

## **Privacy Policy MiSANTO COVID Services**

11. Mai 2021, Version 1.1

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### **1. General information**

MiSANTO AG, Bahnhofplatz 68, 8500 Frauenfeld, Switzerland ("MiSANTO", "we" or "us") is a cantonally licensed telemedical medical practice. MiSANTO and its employees are subject to medical confidentiality.

MiSANTO attaches great importance to the protection of your personal data and collects, processes, stores and uses your personal data only in accordance with the principles of the Federal Data Protection Act ("DPA") and the European Data Protection Regulation ("GDPR") and in accordance with the principles described below.

The following Privacy Policy applies to all legal relationships between MiSANTO and its Clients regarding the use of MiSANTO's self-service platform ("Self-Service Platform", <https://selfservice.misantoch.ch>) and the provision of MiSANTO's COVID Services ("MiSANTO COVID Services").

Clients ("Clients") may be institutions (companies/businesses, homes, schools, clubs, etc.) ("Institutions") and private individuals.

The person using the MiSANTO COVID Services is always a private person ("Person" or "Test Person" or "Vaccinated").

Please read this Privacy Policy carefully. If you use or wish to use any of the services we offer, you may be asked to give us consent to collect and process your (health-related) personal data.

If you have any further questions, please do not hesitate to contact us. You can contact us at our address (see point 2 "Who we are").

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## **2. Who we are**

We, MiSANTO, a telemedical medical centre, are responsible for data processing within the scope of this privacy policy:

MiSANTO AG  
Bahnhofplatz 68  
CH-8500 Frauenfeld

**E-Mail:** info@misanto.ch

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## **3. What the MiSANTO Self-Service Platform is and what MiSANTO COVID services are delivered through it.**

The Client must register on the Self-Service Platform in order to use the MiSANTO COVID Services offered by MiSANTO.

MiSANTO COVID Services include the following services:

### **For Institutions:**

- a) Provision of a self-service platform for the independent administration, ordering of the MiSANTO COVID Services as well as the provision of the used MiSANTO COVID Services in an overview "COVID Test" (independent of the test type and test location).
- b) Logistical services for the shipment of materials such as test kits, etc.
- c) Hotline for medical questions and technical support
- d) Advice from the MiSANTO Support Team
- e) Medically trained personnel for, among other things, possible sample collection or administration of vaccinations.
- f) Laboratory diagnostic analyses
- g) Training of third parties to enable them to perform MiSANTO COVID services.

### **For private individuals:**

- a) Provision of a self-service platform for the autonomous management, ordering and booking of MiSANTO COVID Services (vaccination and testing).
- b) Administering vaccinations / performing corona tests
- c) Hotline for medical questions and technical support
- d) Laboratory diagnostic analyses (if required)

MiSANTO may use subcontractors for the provision of services. MiSANTO reserves the right to change the scope of services at any time.

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#### **4. We process your personal data when you access or use the MiSANTO Self-Service Platform**

When registering on the self-service platform, the client is obliged to fill in the registration form completely and truthfully. For the registration, only those data are requested which are required for the provision of the MiSANTO COVID Services and invoicing in accordance with the Ordinance on Measures to Combat Coronavirus (COVID 19 Ordinance 3) as well as the corresponding implementing cantonal provisions (including test concepts).

For persons (e.g. employees in the client's company) who use the MiSANTO COVID Services, the recording is carried out either individually or by uploading lists of persons with the minimum information. These are usually for the test person of institutions first name, surname, date of birth and e-mail address. For test persons/vaccinees, gender and contact details are also requested. We may also need the health insurance company and the AHV number (e.g. if the health insurance company is to be invoiced).

After ordering the MiSANTO COVID Services by the Client, the person for whom the MiSANTO COVID Services are intended will receive an e-mail confirming his/her identity.

For the confirmation of identity, the Client must usually enter the first name, surname, date of birth and e-mail address of the persons (or their legal representative) in the Self-Service Platform. Additional information may be requested, particularly when vaccinating and testing individuals.

Upon confirmation of identity, the individual or their legal representative must consent to the MiSANTO COVID Services and the Privacy Policy [[https://downloads.misanto.ch/MiSANTO\\_PrivacyPolicy.pdf](https://downloads.misanto.ch/MiSANTO_PrivacyPolicy.pdf)].

Institutions must ensure that the persons are employees/students/association members/residents/etc. of the Institution when placing the order. The Institution is obliged to immediately forward to MiSANTO any objections, non-consents as well as complaints from individuals in connection with MiSANTO COVID Services.

We collect and process personal data that are necessary for the commencement and processing of the contractual relationship and for the fulfilment of its obligations or that are required by law. Otherwise, we cannot enter into and continue a contractual relationship with you, and you may not be able to use our services.

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## **5. We process your health-related data when you use the self-service platform, and we provide MiSANTO COVID Services**

When you use our MiSANTO COVID services, we also process your health-related data.

You decide how much of your health-related data you want to share with us. However, without your health-related data, we are not able to provide our medical services. Therefore, we collect and process the personal data you share with us, including your health-related data, based on the consent you gave us when you registered/verified your identity.

Your health-related data will be disclosed to third parties, including but not limited to the Federal Office of Public Health, Contact Tracing, Laboratory, etc., to the extent necessary for the provision of MiSANTO COVID Services.

Your health-related data can be viewed on the self-service platform. If the client is an institution, the administrator has access to the health-related data. A person can revoke access to the health-related data at any time.

We use de-identified data for data analysis purposes. We use such analyses for studies and statistics (see point 6).

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## **6. We process your health-related data for medical research**

Medical progress is based on scientific research. In order to conduct this research, researchers need health-related personal data and biological material (samples) from sick and healthy people. We would therefore like to use your data for medical research in accordance with the Federal Act on Research Involving Human Subjects and the GDPR - where applicable - in accordance with Art. 9(2) let. j and Art. 89 GDPR.

To help you decide whether you are willing to provide your data for research purposes, we provide you with important information in a separate document: "Information about and your consent to the use of health-related personal data and samples for medical research" ("Medical Research Information Letter"). You can also find this Medical Research Information Letter on our website [<https://downloads.misanto.ch/MedicalResearchInfoNotice.pdf>]. If you do not want us to provide your data for medical research, please send us a message to [info@misanto.ch](mailto:info@misanto.ch).

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## **7. We process your telecommunication data for communication purposes**

We process personal data when we contact you or you contact us, e.g. when you send us an e-mail or call us. In principle, data such as your name and contact details, date and time of the contact message and its content, which may also contain personal data of other persons, are sufficient for communication. We process this data to provide you with information or to make communications, to process your request and to communicate with you, as well as for quality assurance and education.

We need to process this data for the performance of our contract with you. In addition, we are required to process and retain telecommunications data for as long as is necessary to comply with our legal obligations (i.e.

obligations under the Federal Act on the Surveillance of Postal and Telecommunications Traffic (BÜPF)). Any further processing of your telecommunication data and the transfer of your telecommunication data to third parties outside and within Switzerland requires your separate consent.

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## **8. Other purposes**

We may also use your non-health related personal data in particular for the following purposes:

- Customer service and customer feedback service
- Conclusion and execution of contracts with you
- Administration and management of Our IT and other resources
- Accounting, filing, training or other administrative purposes
- Reviewing and complying with legal obligations, including court and regulatory orders, compliance and detecting and investigating abuse
- Preparing and implementing business combinations, acquisitions or divestments of businesses or their assets or similar transactions.

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## **9. Legal grounds**

In general, we use your personal data: i) to perform our contract, ii) with your explicit and informed consent where such consent is required by law (e.g. for the processing of your health-related personal data), iii) to comply with our legal obligations and iv) for legitimate business interests such as improving our services to you and to ensure optimal performance of the contract we have entered into with you.

In particular, we process your data for the following legal reasons:

- To protect the legitimate interests of MiSANTO (legal basis under the GDPR - where applicable - is Art. 6 (1) Bst. F). If you have any questions, please contact the person indicated below.
- For the fulfilment of legal obligations resulting in particular from the Health Insurance Act and the medical documentation obligation (legal basis according to the DSGVO - as far as applicable - is Art. 6 (1) Bst. C);
- Where required by law due to your express consent (legal basis under the DSGVO - where applicable - is Art. 6 (1) Bst. a and Art. 9 (2) let. a).
- For archiving purposes, for scientific or historical research purposes, in particular for health studies (legal basis under the GDPR - where applicable - is Art. 9 (2)(j) and Art. 89).

If your consent is required, we will ask you separately for this consent. The legal basis under the GDPR - where applicable - in this case is Art. 6 (1)(a) and Art. 9 (2)(a).

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## **10. How we keep your personal data**

We will retain your personal data in accordance with applicable data protection laws for as long as is necessary for the purposes for which the data is collected and for as long as we have a legitimate interest in retaining personal data, e.g. for the enforcement or defence of claims or for archiving purposes and IT security. We will also retain your personal data for as long as it is subject to a legal obligation to retain it (e.g. 6 months for telecommunications data). After that, we will delete the personal data or make it unrecognisable.

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## **11. Data security**

The security of your data is important to us. We follow appropriate technical (e.g. pseudonymisation, de-identification, data retention, access restrictions, data backups, etc.) and organisational measures (e.g. employee policies, confidentiality agreements, audits, etc.) to protect the data you provide to us from unauthorised access, use, disclosure, alteration or destruction.

Please note that data transmitted over networks such as the Internet may be accessible to third parties. We cannot guarantee the confidentiality of any communications or materials transmitted by you over such open networks. If you share personal information over an open network, you should be aware that your information may be accessible to others and consequently may be collected and used by others without your consent. Your data may be lost during transmission or accessed by unauthorised persons. Please use other means of communication if you consider it necessary or prudent for security reasons.

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## **12. Cookies**

When you use the Self-Service Platform, we may use cookies or similar technologies to help us administer our website, analyse trends, track user movement, and gather demographic information about our user base as a whole. You can control and prevent the use of cookies at the settings level of your particular browser. If you choose to disable, block or delete certain cookies, this may limit your use of certain functionalities or features on our Self-Service Platform.

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## **13. With whom we share your personal data**

Our employees, e.g. staff in support areas such as IT, have access to your personal data. Our own MiSANTO healthcare staff also have access to your personal data and in particular to your health-related data in order to provide medical services. We take reasonable precautions to limit access to your personal information to those individuals or functions that have a need to know the information and maintain appropriate measures to protect the information from loss, misuse or accidental destruction.

Your personal and health information will be disclosed to third parties, including but not limited to the Federal Bureau of Health, Contact Tracing, Laboratory, etc., as necessary for the provision of MiSANTO COVID Services.

With your consent, we may also share data with third parties such as medical professionals for medical consultations, hospitals or partner laboratories. Note that allowing third parties to access or provide access to your data may process and store your data and is not subject to MiSANTO's liability.

In addition, we may share personal data with third parties who process data on our behalf, e.g. for data consolidation, storage and client data management (e.g. server or hosting service providers, financial service providers) and with government agencies and auditors in connection with legal and regulatory requirements. If we provide a service in cooperation with or through third parties, we will only share data with these third parties to the extent necessary for the provision and processing of our products and services. We ensure the security of your personal data when processed by third parties by selecting suitable data processors and entering into appropriate contractual data processing agreements. Our data processors are obliged to process personal data only on our behalf and in accordance with our instructions.

We may disclose your health-related data to third parties in accordance with the Medical Research Information Letter (see section 6 "We process your health-related data for medical research above") with your consent to do so.

For the purposes set out in this privacy notice and if required or required by law, we may disclose personal data to courts, competent authorities, government agencies and law enforcement agencies.

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#### **14. Your rights in connection with the processing of your personal data**

You have the right to object to the processing of your personal data or to withdraw consent at any time and free of charge. Please note that even after you have withdrawn your consent, such withdrawal will not affect the lawfulness of the processing of your personal data prior to the withdrawal. We may be able to further process your personal data to the extent required or permitted by law or in an impersonal form.

Upon request, MiSANTO will provide you with information about whether we have stored or processed your personal data. You are entitled to ask for details of the information we hold about you and how we process it and to obtain a copy of your personal data. To request this information, please contact us at our address above (see section 2 "Who we are") or email us at [info@misanto.ch](mailto:info@misanto.ch). You can also have your data corrected or deleted or restrict

or restrict our processing of that data. You also have the right to object to the processing of your personal data and the right to data portability. You may also lodge a complaint regarding the processing of your personal data with a local supervisory authority in Switzerland with the Data Protection and Information Commissioner. Please note that the exercise of your rights may be subject to certain conditions and limitations and requires that we can identify you in each case.

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## **15. Changes to the privacy policy**

This Privacy Policy does not form part of any agreement. We reserve the right to change this Privacy Policy from time to time. If we intend to do so, we will notify you when we make material changes.

You can find the current version of the data protection declaration via the following link on our website (<https://downloads.misanto.ch/www/en/legal/210623-v1.1-misanto-covid-services-privacy-policy.pdf>). You can also request the current privacy policy from us at any time.