

## Data Privacy Policy

### 1. Introduction

**Otherwise9** places utmost importance on all personal data being treated strictly confidentially and in full compliance with both the Swiss data protection legislation as well as the European Global Data Protection Regulation (GDPR).

### 2. Definitions

Otherwise 9	HR Advisory firm preside over the laws of Switzerland, with a place of business at Rue de-Candolle 9, 1205 Geneva, company register n. CHE-409.143.197.
Personal data	This term covers “ <b>any information relating to an identified or identifiable natural person ('data subject')</b> ”; 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” (Art.4 GDPR).  This information may be obtained through the involvement in an outplacement program, training session, coaching, assessment, team building via one of our e-mail addresses
Sensitive personal data	This term covers a subset of <b>data for which even greater care should be taken</b> , such as “personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation” (Art. 9 GDPR).
Processing data	This term is extremely broad and covers everything from <b>obtaining, recording, keeping, or carrying out any operation on data</b> . Just keeping the name of someone on a piece of paper equates to processing their data. Personal data may only be processed if it is relevant, adequate and necessary to the purpose (Art.4 GDPR).
Data subjects	This term covers <b>individuals to whom personal data relates</b> . Employees of Otherwise9 as well as any individual contacted or met by Otherwise9 is a data subject, as are also the contact persons in our clients’ list (Art.4 GDPR).
Data controller	The Data Controller decides how and why data is processed and ensures that legal obligations are met (Art.4 GDPR).
Data processor	Anyone processing data on behalf of the Data Controller (Art.4 GDPR).

### 3. Rights of the data subjects and obligations of the data controller

Transparency	The data subject should have easy access to understanding which data is being processed and why. Communications and systems should be transparent and easy to understand and work with (Art. 12 GDPR).
Right of access	The data subject has the right to access the personal data which is being processed (Art. 15 GDPR). For this purpose, data subject may contact <a href="mailto:privacy@otherwise9.com">privacy@otherwise9.com</a>
Right to rectification	The data subject is entitled to request rectification of erroneous information (Art. 16 GDPR). For this purpose, data subject may contact <a href="mailto:privacy@otherwise9.com">privacy@otherwise9.com</a>
Right to be forgotten	The data subject is entitled to have all personal data erased (Art. 17 GDPR). For this purpose, data subject may contact <a href="mailto:privacy@otherwise9.com">privacy@otherwise9.com</a>
Explicit consent	The data controller must ensure that data subjects have given explicit consent to their data being processed. The so-called opt-out notion is not sufficient (Art. 7 GDPR).
Data security	The Data Controller must provide an environment that ensures the security, integrity and confidentiality of data processed (Art. 32 GDPR).
Data retention	Personal data can only be retained as long as it is necessary for the purpose (Art. 5 GDPR).

### 4. Storage of personal data within OtherWise9

There is a multiplicity of storage tools within **OtherWise9**. Hereunder a summary listing:

- File server where there is personal data in both the Candidate folder as well as in the Client folder. Additionally, the file server drive contains personal data relating to the employees
- Outlook public folders containing contact lists
- Outlook calendars
- Outlook mails
- Individual mobile phones
- Individual cabinets in staff offices

### 5. How personal data is handled

In accordance with Art.6 of the GDPR, **OtherWise9** will process personal data for:

- Coaching and training purposes
- Business and marketing purposes whether the data subject is a client or candidate (for example advise about events and other updates related to **OtherWise9**);
- Corporate analysis and reporting;
- Legal and regulatory compliance when required;

In order to ensure full compliance, the following rules need to be observed:

- All data subjects are requested to agree to the storing and processing of their personal data by **OtherWise9**. It is the responsibility of each consultant to ensure that the consent of the data subject has been obtained.
- Explicit consent concerns ALL individuals who have been contacted/coached/trained by Otherwise9.

- Personal data is to be stored exclusively on **Otherwise9** premises and **Otherwise9** IT systems. Physical files will be stored in the consultants' filing cabinets and electronic data will be stored in the relevant section of the server.
- Personal data is not to be communicated in any way, shape or form to any third party without the explicit consent of the data subject. Clients are third parties and are not entitled to receive personal data relating to data subjects. Otherwise 9 may share personal data to clients with the data subject's consent.
- Personal data will be stored as long as it is useful for the data subject's relationship with **Otherwise9**, unless specified otherwise. It will be destroyed upon request by the data subject. Destroying the personal data, both physical and electronic, is the responsibility of each consultant.
- It is recognized that consultants need to take notes and exchange emails with their data subjects. All notes and emails are to be stored exclusively on **Otherwise9** premises and **Otherwise9** IT systems and have to be clearly labeled to ensure that they can be easily accessed.
- Staff members are individually responsible for destroying personal data contained in email exchanges once the data subject has requested that their data is erased.
- Staff will pay particular attention to personal data which may be stored on their personal mobile devices such as phones and tablets and will ensure that they are destroyed in accordance with this policy.

## 6. What to do in case of a data breach

Any personal data which is misplaced, lost, accidentally destroyed or suspected stolen should be reported to the Data Controller without undue delay.

The Data Controller will investigate the extent of the breach in terms of whether it is likely to result in a risk to the rights and freedoms of individuals. If the breach is large and the risk is high, the Data Controller will notify the Federal Data Protection Commissioner as well as the individuals directly concerned within 72 hours.

## 7. Staff agreement

All staff members of **Otherwise9** are provided with this data protection policy and, by their signature, confirm that they have read and understood the policy and will abide by all its contents. The adherence to this policy is an integral part of all employment contracts.

For any question about data privacy management at **Otherwise9**, you can contact us via e-mail at [privacy@otherwise9.com](mailto:privacy@otherwise9.com).