

## Terms of Use

The website [www.biovar.ch](http://www.biovar.ch) («the website») and BioVaR (“the service”) are operated by Zürcher Hochschule für Angewandte Wissenschaften (ZHAW). The terms “we”, “us” and “our” therefore refer to ZHAW. The use of the website and the service are subject to the following Terms of Use and the Privacy Policy. If you access and use the website and the service, you accept and agree to be bound by and comply with the Terms of Use and the Privacy Policy. If you do not agree to the Terms of Use and the Privacy Policy, you are not authorized to access the website and use the service.

Please note that the service is of a prototype nature and not a finished product. We take no responsibility and make no warranty about the completeness, accuracy or reliability of the information provided by the website or the service. In particular, the website or the service do not provide any investment advice or estimates on future performance of the listed companies. Any action you take as a result of the information provided by the website or the service is solely at your own risk. We are not responsible for any losses or damages incurred as a result of using the website or the service. The information presented by the website or the service is provided "as is" without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability, fitness for a particular purpose, or non-infringement.

We do not endorse any companies, third-party services or products that are mentioned or linked to by the service or the website. We are not responsible for any third-party content.

As a user of the service, you'll be asked to register with us and provide personal information. You are responsible for ensuring the accuracy of this information, and you are responsible for maintaining the safety and security of your identifying information. You are also responsible for all activities that occur under your account or password.

We reserve the right to refuse service to anyone, at any time, for any reason. We reserve the right to make any modifications to the website or the service, including terminating, changing, suspending or discontinuing any aspect at any time, without notice. We may change these Terms of Use at any time. The date of the last update can be found at the bottom.

To the extent that any provision of these Terms of Use is found by any competent court or authority to be invalid, unlawful or unenforceable in any jurisdiction, that provision shall be deemed to be severed from these Terms of Use but such finding shall not affect the validity, lawfulness or enforceability of the remainder of these Terms of Use in that jurisdiction, nor shall it affect the validity, lawfulness or enforceability of these Terms of Use in any other jurisdiction.

The use of the service and the website and any dispute arising from it shall be governed by Swiss law without regard to its conflict of law rules. Winterthur shall be the exclusive place of jurisdiction.

Last Update: June 2024

# Privacy Policy

## What sources and data do we use?

We process data that are generated by the use of our website and the service and/or data that are provided by you (e.g. when registering for the use of the Service or other requests or subscribing to a newsletter). We collect your personal data in particular when you contact us, for example through our website as an interested party etc. We process personal data that we receive from our customers, potential customers or users of the service within the scope of our business relationship. In addition, we process personal data – to the extent necessary to provide our business services – that we legitimately obtain from publicly accessible sources.

Furthermore, we process data generated through the use of our website and/or data that are provided by you (e.g. when subscribing to a newsletter or completing other online forms).

Relevant personal data are name, company name and e-mail address. They may also include data relating to the performance of our contractual obligations, advertising and sales data, documentation data and other data similar to the above categories.

We do not collect any personal data if you only use the website for information purposes, i.e. if you do not complete any online forms, register for the use of the service or otherwise provide us with information. Only the data transmitted by your browser will be conveyed, e.g. masked IP addresses, visitor behaviour on the website, date and time of the website visit, browser type and version, type of terminal device, referring webpage, etc. No identification is possible from this data.

## Why do we process your data (processing purpose) and on what legal basis do we do so?

We process personal data in accordance with the provisions of the law on Information and Data Protection (IDG) of the Canton of Zurich, the Swiss Federal Act on Data Protection (FADP) and the European General Data Protection Regulation (GDPR) to the extent that their corresponding regulations are applicable. As the GDPR requires that we list these individually, the legal frameworks upon which we base our data processing are listed below where the GDPR is applicable (some may not apply to the use of the present website or service). When processing personal data in accordance with the IDG or FDPA, we rely on the comparable legal frameworks in these laws.

### For the purpose of fulfilling contractual obligations (Art. 6(1)(b) GDPR)

Data are processed in order to provide ZHAW services in the scope of performing our contracts (e.g. in the area of continuing education or as concerns our business services) with our customers or to carry out pre-contractual measures as requested. The purposes for which data processing is used depend primarily on the specific business service and may include activities such as training or consulting. The contract documents and terms and conditions may contain further details on the purposes of data processing.

### As part of a balancing of interests (Art. 6 (1)(f) GDPR)

Where necessary, we process your data beyond the actual performance of the contract to protect our legitimate interests or those of third parties. Examples include:

- conducting research
- carrying out advertising or market and opinion research, so long as you have not objected to the use of your data
- establishing legal claims or defending legal disputes
- processing newsletters, event registration and orders (provided that the person involved can be expected to send them)
- ensuring IT security and IT operations
- analysing internet traffic on our website or improving the functionality of our website
- preventing and investigating criminal offences
- developing business management measures and enhancing services and products

#### As a result of your consent (Art. 6(1)(a) GDPR)

To the extent that you have given us your consent to process your personal data for specific purposes (e.g. sharing data, evaluating personal data for the purposes of research and marketing, newsletters insofar as there is no legal requirement for this under Art. 6(1)(b)), such processing is lawful based on your consent. Your consent may be revoked at any time. This also applies to the revocation of declarations of consent provided to us before the GDPR took effect, i.e. prior to 25 May 2018. The revocation of consent does not affect the lawfulness of data processed before the revocation.

#### On the basis of legal requirements (Art. 6(1)(c) GDPR) or in the public interest (Art. 6(1)(e) GDPR)

The ZHAW is subject to the provisions of the Higher Education Act as well as other statutory requirements of Swiss law, which stipulate that personal data may also be processed if required by law or if it is in the public interest. The basis for this, particularly as concerns study programmes and continuing education, is provided in the Swiss Higher Education Act.

#### **Privacy/security**

Data that you enter into a form are transmitted in encrypted form. Furthermore, they are stored on our servers with all due care and attention and protected from being accessed by any third parties. Access to your data will only be granted to those employees who require it to fulfil their tasks. The ZHAW will only pass on your data to third parties if this has been expressly stated elsewhere or to external service providers who process this data for the ZHAW on the basis of an order processing contract. The data gathered will only be collected for the declared purpose and will not be passed on.

#### **Who receives my data?**

Within the ZHAW, only those parties that need access to your data to fulfil our contractual and statutory obligations receive such access. Service providers and agents used by us may also receive data for these purposes, such as companies in the categories of IT services, logistics, printing services, telecommunications, advising and consulting, as well as sales and Marketing.

The following parties may, for example, receive your personal data:

- public authorities and institutions (e.g. law enforcement agencies) if there is a statutory or regulatory obligation
- risk management bodies within the ZHAW due to legal or regulatory obligations

Additional recipients of data may be those bodies for which you have given us your consent to transfer the data or for which you have exempted us from the duty of confidentiality by agreement or consent.

#### **Are my data transmitted to a third country or an international organisation?**

Data transfer to locations in countries outside the European Union or Switzerland (known as third countries) takes place (e.g. in the scope of research cooperation with foreign universities/organisations) to the extent

- it is required by law or
- you have given us your consent or
- we have provided suitable guarantees through appropriate mechanisms (e.g. contracts).

### **How long will my data be stored?**

We process and store your personal data for as long as is necessary to fulfil our contractual and statutory obligations or for as long as we consider it necessary for the purposes for which they are being processed or our legitimate interests exist or your consent has not been revoked.

If the data are no longer necessary to fulfil contractual or statutory obligations, they are deleted on a regular basis unless there is a need to further process the data – for a limited period of time – for the following purposes:

- to comply with retention obligations under commercial and tax law, in particular the Code of Obligations (CO) and the tax laws. These laws usually specify time limits of ten years for retention or documentation.
- to preserve evidence under the statute of limitations. In accordance with Art. 127 FF of the Swiss Code of Obligations (OR), these statutes of limitation may be up to 10 years. The statute of limitation for diploma documents is 50 years.

### **What are my data protection rights?**

You are entitled to different rights depending on the applicable legal basis. If the IDG or FADP is applicable, your rights are governed by these regulations.

If the GDPR is applicable, the following applies: Every individual concerned has the right of access (Article 15 GDPR), the right to rectification (Article 16 GDPR), the right to erasure (Article 17 GDPR), the right to restriction of processing (Article 18 GDPR), the right to object (Article 21 GDPR) and the right to data portability (Article 20 GDPR).

In addition, there is a right to lodge a complaint with a competent data protection supervisory authority (Article 77 GDPR).

You may revoke consent to the processing of personal data at any time by informing us accordingly. This also applies to the revocation of declarations of consent provided to us before the GDPR took effect, i.e. prior to 25 May 2018. Please note that such revocation will only be valid for the future and does not affect any processing done before the date of revocation.

### **Am I under any obligation to provide data?**

In order to use the service, you must at least provide your name, company name and e-mail address.

### **To what extent is decision-making automated?**

In principle and pursuant to Article 22 GDPR, we do not use fully automated decision-making processes to establish and conduct business relationships. In the event that we should use such processes in individual cases, we will inform you accordingly to the extent prescribed by law.

### **Cookies/web storage**

The ZHAW may use cookies and web storage on its websites.

#### **Cookies**

Cookies are text files that are placed and stored on a computer system through a web browser. You can at any time prevent cookies from being stored by our website by means of a corresponding setting on your internet browser and thus permanently prevent them from being placed. Moreover, previously stored cookies can be deleted at any time via your internet browser or other software programmes.

## **Web storage**

Web storage (also known as DOM storage or supercookies) is a technology for web applications used for storing data in a web browser. DOM storage supports persistent data storage, similar to cookies, as well as local, session-dependent storage.

In contrast to cookies, which both servers as well as clients (browsers) can access, DOM storage is controlled entirely by the client (browser). Data are not transferred to the server with every HTTP request, and a web server cannot write data directly to the DOM storage. Access is exclusively via scripts on the website. We use the session storage mechanism of the DOM storage standard. These data are automatically deleted when the browser window is closed and are therefore no longer available in later browser sessions.

Storing data in web storage can also be prevented by not accepting cookies. However, we would like to point out that rejecting web storage could result in restrictions with respect to how ZHAW websites function.

## **Statistics/IT system logs**

### Statistics

The Website [www.biovar.ch](http://www.biovar.ch) and its direct subpages use web analytics software. Known as tracking, this can be disabled by using the Do Not Track setting found in most internet browsers. This setting adds a Do Not Track tag to the header of the browser request, indicating that the user does not want their browsing behaviour tracked.

### IT system logs

Whenever you use the internet, e.g. when accessing websites or sending e-mails, data are automatically transmitted that, in some cases, could be classified as personal data and stored by us in what are known as system logs. The system logs are stored by the ZHAW to identify errors or for security reasons. If the data are no longer required to fulfil operational or statutory obligations, they shall be deleted.

## **Changes to the Privacy Policy**

We reserve the right to change this Privacy Policy at any time. The date of the last update can be found at the bottom.

## **Responsibility lies with:**

ZHAW Zurich University of Applied Sciences, Gertrudstrasse 15, 8401 Winterthur, Telephone: +41 (0)58 934 71 71, Contact E-Mail: [orpi@zhaw.ch](mailto:orpi@zhaw.ch)

## **If you have any questions on data protection, please contact:**

ZHAW Zurich University of Applied Sciences, President's Office, Gertrudstrasse 15, 8401 Winterthur, Contact E-Mail: [orpi@zhaw.ch](mailto:orpi@zhaw.ch)

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