

## DATA PROTECTION POLICY

### 1. Why is this Policy necessary?

This Data Protection Policy ("Policy") applies when Velux Stiftung, Kirchgasse 42, 8001 Zurich, Switzerland ("Foundation" or "we" or "us") processes personal data of applicants for its funding activities ("Applicant" or "you" or "your").

This Policy sets out the obligations of the Foundation and you regarding data protection and the rights of the Applicants in respect of their personal data under the Swiss Data Protection Act ("DPA") and General Data Protection Regulation ("GDPR"), as amended from time to time (collectively "Regulation").

The Regulation defines "personal data" as any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

### 2. Contact

If you have any questions about this Policy or the personal data processed by us, please contact us by e-mail at [info@veluxstiftung.ch](mailto:info@veluxstiftung.ch) or by post to Velux Stiftung, Kirchgasse 42, 8001 Zurich, Switzerland. With regard to GDPR requests: VGS Datenschutzpartner GmbH, Am Kaiserkai 69, 20457 Hamburg, Germany, [info@datenschutzpartner.eu](mailto:info@datenschutzpartner.eu).

### 3. How we use your personal data and the legal basis

The Foundation processes personal data in order to perform its obligations under the respective funding contract concluded with (including the processing of personal data within the application process regardless whether the funding of the approval is granted) you and to manage the research project relationship with you, to perform our legal obligations provided by applicable law or for the purpose of other legitimate interests, for public information purposes (annual report, website, newsletters etc.), if you have signed up for our newsletter or in order to comply with a legal duty imposed on the Foundation in connection with laws applicable to us.

For the sake of transparency and commination of the Foundation's activities vis-à-vis its stakeholders and the public the Foundation may use your personal data for its homepage, newsletters, annual report or other publications, in its social media channels and similar means of communication. The Foundation will only process your personal data for the reasons stated in this section and only with your consent (which is withdrawable at any time). By submitting the application you give your explicit consent to this kind of data processing.

### 4. The personal data we collect from you

The information we collect from you may include but is not limited to the following personal data: Applicant's name, ID or passport, birth date, telephone number(s), mailing address, email address, CV, institution, department, position, academic title and any other information relating to the Applicant which the Applicant has provided to the Foundation.

## **5. The ways we collect your personal data**

Generally, the Foundation may collect personal data in the following cases: when you submit forms or applications to the Foundation; when you submit requests to the Foundation; when you respond to our questions and requests, when you enter into a contract with the Foundation; when you ask to be included in an email or other mailing list from the Foundation; when you respond to our initiatives; and when you submit personal data to the Foundation for any other reason.

## **6. The Data Protection Principles**

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data must comply. All personal data must be:

- a. processed lawfully, fairly, and in a transparent manner in relation to the Applicant;
- b. collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;
- e. kept in a form which permits identification of the Applicant for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organizational measures required by the Regulation in order to safeguard the rights and freedoms of the Applicant;
- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

## **7. Privacy Impact Assessments**

The Foundation shall carry out Privacy Impact Assessments when and as required under the Regulation.

## **8. Your Rights**

You have the following rights under the Regulation, which this Policy and our use of your personal data have been designed to respect:

- a. the right to be informed about the collection and use of personal data by the Foundation;
- b. the right of access to the personal data the Foundation holds about you;

- c. the right to rectification if any personal data the Foundation holds about you is inaccurate or incomplete;
- d. the right to be forgotten – i.e., the right to ask the Foundation to delete any personal data it holds about you;
- e. the right to restrict (i.e., prevent) the processing of the personal data;
- f. the right to data portability (obtaining a copy of the personal data to re-use with another service or organization);
- g. the right to object to the Foundation using the personal data for particular purposes; and
- h. rights with respect to automated decision making and profiling (where applicable).

## **9. Your obligations**

When providing us with personal data you shall ensure and guarantee to us that you are entitled to do so and that you will inform any data Subjects whose personal data was made available to us about the rights that these data subjects may exercise in analogy to the foregoing section.

## **10. Security**

We have implemented reasonable technical and organizational measures designed to secure your personal data from accidental loss and from unauthorized access, use, alteration or disclosure. We will moreover ensure that all our employees, agents, freelancers, contractors, or other parties working on our behalf when processing your personal data, will apply and implement the appropriate technical (e.g., use of passwords; encryption of sensitive personal data; regular back-ups; use of secure networks, etc.) and organizational (e.g. access only on a need to know basis; signing of NDAs by employees where necessary, etc.) measures.

If you communicate with the Foundation by e-mail, you should note that the secrecy of Internet e-mail is uncertain. By sending sensitive or confidential e-mail messages or information which are not encrypted you accept the risk of such uncertainty and possible lack of confidentiality over the Internet.

## **11. International Transfer**

Your personal data is processed in Switzerland and may be processed elsewhere depending on the location of reviewers contracted by the Foundation, in particular also in locations outside the European Economic Area ("EEA") which may include countries which may not afford the same level of protection of such data as the country from which you provided the information. The majority of the reviewers are located in the EEA and northern America. The Foundation has a list with all the countries in which the reviewers are located. You can ask for a copy of this list at any time from the Foundation. The Foundation submits your personal data (and only the personal data required) in locations outside the EEA only if the data transfer is necessary for the performance of the funding agreement with you respectively for assessing if your application meets the prerequisites required with regards to the funding agreement (as a pre-contractual measure taken at your request and in your interest) and/or if we use third-party communication platforms for simplifying the mailings of newsletters and other communication materials, such as MailChimp and other platforms. If we do store and process your information outside the EEA, we will take all reasonable steps to ensure that your information is treated as safely and securely as it would be within Switzerland and under the Regulation, as amended from time to time, e.g. obtaining consent, concluding the EU Standard Contractual Clauses, etc. By submitting personal information to us, you specifically

agree to that transfer and any related purposes. By submitting the application to the Foundation, you explicitly give your consent to a data transfer to locations outside the EEA such as USA, Canada, Australia and other countries as set out on the list which can be obtained from the Foundation.

## **12. Data Breach Notification**

Even though we have implemented reasonable technical and organizational measures, data breaches can unfortunately still occur. If a personal data breach occurs and that breach is likely to result in a risk to your rights and freedoms (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Foundation must ensure that the Swiss Federal Data Protection and Information Commissioner ("FDPIC") and where applicable the competent Information Commissioner's Office in the EU is informed of the breach without delay, and in any event, within 72 hours after having become aware of it. With regard to data security breaches the FDPIC must be informed immediately.

In the event that a personal data breach is likely to result in a high risk to your rights and freedoms, the Foundation must ensure that all affected persons are informed of the breach directly and without undue delay.

## **13. Withdrawal of Consent**

In the event consent was given, you have the right to withdraw such consent given at any time by sending a written notice or e-mail to the Foundation to [info@veluxstiftung.ch](mailto:info@veluxstiftung.ch).

## **14. Implementation of Policy**

Applicants applying for funding from the Foundation and submitting the application through the online portal will receive a confirmation e-mail of their application, including a link to this Policy. This Policy shall form part of the respective application, or the contract concluded between the Foundation and the Applicant.

## **15. Applicable law and jurisdiction**

This Policy and all matters arising out of or related to this Privacy Policy shall be governed by the substantive laws of Switzerland, without regards to conflicts of laws and principles thereof.

Any controversy, claim or dispute between you and the Foundation arising out of or relating to this Policy shall be subject to the exclusive jurisdiction of the courts of Zurich 1 (if the prerequisites are met, then the Court of Commerce (Handelsgericht) of the Canton of Zurich), and each party hereby irrevocably consents to the jurisdiction and venue of such Court.

Version September 2023

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