



Information in accordance with the new data protection requirements pursuant to the General Data Protection Regulation (GDPR)

## Data Protection Fact Sheet

Diction Ltd, 9471 Buchs (SG), Switzerland (Diction)

Information in line with Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

Dear Client

Dear Interested Party and Job Applicant

Dear Contracting Partners

In our capacity as controller we are pleased to inform you in this Data Protection Fact Sheet about the collection of personal data from the data subject (Articles 13 and 14 GDPR) and about your right to object (Article 21 GDPR).

Furthermore, this fact sheet contains other important information for natural persons about the processing of personal data.

You can obtain information about the transparency and plausibility of data processing in our [Privacy Statement](#) (also accessible at [www.diction.ch](http://www.diction.ch)).

This fact sheet is an integral part of our Privacy Statement.

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## **A. Important information**

### **1. Contact for data processing within Diction**

You can reach our in-house **Data Protection Officer** (DPO) at:

Diction Ltd, Bahnhofstrasse 32, 9471 Buchs (SG), Switzerland

Data Protection Officer (hereinafter referred to as the “DPO”)

Patrick Fassbender

Telephone: +41 81 750 53 33

E-mail: [datenschutz@diction.ch](mailto:datenschutz@diction.ch)

### **2. Sources and data used**

We process personal data provided by you within the framework of our business relationship. Furthermore, we process – to the extent that this is necessary for the provision of our services – personal data which we have legally obtained from publicly available sources (e.g. debtor records, land registers, commercial registers, registers of associations, the press, the Internet) and which we are entitled to process or which have been transmitted to us legitimately by our subsidiaries or other third parties.

Relevant personal data are particulars (name, address and other contact data, date of birth, place of birth and nationality), identification data (e.g. passport data) and authentication data (e.g. specimen signature). Furthermore, this may also encompass order data, data from the meeting of our contractual obligations, information about your financial situation (e.g. credit standing data), documentation data (e.g. minutes of a meeting), register data, data about your use of the media provided by us (e.g. time when you access our websites, apps or newsletters, clicks on our web pages or entries) and other data comparable to the aforementioned categories.

### **3. Purpose of and legal basis for data processing within Diction**

We process personal data on the basis of consents given and in compliance with the respective applicable statutory provisions. In the field of data protection law this means in particular the Swiss Data Protection Act (Bundesgesetz über den Datenschutz – DSG; hereinafter referred to as the “DPA”), the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG).

#### **3.1. For the purpose of meeting contractual obligations (Article 6(1)(b) GDPR)**

Personal data are processed (Article 4(1) and (2) GDPR) in conjunction with copywriting, editing, proofreading and translation (business purpose) – in particular for the performance of our contracts or the planned conclusion of contracts (pre-contractual measures) with you and for the execution of your orders – and all activities necessary for the business operation and management of Diction.

The purposes for which data are processed will depend primarily on the specific service (e.g. translation work) requested by the data subject from Diction and may encompass, inter alia, need analyses or advice including the transfer of data to subsidiaries and third countries (e.g. Switzerland [registered office of Diction Ltd], Canada and the United States of America).

You can access further details about the purpose of data processing for the performance of contractual obligations in the respective contractual documents and the General Terms and Conditions.

### **3.2. As part of the balance of interests (Article 6(1)(f) GDPR)**

Beyond the actual performance of the contract, we process your data for the purposes of the legitimate interests pursued by us or by a third party except where such interests are overridden by your interest in the protection of your personal data.

Examples:

- Advertising unless you have objected to the use of your data
- Establishment of legal claims and defence in legal disputes
- Safeguarding of IT security and IT operation of the responsible company
- Prevention and investigation of criminal offences
- Video surveillance which serves the purpose of compiling evidence on criminal offences and, by extension, of protecting clients and employees, and of enforcing house rules
- Building and facility security measures (e.g. access controls)
- Measures to enforce house rules
- Business management measures and measures for the further development of services (including, where appropriate, verification and optimisation of need analysis methods and direct client contacting)
- Data transfer within companies affiliated with Diction for internal administrative purposes

### **3.3. Based on statutory provisions (Article 6(1)(c) GDPR)**

If Diction is subject to a legal obligation that requires the processing of personal data, such as complying with tax obligations, then said processing is based on Article 6(1)(c) GDPR.

### **3.4. Based on your consent (Article 6(1)(a) GDPR)**

Diction uses Article 6(1)(a) GDPR as the legal basis for processing operations in which we seek the consent of the data subject (e.g. client) for a specific processing purpose.

If you have given us, or give us, your consent for the processing of personal data for specific purposes (e.g. the transfer of data within the companies that are part of Diction [also in third countries], for the evaluation of client data or data from interested parties for marketing purposes), the processing

is lawful based on your consent. Any consent given can be withdrawn at any time. This also applies to declarations of consent provided to us before the GDPR took effect, i.e. prior to 25 May 2018.

Please note that consent may only be withdrawn with effect for the future and does not affect any data processing undertaken prior to withdrawing consent.

#### **4. Details of data recipients**

Within Diction (including our Group affiliates or subsidiaries) those parties have access to your data which may require such data for the purpose of discharging their contractual and statutory duties and pursuing legitimate interests unless your interests override this and to the extent that the sender has its own legal basis for the data transfer. Processors used by us (Article 28 GDPR) may also receive data for these aforementioned purposes. The categories of processors include, in particular, companies supplying IT, logistics, printing, telecommunications, advisory, consultancy, sales and marketing services. However, we use electronic portals of external providers, i.e. externally developed software, for execution.

Regarding any other transfer of data to recipients outside Diction, it is important to note that we are obliged to treat as confidential all client-related facts and evaluations of which we may become aware (business secret) in accordance with the General Terms and Conditions of Diction agreed between you and ourselves. We may only pass on information about you if this is required by legal provisions or if there is a sufficient basis, you have given your consent or we are otherwise authorised to supply information. Under these preconditions, the recipients of personal data may include, for example, public agencies and institutions (e.g. credit reference agencies).

Other data recipients may be those parties for which you have given us your consent for data transfer.

#### **5. Duration (retention periods) of data storage**

We process and store your personal data to the extent required for the duration of our business relationship, including, for example, the initiation or performance of a contract.

Furthermore, we are subject to various retention and documentation obligations. In principle, Diction with its registered office in 9471 Buchs (Switzerland) is subject to the applicable statutory retention periods, in particular the Swiss Code of Obligations (Obligationenrecht – OR; hereinafter referred to as the “CO”) in accordance with Article 958f CO in conjunction with Article 127 et seqq. CO (basic principle: retention period of 10 years) and shorter in-house retention periods laid down by Diction which do not fall directly within the statutory retention periods.

#### **6. Routine erasure and blocking of personal data**

The controller processes and stores personal data about the data subject only for the period which is required for the achievement of the storage purpose or to the extent that this was envisaged by the European legislative and regulatory body or another legislature in laws or provisions which are binding for the controller.

If the storage purpose is no longer applicable or if a retention or storage period (electronic data) envisaged by the European legislative and regulatory body or by another competent legislature expires, the personal data are routinely blocked or erased in line with the statutory provisions.

## **7. Information about the transfer of data to a third country or an international organisation**

For clients domiciled in a Member State of the EU or in the EEA: data are only transferred to third countries (states outside the European Economic Area – EEA; e.g. to Switzerland or Canada) if this complies with Article 44 et seqq. GDPR for the execution of your orders with Diction Ltd (registered office in 9471 Buchs, Switzerland) or is laid down by law or you have given us your consent.

## **8. Data protection rights of the data subject in accordance with the GDPR**

### **8.1. Overview**

Each data subject has

- the **right to confirmation and/or access** in accordance with Article 15 GDPR;
- the right to rectification in accordance with Article 16 GDPR;
- the **right to erasure** (“right to be forgotten”) in accordance with Article 17 GDPR;
- the **right to restriction of processing** in accordance with Article 18 GDPR; and
- the **right to data portability** in accordance with Article 20 GDPR (technical transfer of data of the data subject directly from one controller to another).

In the case of the right of access and of the right of erasure the following restrictions apply in particular:

- **Section 34 BDSG:** Provision of information to the data subject (“Information about the origin and recipients may be withheld if the interest in protecting trade secrets outweighs the data subject’s interest in the information”).
- **Section 35 BDSG:** Correction, erasure and blocking of data (“Instead of erasure, personal data shall be blocked where 1. sub-Section 2 second sentence No. 3, retention periods prescribed by law, statutes or contracts rule out any erasure, 2. there is reason to assume that erasure would impair legitimate interests of the data subject”).

In addition, the data subject has the **right to lodge a complaint with a data protection supervisory authority** (Article 77 GDPR in conjunction with Section 19 BDSG).

### **8.2. Individual rights**

#### **a. Right to confirmation**

Each data subject has been granted the right by the European legislative and regulatory body to obtain confirmation from the controller as to whether or not personal data concerning him or her are being processed. If a data subject would like to exercise this right to confirmation, he or she may contact an employee of the controller at any time.

## **b. Right of access**

Each of the data subjects affected by the processing of personal data has the right granted by the European legislative and regulatory body to obtain, free of charge, access to data on himself or herself from the controller and to receive a copy of this information. Furthermore, the European legislative and regulatory body has granted the data subject the right to the following information:

- the purposes of the processing;
- the categories of personal data which are processed;
- the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or in international organisations;
- where possible, the envisaged retention period during which the personal data will be stored or, if not possible, the criteria used to determine this retention period;
- the existence of a right to rectification or erasure of the personal data concerned or to the restriction of processing by the controller or a right to object to this processing;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject: any available information as to their source;
- the existence of automated decision-making including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Furthermore, the data subject has a right to information about whether personal data were transferred to a third country or to an international organisation. If this is the case, the data subject has, moreover, the right to be informed of the appropriate safeguards relating to the transfer.

If a data subject would like to exercise this right of access, he or she may contact an employee of the controller at any time.

## **c. Right to rectification**

Each of the data subjects affected by the processing of personal data has the right granted by the European legislative and regulatory body to obtain the prompt rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject has the right to have incomplete personal data completed, including by means of providing a supplementary statement.

If a data subject would like to exercise this right to rectification, he or she may contact an employee of the controller at any time.

## **d. Right to erasure (“right to be forgotten”)**

Each of the data subjects affected by the processing of personal data has the right granted by the European legislative and regulatory body to obtain from the controller the erasure of personal data concerning him or her without undue delay if one of the following grounds applies and to the extent that the processing is not necessary:

- The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed.
- The data subject withdraws consent on which the processing is based according to Article 6(1) (a) GDPR or Article 9(2)(a) GDPR and there is no other legal basis for the processing.
- The data subject objects to the processing pursuant to Article 21(1) GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) GDPR.
- The personal data have been unlawfully processed.
- The personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.
- The personal data have been collected in relation to the offer of information society services referred to in Article 8(1) GDPR.

If one of the aforementioned grounds applies and a data subject would like the personal data stored at Diction to be erased, he or she may contact an employee of the controller at any time. To the extent permitted by law, the Diction employee will arrange the prompt execution of the erasure request.

If the personal data were made public by Diction and if our company, as the controller, is obliged to erase the personal data in accordance with Article 17(1) GDPR, Diction, taking account of available technology and the cost of implementation, will take reasonable steps, including technical measures, to inform other controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, these personal data to the extent that processing is not necessary. The employee of Diction will arrange the necessary steps in each individual case.

## **e. Right to restriction of processing**

Each of the data subjects affected by the processing of personal data has the right granted by the European legislative and regulatory body to obtain from the controller restriction of processing if one of the following preconditions is met:

- The accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data.
- The processing is unlawful, the data subject opposes the erasure of the personal data and requests the restriction of their use instead.



- The controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims.
- The data subject has objected to processing pursuant to Article 21(1) GDPR and it is not yet clear whether the legitimate grounds of the controller override those of the data subject.

If one of the aforementioned preconditions applies and a data subject would like the personal data stored at Diction to be restricted, he or she may contact an employee of the controller at any time. The employee of Diction will arrange the restriction of processing.

## **f. Right to data portability**

Each of the data subjects affected by the processing of personal data has the right granted by the European legislative and regulatory body to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format. Furthermore, he or she has the right to transmit these data to another controller without hindrance from the controller to which the personal data have been provided, if the processing is based on consent pursuant to Article 6(1)(a) GDPR or Article 9(2)(a) GDPR or on a contract pursuant to Article 6(1)(b) GDPR and the processing is carried out by automated means unless the processing is required for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Furthermore, the data subject has the right when exercising his or her right to data portability pursuant to Article 20(1) GDPR to have the personal data transmitted directly from one controller to another if this is technically feasible and if the rights and freedoms of other persons are not adversely affected. To establish the right to data portability the data subject may contact an employee of Diction at any time.

## **g. Right to object**

Each data subject affected by the processing of personal data has the right granted by the European legislative and regulatory body on grounds relating to his or her particular situation to object at any time to the processing of personal data concerning him or her which is based on Article (6)(1)(e) or (f) GDPR. This also applies to profiling based on these provisions.

Diction no longer processes the personal data in the event of an objection unless we demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or if processing is necessary for the establishment, exercise or defence of legal claims.

If Diction processes personal data for direct marketing purposes, the data subject has the right to object at any time to the processing of personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing. If the data subject objects to the processing for direct marketing purposes, Diction will no longer process the personal data for such purposes.

Furthermore, where Diction processes personal data for scientific or historical research purposes or



statistical purposes pursuant to Article 89(1) GDPR, the data subject, on grounds relating to his or her particular situation, has the right to object to processing of personal data concerning him or her, unless this processing is necessary for the performance of a task carried out for reasons of public interest.

For the exercise of the right to object, the data subject may directly contact any employee of Diction or another employee at any time. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

## **h. Right to withdraw data protection consent**

Each of the data subjects affected by the processing of personal data has the right granted by the European legislative and regulatory body to withdraw his or her consent to the processing of personal data at any time.

If a data subject would like to exercise his or her right to withdraw consent, he or she may contact an employee of the controller at any time.

## **9. Obligation of the data subject to provide data**

Within the framework of our business relationship, you are solely obliged to provide those personal data which are necessary for the establishment, conduct and termination of a business relationship or for the collection of which we have a statutory obligation. Without these data we will normally have to refuse to conclude a contract or to execute the order, or we will no longer be able to perform an existing contract or may have to terminate it.

## **10. Automated decision-making and profiling**

As a responsible company, we refrain from automated decision-making or profiling (for the definitions please refer to “Diction Privacy Statement”; Link “Definitions”).

## **B. Information about your right to object in accordance with Article 21 GDPR**

**1.** You are entitled to **object**, on grounds relating to your particular situation, at any time to the processing of your personal data which is based on Article 6(1)(e) GDPR (data processing in the public interest) or Article 6(1)(f) GDPR (data processing on the basis of the balance of interests). If you object, we will no longer process your personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or if processing is necessary for the establishment, exercise or defence of legal claims

**2.** In individual cases, we process your personal data for direct marketing purposes. You have the right to object at any time to the processing of your personal data for such marketing purposes, which includes profiling to the extent that it is related to such direct marketing.

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If you object to the processing for direct marketing purposes, we will no longer process your personal data for such purposes.

The objection can be lodged without compliance with any specific formal requirements and should, if possible, be sent to:

Diction Ltd, Bahnhofstrasse 32, 9471 Buchs (SG), Switzerland

Data Protection Officer

Patrick Fassbender

Telephone: +41 81 750 53 33

E-mail: [datenschutz@diction.ch](mailto:datenschutz@diction.ch)