



PRIVACY POLICY

Unique AG, Version 2.0 (1. November 2023)

Purpose of this Policy

Unique AG (together with its affiliated companies – "Unique", "we", "our" or "us") puts great efforts in making sure that the personal data processed by us is safe and used properly, and that our data practices are properly communicated to our customers, users and prospects.

This Privacy Policy describes how we collect, store, use and disclose personal data relating to our "Customers" – Unique's business customers and users of the Unique services ("Services"), participants at our events, any other prospective customers or partners, and any individuals who visit or otherwise interact with any of our websites and web pages (such as www.unique.app, www.unique.ch), online ads, content, social media profiles, emails or communications under our control (collectively, "Sites").

Our Sites and Services are designed for businesses and are not intended for personal or household use. Accordingly, we treat all personal data covered by this Privacy Policy, including information about any visitors to our website, as pertaining to individuals acting as business representatives, rather than in their personal capacity.

If you are a Customer ("you"), please read this Privacy Policy carefully and make sure that you fully understand it. You are not legally required to provide us with any personal data. If you do not wish to provide us with your personal data, or to have it processed by us or any of our Service Providers (defined below), please do not provide it to us and avoid any interaction with us or with our Sites, or use of our Services. If you are a user of the Services on behalf of any of our business customers, we suggest that you contact your account administrator with any questions.

Responsible Entity / Contact Information

The entity responsible for compliance with the provisions of the Swiss Data Protection Act ("S-DPA") and any other applicable data protection provisions in connection with the personal data processing described in this Privacy Policy is:

Unique Ltd.
Stockerstrasse 34
8002 Zurich
Switzerland

Enterprise Identification Number (UID): CHE-168.949.432

Any data protection issues concerning the responsible entity may be addressed in writing to the following e-mail address: privacy@unique.ch

To prevent abuse, data protection inquiries will only be answered in writing and upon presentation of proof of identity (copy of your passport or ID). The answer is free of charge and is usually provided within 30 days.

Legal Basis

The legal basis for this Privacy Policy is the Swiss Data Protection Act ("S-DPA") of September 25th, 2020, in force since September 1st, 2023 as well as the European Union's General Data Protection Regulation ("GDPR") and the United Kingdom's General Data Protection Regulation ("UK GDPR"). The GDPR and the UK GDPR may under certain circumstances apply to companies outside the EU respectively UK or to third-party services that process personal data in the territory of the EU/EEA or UK.

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Principles of Data Processing

Unique processes personal data in accordance with amongst others the following principles:

- Processing is carried out in good faith and must be proportionate;
- Processing is only carried out for the purposes recognizable to the data subjects and only to the extent compatible with these purposes;
- The data are destroyed or anonymized as soon as their processing is no longer necessary and as long as there are no legally foreseen exceptions;
- Incomplete or incorrect data will be corrected or deleted;
- Data subjects' consent to data processing is only valid if given voluntarily after appropriate information has been provided;
- The principles of "privacy by design" and "privacy by default" are observed.

Data Collection

We collect and generate the following types of personal data relating to our Customers:

- Website usage and device information (connectivity, technical and aggregated usage data, such as user agent, IP addresses, device data (like type, OS, device id, browser version, locale and language settings used), activity logs, session recordings, and the cookies and pixels installed or utilized on their device);
- Customer account information (contact, contractual and billing details concerning our customers, which may also contain the details of their internal focal persons who directly engage with Unique concerning their organizational account, e.g., the account administrators, billing contacts and authorized signatories on behalf of the customer; as well as the customer's needs and preferences, as identified to us or recognized through our engagement with them);
- Information concerning our customers and prospects (contact and business details, our communications with such customers and prospects (correspondences, call and video recordings, and transcriptions and analyses thereof), as well as any needs, preferences, attributes and insights relevant to our potential engagement).

We collect such data either automatically, through the data subject's interaction with us or with our Sites or Services; or through third party services, social media, analytics tools, events we organize or participate in, and other business initiatives.

Data Uses

We use personal data as necessary for the performance of our Services; to comply with our legal and contractual obligations; and to support our legitimate interests in maintaining and improving our Services, e.g. in understanding how our Services are used and how our campaigns are performing, and gaining insights which help us dedicate our resources and efforts more efficiently; in marketing, advertising and selling our Services; providing customer service and technical support; and protecting and securing our customers, users, visitors, prospects, ourselves and our Services.

When our service is used to record and transcript conversation, we process personal data of

- employees of our customers
- employees of our customers' potential customers
- other participants in such conversations

on the basis of their freely declared consent according to art. 6 para. 6 in conjunction with art. 31 para. 1 S-DPA / art. 6 (1) (a) GDPR.

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We process contact information (company, email, phone, physical business address), start time of the recording, end time of the recording and language in which conversations are held. We store and process the voice and transcript of the conversations. If video call services such as Zoom and MS Teams are used, video footage may be recorded if enabled and as such, to the extent of which is determined and controlled by them, may be revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, 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. Purpose of the data processing is to analyze and evaluate the conversation and to (automatically) advise our customer on the improvement of their sales process.

All participants who have given their consent to the recording, transcription and analyses of meetings and subsequent conversations and the transfer of respective data from our customers to us are entitled to withdraw the given consent at any time with effect for the future according to art. 30 para 2 letter b S-DPA / art. 7 para. 3 GDPR. The withdrawal can be given without reasons. To do so, these data subjects can contact us by email at privacy@unique.ch. As a consequence of the revocation, neither our customers nor Unique may continue to process the data based on this consent for the future, unless such processing is prescribed by law or is allowed due to overriding public or private interests. It has to be taken into consideration that as a consequence of such withdrawal of consent, the provision of the Services or fulfillment of contractual obligations by Unique may not be possible anymore or could be severely restricted.

Further, we use our Customers' personal data for the following purposes:

- To facilitate, operate, enhance, and provide our Services;
- To train our customer and user-facing staff;
- To provide our Customers and users with assistance and support;
- To gain a better understanding on how individuals use and interact with our Sites and Services, and how we could improve their and others' user experience, and continue improving our products, offerings and the overall performance of our Services;
- To facilitate and optimize our marketing campaigns, ad management and sales operations, and to manage and deliver advertisements for our products and services more effectively, including on other websites and applications. Such activities allow us to highlight the benefits of using our Services, and thereby increase your engagement and overall satisfaction with our Services. This includes contextual, behavioral and interests-based advertising based on your activity, preferences or other data available to us or to our business partners;
- To contact our Customers with general or personalized service-related messages, as well as promotional messages that may be of specific interest to them;
- To facilitate, sponsor and offer certain events, contests and promotions;
- To support and enhance our data security measures, including for the purposes of preventing and mitigating the risks of fraud, error or any illegal or prohibited activity;
- To create aggregated statistical data, inferred non-personal data, or anonymized or pseudonymized data (rendered non-personal and non-identifiable), which we or our business partners may use to provide and improve our respective services, or for any other purpose; and
- To comply, and maintain our compliance, with applicable laws, regulations and standards.

Data Location

We and our authorized Service Providers (defined below) maintain, store and process personal data in Switzerland and other locations, as reasonably necessary for the proper performance and delivery of our Services, or as may be required by law.

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While privacy laws may vary between jurisdictions, Unique is committed to protecting personal data in accordance with this Privacy Policy and customary industry standards, regardless of any lesser legal requirements that may apply in their jurisdiction. To the extent we transfer Customers' personal data outside of the EU/EEA, Switzerland or the United Kingdom, we rely on appropriate data transfer mechanisms and safeguards as established under applicable law, such as the EU Standard Contractual Clauses (SCC).

Data Retention

We retain Customer personal data for as long as it is reasonably necessary

- in order to maintain and expand our relationship and provide you with our Services, Sites and offerings;
- in order to comply with our legal and contractual obligations (i.e. as required by laws applicable to log-keeping, records and bookkeeping);
- due to overriding public or private interest, including our interest to defend ourselves in case of potential disputes (i.e. in order to have proof and evidence concerning our relationship, should any legal issues arise).

Generally, personal data relevant for a customer relation will be retained for 10 years after the end of the last transaction of such relationship.

However, please note that unless required by applicable law or our specific agreements with you, we are not obligated to generally hold available Customer data, and we are free to securely delete it or restrict access to it for any reason and at any time, with or without notice to you. If you have any questions about our data retention policy, please contact us by e-mail at privacy@unique.ch.

Data Sharing / Confidentiality

Unless expressly mentioned otherwise in this privacy policy, such as in case of data processing by sub-processors or in case of the use of certain third-party services / tools, or unless recognizably intended for disclosure, personal data will be treated confidentially and no personal data will be shared, sold or otherwise passed on to third parties.

Unique is entitled to have personal data processed by contractually bound external service providers or agents ("sub-processors"). These may be companies in the areas of IT services, telecommunications, advice and consulting as well as sales and marketing. Such sub-processors are legally or contractually obliged to the same extent as Unique to comply with the S-DPA and to maintain confidentiality. They may only process the data of data subjects to the same extent as we are permitted to do. We are also obliged to regularly ensure that such contractually bound subprocessors are able to guarantee data security in an appropriate manner. A list of sub-processors we use is contained in [Appendix B to the Data Processing Addendum \(DPA\)](#).

In particular, Unique shares data as follows:

Service Providers: We may engage selected third party companies and individuals to perform services complementary to our own. Such service providers include hosting and server co-location services, communications and content delivery networks, data security services, billing and payment processing services, fraud detection and prevention services, web analytics, e-mail distribution and monitoring services, session or activity recording services, remote access services, performance measurement, data optimization and marketing services, social and advertising networks, content providers, e-mail, voicemails, support and customer relation management systems, and our legal, financial and compliance advisors (collectively, "Service Providers"). Our service providers may have access to personal data, depending on each of their specific roles and purposes in facilitating and enhancing our Services, and may only use the data for such limited purposes as determined in our agreements with them.

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When our Service Providers contact you in order to offer or promote our Services, they may additionally interest you in their own services. Should you decide to engage in such activities with the Service Provider, please note that such engagement is beyond the scope of Unique's Terms of Service and Privacy Policy and will therefore be covered by our Service Provider's Terms and Privacy Policy.

Business Customers: Our business customers have access to any data we process on their behalf in our capacity as a "processor" or a "service provider."

Legal Compliance: We may disclose or allow government and law enforcement officials access to your personal data, in response to a subpoena, search warrant or court order (or similar requirement), or in compliance with applicable laws and regulations. Such disclosure or access may occur if we believe in good faith that: (a) we are legally compelled to do so; (b) disclosure is appropriate in connection with efforts to investigate, prevent, or take action regarding actual or suspected illegal activity, fraud, or other wrongdoing; or (c) such disclosure is required to protect our legitimate business interests, including the security or integrity of our products and services.

Third Party Websites and Services: Our Sites and Services may include links to third party websites, and integrations with third party services. Such websites and third party services, and any information you process, submit, transmit or otherwise use with such websites and third party services, are governed by such third party's terms and privacy practices and policies, and not by this Privacy Policy. We encourage you to carefully read the terms and privacy policies of such website and third party services.

Protecting Rights and Safety: We may share personal data with others if we believe in good faith that this will help protect the rights, property or personal safety of Unique, any of our users or customers, or any members of the general public.

Unique Subsidiaries and Affiliated Companies: We may share personal data internally within our group, for the purposes described in this Privacy Policy. In addition, should Unique or any of its subsidiaries or affiliates undergo any change in control or ownership, including by means of merger, acquisition or purchase of substantially all or part of its assets, personal data may be shared with or transferred to the parties involved in such an event.

For the avoidance of doubt, Unique may share personal data in additional manners, pursuant to your explicit approval, or if we are legally obligated to do so, or if we have successfully rendered such data non-personal, non-identifiable and anonymous. We may transfer, share or otherwise use non-personal and non-identifiable data at our sole discretion and without the need for further approval.

Cookies, Tracking Technologies and Tools

We and our Service Providers use cookies and other technologies for performance, tracking, analytics and personalization purposes. We may share non-identifiable / aggregated extracts of such information with our partners for our legitimate business purposes.

Cookies are packets of information sent to your web browser and then sent back by the browser each time it accesses the server that sent the cookie. Some cookies are removed when you close your browser session. These are the "Session Cookies". Some last for longer periods and are called "Persistent Cookies". We use both types.

We use Persistent Cookies to remember your log-in details and make it easier for you to log-in the next time you access the platform. We may use this type of cookies and Session Cookies for additional purposes, to facilitate the use of the Services' features and tools. We may also use HTML5 local storage or cookies for the above-mentioned purposes. These

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technologies differ from browser cookies in the amount and type of data they store, and how they store it.

Whilst we do not change our practices in response to a “Do Not Track” signal in the HTTP header from a browser or mobile application, you can manage your cookies preferences, including whether or not to accept them and how to remove them, through your browser settings. Please bear in mind that disabling cookies may complicate or even prevent you from using the Services.

Please note that if you get a new computer, install a new browser, erase or otherwise alter your browser’s cookie file (including upgrading certain browsers), you may also clear the opt-out cookies installed once you opt-out, so an additional opt-out will be necessary to prevent additional tracking.

In our legitimate interest, we use webanalysis tools and other tools as set out in this privacy policy and in the [list of sub-processors](#).

Communications

We engage in service and promotional communications, through e-mail, phone, SMS and notifications.

Service Communications: We may contact you with important information regarding our Services. For example, we may send you notifications (through any of the means available to us) of changes or updates to our Services, billing issues, service changes, log-in attempts or password reset notices, etc. If you are registered as a user to our Services, you can typically control your communications and notifications settings from your profile settings, or otherwise in accordance with the instructions included in the communications sent to you. Please note that you will not be able to opt out of receiving certain service communications which are integral to your use (like password resets or billing notices).

Promotional Communications: We may also notify you about new features, additional offerings, events, special opportunities or any other information we think you will find valuable, as our customer, user or prospect. We may provide such notices through any of the contact means available to us (e.g. phone, mobile or e-mail), through the Services, platform or Sites, or through our marketing campaigns on any other sites or platforms.

If you do not wish to receive such promotional communications, you may notify Unique at any time by sending an e-mail to: privacy@unique.ch, changing your communications preferences in your profile settings whilst being logged as a user to our Services, or by following the “unsubscribe”, “stop”, “opt-out” or “change e-mail preferences” instructions contained in the promotional communications you receive.

Data Security

To ensure data security, we and our agents use state-of-the-art technical and organizational measures (TOM). The TOM we currently employ are listed in [Appendix A to the Data Processing Addendum \(DPA\)](#). On request and provided that this does not jeopardize data security for other users, we will provide you with more detailed information on the TOMs taken.

The TOM include security measures of a technical nature (e.g. SSL encryption, pseudonymization, logging, access restriction, data backup) and of an organizational nature (e.g. instructions to our employees, confidentiality agreements, checks) in order to protect the security of your personal data, to protect it against unlawful or unlawful processing and to counteract the risk of loss, unintentional modification, unintentional disclosure or unauthorized access.

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However, although we make efforts to protect your privacy, we cannot guarantee that our Sites or Services will be immune from any wrongdoings, malfunctions, unlawful interceptions or access, or other kinds of abuse and misuse.

Data Subject Rights

Individuals have in particular the following rights concerning their personal data:

- The right to be informed adequately about the collection of personal data (art. 19 S-DPA)
- The right to ask for and receive information about data processing (art. 25 S-DPA / 15 GDPR)
- The right to rectification of data (art. 6 para. 5 S-DPA; 32 para. 1 S-DPA / 16 GDPR)
- The right to deletion of data ("right to be forgotten"; art. 6 para. 4 S-DPA; 32 para. 2 lit. c S-DPA / 17 GDPR)
- The right to object and to restrict ("block") or stop the processing of data (art. 30 para. 2 lit. b; 32 para. 2 lit. a, b S-DPA / 18, 21 GDPR)
- The right to withdraw consent to data processing (art. 30 para. 2 lit. b S-DPA / 7 para. 3 GDPR)
- The right to hand over and portability of data (art. 28 S-DPA / 20 GDPR)
- The right to be informed about automated individual decisions (art. 21 S-DPA)
- The right to complain to the competent supervisory authority (see further below)

Please contact us by e-mail at: privacy@unique.ch if you wish to exercise your privacy rights under any applicable law.

Processing on Behalf of Business Customers

Our processing of personal data on behalf of our business customers as part of the Services is governed by our agreements with such customers. We process this data on behalf of our customers in our capacity as service providers (or "data processors") to our customers. Our customers are "data controllers" (under the GDPR, the S-DPA and similar laws) with respect to that data.

Our business customers are solely responsible for determining whether and how they wish to use our Services, and for ensuring that all individuals using Unique on the customers' behalf or at their request have been provided with adequate notice and given informed consent to the processing of their personal data, where such consent is necessary or advised, and that all legal requirements applicable to the collection, recording, use or other processing of data through our Services are fully met by the business customers, including specifically in the context of an employment relationship. Our business customers are also responsible for handling data subject rights requests under applicable law, by their users and other individuals whose data they process through the Services.

Additional Notices

Updates and Amendments: We may update and amend this Privacy Policy from time to time by posting an amended version on our Sites and/or Services. The amended version will be effective as of the date it is published. We will provide prior notice if we believe any substantial changes are involved via any of the communication means available to us or via the Sites and/or Services. After such notice period, all amendments shall be deemed accepted by you.

External Links: While our Sites and/or Services may contain links to other websites or services, we are not responsible for their privacy practices. We encourage you to pay attention when you leave our Sites or Services for the website or application of such third parties, and to read the privacy policies of each and every website and service you visit. This Privacy Policy applies only to our Sites or Services.

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Children: Our Services are not designed to attract children under the age of 16. We do not knowingly collect personal data from children and do not wish to do so. If we learn that a person under the age of 16 is using the Sites, platform and/or Services, we will attempt to prohibit and block such use and will make our best efforts to promptly delete any personal data stored with us with regard to such child. If you believe that we might have any such data, please contact us by e-mail at privacy@unique.ch.

EU and UK Representative: Unique has designated representatives in the European Union and the United Kingdom for data protection matters pursuant to Article 27 of the EU GDPR and the UK GDPR. Inquiries regarding Unique's EU and UK representatives with regard to data protection issues may be sent by e-mail to privacy@unique.ch.

Data Protection Contact: If you have any comments or questions regarding our Privacy Policy, if you have any concerns regarding your Privacy, or if you wish to make a complaint about how your personal data is being processed by Unique, you can contact privacy@unique.ch.

Google Integrations

There are 3 google integrations for unique that are separate, each can be connected separately, no need to connect them all:

Google Meet™ integration:

We collect recordings done with the regular recording function of Google Meet™, therefore we need access to the Google Drive™. Only recordings from users that connect to Google Meet™ will be captured starting from the date of the connection. We also save the email address of the person that connects to this integration.

The data is handled as described above.

Google Calendar™ integration:

We collect the calendar entries in Google Calendar™ in order to allow the user to define in what calls we do automatic recordings.

We also save the email address of the person that connects to this integration.

The data is handled as described above.

Calendar conferencing add-on:

Requires access to the Google Calendar™ entries in order to add a Unique Meeting link that captures the consent of the participants of the meeting that they are being recorded. No data coming from Google™ is stored in on our premises. We only write to the calendar entry.

The data is handled as described above.

Supervisory Authorities

The competent authority for matters relating to data protection is the Federal Data Protection and Information Commissioner (FDPIC) insofar as persons in Switzerland are affected or the data is processed in or from Switzerland. He can investigate violations of data protection regulations ex officio or on complaint and order that processing be adapted, interrupted or discontinued in whole or in part. He also advises private individuals on data protection issues, provides information to data subjects on request on how they can exercise their rights and can lodge a complaint with the competent prosecuting authority. The contact details of the FDPIC can be found at <https://www.edoeb.admin.ch>.

Insofar as a personal data processing operation falls within the scope of the GDPR or the UK GDPR, there is a right of appeal to the competent data protection supervisory authority in the

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EU or the UK (Art. 77 GDPR). A list of competent national data protection authorities in the EEA/EU can be found at https://edpb.europa.eu/about-edpb/about-edpb/members_en.

Amendments to this Privacy Policy

Unique may amend or update this Privacy Policy from time to time by sending a revised version to its customers and/or making it available on the Unique website at www.unique.ch.

Applicable Law / Place of Jurisdiction

Unless mandatory statutory provisions to the contrary exist, Swiss law alone shall apply to this Privacy Policy, to the exclusion of international conflict of laws provisions. The exclusive place of jurisdiction for disputes in connection with this data protection declaration is Zurich, Switzerland, apart from mandatory statutory places of jurisdiction. Deviating agreements on the place of jurisdiction and the applicable law in customer or other individual contracts with Unique shall take precedence.

Last updated: November 1st, 2023