

# Data Protection Notice for bta first travel ag

Version 1.2, June 2021

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## 1. What is the aim of this data protection notice?

Data protection is a matter of trust, and your trust is important to us. That is why we have published this data protection notice. Taking into account the new European General Data Protection Regulation («**GDPR**»), it discloses which personal data we process in which manner and for which purposes. Although the GDPR is a European Union regulation, it is important for us. The Swiss Data Protection Act («**DPA**») is heavily influenced by European law, and the future revision of the DPA will incorporate many of the provisions of the GDPR. In addition, companies outside of the European Union must comply with the GDPR under certain circumstances. However, we want to provide the same high level of protection provided under the GDPR for everyone whose data we process and have therefore decided to align this data protection notice with the GDPR.

We want to be sure that you receive comprehensive information about how your personal data are processed. For this reason, in this data protection notice we inform you how and why we collect, process and use your personal data. It is important to us that you understand:

- which personal data related to you that we collect and process;
- when we collect your personal data;
- the purpose for which we use your personal data;
- how long we retain your personal data;
- who has access to your personal data; and
- what rights you have with respect to your personal data.

You will find the corresponding information and explanations below. If you have any questions, please contact us at any time. You can find our contact details in Section 2.

## 2. Who are we?

A specific company is responsible under data protection law for all data processing that occurs. The responsible company is always the company that determines whether a particular type of data processing – e.g. processing in the framework of a service, during the use of a website, etc. – takes place, the purpose for which it is carried out and the principles that apply (if the decision is taken by several companies together, they may also be jointly responsible). The following company is generally responsible for the data processing carried out under this data protection notice («**we**» or «**us**»):

bta first travel ag  
Sennweidstrasse 44  
6312 Steinhausen/Zug  
+41 43 211 81 82

In certain cases, the responsible company is not us, but rather another company:

- If you get in contact with another Migros Group company, e.g. if you contact a customer service department, then this company is responsible for the data processing – unless there is a provision to the contrary in this data protection notice regarding the relevant processing.
- We also forward your personal data to other companies of the Hotelplan Group and other third parties so that these recipients can process the personal data for their own purposes (i.e. not on our behalf). This may also include the authorities. In such cases, the respective recipient is considered to be the responsible party. Further details can be found in this data protection notice under Section 6; a list of Hotelplan Group companies can be found at [www.hotelplan.com/en/about-us](http://www.hotelplan.com/en/about-us).

## 3. What are «personal data» and what is «processing»?

The Data Protection Act governs the processing of personal data. Personal data (i.e. **an individual's personal details**) refers to all information

that can be connected to a natural person, i.e. to a person. This can include, for example, the following information:

- contact details, e.g. name, postal address, email address, phone number;
- other personal details, e.g. gender, date of birth and age, marital status, nationality, passport details, etc.;
- details about trips, such as travel dates, trip route/destination, airline, hotel, price, customer requests or information about fellow travellers;
- health data, e.g. information about health related special needs or illnesses and accidents that occur during a trip;
- financial details, e.g. payment information, credit card number, account details, credit rating, assets and income;
- records of your visits to websites; and
- information that you provide to us during your communications with us.

In addition, information related to a specific legal entity (e.g. information about a contract with a company) is also considered personal data.

We generally collect your personal data directly from you, e.g. when you communicate with us in a travel agency, when you take advantage of an offer online or via an app, or when you visit a website. However, it may also be collected indirectly, e.g. via independent travel agencies, when a traveller provides information about a fellow traveller or when other people are mentioned during communications with us or as a result of the purchase of additional information from third-party sources of data (e.g. from social media networks or address list brokers).

We do not necessarily process all of the different categories of personal data specified in this section. Specific information about the personal data that we process can be found in Section 5. «**Processing**» (also referred to as «**handling**») refers to any type of activity involving your personal data. This includes, for example, the following activities:

- collection and storage;
- use;
- forwarding and disclosure; and
- deletion and destruction.

#### 4. For whom is this data protection notice intended and for what purpose?

This data protection notice applies to our processing of personal data in all of our business areas. It applies to the processing of personal data that have already been collected as well as personal data collected in future. For certain services, **supplementary data protection regulations** may also apply.

Our data processing activities may affect the following people in particular (so-called «data subjects»):

- people who write to us or otherwise contact us or who are specified in communications with us;
- Personen, die bei uns Reisen bzw. Veranstaltungen buchen;
- people who book trips or events with us;
- fellow travellers;
- people who book other services with us or who come into contact with us through the services;
- visitors to our website and social media channels;
- recipients of information and marketing communications;
- the contact persons for our suppliers, purchasers and other business partners; and
- job applicants.

#### 5. Which personal data do we process and for which purposes?

We process very different personal data depending on the event and purpose. Among other things, we process personal data – including highly sensitive personal data in some cases – in the following situations and for the following purposes:

##### 5.1 Communication

We process personal data when you contact us or we contact you, e.g. when you contact our customer service department and when you write or call us. In such cases, information such as your name and contact details as well as the content and date and time of the relevant message are generally sufficient. We use this data in order to be able to provide you with information or notifications, process your request and communicate with you as well as provide quality assurance and training. We also forward messages within the Migros Group to the relevant unit, e.g. if your request is related to a different company.

##### 5.2 Booking trips and events

We process personal data if you use our services, e.g. if you book a trip directly with us or through

an independent travel agency. In such cases, we process your personal data (in particular, the trip information specified in Section 2) in particular in the framework of processing the booking or as part of the invoicing process. When you book trips or events in our online shop, we also collect and process personal data in connection with your credit rating and your shopping and payment behavior. For example, we use credit rating information to decide whether we want to offer you the option of buying on account, and we process information about what purchases you make when and how frequently in which shops or via online shops in order to derive information about your preferences and affinities for certain products or services. This information helps us to provide you with targeted information about additional offers and to align our offering more closely with demand.

##### 5.3 Visits to websites

When you visit our websites, we process personal data based on the offering and functionality of the website. This includes technical data, such as information about the time and date our website is accessed, the duration of the visit, the pages visited and information about the device used (e.g. tablet, PC or smartphone; the «**end device**»). We use these data to provide the website and make it more professional, for IT security reasons and to improve the user-friendliness of the website. We also use cookies; these are files that are stored on the end device when you visit our website. In many cases, cookies are required for the website to function and they are automatically deleted after the visit. Other cookies help to make the offering more personal or enable us to provide you with targeted advertising from third parties and are stored for a certain amount of time. You can configure your end device so that a message appears before a new cookie is stored. This also allows you to refuse to accept cookies. You can also delete cookies from your end device. It is also possible to prevent the collection of the data created by the cookie (incl. your IP address) and the processing of these data by downloading the corresponding browser add-on and installing it. However, refusing to accept or deactivating cookies may make it impossible for you to use all of the website's functions.

##### 5.4 Analysis services

We may also use analysis services, e.g. Google Analytics, a service of Google, Inc. (USA). This involves the collection of detailed information about your behavior on the relevant website. This information is saved on a Google server in the USA. However, your IP address will be stored shortened and anonymized. Google Analytics also makes it possible to allocate data, sessions and interactions across multiple end devices to a pseudonymous user ID and analyze the activities

of an unnamed user across various devices. Further details can be found in Google's privacy policy at <https://policies.google.com>.

##### 5.5 Other provider's functions

We may also integrate the functions of other providers, such as Facebook, which may result in the relevant provider receiving data about you. In most cases, we do not know the names of website visitors.

##### 5.6 Information and direct marketing

We process personal data (in particular, your name and your email address) in order to send information and marketing messages. In the case of emails, we also process information about your use of the messages (e.g. whether you opened an email and downloaded the embedded images) in order to tailor our offering more specifically to you and in order to improve the messages generally. You can block the processing of usage data in your email program if you do not consent to this type of processing. If you do not want to receive informational and marketing messages, please send an email to [marketing@btafirst.com](mailto:marketing@btafirst.com) or contact bta first travel ag, Marketing, Sägereistr. 20, 8152 Glattbrugg. In addition, you will find a link in every informational and marketing email that allows you to unsubscribe.

##### 5.7 Competitions, contests and similar events

We occasionally hold competitions, contests and similar events. In doing so, we process your contact details and information about your participation in order to conduct the competitions and contests, and where necessary in order to communicate with you in this connection and for marketing purposes. Further information in this respect can be found in the corresponding terms and conditions of participation.

##### 5.8 Business partners

We work with various companies and business partners, e.g. with transport companies, hotels, other service providers, travel agencies, car hire companies, motor home hire companies, etc., with cooperation partners and with service providers (e.g. IT service providers). In doing so, we also process the personal data of the contact people at these companies, e.g. name, function, title and communication with us, for the negotiation and implementation of the contract, for accounting purposes, for training purposes, for customer or supplier relationship management and for other purposes related to the contract. Depending on the activity, we are also required to conduct certain reviews of the relevant company and its employees, e.g. a security review. In this case, we collect and process additional infor-

mation. We can also process personal data to improve our customer service, customer satisfaction and customer loyalty.

### 5.9 Administration

We process personal data for our own as well as the Group's administrative purposes. We also process personal data for accounting and archiving purposes and generally to review and improve internal processes.

### 5.10 Corporate transactions

We may also process personal data to arrange and carry out the acquisition and sale of companies and the purchase or sale of assets. The object and scope of the data collected or transmitted depends on the phase and the object of the transaction.

### 5.11 Job applicants

We also process personal data when you submit a job application to us to assess your suitability for the relevant position, to speak with you if we are considering hiring you for the position and, where applicable, to prepare and conclude a contract. For this purpose, we generally require the standard information and documents as specified in the job description, e.g. application documents, marital status, children, residency status, CV, knowledge and skills, interests, references, qualifications, letters of reference, etc. This may also include highly sensitive information, e.g. health data or information about membership of a union.

### 5.12 Compliance with statutory requirements

We process personal data in order to comply with statutory requirements, e.g. to ensure compliance with statutory obligations including orders issued by a court or by a government agency, to ensure compliance and to identify and investigate abuses. This is the case, for example, if we receive and process complaints and reports of abuses or if a government agency requests documents that contain your name and your contact details or if an investigation is conducted on our premises. We may also conduct internal investigations, during which your personal data may also be processed.

### 5.13 Safeguard legal rights

We process personal data in various forms in order to safeguard our rights, e.g. to assess our claims, the claims of associated companies, employees or contractual or business partners and, where necessary, to assert such claims in court, during preliminary proceedings or outside of court and before authorities in Switzerland and abroad, as well as to defend ourselves against claims. For example, we can have the prospects of a case clarified or submit documents to a government agency. In doing so, we may process

your personal data or disclose them to a third party in Switzerland or abroad if this is required and permitted.

## 6. To whom do we disclose your personal data?

Our employees have access to your personal data if this is necessary for the described purposes and the activities of the relevant employees. In doing so, they act in accordance with our policies and are obligated to maintain confidentiality and secrecy when handling your personal data.

We may disclose your personal data for internal Group administration and for various other processing purposes to **other companies within the Migros Group**. In this case, your personal data may be processed and linked for the relevant purposes along with personal data from other Migros Group companies.

We may disclose your personal data to third parties if we want to take advantage of their services («**contract data processors**»). This may involve, for example, services in the following areas:

- IT services, e.g. services related to data storage (hosting), cloud services, sending email newsletters, data analysis and enrichment, etc.; and
- services in the area of business administration (e.g. accounting or asset management).

We ensure that your personal data are protected at all times during processing, including processing by third parties, by carefully selecting contract data processors and making suitable contractual arrangements. Our contract data processors are obliged to process the personal data solely on our behalf and in accordance with our instructions.

In addition, it is possible that personal data may be disclosed to other companies for their own purposes. In these cases, the recipient of the data is **the party responsible** for the personal data under data protection law. This is true, for example, in the following cases:

- When you book trips with us, we provide your personal data – depending on the type of trip – to the transport company (rail company, ship company, airline, etc.), the operator of the overnight accommodation (hotel, guest house, etc.), local event planners (e.g. concert halls, tour guides, etc.) and other service providers (e.g. car hire and motor home hire companies).
- **Special information for air travel:** At the request of the authorities in certain countries, it may be necessary to transmit specific data about your trip into and out of these countries to these authorities for security and entry reasons. You authorize us or the relevant airline to transmit the personal data for you as a passenger – known as passenger name records (PNRs) – to these authorities for these purposes, pro-

vided this information is available. This includes, for example, your full name, date of birth, your full residential address, phone numbers, information about your fellow travellers, the data your trip was booked/your ticket was issued and your intended travel date, all types of payment information, your trip status and your trip route, frequent flyer number, information about your luggage, all past changes to your PNR, etc. You are aware and agree that these data may be transmitted to countries where the level of data protection does not correspond to the level of data protection in Switzerland (for more on this point, see Section 7).

- If we act as the broker for a trip, we provide personal data to the relevant travel business.
- If we review or carry out transactions such as mergers or the purchase or sale of individual parts of a company, we must share personal data with other companies in this connection. In these cases, we will inform you in good time why this is occurring and we will attempt to process as little personal data as possible.
- We may disclose your personal data to third parties (e.g. the authorities in Switzerland and abroad) if this is legally required. We also reserve the right to process your personal data in order to comply with a court order or assert or defend against legal claims, or if we believe doing so is necessary for other legal reasons.
- We may forward personal data related to you to former employers if you submit an employment application to us (reference information), or to future employers if you apply for a new position.
- If we assign claims against you to other companies, such as collection companies.

## 7. When do we disclose your personal data abroad?

The recipients of your personal data (see Section 6) may also be located abroad. The corresponding countries may not have laws that protect your personal data to the same extent as in Switzerland or in the EU or EEA. If we send your personal data to such a country, we are obliged to ensure that your personal data are adequately protected. One way of doing this is to conclude data transfer agreements with the recipients of your personal data in third countries that oblige them to ensure the requisite level of data protection. These include agreements that are approved, issued or recognized by the competent authorities, so-called standard contractual clauses. Please contact us if you would like to have detailed information. In exceptional cases, the data may be transmitted to countries that do not have an adequate level of protection.

## 8. Do we engage in profiling and automated decision-making?

«**Profiling**» refers to a process in which personal data are processed automatically in order to assess, analyze or predict personal characteristics, e.g. an individual's work performance, economic situation, health, personal preferences, interests, reliability, behavior, location or change of location. We engage in profiling in order, for example, to analyze shopping behavior, select job applicants, assess contractual partners, etc.

«**Automated decision-making**» refers to decisions that are made automatically, i.e. without any human involvement, and that have negative legal consequences or other negative consequences for you. We will provide you with separate information if we engage in automated decision-making if this is required by law.

## 9. How do we protect your personal data?

We implement appropriate security measures of a technical nature (e.g. encryption, pseudonymisation, logging, access restrictions, data backups, etc.) and organizational nature (such as instructions to our employees, confidentiality agreements, reviews, etc.) in order to ensure the security of your personal data and to protect against unauthorized or unlawful processing and the risk of loss, unintentional changes, unwanted disclosure or unauthorized access. However, security risks cannot generally be excluded; certain risks are usually unavoidable.

## 10. How long do we store your personal data?

We store your personal data in personalized form for as long as required for the specific purpose for which we collected it; in the case of contracts, this is generally at least as long as the duration of the contractual relationship. We also store personal data if we have a legitimate interest in storing the data. This may be the case, in particular, if we need the personal data to enforce or defend against claims, for archiving purposes, to ensure IT security or if there are limitation periods for contractual or non-contractual claims. For example, there is often a limitation period of ten years; in some cases, the limitation period is five years or one year. We also store your personal data for as long as they are subject to a statutory retention obligation. For certain data, for example, the retention period is ten years. There may be shorter retention periods for other data, e.g. for recordings from video monitoring or for records of certain transactions online (log data). After the aforementioned periods, we either delete or anonymize your personal data.

## 11. What rights do you have in connection with the processing of your personal data?

You may revoke the right to process your data at any time, especially for data processed in connection with direct marketing (e.g. marketing emails).

You also have the following rights:

**Right to information:** You have the right to request access to your personal data we have on file at no charge and at any time if we process such data. You may review which personal data we process for you and check that we use these data in accordance with the applicable data protection regulations.

**Right to correction:** You have the right to request that incorrect or incomplete personal data be corrected and to be informed of the correction. In this case, we will inform the recipient of the relevant data about the changes that are made, provided that doing so is not impossible and that it does not involve unreasonable costs.

**Right to deletion:** You have the right to have your personal data deleted under certain circumstances. The right to deletion may be excluded in individual cases.

**Right to limit processing:** Under certain conditions, you have the right to request that the processing of your personal data be limited.

**Right to data transfer:** In certain situations, you have the right to receive personal data that you have provided to us in a readable format at no charge.

**Right to lodge complaints:** You have the right to lodge a complaint with the competent supervisory authority regarding the manner in which your personal data is processed.

**Right of revocation:** You generally have the right to revoke consent you have granted at any time. However, any past processing of your personal data based on your consent is not deemed to be unlawful.

## 12. What else should I keep in mind?

In particular, we adhere to the following principles when we process your personal data:

- The compliancy of a contract to which the data subject is party and the implementation of steps at the request of the data subject prior to entering into a contract.
- **Legitimate interests.** These include our own interests and the interests of third parties. These interests vary greatly and include, for example, the interest in good customer service, maintaining contact and other communications with customers, including outside of contracts; advertising and marketing activities; getting to know our customers and other people better; improving current products and services and developing new ones; internal

Group administration and internal Group communication which is necessary for a corporate group based on a division of labor; combating fraud, e.g. in online shops, and preventing and investigating offences; protecting customers, employees and other people and the Migros Group's data, secrets and assets; ensuring IT security, especially in connection with the use of websites, apps and other IT infrastructure; ensuring and organizing business operations, including the operation and development of websites and other systems; corporate governance and development; the sale or purchase of companies, parts of companies and other assets; the enforcement or defense of legal claims; and compliance with Swiss law and internal regulations.

- Consent, if we make a separate request for consent.
- The requirement to comply with legal provisions.

There is generally no obligation to disclose personal data to us, unless you have a contractual relationship with us that makes such disclosure necessary.

However, we must collect and process the personal data that are necessary or prescribed by law for the commencement and processing of a contractual relationship and for the performance of the related obligations. Otherwise, we will not conclude or maintain the relevant contract. The processing of certain data may also be required if you use websites. You can block cookies (for more information about cookies, see this data protection notice). However, for technical reasons the logging of certain (usually) non-personal data, such as your IP address, cannot be prevented. We must also, as a minimum, process the personal data that you send to us or that we send to you when we communicate.

When you send personal data to us, you must ensure that these personal data are correct. In some cases, you may wish or you may be obligated to send the personal data of third parties, e.g. fellow travellers. Note that in these cases you are obliged to inform the relevant person of this data transfer and about this data protection notice and to ensure the accuracy of the relevant personal data.

## 13. Changes to this data protection notice

This data protection notice may be modified over time, especially if we change our data processing procedures or if new legal provisions apply. We actively inform people whose contact details we have on file when there are significant changes if this does not involve unreasonable costs. In general, however, the version of the data protection notice that is in force at the start of the relevant processing applies.