

Introduction

This privacy policy (hereinafter – “Privacy policy”) informs how Apex - Paval Waldhaus GmbH managing the hotel Waldhaus Flims Wellness Resort, Autograph Collection (hereinafter – “we” or the “Hotel” or the “Data Controller”) collects, stores, and otherwise processes personal data while respecting the privacy of individuals.

Compliance with data protection regulations is very important to us. In this regard, we would like to inform you about the principles of processing your personal data, in particular the purposes of processing and the categories of data processed, taking into account the services we provide and the activities we carry out in the Hotel business, as well as the rights you have, according to Art. 19 of the Swiss Federal Data Protection Act (FDPA) and Art. 13 and 14 of the European Union’s General Data Protection Regulation (GDPR).

Due to the right to privacy and protection of personal data of persons who have entrusted their personal data to the Hotel, in particular our guests, participants of events organized by the Hotel, the Hotel's contractors and their employees, representatives of the media, persons contacting the Hotel to provide information or respond to inquiries, the Hotel informs that the data obtained are processed in accordance with national and European laws and under conditions that ensure the security of such data, and their storage takes place on secure servers.

By using any of our products or services and/or accepting this Privacy policy you understand and acknowledge that we will collect and use Personal data as described in this Privacy policy. In case you should not agree to any part of this Privacy policy, you must inform us and discontinue using our services. We shall then no longer be in a position to provide any further information or services to you.

Please note that this Privacy policy does not apply to our processing of personal data on behalf of third parties, such as airlines, car rental companies or other service providers, companies that organize or offer package holidays, marketing partners or similar.

Identity and Contact Details of The Data Controller

The company that determines the purposes and means of this processing of personal data is **Apex - Paval Waldhaus GmbH**, CHE-245.378.973, Seestrasse 39, 8700 Küsnacht ZH.

If you have any questions about how we process your Personal data, please feel free to contact us at privacy@waldhaus-flims.ch. For personal data processing that fall under the application of the GDPR, you may also contact our EU representative, Lina Bystroem at privacy@apexalliance.eu.

Personal data we collect

We collect Personal data that you voluntarily provide to us, for example when you communicate with us via email or other channels, when you sign up for or ask us to send you newsletters or other materials, and when you sign up for an event or make a reservation request or confirm a booking.

This Personal data may include: your name, contact details, nationality, passport number and date and place of issue, language preference, job title and business affiliations; information relating to your booking, past visits and stays; payment information, such as your payment card number and other billing and account information, as well as authentication information and other billing and account details associated with payments; customer preferences; marketing and communication preferences; participation in a marketing program or other programs; information about the vehicles you may bring onto our properties; reviews and opinions about our services/products; the hotel, airline and cars booked; groups with which you are associated for the Hotel stay; other types of information that you choose to provide or that we may obtain about you.

We collect additional personal information during check-in/stay at the Hotel, including information that may be required by local laws. We may also use closed-circuit television and other security measures at our properties that may capture or record images of guests and visitors in public places, as well as information associated with your location while on our properties (via access cards and other technologies). We may also use closed circuit television and other technologies that record audio or video for the protection of our staff, guests, and visitors to the Hotel (where permitted by law). In addition, we may collect personal information associated with on-property services such as concierge services, health clubs, spas, activities, childcare and equipment rentals, and our digital key feature (where available).

If you plan an event with us, we collect specifications regarding the event, event date, number of guests, accommodation details, and for corporate events, information regarding your organization. In addition, we collect information about guests who are part of the group for your event. If you visit us as part of a group, we may hold personal information about you that the group has provided to us and send you advertisements following your stay with the group or following your participation in an event, based on your preferences and according to the law. If you visit us for an event, we may share personal information about you with event planners to the extent permitted by law. If you are an event planner, we may also share information about your event with third party service providers who may advertise their services to you to the extent permitted by law.

When you use the WiFi service within the Hotel premises, the personal data you provide for access and authentication may be collected and used by us and third parties, such as gateway authentication partners and WiFi service providers to facilitate your use of the WiFi service; to remember your registration information; for technical support purposes; and for service improvements and analysis. Personal data collected may include name, room number and device information (such as operating system/version,

hardware model and unique device identifiers). Without your consent, personal data collected during this process will not be used for direct marketing purposes.

In addition to the information, we collect from you directly, we may infer information about you based on information you provide to us or based on other information we receive.

Purposes for processing Personal Data

We use Personal data for the following purposes:

- a) Managing our relationship with you and providing our services to you, as well as communicating with you, including, but not limited to process your booking, provide, and personalize the services you request, pre/post-arrival or departure emails, guest-related surveys, maintain our list of contacts and provide you with other information you may request from us. We will collect your consent before processing your data when required under applicable law. Failure to provide this information will result in our inability to process your booking.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 2(a) FDPA and Art. 6 para. 1(b) GDPR, as it is aimed at the conclusion of a contractual relationship with us.
- b) We use your Personal data to administer the programs you participate in, including providing you with access to your account information, such as the status of rewards and offers for which you are eligible.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 2(a) FDPA and Art. 6 para. 1(b) GDPR, as it is aimed at the conclusion of a contractual relationship with us.
- c) We may use your personal information to provide you with information regarding conference and event planning.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 2(a) FDPA and Art. 6 para. 1(b) GDPR, as it is aimed at the conclusion of a contractual relationship with us.
In addition, the Data Controller may be required to handle specific needs related to the event you have manifested, with possible processing also data related to health status for intolerances, allergies, diseases, or food behavioural habits, in order to administer food/beverages and organize in advance tastings, menus, etc.
Legal basis for processing special categories of personal data: This processing is based exclusively on Art. 31 para. 1 FDPA and Art. 6 para 1(a) GDPR, as we rely on your consent. The provision is optional. Failure to provide the data will result in the impossibility of handling in advance the specific needs of the person concerned. Please note that you can always communicate intolerances, allergies, dietary habits, etc. at the time of your visit, tasting, menu choice, etc.: our staff and facilities are at your disposal to communicate, as required by current legal regulations, allergens, ingredients, etc. and thus guarantee you a safe experience.
- d) To facilitate your use of the WiFi service; to remember your registration information; for technical support purposes; and for service improvements and analysis.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 2(a) FDPA and Art. 6 para. 1(b) GDPR, as it is aimed at the conclusion of a contractual relationship with us.
- e) To use closed circuit television and other technologies that record audio or video for the protection of our staff, guests, and visitors to the Hotel.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 1 FDPA and Art. 6 para. 1(f) GDPR, as we rely on our legitimate interest.
- f) In authorized cases, we may use your personal information to provide or offer you newsletters, invitations to events, promotions and recommended special offers, and other advertising messages based on any communication preferences you have expressed. We may send these communications by email, post, online advertising, telephone, text messages notifications, and other means.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 1 FDPA and Art. 6 para. 1(f) GDPR, as we rely on our legitimate interest (for soft spam only). All other direct marketing communication is based exclusively on Art. 31 para. 1 FDPA and Art. 6 para. 1(a) GDPR as we rely on your consent.
- g) We may use your Personal data to improve our services and to ensure that our products and services are of interest to you. We also use your Personal data to provide you with the level of hospitality you expect.
Legal basis for processing Personal data: The processing of personal data provided is based exclusively on Art. 31 para. 1 FDPA and Art. 6 para. 1(f) GDPR, as we rely on our legitimate interest.

Sharing data with Third Parties

Generally, we do not sell or otherwise make your Personal data available to third parties without your prior consent or as we are required under applicable laws or regulations. Although, in order to provide you with the level of hospitality you expect and the best level of service, we may share your Personal data with some of our service providers and other third parties, such as airlines, car rental companies or other service providers, companies that organize or offer package holidays, marketing partners, credit card companies, event organizers, collaborating sponsors or similar.

In addition, the Hotel may disclose Personal data to: (i) comply with applicable laws, (ii) respond to government or public authority requests, (iii) comply with valid legal process, (iv) protect the rights, privacy, the safety or property of the Hotel, visitors, customers, employees or the public, (v) allow us to find available remedies or limit the damages we may sustain, (vi) enforce our terms and conditions, and (vii) respond to an emergency situations.

Data transfers outside the EU/ EEA

We may transfer your Personal data to some of our providers and partners that have their registered office in other countries than the one where you are located and, in certain cases, even to countries outside the Swiss Confederation.

Although the laws regarding the protection of data in these countries can differ from those in your country, we shall take all the measures required in order to ensure that your Personal data will be processed according to this Privacy policy and in accordance with the applicable laws and regulations.

More in detail:

- i. The personal data processed will be both stored in Switzerland and transferred outside the Swiss Confederation, to a country considered appropriate by the Federal Council for the communication of personal data (cf., All. 1 of OPDa <https://www.fedlex.admin.ch/eli/oc/2022/568/en>)
- ii. In case of communication of personal data to other foreign countries, that are not included in All. 1 of the OPDa, the transfer will be carried out in accordance with the provisions of the FDPA and the OPDa and, in particular, on the following bases: (a) in the presence of adequate safeguards, in this case contractual measures, designed to ensure adequate protection abroad; (b) the processing is directly related to the conclusion or execution of a contract and the data being processed concern the other party; (c) the communication takes place within the same legal entity or company or between legal entities or companies under a single management, provided that the issuer and the recipient comply with rules designed to ensure adequate data protection.

Protection of Personal data

We take appropriate technical and organizational measures to ensure a level of protection appropriate to the risk, considering the state of knowledge, the costs of implementation and the nature, scope, circumstances, and purposes of the data processing, as well as the likelihood and degree of risk to the rights and freedoms of natural persons. Such measures include protecting the confidentiality, integrity, and availability of data by controlling physical access to personal data on a need-to-know basis, as well as accessing, entering, disclosing, securing its availability, and segregating it. We have established procedures to ensure the exercise of data subjects' rights, deletion of personal data, and response to threats to personal data. In addition, we already take personal data protection into account in the development and selection of hardware, software, and procedures, in accordance with the principle of data protection by design technology and using data protection-friendly presets. We regularly review our security policies and procedures to ensure our systems are secure and protected. Specific security measures are observed to prevent data loss, illegal or incorrect use and unauthorized access, according to Art. 8 FDPA and Art. 1-3, OPDa, as well as Art. 32 GDPR.

Data subject rights

We grant you all applicable individual data protection rights. In particular, to the extent provided by applicable data protection legislation, you may have the following rights:

1. The right to access, correct and delete your data, more specifically:
 - ask us to confirm whether we are processing your personal data,
 - receive information about how your data is processed,
 - obtain a copy of your personal data,
 - ask us to update or correct your personal data.
2. The right to object to data processing. You have the right to ask us to stop processing your personal data:
 - for marketing activities, including profiling for statistical purposes,
 - where such processing is for the purpose of carrying out our legitimate business interests, unless we are able to demonstrate that there is a legal requirement for such processing, or we need to process your personal data for the initiation, exercise or defence against legal action.
3. Right to restrict processing. You have the right to ask us to restrict the processing of your personal data:
 - while we are evaluating or in the process of responding to a request from you to update or correct your personal data,
 - where such processing is unlawful and you do not want us to delete your data when we no longer need such data, but you want us to retain your data for the establishment, exercise or defence of a legal claim,
 - if you have objected to processing based on our interests, legitimate business, pending our response to this request.

If we limit the processing of your personal data as a result of your request, we will inform you in advance of the resumption of such a process.

4. Data Portability: You have the right to request that we provide you or a third party you designate with certain personal data in a commonly used and machine-readable format. Please note, however, that data portability rights only apply to personal data that we have obtained directly from you and only where the processing is based on your consent or is necessary to comply with

a contract.

5. Right to be forgotten: You have the right to obtain the deletion of your personal data.

6. You have the right to withdraw your consent for any type of processing that we carry out solely based on your consent (such as sending marketing materials directly to your personal email account). You can withdraw your consent to marketing activities or submit your request regarding processing of your Personal data by contacting us through the official channels. For any activities to which you have previously consented, you may contact us by email to privacy@waldhaus-flims.ch.

We will respond to all requests received within 30 days, unless there are extenuating circumstances, in which case it may take 60 days to respond to you. We will let you know if we expect our response to take longer than 30 days. Please note, however, that certain personal data may be excluded from such rights under applicable data protection laws. In addition, we will not respond to any request unless we can properly verify the identity of the requester.

You may also contact the Swiss Federal Data Protection and Information Commissioner, the supervisory authority for data protection related matters in Switzerland or the responsible data protection supervisory authority in your country of residence if you reside in a member state of the European Economic Area.

Automated Decision Making

There are no fully automated decision-making processes, according to Art. 21 FDPA 3 and Art. 22 c.2 GDPR.

Retaining Personal Data

We store your Personal data only for as long as you are a prospective guest to us or as otherwise necessary for the purposes described in this Privacy policy or as required under applicable laws or regulations or best practice retention requirements.

Data processed for the fulfilment of contractual obligations will be retained for at least 10 years from emission of the related invoice/receipt, according to the Swiss Code of Obligations.

All business correspondence sent by email is archived for 10 years in encrypted form. The archived emails are automatically deleted after 10 years. Email data are stored in Switzerland.

For direct marketing activities, data will be retained until consent revocation. In case of soft spam, data will be retained until opposition of the data subject.

Data collected through our CCTV system will be retained up to 72 hours (excluding periods when the Hotel is closed).

Changes and updates

We reserve the right to amend this privacy policy, if necessary, in accordance with applicable data protection regulations. In this way, we can adapt it to current legal requirements and take account of changes to our services, e.g. the introduction of new services.

Last update: 02/09/2024