

Privacy Statement

Version 2 of 25 May 2018

This privacy statement provides information regarding the collection and further processing of personal data by NET-Metrix AG, Bachmattstrasse 53, Zurich, Switzerland ("NET-Metrix") to the extent that these actions are not covered by other privacy statements of NET-Metrix or are clear from the circumstances or governed by law.

1. Overview: How does NET-Metrix operate

NET-Metrix is the independent Swiss entity for internet usage research, and to this end operates a research system regarding the usage of websites and apps in Switzerland and Liechtenstein. NET-Metrix provides standardised and certified data to the market. Details of these can be found under <https://www.net-metrix.ch/produkte>. This data does not, however, constitute personal data for the purposes of data protection law; i.e. no information relating to identified or identifiable individuals is collected or otherwise processed. As a general rule, the collection of data by way of measurements of the usage of websites and apps is carried out anonymously, i.e. without NET-Metrix identifying or being able to identify respective users or collecting data in this regard. In collecting and further processing data of users NET-Metrix nonetheless complies with the applicable provisions of data protection law, namely the Swiss Federal Act on Data Protection (Datenschutzgesetz, "DSG") as well as, in relation to data collections in the territory of Liechtenstein, the EU General Data Protection Regulation (GDPR).

NET-Metrix collects data regarding the usage of websites (**traffic data**), data regarding the usage of apps on smartphones etc. (**app data**) and sociodemographic details regarding the users of websites and apps (**user data**), carries out statistical analyses and, based on these, prepares various reports for the advertising, internet and media industry, for the research sector and for the public.

Traffic data is collected by incorporating a (programmed) script on each of the pages of the websites to be measured which, whenever the page in question is accessed, triggers a short access by the user's browser to the servers operated by NET-Metrix. This access allows NET-Metrix to register the usage of the page and to count it. A cookie – i.e. a sort of virtual "bracelet" with an individual number which enables the user to be identified upon every future access – is placed in the user's browser, but without NET-Metrix knowing the identity of the user. This is necessary to allow NET-Metrix to correctly match up the times one user (i.e. his or her browser) has accessed a page, e.g. in order to determine the

number of visitors to a website and not merely the number of pages called up. To this end, a permanent cookie is used; i.e. the cookie remains in place for several visits and allows NET-Metrix to identify the visitor each time (without NET-Metrix being required to know the identity of the visitor). The user can adjust his or her browser settings to ensure that the acceptance of cookies is refused (see, for instance, <https://www.verbraucher-sicher-online.de/thema/cookies>); in this case, NET-Metrix will attempt to attribute the various accesses to individual users on the basis of their IP address combined with the browser type in order to still obtain statistically accurate information. All recordings are made in Switzerland and the server which records this data is specially secured. Before being analysed in more detail, the data is further anonymised; i.e. the IP address is replaced by a geocode (which denotes the user's region), the ID number of the cookie is irreversibly encrypted and the data is aggregated. The data never involves individual users but only refers to the overall usage of a website. The participating websites are not granted any access to the recorded data but only to the final data that has been aggregated in the statistics and analysis tools. The participating websites are under a contractual obligation to notify users on their websites of the fact that NET-Metrix measures the usage.

The app data is collected by users wishing to participate in the measurement installing a specific software belonging to the Dutch company Wakoopa (<https://wakoopa.com/>) on their device, which records in detail which app they are using when and for how long (but which does not record what the app is used for or with whom the app communicates and does not read the data processed by the app). This data is then passed on to NET-Metrix in order to also enable NET-Metrix to analyse it statistically for its reports and publications and/or to process it further (NET-Metrix may combine this data via a cookie with other traffic data collected on the user in question). While each participating user has its own ID code (a nondescriptive number), the identity of the user is neither known to Wakoopa nor to NET-Metrix, and no attempt is made to identify such individuals. Participation is on an anony-

mous basis. Each device also receives its own, randomly selected ID code (no device identification) in order to distinguish usages by device; but in this context, too, neither Wakoopa nor NET-Metrix is able to identify who owns the device or who uses it.

In a first step the sociodemographic data is collected automatically without any human intervention. It supplements the traffic and app data by allowing sociodemographic conclusions to be drawn about the users. Again, these conclusions are not drawn with regard to individuals but are anonymous. Certain users of participating websites are asked to fill in an online questionnaire. Participation is voluntary. Sociodemographic data is collected (such as country of residence, age, gender, language, household size, income bracket, education, profession etc.) but no names or contact details. The users surveyed are either selected at random from among the users on whom traffic data is collected, or they are part of the app panel compiled for NET-Metrix. NET-Metrix does not know the names of the participants on this panel; NET-Metrix's servers can, however, identify them through a cookie and thus display the questionnaire to them. LINK is the company which compiles the panel (<https://www.link.ch/>); LINK knows these individuals and is solely responsible for their recruitment. Should it transpire that certain target groups generate an insufficient number of responses, an online follow-up survey is conducted for that group. This, in turn, is conducted by LINK and usually involves LINK drawing on individuals already recruited elsewhere. These individuals are contacted online. Again, NET-Metrix is not able to identify those contacted. Together with the traffic data of the users in question for the period of the survey (about 3 months each) the sociodemographic details collected in this way is transferred to the German company ISBA (<http://www.isba.de/>) for statistical analysis on behalf of NET-Metrix. The results are again anonymous. In relation to app usage, a similar procedure applies; in this case, LINK recruits 1,500 panellists online in accordance with predefined demographic structures for the survey of NET-Metrix, and collects the required sociodemographic details from them via a questionnaire. These panellists then install a Wakoopa app, which is used to measure their mobile usage. Wakoopa transmits this data to ISBA. A cookie is supplied together with the recruitment questionnaire and/or the confirmation of participation, which identifies the respective panellist and thus allows the collected data regarding a panellist's mobile usage to be linked to the other traffic data collected by NET-Metrix.

All data collections focus on users in Switzerland and Liechtenstein who are at least 14 years of age. While any accesses from outside of Switzerland and Liechtenstein are counted, they are not individually analysed. All data collected is processed in Europe by NET-Metrix or companies instructed by NET-Metrix. The Wakoopa app, which collects data on the respective device wherever that device happens to be located, is an exception to this rule; NET-Metrix does not collect data regarding the respective location.

2. Controller, data protection officer

The controller for all data processing in connection with this website, the collection of the traffic data, the app data and the sociodemographic data and their further processing as well as all processing in connection with any contact of NET-Metrix with users and contractual partners is NET-Metrix AG, Bachmattstrasse 53, Zurich, Switzerland, with the following exceptions:

- The operators of the respective websites are responsible for the integration of the scripts on the participating websites. The responsibility of NET-Metrix starts when users access the servers of NET-Metrix.
- LINK is responsible for the panellists recruited by LINK and the processing of their personal data and is the data controller in relation to them. LINK operates independently from NET-Metrix in this regard, but permits NET-Metrix to use this panel anonymously.

NET-Metrix has not appointed a data protection officer for the purposes of article 37 DSGVO. All data protection enquiries, claims or access requests regarding NET-Metrix can be addressed to the contact person responsible for data protection issues at NET-Metrix under datenschutz@net-metrix.ch, Telephone +41 43 311 79 20.

The EU representative of NET-Metrix for the purposes of article 27 GDPR is VGS Datenschutzpartner UG (limited liability), Am Kaiserkai 69, 20457 Hamburg, Germany, info@datenschutzpartner.eu.

3. Processing of personal data

NET-Metrix collects and processes personal data of

- visitors to the website of NET-Metrix ("**Website Visitors**");
- recipients of the newsletter of NET-Metrix;
- users of the websites which participate in the measurements conducted by NET-Metrix ("**Website Users**");
- users of apps which participate in the collection of app data of NET-Metrix ("**App Users**");
- individuals that are in contact with NET-Metrix;
- employees of customers, suppliers and other business contacts;

(collectively the "**Data Subjects**").

The data collected on Web Visitors, Web Users and App Users is not personal data in terms of data protection law. The following remarks apply in the case that the data still allows inferences to be drawn as regards the identity of the Data Subjects.

As a rule, only details regarding Web Users in Switzerland or in Liechtenstein are analysed, and only details regarding App Users in Switzerland or in Liechtenstein, and in both cases this does not involve details of individuals below 14 years of age. Insofar as participating websites from outside of Switzerland or Liechtenstein are accessed, while such accesses are still counted they are not analysed further but are merely used to calculate the percentage of accesses originating outside of Switzerland or Liechtenstein. In the case of App Users, the usage of apps is measured regardless of the geographical location.

As a general rule, personal data pertaining to the Data Subjects is collected from these individuals directly, namely in the context of the use of the website of NET-Metrix or in direct communication via email, telephone or in another way. The data of Website Users is collected in the context of the usage of the participating website via the systems of NET-Metrix and its commissioned data processors (through measuring access or by way of surveys); the data of App Users is collected on behalf of NET-Metrix via measuring software belonging to Wakoopa installed by the App Users on their devices. In addition, when communicating with customers, suppliers or other business contacts, details regarding their

employees may be collected; the same may apply in the context of the use of the customer area on the website of NET-Metrix.

NET-Metrix processes the following categories of personal data:

- **Data in connection with the usage of the website of NET-Metrix:** this includes, in particular but not exclusively, the IP address, date and time of usage, pages and content accessed, referring websites and – in the closed customer area – access codes, protocols regarding access and other usage, access rights, content accessed etc.;
- **Data in connection with the newsletter of NET-Metrix:** this includes the title, name, company/institution and email address;
- **Data in connection with the communication of NET-Metrix with other individuals:** this includes, in particular but not exclusively, contact details, supplementary details regarding the contact persons, content of the communication, notes regarding any communication etc.;
- **Data in the context of the measurements and surveys of Web Users and App Users conducted by NET-Metrix:** this includes, in particular but not exclusively, various identifiers (cookies, survey ID, device ID, panel ID etc.), IP addresses of the Web Users, browser type and language of the Web Users, details regarding the usage of the participating websites (time, date, page, origin etc.), details regarding which app was used when and for how long, with supplementary information (type of connection, OS, category, store ID), information provided in the surveys (gender, age, preferred language for the survey, country of residence, postal code, household size, number/age/education of other device users, number/age of children, number of household members with their own income, income bracket of the household, profession/field of work/position, educational level) etc.;
- **Information regarding employees and contacts of customers, suppliers and other business contacts and arising from any contact with them,** in particular contact details, details regarding position, details regarding previous relationships with these persons, details regarding marketing activities, details regarding business transactions, enquiries, quotations, offers, terms and contracts, details regarding professional/other interest of the individuals etc.

4. Purpose of the processing and legal basis

Provided this is permitted in accordance with applicable law, NET-Metrix will process personal data in particular but not exclusively for the following purposes:

- conduct of the measurements and surveys of Web Users and App Users in order to prepare its products, reports and services in the field of internet and app usage research;
- in connection with the services offered, conclusion of contracts, processing of contracts, maintenance and development of customer relations, communication, customer services and support, promotions, advertisements and marketing (including newsletters and the provision of promotional materials), conducting joint activities;
- website user administration (in particular customers in the customer service area), operations and further development of the website and other IT systems, ID checks;
- quality control, market research, further development of products and services, compilation of statistics, budgets, records and management information and other reports regarding customers and suppliers, transactions and activities, offers

and other business aspects of NET-Metrix for its management and business development purposes, the services offered by NET-Metrix and its activities, project management;

- protection of customers, suppliers, employees and other persons and the protection of data, secrets and assets of NET-Metrix and those that have been entrusted to it, the security of systems and buildings of NET-Metrix;
- compliance with legal and regulatory requirements and internal rules of NET-Metrix, pursuing and implementing various rights, defending against legal claims, civil proceedings, complaints, combating abuse, for purposes of legal examinations or proceedings and of answering enquiries made by public authorities;
- sale and acquisition of business units, companies or parts of companies and other corporate transactions and any associated transfer of data pertaining to customers, suppliers, Web Users and App Users; and
- for other purposes to the extent that there is a legal obligation to process data or if, at the time the data was collected, such processing was inferable from the circumstances or has been notified.

NET-Metrix processes personal data for these purposes on the basis of the following legal bases:

- fulfilment of contractual obligations;
- fulfilling a legal obligation on the part of NET-Metrix;
- consent of the data subject (in cases where data is processed at the request of the data subject, i.e. upon receipt of the newsletter requested by a person, where NET-Metrix carries out surveys of Web Users and App Users and where these users decide to install and run an app in order to measure their usage of mobile devices);
- legitimate interests of NET-Metrix, in particular
 - an interest in the preparation of their products, reports and services with non-personal data in the field of internet and app usage research (and legitimate interests of the customers of NET-Metrix to receive details regarding the usage of their websites and apps and of other websites and apps);
 - sale and supply of products and services, including in relation to persons who are not direct contractual partners (such as employees of the customers and suppliers);
 - conducting advertising and marketing activities;
 - efficient and effective customer support, customer relations and other communication with customers and suppliers, including outside of contract processing;
 - being in a position to understand customer behaviour, activities, concerns and requirements, market research;
 - efficient and effective improvement of existing products and services and development of new products and services;
 - efficient and effective protection of customers, suppliers, employees and other persons and the protection of data, secrets and assets of NET-Metrix and those that have been entrusted to it, the security of systems and buildings of NET-Metrix;
 - maintenance and secure, efficient and effective organisation of business operations including secure, efficient and effective operations and the successful development of the website and other IT systems;
 - sound business management and development;
 - successful sale and acquisition of business units, companies or parts of companies and other corporate transactions;

- compliance with legal and regulatory requirements and internal rules of NET-Metrix;
- interest in preventing fraud, offences and crimes as well as examinations in connection with such offences and other inappropriate behaviour, processing of legal claims and actions brought against NET-Metrix, participating in legal proceedings and cooperating with public authorities and any other assertion, exercise or defence of legal claims.

5. Data disclosure and data transfer abroad

To the extent that this is permissible under applicable data protection laws, NET-Metrix may transfer personal data to the following categories of third parties, who process the personal data for the aforementioned purposes on behalf of NET-Metrix or for their own purposes:

- service providers, including commissioned data processors;
- suppliers, partner companies and other business contacts;
- customers of NET-Metrix;
- local, national and foreign public authorities and official bodies;
- media;
- the public including visitors to the website of NET-Metrix;
- industry organisations, associations, organisations and other panels;
- competitors;
- buyers or potential buyers of business units, companies or other parts of NET-Metrix;
- other parties in possible or actual legal proceedings.

As a general rule, NET-Metrix may transfer personal data to any other country in the world, and in particular to those where there are NET-Metrix service providers (namely, Germany and the Netherlands). If data is transferred to a country without reasonable data protection provisions, NET-Metrix will ensure suitable protection by deploying adequate contractual guarantees on the basis of EU standard contract clauses, binding corporate rules, or based on the exception of consent, of contract processing, of the determination, assertion or enforcement of legal claims, of overriding public interests, of data published by the data subject or because the transfer is necessary to protect the physical integrity of these persons. A data subject may obtain a copy of the contractual guarantees from the aforementioned contact person or may be told by them where such a copy can be obtained provided that such data transfers actually occur. NET-Metrix reserves the right to redact such copies for reasons of data protection or for reasons of secrecy.

NET-Metrix currently collaborates with the following partner companies for the conduct of the measurements and preparation of its products, reports and services: Spring (www.kantar-media.com, Germany), INFOnline (www.infonline.de, Germany), Immediate (www.immediate.de, Germany), LINK (www.link.ch, Switzerland), Wakoopa (www.wakoopa.com, the Netherlands), ISBA (www.isba.de, Germany), Interrogare (www.interrogare.de, Germany), Aspectra (www.aspectra.ch, Switzerland). Not all of these companies have access to the traffic data, app data or sociodemographic data.

In addition, NET-Metrix employs a search function on its website, which is provided by Google Inc. (www.google.com, USA). This allows the publicly accessible content of the website to be searched. If

a Website Visitor uses the search function, Google in the USA is able to ascertain which terms are searched and that he or she is doing so on the website of NET-Metrix; in addition, Google might be able to identify the Website Visitor if he or she is already known to Google and is identified by way of a cookie. Google is solely responsible for processing such data and processes the data in accordance with the data protection provisions of Google, Inc. By using the search function, the Web Visitor is deemed to have accepted this.

6. Data retention

Traffic data is usually stored for approximately 2 years. Data derived from the surveys of the Web Users and the associated traffic data is usually stored for 2 years. The app data and data derived from the surveys of the App Users are usually stored for 2 years.

NET-Metrix usually stores data in connection with contracts entered into by it for the term of the contractual relationship and ten years beyond the termination of the contract provided that, in the case in question, there are no longer statutory retention obligations applicable, provided that this is necessary for reasons of proof, or if another valid exception applies under applicable laws, or provided that no earlier deletion is appropriate (namely because the data is no longer needed or because NET-Metrix is obliged to delete it).

As regards other operational data which refer to persons (e.g. protocols, logs), shorter retention periods of up to 18 months usually apply.

Business documents, including communications, are retained for as long as NET-Metrix has an interest to do so (i.e. in particular to use as evidence in the case of claims, to document compliance with certain statutory and other requirements, or an interest in analysing such documents without reference to individuals) or is obliged to do so (contractually, by statute or based on other provisions). Statutory obligations remain reserved, for instance with regard to the anonymisation or pseudonymisation of data.

7. Cookies

NET-Metrix also uses cookies on its own website. On the one hand it uses session cookies, which are automatically deleted at the end of a visit to a website and which enable the server to maintain a link to the user. On the other hand, permanent cookies are used, which are only deleted after a defined term and which enable the storage of previous settings made by the user (e.g. language) across several sessions or an automatic login. By using the website of NET-Metrix but also the corresponding functions (e.g. selection of language, auto login), the user is deemed to have consented to the use of such permanent cookies. The user of a website may block the use of cookies in his or her browser or delete them there (see e.g. <https://www.verbraucher-sicher-online.de/thema/cookies>); this may negatively affect the use of the website.

8. Rights of data subjects

Each data subject has a right vis-à-vis NET-Metrix to access his or her personal data. In addition, each data subject has the right to require NET-Metrix to correct, delete and limit personal data affecting his or her and to object to such processing of personal data. If the processing of personal data is based on consent, the data subject is entitled to revoke his or her consent at any time. Any access requests in connection with these rights shall be addressed to the contact person (see clause 1 above). NET-Metrix

reserves the right to restrict the rights of the data subject within the limits laid down by the law from time to time in force and, for instance, to only provide limited information or to refrain from deleting data. This applies in particular if the access request relates to traffic data, app data or sociodemographic data given that this never constitutes personal data given that NET-Metrix (and the individuals who have access to this data) is neither able to nor has an interest in drawing conclusions regarding the identity of the Web Users or App Users affected. The only exception is the data processed by LINK in connection with their panels; however, LINK is solely responsible for processing this data. Any access requests must therefore be addressed to LINK.

Each data subject has the right to make a complaint to the responsible data protection authority. The authority responsible for the registered office of NET-Metrix is the Federal Data Protection and Information Commissioner [Eidg. Datenschutz- und Öffentlichkeitsbeauftragte] (<http://www.edoeb.admin.ch>).

9. Amendments to the privacy statement

NET-Metrix may amend this privacy statement at any time without prior announcement or giving prior notice. The most recent version, as published on the website, shall be applicable.

If the privacy statement is part of an agreement with NET-Metrix, NET-Metrix may notify the parties to such agreement of any update of the privacy statement by email or in another suitable way. If no objection is lodged within 30 days, the new privacy statement shall be deemed to have been agreed. If an objection is lodged, NET-Metrix may terminate the agreement for cause without giving notice.