of the Data Subjects by implementing appropriate technical and organizational measures (e.g. anonymization, provision of aggregated reports to the Merchant that do not allow for the re-identification of the Data Subject).

**3.1.7** For the purpose of contacting the Data Subjects with new relevant and personalized promotions and offers about Products and Services of Worldline in line the services already purchased from Worldline or for the purpose of conducting surveys or requesting feedback, on the basis of Worldline's legitimate interest to promote its Products and Services, improve the quality of offered Products and Services and increase its revenue and on the condition that the Data Subject has not objected to such processing. When doing so, Worldline will always provide the Data Subject with the option to object/unsubscribe to such commercial communication. If direct marketing on the basis of legitimate interests is not allowed by applicable laws, Worldline will ensure that it has obtained the Data Subject's consent before processing the data for such purposes.

**3.1.8** Worldline Processes Personal Data on the basis of its own legal obligations in order to comply with applicable laws (e.g. tax, competition, labour, accounting laws) and when requested by any judicial authority or governmental authority having or claiming jurisdiction over Worldline or Worldline's affiliates.

**3.1.9** Worldline may record and monitor phone calls, on the basis of its legitimate interests, such as quality assurance, training, record keeping and being able to defend its legitimate interests and legal claims by retaining relevant evidence.

**3.2** Finally, Worldline will process Personal Data in order to enforce its Terms and Conditions and other legal rights on the basis of its legitimate interest to protect its assets and restore any damage caused to Worldline by the Data Subject.

**3.3** When Worldline is not able or cannot guarantee that the Personal Data will be Processed for purposes included in this privacy policy or similar purposes according to the reasonable expectations of the Data Subject, it will acquire the freely given, informed, specific and unambiguous consent of the Data Subject. The Data Subject will always have the right to withdraw this consent.

#### **4 Who does Worldline share Personal Data with?**

**4.1** Worldline will share Personal Data with its affiliates, financial institutions, Card Schemes and other entities that are involved in the processing of electronic payment transactions for the purpose of delivering the Products and Services (e.g. during the processing of payment transactions, Worldline will transfer data to third parties, such as the Merchant, the issuer of the payment means and the card's scheme in order for the transaction to be completed). In the context of this processing Worldline may transfer Personal Data outside Switzerland or the European Economic Area when this is necessary for the processing of the transaction (e.g. the issuing bank, card scheme or the recipient of the payment is located in a third country). In these cases the third parties act as independent data controllers and Worldline advises to carefully read their privacy notice in order to understand how Personal Data will be processed by them.

**4.2** Worldline will share the Cardholders' and transaction information with the Merchant and the Merchant's service providers, when it is necessary for providing information on the executed transaction (e.g. response code of the authorization, information to be able to complete refund) and for the purposes of detecting and preventing fraud and proving compliance with its contractual obligations.

**4.3** Worldline will share Personal Data with Worldline Group Members for operational, regulatory, compliance and reporting purposes on the basis of its legitimate interest to ensure e.g. continuity, compliance, efficiency and cost reduction. For example, for security, efficiency or cost reduction purposes Worldline may use common infrastructure and IT systems (e.g. hosting servers, backup systems, central customer databases) or some functions may be centralised, (e.g. finance, legal, internal audit, communication, customer service, IT and security) for which employees of other Worldline Group members than the legal entity with the contract was signed with require access to Personal Data.

**4.4** Worldline will share Personal Data with professional advisors and third party providers that assist it with its compliance and operational tasks (e.g. fraud prevention, monitoring, detection and analysis agencies, risk and credit reference agencies, lawyers, accountants, debt collectors, external auditors, insurance providers).

**4.5** Worldline will also share Personal Data with other entities (data processors) that Process Personal Data on its behalf, according to Worldline's instructions (e.g. customer support agencies, hosting providers, advertising agencies). Worldline will ensure that these entities provide adequate guarantees on the protection of Personal Data and are bound by written agreements to ensure the security of the Personal Data and the protection of rights and freedoms of individuals.

**4.6** Worldline will share Personal Data with affiliates and business partners with which it combines its offered Products and Services for the purposes of executing the agreement, ensuring the quality and/or the commercial interests of the parties and complying with applicable standards and obligations. For example, if Worldline acts as a reseller of Products and Services of a third party or offers products in alliance with a Business Partner, Worldline may have to transfer Personal Data to the third party in order for the agreement to be executed (e.g. execution of the contract, calculation

of compensation of Parties). In addition, Worldline might be required to share Personal Data with Card Schemes to the extent required by Card Scheme rules.

**4.7** Worldline will disclose Personal Data to public authorities, government agencies and judicial authorities (i) if it is required to do so by law or legal process, (ii) when it believes disclosure is necessary to prevent harm or financial loss, (iii) in connection with an investigation of suspected or actual fraudulent or illegal activity, or (iv) when it is required for Worldline to defend itself against legal claims.

**4.8** Worldline may also disclose Personal Data in the event of a change of its legal or internal structure. For example, in case of a merger, reorganisation, acquisition, joint venture, bankruptcy, etc. Personal Data will be disclosed to the new entity formed or the new owner of Worldline.

**4.9** Worldline may anonymise Personal Data and share aggregated reports on the payment industry market with business partners, as long as Worldline has reasonably ensured that the Data Subject cannot be identified and that the further processing of these reports will not negatively impact the Data Subject.

#### **5 International data transfers**

**5.1** Worldline may transfer Personal Data to third parties (as described in article 4 of the present notice) that may be located in countries other than the country where the Personal Data was collected, including countries outside Switzerland or the European Economic Area (EEA) where data protection and privacy laws or regulations may not be equivalent to the data protection and privacy laws and regulations in Switzerland or the EEA, such as Australia, China and India, USA, Brazil, Armenia and Morocco. When the Personal Data is transferred to countries outside of Switzerland and the EEA or countries that have not been recognised by the Swiss Federal Council to have an adequate level of protection, Worldline will either rely on a derogation applicable to the specific situation (e.g. when the transfer is necessary for the performance of a contract with or for the establishment, exercise or defence of a legal claim) or ensure that adequate safeguards have been put in place to ensure the protection of the Personal Data processed in accordance with the applicable legislation (e.g. Standard Data Protection Clauses approved by the European Commission and previously adopted by the Swiss Federal Data Protection and Information Commissioner and adapted accordingly to certain circumstances, or other legal grounds and mechanisms permitted by the Swiss Federal Act on Data Protection). Please contact Worldline using the contact details provided below for further information.

#### **6 Data Subject rights**

**6.1** As a Data Subject the Cardholders, Merchants or the members of its staff have, within the limitations of the applicable Legislation, the right of information, access, rectification, erasure, restriction of processing, objection to processing and data portability. The Data Subject can direct such a request to Worldline's Merchant Services Data Protection Office at [dataprotection.switzerland@worldline.com](mailto:dataprotection.switzerland@worldline.com). For the protection of the privacy of Data Subjects, Worldline will be required to verify the identity of the Data Subject before taking actions to address the request.

**6.2** In case a request is made by a Cardholder, Worldline may not be able to identify the Cardholder based on the information received indirectly from the Merchants in the context of the transaction processing. In these cases Worldline advises to contact the Merchant to exercise the rights.

**6.3** When the processing of Personal Data is based on Worldline's legitimate interests, including processing for profiling and direct marketing purposes, the Data Subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of Personal Data concerning him or her by contacting Worldline using the contact details provided below. Worldline shall no longer process the Personal Data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the Data Subject or for the establishment, exercise or defence of legal claims.

**6.4** The Data Subject can refuse the recording or monitoring of its telephone conversations with the Customer Relations Division of Worldline by other employees or consultants of Worldline for purposes of training and/or employee supervision on a call-by-call basis.

**6.5** Under applicable laws, Worldline may be prohibited to disclose specific information to the Data Subject (e.g. prohibition of informing about tax law investigations by tax authorities, processing of personal data carried

out by Worldline as an operator of essential services which is carried out in compliance with the EU Directive on security of network and information systems (NIS) and the national laws implementing it).

**6.6** In cases of processing activities based on the Data Subject's consent the Data Subject's consent may be withdrawn at any time by informing Worldline accordingly. Note that this withdrawal will be valid for the future only.

## 7 Does Worldline carry out automated decision-making?

**7.1** The processing of electronic payments by Worldline is carried out via automated means. This processing is necessary for the performance of the contract Worldline has with the Merchant. The processing of Cardholders' data in this context is based on Worldline's and the Merchant's legitimate interest to process the electronic payment efficiently, securely and quickly. If an electronic payment transaction was not initiated by the Cardholder, please follow the refund process by contacting Worldline, if you are a Merchant, or the Cardholder can follow the chargeback process with the issuer in accordance with Card Scheme rules and Worldline Terms and Conditions.

**7.2** In the context of entering into or executing a contract Worldline may carry out processing based on automated decision making. For example, Worldline may rely on automated decision making for fraud detection, analysis and monitoring purposes by defining specific parameters that may mark an electronic payment transaction as fraudulent (e.g. based on the amount, origin or volume of transactions). Similarly, in order to comply with applicable laws, Worldline may rely on automated decision making in order to decide whether to enter into a contract (e.g. if the name of the counterparty is included in a government list of sanctioned persons). In these cases the Data Subject has the right to obtain human intervention on the part of Worldline, to express its point of view and to contest the decision.

## 8 Retention period

**8.1** Worldline will retain the Personal Data for as long as necessary to deliver the Products and Services during and after the end of its contractual relationship with the Merchant, according to the industry standards and applicable legislation (for example, transaction information may be retained for a period of up to 10 years after the date of transaction, information about the Merchant may be retained for a period of up to 10 years after the termination of the contract in accordance with retention periods defined by tax law, contractual law, etc) and according to its legitimate business interest, unless prohibited by law, in accordance to this Privacy Notice (for example, Worldline may continue contacting Data Subjects for a period after the end of the contract, unless the consent was withdrawn or objection were against marketing communications).

**8.2** Worldline will use reasonable efforts to ensure that personal information which is no longer required will be disposed of or destroyed in a secure manner.

## 9 How does Worldline protect my Personal Data?

**9.1** Worldline implements appropriate technical and organizational measures to protect Personal Data against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, and other unlawful or unauthorized forms of Processing, in accordance with applicable law. Worldline maintains compliance with the Payment Card Industry Data Security Standard (PCI DSS). A detailed list of applicable technical and organizational page can be found in Worldline's website.

## 10 Do i have to provide my Personal Data?

**10.1** The Products and Services provided by Worldline require Personal Data to be processed. Without this data, Worldline will not be able to enter into, perform or terminate agreements with a Merchant. Within the scope of the relationship between Worldline and a Merchant, this Personal Data must be provided which is required for commencing, executing and terminating the contractual relationship or Personal Data required for compliance with applicable laws (including applicable AML/KYC obligations). Furthermore, when processing an electronic payment transaction the Personal Data referenced in article 2.3 must be provided and processed in order for Worldline to successfully process the transaction.

## 11 Contact details

**11.1** For any further information, request or complaint concerning the Processing of Personal Data, please contact Worldline's Data Protection Office by email at [dataprotection.switzerland@worldline.com](mailto:dataprotection.switzerland@worldline.com) or by post at Hardturmstrasse 201, 8005 Zurich.

## 12 Updates to this Privacy Notice

**12.1** Worldline may update this Privacy Notice from time to time in order to provide the Data Subjects with up to date and transparent information on its data processing activities. Worldline will take reasonable measures to communicate this Privacy Notice to the Data Subjects (e.g. by posting it on Worldline's website, by email or post or by messages in the Merchant intranet). Cardholders can at any time find the latest version of this Privacy Notice on our website or by requesting it from the Merchant.

## 13 Definitions

- **Worldline Group Member:** any entity that is part of the Worldline group. An entity that leaves the Worldline group of companies will continue to qualify as a Worldline Group Member for the purposes of the contract during a transition-out phase of maximum 6 months.
- **Controller, Processor, Personal Data, Data Subject:** These terms shall have the same meaning as the definition given to them in GDPR.
- **Legislation:** Federal Act on Data Protection (FADP) and the Ordinance to the FADP (OFADP) and, if and to the extent applicable, the General Data Protection Regulation, formally known as Regulation (EU) 2016/679 (GDPR) and any other relevant EU and national privacy legislation, as may be amended or replaced from time to time.
- **Payer:** a Cardholder or user of other electronic payment means making an electronic payment with a Merchant which is processed by Worldline.
- **Personal Information:** information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.
- **Products and Services:** the products and services provided by Worldline to the Merchant as included in the contract and subject to changes from time to time.