



PRIVACY POLICY

KURSAAL BERN AG

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1. RESPONSIBLE AND CONTENT OF THIS PRIVACY POLICY

We, **Kursaal Bern AG, Kornhausstrasse 3, P.O. Box, CH-3000 Bern 22, Switzerland**, are the operator of the hotel **Swissôtel Kursaal Bern (hotel)**, the restaurants **Giardino Restaurant & Bar, Restaurant Yù, Rooftop Bern, Sushi & Co., (restaurant)**, the congress center and the websites www.kursaal-bern.ch, www.rooftop-bern.ch, www.rooftop-grill.ch, www.rooftop-igloo.ch **(websites)** and, unless otherwise stated in this privacy policy, are responsible for the data processing listed in this privacy policy.

Please take note of the following information so that you know what personal data we collect from you and for what purposes we use it. In terms of data protection, we are primarily guided by the legal requirements of Swiss data protection law, in particular the Federal Act on Data Protection **(FADP)**, as well as the GDPR, the provisions of which may be applicable in individual cases.

Please note that the following information is reviewed and amended from time to time. We therefore recommend that you consult this privacy policy regularly. Furthermore, other companies are responsible or jointly responsible with us under data protection law for individual data processing operations listed below, so that in these cases the information provided by these providers is also authoritative.

2. CONTACT PERSON FOR DATA PROTECTION

If you have any questions about data protection or would like to exercise your rights, please get in touch with our contact person for data protection, Ms. Danielle Aebersold:

Kursaal Bern AG
Danielle Aebersold
Kornhausstrasse 3
3013 Berne
danielle.aebersold@kursaal-bern.ch

We ask you to clearly identify yourself with a copy of your ID when making your request.

3. SCOPE AND PURPOSE OF THE COLLECTION, PROCESSING AND USE OF PERSONAL DATA

3.1 Data processing when contacting us

If you contact us via our contact addresses and channels (e.g. by e-mail, telephone or contact form), your personal data will be processed. The data that you have made available to us, such as your name, e-mail address or telephone number and your request, will be processed. In addition, the time of receipt of the request is documented. Mandatory information is marked with an asterisk (*) in contact forms. We process this data in order to implement your request (e.g. providing information about the Kursaal Bern, support with contract processing such as questions about your booking, incorporating your feedback into the improvement of our services, etc.).

We use a software application from Typo3 Association, Gewerbestrasse 10, 4450 Sissach, to process contact requests via the contact form. Your data may therefore be stored in an Typo3 Association database, which may enable Typo3 Association to access your data if this is necessary for the provision of the software and for support in the use of the software. Information about the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the implementation of your request or, if your request is aimed at the conclusion or execution of a contract, the necessity for the implementation of the necessary measures within the meaning of Art. 6 para. 1 lit. b GDPR.

Typo3 Association may wish to use some of this data for its own purposes (e.g. to send marketing emails or for statistical analysis). Typo3 Association is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information about data processing by Typo3 Association can be found at <https://typo3.org/privacy-policy>

3.2 Data processing for orders via our online store

You have the option of ordering products, services and vouchers on our website. We collect the following data for this purpose, whereby mandatory information is marked with an asterisk (*) during the ordering process:

- Salutation
- First name
- Last name
- Billing and delivery address
- Phone number
- e-mail
- Method of payment
- Shipping method
- Information on the subscription to marketing e-mails
- Confirmation of the accuracy of the information provided
- Confirmation of acknowledgement and consent regarding GTC and data protection provisions

We use the data to establish your identity before concluding a contract. We need your e-mail address to confirm your order and for future communication with you that is necessary to process the contract. We store your data together with the order details (e.g. name, price and features of the products ordered), payment details (e.g. payment method selected, confirmation of payment and time; see also section 3.5.2) and information on the processing and fulfillment of the contract (e.g. receipt and handling of complaints) in our CRM database (see section 4) so that we can ensure correct order processing and contract fulfillment.

The legal basis for this data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

The provision of data that is not marked as mandatory is voluntary. We process this data in order to tailor our offer to your personal needs in the best possible way, to facilitate

the processing of contracts, to contact you via an alternative communication channel if necessary with a view to fulfilling the contract or for statistical recording and evaluation to optimize our offers.

The legal basis for this data processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can withdraw your consent at any time by notifying us.

We use a software application from Idea Creation GmbH, Walchestrasse 15, 8006 Zurich, Switzerland, to provide the online store. Your data may therefore be stored in a database of Idea Creation GmbH, which may enable Idea Creation GmbH to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

Idea Creation GmbH may wish to use some of this data for its own purposes (e.g. to send marketing e-mails or for statistical analyses). Idea Creation GmbH is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information about data processing by Idea Creation GmbH can be found at <https://www.e-guma.ch/datenschutz/>

3.3 Data processing for bookings

3.3.1 Hotel booking via our website

You have the option of booking an overnight stay on our website. We collect the following data for this purpose, whereby mandatory information is marked with an asterisk (*) during the booking process:

Salutation
First name
Last name
Billing address
Birthday
Company, company address and VAT number for corporate customers
Phone number
e-mail
Payment method
Booking details
Remarks
Confirmation of the accuracy of the information provided
Confirmation of acknowledgement and consent regarding GTC and data protection provisions

We use the data to establish your identity before concluding a contract. We need your e-mail address to confirm your booking and for future communication with you that is necessary to process the contract. We will store your data together with the peripheral data of the booking (e.g. room category, period of stay and description, price and features of the services), the payment data (e.g. selected payment method, confirmation of payment

and time; see also section 3.5.2) and information on the processing and fulfillment of the contract (e.g. receipt and handling of complaints) in our CRM database (see section 4) so that we can ensure correct booking processing and contract fulfillment.

Insofar as this is necessary for the fulfillment of the contract, we will also pass on the required information to any third-party service providers (e.g. event organizers or transport companies).

The legal basis for this data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

The provision of data that is not marked as mandatory is voluntary. We process this data in order to tailor our offer to your personal needs in the best possible way, to facilitate the processing of contracts, to contact you via an alternative communication channel if necessary with a view to fulfilling the contract or for statistical recording and evaluation to optimize our offers.

The legal basis for this data processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can withdraw your consent at any time by notifying us.

We use a software application from ACCOR, 82, rue Henri Farman CS20077 - 92445 Issy-les-Moulineaux, France to process bookings via our website. Therefore, your data may be stored in an ACCOR database, which may allow ACCOR to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

ACCOR may wish to use some of this data for its own purposes (e.g. to send marketing e-mails or for statistical analyses). ACCOR is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information on data processing by ACCOR can be found at <https://all.accor.com/information/legal/data-protection.en.shtml>.

3.3.2 Hotel booking via a booking platform

If you make bookings via a third-party platform (i.e. via Booking, Hotel, Escapio, Expedia, Holidaycheck, Hotel Tonight, HRS, Kayak, Mr. & Mrs. Smith, Splendia, Tablet Hotels, Tripadvisor, Trivago, Weekend4Two etc.), we receive various personal data from the respective platform operator in connection with the booking made. As a rule, this is the data described in section 3.5.2 of this privacy policy. In addition, we may receive inquiries about your booking. We will process this data by name in order to record your booking as requested and to provide the booked services.

The legal basis for data processing for this purpose is the implementation of pre-contractual measures and the fulfillment of a contract in accordance with Art. 6 para. 1 lit. b GDPR.

Finally, we may exchange personal data with the platform operators in connection with disputes or complaints in connection with a booking, insofar as this is necessary to protect our legitimate

interests. This may also include data relating to the booking process on the platform or data relating to the booking or processing of services and the stay with us. We process this data to safeguard our legitimate claims and interests in the processing and maintenance of our contractual relationships with the following platform operators:

Booking.com B.V., Oosterdoksade 163, 1011 DL, The Netherlands. Further information about data processing in connection with booking.com can be found at: <https://www.booking.com/content/privacy.de.html>

Tripadvisor Inc, Needham, 400 1st Ave, United States. Further information about data processing in connection with tripadvisor.com can be found at: <https://tripadvisor.mediaroom.com/us-privacy-policy>

Trivago N.V.: Kesselstrasse 5 - 7: 40221 Düsseldorf: Germany. Further information about data processing in connection with trivago.com can be found at: <https://www.trivago.com/en-US/sp/privacy-policy>

Expedia Group, Inc, 1111 Expedia Group Way W, Seattle, WA, USA. Further information about data processing in connection with expedia.com can be found at: <https://www.expedia-group.com/privacy-policy/#>

Trip.com Group, No. 968, Jinzhong Road, Changning District, Shanghai, China. Further information about data processing in connection with trip.com can be found at: <https://pages.trip.com/service-guideline/privacy-policy-en-sq.html>

Agoda Company Pte, Limited, 30 Cecil Street, Prudential Tower #19-08, Singapore 049712
For more information about data processing in connection with agoda.com, please visit: <https://www.agoda.com/de-de/info/privacy.html?cid=1844104>

Day Use SAS, DAY USE SAS, 5 rue Rochechouard, 75009 Paris, France. Further information on data processing in connection with dayuse.com can be found at: <https://www.dayuse.com/pages/dayuse/data-privacy>

Hotelbooker.ch GmbH, P.O. Box 1326, 8038 Zurich, Switzerland. Further information on data processing in connection with hotelbooker.ch can be found at: <https://www.hotelbooker.ch/pdf/Datenschutzerklaerung.pdf>

HRS GmbH, with registered office at Breslauer Platz 4, 50668 Cologne, Germany. Further information about data processing in connection with hrs.de can be found at: <https://www.hrs.de/privacypolicy>

HotelPlanner Limited, European Headquarters, 20 Fitzroy Square, London W1T 6BE, UK. Further information about data processing in connection with hotelplanner.com can be found at: <https://www.hotelplanner.com/Privacy.htm>

Kayak Software Corporation, 7 Market Street, Stamford, CT 06902, USA. Further information about data processing in connection with kayak.com can be found at: <https://www.kayak.com/privacy>

All.com, ACCOR, 82, rue Henri Farman CS20077 - 92445 Issy-les-Moulineaux, France. Further information about data processing in connection with all.com can be found at: <https://all.accor.com/information/legal/data-protection.en.shtml>

Swissotel.com, ACCOR, 82, rue Henri Farman CS20077 - 92445 Issy-les-Moulineaux, France. Further information on data processing in connection with all.com can be found at: <https://all.accor.com/information/legal/data-protection.en.shtml>

Your data is stored in the databases of the platform operators, which enables them to access your data. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for data processing for this purpose is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR.

3.3.3 Event booking via our website

You have the option of requesting an event on our website. We collect the following data for this purpose, whereby mandatory information is marked with an asterisk (*) during the booking process:

- Event
 - o Type, name and description of the event
 - o Number of people and type of seating
 - o Date
 - o Services required
- Contact details
 - o First name, surname
 - o Company, company address
 - o Telephone number, e-mail
 - o Desired method of contact
- Confirmation of acknowledgement and agreement regarding terms and conditions and data protection provisions

We use the data to establish your identity before concluding a contract. We need your e-mail address to confirm your booking and for future communication with you that is necessary to process the contract. We will store your data together with the peripheral data of the booking (e.g. event date, number of people, room requirements, price and features of the services), payment data (e.g. selected payment method, confirmation of payment and time; see also section 3.5.2) and information on the processing and fulfillment of the contract (e.g. receipt and handling of complaints) in our CRM database (see section 4) so that we can ensure correct booking processing and contract fulfillment.

Insofar as this is necessary for the fulfillment of the contract, we will also pass on the required information to any third-party service providers (e.g. event organizers or transport companies).

The legal basis for this data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

The provision of data that is not marked as mandatory is voluntary. We process this data in order to tailor our offer to your personal needs in the best possible way, to facilitate the processing of contracts, to contact you via an alternative communication channel if necessary with a view to fulfilling the contract or for statistical recording and evaluation to optimize our offers.

The legal basis for this data processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can withdraw your consent at any time by notifying us.

We use a software application from Typo3 Association, Gewerbestrasse 10, 4450 Sissach, to process bookings. Therefore, your data may be stored in an Typo3 Association database, which may enable Typo3 Association to access your data if this is necessary for the provision of the software and for support in the use of the software. Information about the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the implementation of your request or, if your request is aimed at the conclusion or execution of a contract, the necessity for the implementation of the necessary measures within the meaning of Art. 6 para. 1 lit. b GDPR.

Typo3 Association may wish to use some of this data for its own purposes (e.g. to send marketing emails or for statistical analysis). Typo3 Association is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information about data processing by Typo3 Association can be found at <https://typo3.org/privacy-policy>

3.4 Data processing when reserving a table

On our website, you have the option of reserving a table in a restaurant listed on our website. For this purpose, we collect the following data - depending on the respective offer - whereby mandatory information for reservations via the website is marked with an asterisk (*):

First name
Surname
Number of guests
E-mail address
Phone number
Menu or offer type
Comment
Date and time of the reservation

We collect and process the data to process the reservation, in particular to process your reservation request in accordance with your wishes and to contact you in the event of ambiguities or problems. We store your data together with the marginal data of the reservation (e.g. date and time of receipt etc.), the reservation data (e.g. allocated table) and information on the processing and fulfillment of the contract (e.g. receipt and handling of complaints) in our CRM database (see section 4) so that we can guarantee correct reservation processing and contract fulfillment.

We use a software application from aleno AG, Werdstrasse 21, 8004 Zurich, Switzerland, to process table reservations. Your data may therefore be stored in an aleno AG database, which may allow aleno AG to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

aleno AG may wish to use some of this data for its own purposes (e.g. to send marketing e-mails or for statistical analyses). aleno AG is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information about data processing by aleno AG can be found at <https://www.aleno.me/de/policy-internorga>

3.5 Data processing during payment processing

3.5.1 Payment processing in the Kursaal Bern

If you purchase products, services or pay for your stay at Kursaal Bern using electronic means of payment, personal data must be processed. By using the payment terminals, you transmit the information stored in your means of payment, such as the name of the cardholder and the card number, to the payment service providers involved (e.g. providers of payment solutions, credit card issuers and credit card acquirers). They also receive the information that the means of payment was used at Kursaal Bern, the amount and the time of the transaction. Conversely, we only receive the credit of the amount of the payment made at the relevant time, which we can assign to the relevant receipt number, or information that the transaction was not possible or was canceled. Please always refer to the information provided by the respective company, in particular the privacy policy and the general terms and conditions.

We use a software application from Oracle, Route de Pré-Bois 29, Geneva, Switzerland to process payments via the contact form. Your data may therefore be stored in an Oracle database, which may enable Oracle to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for our data processing is the fulfillment of a contract with you in accordance with Art. 6 para. 1 lit. b GDPR.

Oracle may wish to use some of this data for its own purposes (e.g. to send marketing e-mails or for statistical analyses). Oracle is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information about data processing by Oracle can be found at <https://www.oracle.com/legal/privacy/privacy-policy.html>.

3.5.2 Online payment processing

If you make chargeable bookings on our website or order services or products, depending on the product or service and the desired method of payment - in addition to the information provided in section 3.3.1 the provision of further data is required, such as your credit card information or the login to your payment service provider. This information and the fact that you have purchased a service from us at the relevant amount and time will be forwarded to the respective payment service providers (e.g. providers of payment

solutions, credit card issuers and credit card acquirers). Please always note the information provided by the respective company, in particular the privacy policy and general terms and conditions.

The legal basis for our data processing is the fulfillment of a contract in accordance with Art. 6 para. 1 lit. b GDPR.

We reserve the right to store a copy of the credit card information as security. To avoid payment cases, the necessary data, in particular your personal details, may also be transmitted to a credit agency for an automated assessment of your creditworthiness. In this context, the credit agency can assign you a so-called score value. This is an estimate of the future risk of a payment default, e.g. based on a percentage. The value is calculated using mathematical-statistical procedures and by incorporating data from the credit agency from other sources. We reserve the right not to offer you the payment method "invoice" in accordance with the information received.

The legal basis for this data processing is our legitimate interest pursuant to Art. 6 para. 1 lit. f. GDPR in the avoidance of payment defaults.

We use a software application from CRIF AG , Hagenholzstrasse 81, 8050 Zurich, Switzerland, to check creditworthiness using the contact form. Your data may therefore be stored in a CRIF AG database, which may enable CRIF AG to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this data processing is our legitimate interest pursuant to Art. 6 para. 1 lit. f. GDPR in the avoidance of payment defaults.

3.6 Data processing for the recording and invoicing of purchased services

If you purchase services as part of your stay (e.g. additional overnight stays, wellness, restaurant, activities), we will collect and process - in addition to your contract data - the data relating to the booking (e.g. time and comments) and the data relating to the booked and purchased service (e.g. subject matter of the service, price and time of purchase of the service) in order to process the service, as described in sections 3.3 and 3.4 described.

The legal basis for our data processing is the fulfillment of a contract in accordance with Art. 6 para. 1 lit. b GDPR.

3.7 Data processing for email marketing

If you register for our marketing e-mails (e.g. when opening, within your customer account or as part of an order, booking or reservation), the following data will be collected. Mandatory information is marked with an asterisk (*) during registration:

E-mail address
Salutation
First and last name

To prevent misuse and to ensure that the owner of an e-mail address has actually given their consent to receive marketing e-mails, we use the so-called double opt-in for registration. After sending the registration, you will receive an e-mail from us with a confirmation link. You must click on this link to definitively register for the marketing e-mails. If you do not confirm your e-mail address using the confirmation link within the specified period, your data will be deleted and our marketing e-mails will not be sent to this address.

By registering, you consent to the processing of this data in order to receive marketing e-mails from us about the Kursaal Bern and related information on products and services. These marketing e-mails may also include invitations to take part in competitions, to provide feedback or to rate our products and services. The collection of the salutation and the first and last name allows us to assign the registration to a possibly already existing customer account and thus to personalize the content of the marketing e-mails. The link to a customer account allows us to make the offers and content contained in the marketing e-mails more relevant to you and better tailored to your potential needs.

We use your data for sending marketing emails until you withdraw your consent. Revocation is possible at any time, in particular via the unsubscribe link contained in all marketing e-mails.

Our marketing emails may contain a so-called web beacon, 1x1 pixel (tracking pixel) or similar technical aids. A web beacon is an invisible graphic that is linked to the user ID of the respective subscriber. For each marketing email sent, we receive information on which email addresses it was successfully sent to, which email addresses have not yet received the marketing email and which email addresses failed to receive it. We also see which email addresses have opened the marketing email and for how long, and which links have been clicked on. Finally, we also receive information about which subscribers have unsubscribed from the mailing list. We use this data for statistical purposes and to optimize the marketing e-mails in terms of frequency and time of sending as well as the structure and content of the marketing e-mails. This enables us to better tailor the information and offers in our marketing e-mails to the individual interests of the recipients.

The web beacon is deleted when you delete the marketing email. You can prevent the use of web beacons in our marketing emails by setting the parameters of your email program so that HTML is not displayed in messages. You can find information on how to configure this setting in the help section of your email software application, e.g. here for Microsoft Outlook.

By subscribing to the marketing e-mails, you also consent to the statistical analysis of user behavior for the purpose of optimizing and adapting the marketing e-mails.

For the provision of marketing emails, we use a software application from mailXpert GmbH, Schulstrasse 37, 8050 Zürich, Switzerland. Therefore, your data may be stored in a mailXpert GmbH database, which may allow mailXpert GmbH to access your data if necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

Your consent constitutes the legal basis for the processing of data within the meaning of Art. 6 para. 1 lit. a GDPR. You can revoke your consent at any time for the future.

The mailing service provider may use the recipients' data in pseudonymous form, i.e. without assigning it to a user, to optimize or improve its own services, e.g. to technically optimize the mailing and presentation of the newsletter or for statistical purposes. However, the mailing service provider does not use the data of our newsletter recipients to write to them itself or to pass the data on to third parties. mailXpert GmbH is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information on data processing by mailXpert GmbH can be found at <https://www.mailxpert.ch/datenschutz>.

3.8 Data processing when submitting reviews

In order to help other users with their decision and to support our quality management (in particular when processing negative feedback), you have the opportunity to rate your stay with us on our website. The data that you have made available to us will be processed and published on the website, i.e. in addition to your rating and the time of your rating, possibly also a comment that you have added to your rating or the name you have given.

The legal basis for data processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can revoke your consent at any time and request the anonymization of your evaluation.

We reserve the right to delete unlawful reviews and to contact you in the event of suspicion and ask you to comment.

The legal basis for this processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the provision of a lawful and unbiased comment and rating function and the prevention of abuse when using it.

3.9 Data processing when submitting guest feedback

During your stay or afterwards, you have the opportunity to give us feedback (e.g. praise, criticism and suggestions for improvement) using a form. We collect the following data for this - depending on the - whereby mandatory information is marked with an asterisk (*) in the corresponding form:

First and last name
Age
Nationality
Duration of stay
Feedback

Your data is processed as part of our quality management and thus ultimately for the purpose of better tailoring our services and products to the needs of our guests. Specifically, your data is processed for the following purposes:

Clarification of your concerns, i.e. e.g. obtaining statements from the employees and superiors addressed or obtaining queries from you, etc;

Evaluation and analysis of your data, e.g. creation of satisfaction statistics, comparison of individual services, etc.; or

Taking organizational measures in accordance with the findings, e.g. remedying grievances/deficiencies/misconduct, for example by repairing defective equipment, instructing, praising or admonishing employees.

In connection with guest feedback, we use a software application from TrustYou GmbH, Schmellerstrasse 9, 80337 Munich, Germany. Therefore, your data may be stored in a TrustYou GmbH database, which may enable TrustYou GmbH to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for this processing is your consent in accordance with Art. 6 para. 1 lit. a GDPR. You can revoke this consent at any time for the future.

TrustYou GmbH may wish to use some of this data for its own purposes (e.g. to send marketing e-mails or for statistical analyses). TrustYou GmbH is responsible for this data processing and must ensure compliance with data protection laws in connection with this data processing. Information about data processing by TrustYou GmbH can be found at https://www.trustyou.com/downloads/TrustYou_GmbH_Privacy_Policy_ENG_12-2020_clean.pdf

3.10 Data processing for video surveillance

In order to protect our guests and employees as well as our property and to prevent and punish unlawful behavior (in particular theft and damage to property), the entrance area and the publicly accessible areas of the Kursaal Bern, with the exception of the sanitary facilities, may be monitored by cameras. The image data will only be viewed if there is suspicion of unlawful behavior. Otherwise, the images are automatically deleted after 72 hours.

For the provision of the video surveillance system, we rely on a service provider Kursaal Bern AG, Kornhausstrasse 3, P.O. Box, CH-3000 Bern 22, Switzerland Kursaal Bern AG has access to the data insofar as this is necessary for the provision of the system. Should the suspicion of unlawful conduct be substantiated, the data may be passed on to the extent necessary for the enforcement of claims or for reporting to consulting firms (in particular to a law firm) and authorities. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the protection of our guests, our employees and our property as well as in the protection and enforcement of our rights.

3.11 Data processing when using our WiFi network

In the Kursaal Bern you have the opportunity to use the WiFi network provided by Swisscom AG, Alte Tiefenastrasse 6, 3048 Ittigen, Switzerland, free of charge. Prior registration is required to prevent misuse and to punish unlawful behavior. In doing so, you transmit the following data to Swisscom AG:

Cell phone number

MAC address of the end device (automatic)

In addition to the above data, data on the time and date of use, the network used and the end device are recorded each time the WiFi network is used. The legal basis for this processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can revoke this consent at any time for the future.

Swisscom Ltd is responsible for this data processing. As part of the registration process, you give your consent to Swisscom Ltd and must accept the Terms of Use and the Privacy Policy of Swisscom Ltd.

Swisscom AG must comply with the legal obligations of the Federal Act on the Surveillance of Postal and Telecommunications Traffic (BÜPF) and the associated ordinance. If the legal requirements are met, the operator of the WiFi network must monitor the use of the Internet and data traffic on behalf of the competent authority. The operator of the WiFi network may also be obliged to disclose the guest's contact, usage and marginal data to the authorized authorities. The contact, usage and peripheral data will be stored for 6 months and then deleted.

The legal basis for this processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the provision of a WiFi network in compliance with the applicable legal regulations.

3.12 Data processing for the fulfillment of legal reporting obligations

Upon arrival at our hotel, we may require the following information from you and your companions, whereby mandatory information is marked with an asterisk (*) in the corresponding form:

Salutation
First and last name
Billing address
Date of birth
Nationality
Identity card or passport
Arrival and departure day

We collect this information to fulfill legal reporting obligations, in particular those arising from hospitality or police law. Insofar as we are obliged to do so under the applicable regulations, we forward this information to the competent authority.

The legal basis for the processing of this data is our legitimate interest within the meaning of Art. 6 para. 1 lit. c GDPR in complying with our legal obligations.

3.13 Data processing for applications

You have the opportunity to apply for a job in our company either spontaneously or in response to a specific job advertisement. In doing so, we process the personal data provided by you.

We use the data you provide to check your application and suitability for employment. Application documents of unsuccessful applicants will be deleted at the end of the application process, unless you explicitly consent to a longer retention period or we are legally obliged to retain them for a longer period.

For the processing of applications, we use a software application from Abacus Umantis AG, Unterstrasse 11, 9001 St. Gallen, Switzerland. Therefore, your data may be stored in a database of Abacus Umantis AG, which may allow Abacus Umantis AG to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy.

The legal basis for processing your data for this purpose is the execution of a contract (pre-contractual phase) in accordance with Art. 6 para. 1 lit. b GDPR.

3.14 Data processing when registering for the subscription service (ad hoc notifications and media releases)

If you register for our subscription service for ad hoc announcements and media releases from Kursaal Bern AG, the following data will be collected. Mandatory information is marked with an asterisk (*) during registration:

Salutation
First and last name
E-mail address

We use a software application from EQS Group AG, Talacker 41, 8001 Zurich, Switzerland, www.egs.com for the provision of e-mails in the subscription service for ad hoc announcements and media releases. We have no influence on the processing of personal data by these controllers. The data protection declarations of these third parties must be observed. Your consent constitutes the legal basis for the processing of data within the meaning of Art. 6 para. 1 lit. a GDPR. You can revoke your consent at any time for the future.

4. CENTRAL DATA STORAGE AND ANALYSIS IN THE CRM SYSTEM

If a clear assignment to your person is possible, we will store and link the data described in this privacy policy, i.e. in particular your personal details, your contacts, your contract data and your surfing behavior on our websites in a central database. This serves the efficient administration of customer data, allows us to adequately process your requests and enables us to efficiently provide the services you require and process the associated contracts.

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the efficient management of user data.

We also evaluate this data in order to further develop our offers in line with your needs and to be able to display and suggest the most relevant information and offers to you. We also use methods that predict possible interests and future orders based on your use of our website.

For central data storage and analysis in the CRM system, we use a software application from Salesforce, 415 Mission Street, 3rd Floor, San Francisco, CA 4105, USA. Therefore, your data may be stored in a Salesforce database, which may allow Salesforce to access your data if this is necessary for the provision of the software and for support in the use of the software. Information on the processing of data by third parties and any transfer abroad can be found in section 5 of this privacy policy. Further information on data processing in connection with Salesforce can be found at <https://www.salesforce.com/eu/company/privacy/>.

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in carrying out marketing activities.

5. FORWARDING AND TRANSMISSION ABROAD

5.1 Disclosure to third parties and access by third parties

Without the support of other companies, we would not be able to provide our services in the desired form. In order for us to be able to use the services of these companies, it is also necessary to pass on your personal data to these companies to a certain extent. Your data will be passed on to selected third-party service providers and only to the extent necessary for the optimal provision of our services.

Various third-party service providers are already explicitly mentioned in this privacy policy.

The legal basis for these transfers is the necessity to fulfill a contract within the meaning of Art. 6 para. 1 lit. b GDPR.

Your data will also be passed on if this is necessary to fulfill the services you have requested, e.g. to restaurants or providers of other services for which you have made a reservation through us. The legal basis for these transfers is the need to fulfill a contract within the meaning of Art. 6 para. 1 lit. b GDPR. The third-party service providers are responsible for this data processing within the meaning of the Data Protection Act and not us. It is the responsibility of these third-party service providers to inform you about their own data processing - beyond the transfer of data for the provision of services - and to comply with data protection laws.

In addition, your data may be passed on, in particular to authorities, legal advisors or debt collection agencies, if we are legally obliged to do so or if this is necessary to protect our rights, in particular to enforce claims arising from the relationship with you. Data may also be disclosed if another company intends to acquire our company or parts thereof and such disclosure is necessary to carry out a due diligence review or to complete the transaction.

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the protection of our rights and compliance with our obligations or the sale of our company or parts thereof.

5.2 Transfer of personal data abroad

We are also entitled to transfer your personal data to third parties abroad if this is necessary to carry out the data processing mentioned in this privacy policy. Individual data transfers are described above in point. 3 have been mentioned above. It goes without saying that the statutory provisions on the disclosure of personal data to third parties are complied with. The countries to which data is transferred include those that the Federal Council and the EU Commission have decided have an adequate level of data protection (such as the member states of the EEA or, from the EU's point of view, Switzerland), but also countries (such as the USA) whose level of data protection is not considered adequate (see Annex 1 of the General Data Protection Regulation (GDPR) and the [EU Commission's website](#)). If the country in question does not have an adequate level of data protection, we ensure that your data is adequately protected by these companies by means of suitable guarantees, unless an exception is specified for individual data processing (see Art. 49 GDPR). Unless otherwise stated, these are standard contractual clauses within the meaning of Art. 46 para. 2 lit. c GDPR, which can be found on the websites of the [Federal Data Protection and Information Commissioner \(FDPIIC\)](#) and the [EU Commission](#). If you have any questions about the measures taken, please get in touch with our contact person for data protection (see section 2).

5.3 Information on data transfers to the USA

Some of the third-party service providers mentioned in this privacy policy are based in the USA. For the sake of completeness, we would like to point out to users residing or domiciled in Switzerland or the EU that there are surveillance measures in place in the USA by US authorities that generally allow the storage of all personal data of all persons whose data has been transferred from Switzerland or the EU to the USA. This is done without differentiation, restriction or exception based on the objective pursued and without an objective criterion that makes it possible to restrict the US authorities' access to the data and its subsequent use to very specific, strictly limited purposes that justify the interference associated with both access to this data and its use. In addition, we would like to point out that in the USA there are no legal remedies or effective legal protection for data subjects from Switzerland or the EU against general access rights of US authorities that would allow them to obtain access to the data concerning them and to obtain its correction or deletion. We explicitly draw your attention to this legal and factual situation in order to enable you to make an appropriately informed decision to consent to the use of your data.

We would also like to point out to users residing in Switzerland or a member state of the EU that the USA does not have an adequate level of data protection from the perspective of the European Union and Switzerland - partly due to the statements made in this section. Insofar as we have explained in this privacy policy that recipients of data (such as Google or Salesforce) are based in the USA, we will ensure that your data is adequately protected by our third-party service providers through contractual arrangements with these companies and any additional appropriate guarantees that may be required.

6. BACKGROUND DATA PROCESSING ON OUR WEBSITE

6.1 Data processing when visiting our website (log file data)

When you visit our website, the servers of our hosting provider Swizzonic Ltd, Badenerstrasse 47, Zurich, Switzerland, temporarily store every access in a **log file**. The following data is recorded without any action on your part and stored by us until it is automatically deleted:

IP address of the requesting computer;
Date and time of access;
Name and URL of the retrieved file;
Website from which the access was made, if applicable with the search term used;
Your computer's operating system and the browser you are using (incl. type, version and language setting);
Device type in the event of access by cell phones;
the city or region from which the access was made; and
Name of your Internet access provider.

This data is collected and processed for the purpose of enabling the use of our website (connection establishment), ensuring system security and stability on a permanent basis, enabling error and performance analysis and optimization of our website (see also section 6.4).

In the event of an attack on the network infrastructure of the website or in the event of suspicion of other unauthorized or abusive use of the website, the IP address and other data will be evaluated for clarification and defense purposes and, if necessary, used to identify the user concerned in the context of civil or criminal proceedings.

The purposes described above constitute our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR and thus the legal basis for data processing.

Finally, when you visit our website, we use cookies as well as applications and tools that are based on the use of cookies. The data described here may also be processed in this context. You will find more detailed information on this in the following sections of this privacy policy, in particular the following section 6.2.

6.2 Cookies

Cookies are information files that your web browser stores on your computer's hard disk or memory when you visit our website. Cookies are assigned identification numbers that identify your browser and allow the information contained in the cookie to be read.

Cookies help, among other things, to make your visit to our website easier, more pleasant and more meaningful. We use cookies for various purposes that are required for your desired use of the website, i.e. are "technically necessary". For example, we use cookies to identify you as a registered user after you have logged in without you having to log in again each time you navigate through the various subpages. The provision of the ordering and booking functions is also based on the use of cookies. Cookies also perform other technical functions required for the operation of the website, such as load balancing, i.e. the distribution of the performance load of the site to different web servers in order to

reduce the load on the servers. Cookies are also used for security purposes, e.g. to prevent the unauthorized posting of content. Finally, we also use cookies as part of the design and programming of our website, e.g. to enable the uploading of scripts or codes.

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the provision of a user-friendly and up-to-date website.

Most Internet browsers accept cookies automatically. However, when you access our website, we ask for your consent to the cookies we use that are not technically necessary, especially when using third-party cookies for marketing purposes. You can make your desired settings using the corresponding buttons in the cookie banner. Details on the services and data processing associated with the individual cookies can be found within the cookie banner and in the following sections of this privacy policy.

You may also be able to configure your browser so that no cookies are stored on your computer or so that a message always appears when you receive a new cookie. On the following pages you will find explanations of how you can configure the processing of cookies in selected browsers.

[Google Chrome for desktop](#)

[Google Chrome for Mobile](#)

[Apple Safari](#)

[Microsoft Windows Internet Explorer](#)

[Microsoft Windows Internet Explorer Mobile](#)

[Mozilla Firefox](#)

If you deactivate cookies, you may not be able to use all the functions of our website.

6.3 Google Custom Search Engine

This website uses the [Programmable Search Engine](#) of Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (**Google**). This enables us to provide you with an efficient search function on our website.

By pressing the enter key or clicking on the search button, the search function is activated and the search results from Google are displayed on the search results page by means of an embedding (**iFrame**). When the search results are retrieved, a connection is established with Google's servers and, if necessary, your browser will transmit the data specified in section 6.1 (incl. IP address) and the search term you entered to Google. This may also result in data being transferred to servers abroad, e.g. in the USA (see, in particular, the lack of an adequate level of data protection and the guarantees provided, section 5.2 and 5.3).

The legal basis for this data processing is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the provision of an efficient website search function.

For further processing of data by Google, please refer to Google's privacy policy: www.google.com/intl/de_de/policies/privacy.

6.4 Tracking and web analysis tools

6.4.1 General information about tracking

We use the web analysis services listed below for the purpose of designing and continuously optimizing our website to meet your needs. In this context, pseudonymized user profiles are created and cookies are used (please also refer to section 6.2). The information generated by the cookie about your use of this website is generally stored together with the data specified in section 6.1 to a server of the service provider, where it is stored and processed. This may also result in a transfer to servers abroad, e.g. the USA (see, in particular, the lack of an adequate level of data protection and the guarantees provided, Section 5.2 and 5.3).

By processing the data, we obtain the following information, among other things:

Navigation path that a visitor takes on the site (incl. content viewed and products selected or purchased or services booked);
Time spent on the website or subpage;
Subpage on which the website is left;
Country, region or city from where access is made;
terminal device (type, version, color depth, resolution, width and height of the browser window); and
returning or new visitors.

The provider will use this information on our behalf to evaluate the use of the website, in particular to compile website activities and to provide further services associated with the use of the website and the Internet for the purposes of market research and the needs-based design of these websites. We and the providers can be regarded as joint controllers under data protection law for this processing up to a certain extent.

The legal basis for this data processing with the following services is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can withdraw your consent or object to the processing at any time by rejecting or deactivating the relevant cookies in your web browser settings (see section 6.2) or by making use of the service-specific options described below.

For the further processing of the data by the respective provider as the (sole) controller under data protection law, in particular any disclosure of this information to third parties, e.g. to authorities due to national legal regulations, please refer to the respective data protection information of the provider.

6.4.2 Google Analytics

We use the web analysis service Google Analytics from Google Ireland Limited (Gordon House, 4 Barrow St, Dublin, D04 E5W5, Ireland) or Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (**Google**).

In deviation from the description in section 6.4.1 IP addresses are not logged or stored in Google Analytics (in the "Google Analytics 4" version used here). In the case of access originating from the EU, IP address data is only used to derive location data and then deleted immediately. When collecting measurement data in Google Analytics, all IP

searches are carried out on EU-based servers before the traffic is forwarded to Analytics servers for processing. Regional data centers are used in Google Analytics. If a connection is established in Google Analytics to the nearest available Google data center, the measurement data is sent to Analytics via an encrypted HTTPS connection. In these centers, the data is further encrypted before it is forwarded to the Analytics processing servers and made available on the platform. The most suitable local data center is determined based on the IP addresses. This may also result in data being transferred to servers abroad, e.g. in the USA (see, in particular, the lack of an adequate level of data protection and the guarantees provided, section 5.2).

We also use the technical extension "Google Signals", which enables cross-device tracking. This allows an individual website visitor to be assigned to different end devices. However, this only happens if the visitor has logged into a Google service when visiting the website and has also activated the "personalized advertising" option in their Google account settings. Even then, however, no personal data or user profiles are made available to us; they remain anonymous to us. If you do not wish to use "Google Signals", you can deactivate the "personalized advertising" option in your Google account settings.

Users can prevent Google from collecting the data generated by the cookie and relating to the use of the website by the user concerned (including the IP address) and from processing this data by Google by downloading and installing the browser plug-in available under the following link:

<http://tools.google.com/dlpage/gaoptout?hl=de>.

As an alternative to the browser plugin, users can click this link to prevent Google Analytics from collecting data on the website in the future. An opt-out cookie is then stored on the user's device. If users delete cookies (see section 6 Cookies), the link must be clicked again.

6.5 Social media

6.5.1 Social media profiles

We have included links to our profiles in the social networks of the following providers on our website:

Meta Platforms Inc, 1601 S California Ave, Palo Alto, CA 94304, USA, [privacy policy](#):

Twitter Inc. with registered office at 1355 Market Street, Suite 900, San Francisco, CA 94103, USA, [privacy policy](#):

LinkedIn Unlimited Company, Wilton Place, Dublin 2, Ireland, [Privacy Policy](#).

TikTok Technology Limited, 10 Earlsfort Terrace, Dublin, D02 T380, Ireland, [Privacy Policy](#).

If you click on the social network icons, you will be automatically redirected to our profile in the respective network. This establishes a direct connection between your browser and the server of the respective social network. As a result, the network receives the information that you have visited our website with your IP address and clicked on the link. This may also result in data being transferred to servers abroad, e.g. in the USA (see, in particular, the lack of an adequate level of data protection and the guarantees provided, section 5.2 and 5.3).

If you click on a link to a network while you are logged into your user account with the network in question, the content of our website can be linked to your profile so that the network can assign your visit to our website directly to your account. If you want to prevent this, you should log out before clicking on the relevant links. A connection between your access to our website and your user account takes place in any case if you log in to the respective network after clicking on the link. The respective provider is responsible under data protection law for the associated data processing. Please therefore note the data protection information on the network's website.

The legal basis for any data processing attributed to us is our legitimate interest within the meaning of Art. 6 para. 1 lit. f GDPR in the use and advertising of our social media profiles.

6.6 Online advertising and targeting

6.6.1 In general

We use the services of various companies to provide you with interesting offers online. Your user behavior on our website and websites of other providers is analyzed in order to be able to display online advertising tailored to you.

Most technologies for **tracking** your user behavior (**tracking**) and for the targeted display of advertising (targeting) work with cookies (see also section 6.2), with which your browser can be recognized via various websites. Depending on the service provider, it may also be possible for you to be recognized online even when using different end devices (e.g. laptop and smartphone). This may be the case, for example, if you have registered with a service that you use on several devices.

In addition to the data already mentioned, which is collected when websites are accessed (**log file data**, see section 6.1) and the use of cookies (section 6.2) and which may be passed on to the companies involved in the advertising networks, the following data in particular is used to select the advertising that is potentially most relevant to you:

information about you that you have provided when registering or using a service from advertising partners (e.g. your gender, your age group); and
User behavior (e.g. search queries, interactions with advertising, types of websites visited, products or services viewed and purchased, newsletters subscribed to).

We and our service providers use this data to recognize whether you belong to the target group we are addressing and take this into account when selecting advertisements. For example, after you have visited our site, you may be shown ads for the products or services you have consulted when you visit other sites (**re-targeting**). Depending on the scope of the data, a user profile may also be created that is automatically evaluated, with the ads being selected according to the information stored in the profile, such as membership of certain demographic segments or potential interests or behaviors. Such ads may be displayed to you on various channels, including our website or app (as part of on-site and in-app marketing) as well as ads that are placed via the online advertising networks we use, such as Google.

The data may then be analyzed for the purpose of billing the service provider and to assess the effectiveness of advertising measures in order to better understand the needs

of our users and customers and to improve future campaigns. This may also include information that the performance of an action (e.g. visiting certain sections of our websites or sending information) is attributable to a specific advertisement. We also receive aggregated reports from the service providers on advertising activities and information on how users interact with our website and our advertisements.

The legal basis for this data processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can withdraw your consent at any time by rejecting or deactivating the relevant cookies in the settings of your web browser (see section 6.2). Further options for blocking advertising can also be found in the information provided by the respective service provider, e.g. [Google](#).

6.6.2 Google Ads

This website uses online advertising as described in section 6.6.1 the services of Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (**Google**). Google uses cookies for this purpose (see [the list here](#)), which enable your browser to be recognized when you visit other websites. The information generated by the cookies about your visit to these websites (including your IP address) will be transmitted to and stored by Google on servers in the United States (see, in particular, the lack of an adequate level of data protection and the guarantees provided, section 5.2 and 5.3). Further information on data protection at Google can be found [here](#).

The legal basis for this data processing is your consent within the meaning of Art. 6 para. 1 lit. a GDPR. You can withdraw your consent at any time by rejecting or deactivating the relevant cookies in the settings of your web browser (see section 6.2). Further options for blocking advertising can be found [here](#).

7. RETENTION PERIODS

We only store personal data for as long as is necessary to carry out the processing described in this privacy policy within the scope of our legitimate interest. In the case of contractual data, storage is prescribed by statutory retention obligations. Requirements that oblige us to store data result from accounting and tax regulations. According to these regulations, business communication, concluded contracts and accounting documents must be stored for up to 10 years. If we no longer need this data to perform the services for you, the data will be blocked. This means that the data may then only be used if this is necessary to fulfill retention obligations or to defend and enforce our legal interests. The data will be deleted as soon as there is no longer an obligation to retain it and there is no longer a legitimate interest in retaining it.

8. DATA SECURITY

We use suitable technical and organizational security measures to protect your personal data stored by us against loss and unlawful processing, in particular unauthorized access by third parties. Our employees and the service companies commissioned by us are obliged by us to maintain confidentiality and to comply with data protection regulations. Furthermore, these persons are only granted access to personal data to the extent necessary to fulfill their tasks.

Our security measures are continuously adapted in line with technological developments. However, the transmission of information via the Internet and electronic means of communication always involves certain security risks and we can therefore provide no absolute guarantee for the security of information transmitted in this way.

9. YOUR RIGHTS

If the legal requirements are met, you have the following rights as a person affected by data processing:

Right to information: You have the right to request access to your personal data stored by us at any time free of charge if we process it. This gives you the opportunity to check what personal data we process about you and whether we process it in accordance with the applicable data protection regulations.

Right to rectification: You have the right to have inaccurate or incomplete personal data rectified and to be informed of the rectification. In this case, we will also inform the recipients of the data concerned about the adjustments we have made, unless this is impossible or involves disproportionate effort.

Right to erasure: You have the right to have your personal data erased under certain circumstances. In individual cases, particularly in the case of statutory retention obligations, the right to erasure may be excluded. In this case, the data may be blocked instead of erased if the conditions are met.

Right to restriction of processing: You have the right to request that the processing of your personal data be restricted.

Right to data portability: You have the right to receive from us, free of charge, the personal data that you have provided to us in a readable format.

Right to object: You can object to data processing at any time, particularly in the case of data processing in connection with direct marketing (e.g. marketing e-mails).

Right of withdrawal: In principle, you have the right to withdraw your consent at any time. However, processing activities based on your consent in the past will not become unlawful as a result of your withdrawal.

To exercise these rights, please send us an e-mail to the following address: danielle.aeber-sold@kursaal-bern.ch

Right to lodge a complaint: You have the right to lodge a complaint with a competent supervisory authority, e.g. against the way in which we process your personal data.
