

## Privacy Policy Hotel Engstlenalp AG

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## **1. Controller and Content of this Privacy Policy**

We, Hotel Engstlenalp AG, Bei der Kirche 12, 3860 Meiringen, Switzerland, are the operator of Hotel Engstlenalp (**Hotel**) and the website [www.engstlenalp.ch](http://www.engstlenalp.ch) (**Website**) and are, unless otherwise stated in this privacy policy, responsible for the data processing described in this privacy policy.

Please take note of the information below to know what personal data we collect from you and for what purposes we use it. When it comes to data protection, we primarily adhere to the legal requirements of Swiss data protection law, in particular the Federal Act on Data Protection (**FADP**), as well as the EU General Data Protection Regulation (GDPR), which may be applicable in individual cases.

Please note that the following information may be reviewed and amended from time to time. Therefore, we recommend regularly checking this privacy policy for any updates. You view this privacy policy regularly. Furthermore, for individual data processing listed below, other companies are responsible under data protection law or jointly responsible with us, so that in these cases, the information provided by those companies is also relevant.

## **2. Contact Person for Data Protection**

If you have any questions regarding data protection or wish to exercise your rights, please contact our data protection contact person by sending an email to the following address: [datenschutz@engstlenalp.ch](mailto:datenschutz@engstlenalp.ch).

## **3. Scope and Purpose of the Collection, Processing, and Use of Personal Data**

### **3.1 Data Processing when contacting us**

If you contact us through our contact addresses and channels (e.g., by email or phone), your personal data is processed. We process the data you provide us with, such as your name, email address, phone number, and your request. Additionally, the time of receipt of the request will be documented. We process this data to address your request (e.g., providing information about our Hotel, assisting with contract processing such as questions about your booking, incorporating your feedback to improve our services, etc.).

The legal basis for this data processing is our legitimate interest under Article 6(1)(f) of the GDPR in addressing your request or, if your request is aimed at the conclusion or performance of a contract, in the implementation of the necessary measures within the meaning of Article 6(1)(b) of the GDPR.

### **3.2 Data processing for orders of gift cards via our website**

On our website you have the possibility to order gift cards. For this purpose, we collect the following data, whereby you will be notified when submitting incomplete mandatory fields: Company, first name, last name, address, email, phone number, amount, dedication/inscription, comment on the order, confirmation of acceptance of the terms and conditions and privacy policy.

We use the data to verify your identity before concluding a contract. We need your email address to confirm your order and for future communication necessary for the execution of the contract. We store your data together with the relevant order details (e.g. designation, price, and characteristics of the ordered products), payment information (e.g., selected payment method, payment confirmation, and time of the payment), so that we can ensure correct order processing and contract performance.

The legal basis for this data processing is the performance of a contract with you within the meaning of Article 6(1)(b) of the GDPR.

The provision of data that is not marked as mandatory is voluntary. We process this data to tailor our offerings to your personal needs, to facilitate the execution of contracts, to contact you through alternative

means of communication if necessary for the contract performance, or for collection and analysis of statistical information in order to optimise our offerings.

The legal basis for this data processing is your consent within the meaning of Article 6(1)(a) of the GDPR. You can withdraw your consent at any time by notifying us.

For the provision and administration of gift cards we use a software application on a server of the company Kreativ Media GmbH, Höschgasse 45, 8008 Zürich, Switzerland, which may allow Kreativ Media GmbH to access your data. Information about data processing by third parties can be found in Section 4 of this Privacy Policy.

The legal basis for this data processing is the performance of a contract with you within the meaning of Article 6(1)(b) of the GDPR.

### **3.3 Data processing when booking via our website**

On our website you have the possibility to book an overnight stay. For this purpose, we collect the following data, whereby you will be notified when submitting incomplete mandatory fields: first name, last name, company, address, phone number, email, payment method, booking details, age of children, option to subscribe to the newsletter, comments, confirmation of acceptance of the terms and conditions and privacy policy.

We use the data to establish your identity before entering into a contract. We need your email address to confirm your booking and for future communication necessary for the execution of the contract. We store your data together with the relevant booking details (e.g., room category, duration of stay, as well as designation, price, and characteristics of the services), payment information (e.g., selected payment method, payment confirmation, and time of the payment; see also Section 3.5) as well as the information regarding the execution and performance of the contract (e.g., receipt and handling of complaints) in our PMS database, so that we can ensure correct booking processing and contract performance.

Our confirmation emails may contain a web beacon, 1x1 pixel (tracking pixel) or similar technical tools. A web beacon is an invisible graphic that is linked to the respective reservation. For all emails sent from the reservation system, we receive information on which email addresses these were successfully delivered to, which email addresses have not yet received the email and for which email addresses the delivery has failed. It also shows which email addresses have opened the email. This helps us to identify incorrectly entered email addresses and to contact you through alternative means of communication.

The legal basis for this data processing is the performance of a contract with you within the meaning of Article 6(1)(b) of the GDPR.

The provision of data that is not marked as mandatory is voluntary. We process this data to tailor our offerings to your personal needs, to facilitate the execution of contracts, to contact you through alternative means of communication if necessary for the contract performance, or for collection and analysis of statistical information in order to optimise our offerings.

The legal basis for this data processing is your consent within the meaning of Article 6(1)(a) of the GDPR. You can withdraw your consent at any time by notifying us.

To process bookings through our Website, we use a software application provided by Sirvoy Ltd, 13 Upper Baggot St, Dublin, Ireland. Therefore, your data may be stored in a database of Sirvoy Ltd, which may allow Sirvoy Ltd to access your data if this is necessary for providing the software and supporting its use. Information about data processing by third parties and any potential transfer abroad can be found in Section 4 of this Privacy Policy.

The legal basis for this data processing is the performance of a contract with you within the meaning of Article 6(1)(b) of the GDPR.

We have not concluded any contracts with booking platforms. We only accept reservations via the reservation link on our website, email or telephone.

### **3.4 Data Processing when Reserving a Table**

You have the option of reserving a table in our restaurant by email or phone. For this purpose, we collect the following data depending on the occasion: Company, first name, last name, number of guests, email address, telephone number, billing address, menu or offer type, payment method, comment, date and time of the reservation.

We collect and process the data for the purpose of handling the reservation, in particular to make your reservation request according to your preferences and to contact you in case of uncertainties or problems. We store your data together with the relevant reservation details (e.g., date and time of the request, etc.), reservation information (e.g., assigned table), as well as information regarding the execution and performance of the contract (e.g., receipt and handling of complaints) in our software application, so that we can ensure correct reservation processing and contract performance.

For the processing of table reservations we use a software application on a server of the company Kreativ Media GmbH, Höschgasse 45, 8008 Zürich, Switzerland, which may allow Kreativ Media GmbH to access your data. Information about data processing by third parties can be found in Section 4 of this Privacy Policy.

The legal basis for this data processing is the performance of a contract with you within the meaning of Article 6(1)(b) of the GDPR.

### **3.5 Data Processing during Payment Processing**

When you purchase products, receive services, or make payments for your stay in our hotel using electronic means of payment, the processing of personal data is required. By using the payment terminals, you transmit the information stored in your payment instrument, such as the cardholder's name and card number, to the respective payment service providers (e.g., providers of payment solutions, credit card issuers, and credit card acquirers). They also receive information that the payment instrument was used in our hotel, including the transaction amount and time. In return, we only receive the credit for the amount of the completed payment at the corresponding time, which we can associate with the respective receipt number, or we receive information that the transaction was not possible or was cancelled. Always consider the information provided by the respective company, especially the privacy policy and terms and conditions.

For processing payments we use terminals of the company Nexi Schweiz AG, Richtistrasse 17, 8304 Wallisellen, Switzerland. Therefore, your data may be stored in a database of Nexi Schweiz AG, which may allow Nexi Schweiz AG to access your data if this is necessary for providing the software and supporting its use. Information about data processing by third parties and any transfers abroad can be found in Section 4 of this Privacy Policy.

The legal basis for this data processing is the performance of a contract with you within the meaning of Article 6(1)(b) of the GDPR.

### **3.6 Data Processing related to the recording and Invoicing of rendered Services**

If you receive services during your stay (e.g., additional nights, restaurant, activities), in addition to your contractual data, we will collect and process booking data (e.g., time of booking and comments) as well as data related to the booked and received services (e.g., nature of service, price, and time of service receipt) for the purpose of handling the service, as described in Sections 3.3 and 3.4.

The legal basis for this data processing is the performance of a contract within the meaning of Article 6(1)(b) of the GDPR.

### **3.7 Data Processing related to Email Marketing**

If you register for our marketing emails (e.g. as part of a reservation), the following data is collected: email address.

By registering, you consent to the processing of this data in order to receive marketing emails from us about our hotel and related information on products and services. These marketing emails may also include invitations to participate in contests, to provide feedback, or to rate our products and services.

We will use your data to send marketing emails until you withdraw your consent. You can withdraw your consent at any time, in particular by using the unsubscribe link included in all marketing emails.

Our marketing emails may contain a web beacon, 1x1 pixel (tracking pixel), or similar technical tools. A web beacon is an invisible graphic that is linked to the user ID of the respective subscriber. For each marketing email sent, we receive information about which email addresses it was successfully delivered to, which email addresses have not yet received the marketing email, and which email addresses the delivery has failed for. It is also shown which email addresses have opened the marketing email and for how long, as well as which links have been clicked. Finally, we also receive information about subscribers who have unsubscribed from the mailing list. We use this data for statistical purposes and to optimise the frequency and timing of email delivery, as well as the structure and content of the marketing emails. This allows us to better tailor the information and offers in our marketing emails to the individual interests of the recipients.

The web beacon is deleted when you delete the marketing email. You can prevent the use of web beacons in our marketing emails by adjusting the settings of your email program so that HTML is not displayed in messages. You can find information on how to configure this setting in the help documentation of your email software application.

By subscribing to the marketing emails, you also consent to the statistical analysis of user behaviour for the purpose of optimising and customising the marketing emails.

For sending marketing emails, we use a software application provided by Sendinblue GmbH, Köpenicker Str. 126, 10179 Berlin, Germany. Therefore, your data may be stored in a database of Sendinblue GmbH, which may allow Sendinblue GmbH to access your data if this is necessary for providing the software and supporting its use. Information about data processing by third parties and any transfer abroad can be found in Section 4 of this Privacy Policy.

The legal basis for this data processing is your consent within the meaning of Article 6(1)(a) of the GDPR. You can withdraw your consent at any time.

### **3.8 Data Processing in connection with Video Surveillance**

To ensure the safety of our guests, employees, and our property, as well as to prevent and address unlawful behaviour (in particular, theft and property damage), the entrance area and the publicly accessible areas of our hotel, excluding sanitary facilities, may be monitored by cameras. The image data will only be viewed if there is a suspicion of unlawful behaviour. Otherwise, the recorded images will be automatically deleted after 24 hours.

For the provision of the video surveillance system, we use a server from the company Kreativ Media GmbH, Höschgasse 45, 8008 Zürich, Switzerland, which may allow Kreativ Media GmbH to access your data. If suspicions of unlawful behaviour are confirmed, the data may be disclosed to the extent necessary for the enforcement of claims or for reporting to consulting firms (in particular, to a law firm) and authorities. Information about data processing by third parties and any transfer abroad can be found in Section 4 of this Privacy Policy.

The legal basis is our legitimate interest within the meaning of Article 6(1)(f) of the GDPR in protecting our guests, employees, and property, as well as safeguarding and enforcing our rights.

### **3.9 Data Processing for Fulfilling Legal Reporting Obligations**

Upon arrival at our hotel, we may require the following information from you and your accompanying persons: salutation, first and last name, address, nationality, identity card or passport, date of arrival and departure.

We collect this information to fulfil legal reporting obligations, which arise in particular from hospitality or police regulations. To the extent required by applicable laws, we forward this information to the competent authority.

The legal basis for the data processing is our legitimate interest within the meaning of Article 6(1)(c) of the GDPR in complying with our legal obligations.

### **3.10 Data Processing in Job Applications**

You can apply for a position in our company either spontaneously or in response to a specific job advertisement. In both cases, we will process the personal data you provide us with.

We use the data you provide us with to assess your application and suitability for employment. Application documents from unsuccessful applicants will be deleted at the end of the application process, unless you explicitly agree to a longer retention period or we are legally obliged to retain them for a longer period.

The legal basis for the data processing for this purpose is the execution of a contract (pre-contractual phase) within the meaning of Article 6(1)(b) of the GDPR.

## **4. Disclosure and Cross-Border Transfer**

### **4.1 Disclosure to Third Parties and Third-Party Access**

Without the support of other companies, we would not be able to provide our services in the desired form. To use the services of these companies, it is necessary to share your personal data with these companies to a certain extent. A disclosure of data is limited to selected third-party service providers and only to the extent necessary for the optimal provision of our services.

Various third-party service providers are explicitly mentioned in this Privacy Policy. They include the following service providers:

- Kreativ Media GmbH, Höschgasse 45, 8008 Zürich, Switzerland. For more information about data processing in connection with Kreativ Media GmbH, see [www.kreativmedia.ch](http://www.kreativmedia.ch).
- Sirvoy Ltd, 13 Upper Baggot St, Dublin, Ireland. For more information about data processing in connection with Sirvoy Ltd, see [www.sirvoy.de](http://www.sirvoy.de).
- Nexi Schweiz AG, Richtstrasse 17, 8304 Wallisellen, Switzerland. For more information about data processing in connection with Nexi Schweiz AG, see [www.nexi.swiss](http://www.nexi.swiss).
- Sendinblue GmbH, Köpernick Str. 126, 10179 Berlin, Germany. For more information about data processing in connection with Sendinblue GmbH, see [www.sendinblue.de](http://www.sendinblue.de).

The legal basis for this data processing is the performance of a contract within the meaning of Article 6(1)(b) of the GDPR.

For these data processing activities, the third-party service providers are considered data controllers under the data protection laws, and not us. It is the responsibility of these third-party service providers to inform you about their own data processing, which may extend beyond the mere sharing of data for the provision of services, and to comply with data protection laws.

Furthermore, your data may be disclosed, especially to authorities, legal advisors, or debt collection agencies, if we are legally obliged to do so or if it is necessary to protect our rights, in particular to enforce claims arising from our relationship with you. Data may also be disclosed if another company intends to acquire our company or parts thereof, and such disclosure is necessary to conduct a due diligence or to complete the transaction.

The legal basis for this data processing is our legitimate interest within the meaning of Article 6(1)(f) of the GDPR in protecting our rights and fulfilling our obligations, as well as in the sale of our company or parts thereof.

## **4.2 Transfer of Personal Data to Third Countries**

We have the right to transfer your personal data to third parties located abroad if it is necessary to carry out the data processing described in this Privacy Policy. Specific data transfers have been mentioned in Section 3. When making such transfers, we will ensure compliance with the applicable legal requirements for disclosing personal data to third parties. The legal provisions governing the disclosure of personal data to third parties are duly observed. The countries to which data is transmitted include those that, according to the decision of the Federal Council and the European Commission, have an adequate level of data protection (such as the member states of the EEA or, from the EU's perspective, Switzerland), as well as those countries (such as the USA) whose level of data protection is not considered adequate (see Annex 1 of the Data Protection Ordinance (DPO) and the [website of the European Commission](#)). If the country in question does not provide an adequate level of data protection, we ensure that your data is adequately protected by these companies by means of appropriate safeguards, unless an exception is specified on a case-by-case basis for the individual data processing (see Article 49 of the GDPR). Unless otherwise specified, these safeguards may be provided for by standard contractual clauses as referred to in Article 46(2)(c) of the GDPR, which can be found on the websites of [the Federal Data Protection and Information Commissioner \(FDPIIC\)](#) and [the EU Commission](#). If you have any questions regarding the implemented measures, please reach out to our data protection contact person (see Section 2).

## **4.3 Information on Data Transfers to the USA**

Some of the third-party service providers mentioned in this Privacy Policy are based in the USA. For the sake of completeness, we would like to inform users residing or based in Switzerland or the EU that certain third-party service providers mentioned in this privacy statement are located in the USA. It is important to note that there are surveillance measures by US authorities in place that generally allow for the storage of all personal data of individuals whose data has been transmitted from Switzerland or the EU to the United States. This occurs without differentiation, limitation, or exception based on the purpose for which the data is being collected and without an objective criterion that would restrict US authorities' access to the data and its subsequent use to specific, strictly limited purposes that can justify the interference associated with accessing and using the data. Furthermore, we would like to point out that affected individuals from Switzerland or the EU do not have legal remedies or effective judicial protection against general access rights of US authorities, which would allow them to access the data concerning them and to rectify or delete it. We explicitly highlight this legal and factual situation to enable you to make an informed decision regarding your consent to the use of your data.

For users residing in Switzerland or a member state of the EU, we also want to inform you that, from the perspective of the European Union and Switzerland, the United States does not provide an adequate level of data protection, among other reasons, as explained in this paragraph. In cases where we have mentioned in this privacy statement that data recipients (such as Google) are located in the United

States, we will ensure through contractual arrangements with these companies and, if necessary, additional appropriate safeguards, that your data is adequately protected at our third-party service providers.

## **5. Background Data Processing on our Website**

### **5.1 Data Processing when Visiting our Website (Log File Data)**

When you visit our Website, the servers of our hosting provider Kreativ Media GmbH, Höschgasse 45, 8008 Zürich, Switzerland, temporarily store every access in a log file. The following data is collected without your intervention and stored by us until automatically deleted: IP address of the requesting computer, date and time of access, name and URL of the accessed file, website from which the access was made, if applicable, with the search word used, operating system of your computer and the browser you are using (including type, version, and language setting), device type in case of access from mobile phones, city or region from which the access was made, name of your internet service provider.

The collection and processing of this data is carried out for the purpose of enabling the use of our Website (establishing a connection), ensuring the long-term security and stability of the system, and enabling error and performance analysis and optimisation of our Website.

In case of an attack on the network infrastructure of the Website or suspicion of other unauthorised or improper use of the Website, the IP address and other data will be analysed for clarification and defence purposes; if necessary, they may be used in civil or criminal proceedings for the identification of the respective user.

The legal basis for this data processing is our legitimate interest within the meaning of Article 6(1)(f) of the GDPR in the purposes described above.

### **5.2 Use of Google Maps**

Our website uses Google Maps API to visually display geographical information. When using Google Maps, Google also collects, processes and uses data on the use of the map functions by visitors. You can find more information about data processing by Google in the Google privacy policy. There you can also change your personal data protection settings in the data protection centre. Further information on data protection at Google can be found in the provider's privacy policy at:  
<https://policies.google.com/privacy>

The legal basis for this data processing is your consent within the meaning of Article 6(1)(a) of the GDPR. You can revoke your consent at any time or refuse the processing by rejecting or switching off the relevant cookies in the settings of your web browser.

### **5.3 Embedded YouTube videos**

We embed YouTube videos on our website. The operator of the corresponding plugins is YouTube, LLC, 901 Cherry Ave, San Bruno, CA 94066, USA. When you visit a page with the YouTube plugin, a connection to YouTube servers is established. This tells Youtube which pages you are visiting. If you are logged into your YouTube account, YouTube can assign your surfing behaviour to you personally. You can prevent this by logging out of your Youtube account first. If a Youtube video is started, the provider uses cookies that collect information about user behaviour. If you have deactivated the saving of cookies for the Google Ad programme, you will not have to expect any such cookies when watching Youtube videos. However, Youtube also stores non-personal usage information in other cookies. If you wish to prevent this, you must block the storage of cookies in your browser. Further information on data protection at "Youtube" can be found in the provider's data protection declaration at:  
<https://policies.google.com/privacy>.



The legal basis for this data processing is your consent within the meaning of Article 6(1)(a) of the GDPR. You can revoke your consent at any time or refuse the processing by rejecting or switching off the relevant cookies in the settings of your web browser.

#### **5.4 Cookies**

We do not use cookies on our website.

#### **5.5 Tracking and Web Analytics Tools**

We do not use tracking and web analysis tools on our website.

#### **5.6 Social Media**

We do not have links to our social media profiles on our website. We also do not use social media plugins on our website. Thus, when you visit our website, no data is sent from our side to the social networks.

### **6. Retention Periods**

We only store personal data for as long as it is necessary to carry out the processing described in this privacy policy within the scope of our legitimate interests. For contractual data, the storage is stipulated by statutory retention obligations. Requirements that oblige us to retain data arise from the accounting and tax law regulations. According to these regulations, business communication, concluded contracts, and accounting documents must be retained for up to 10 years. If we no longer need this data to provide services for you, the data will be blocked. This means that the data may then only be used if this is necessary to fulfil the retention obligations or to defend and enforce our legal interests. The data will be deleted as soon as there is no longer any legal obligation to retain it and no legitimate interest in its retention exists.

### **7. Data Security**

We use appropriate technical and organisational security measures to protect your personal data stored with us against loss and unlawful processing, in particular unauthorised access by third parties. Our employees and the service companies mandated by us are obliged to maintain confidentiality and uphold data protection. Furthermore, these persons are only granted access to personal data to the extent necessary for the performance of their tasks.

Our security measures are continuously adapted in line with technological developments. However, the transmission of information via the Internet and electronic means of communication always involves certain security risks and we cannot, therefore, provide any absolute guarantee for the security of information transmitted in this way.

### **8. Your rights**

If the legal requirements are met, as a data subject, you have the following rights with respect to data processing:

**Right of access:** You have the right to request access to your personal data stored by us at any time and free of charge if we process such data. This gives you the opportunity to check what personal data concerning you we process and whether we process it in accordance with applicable data protection regulations.

**Right to rectification:** You have the right to have inaccurate or incomplete personal data rectified and to be informed about the rectification. In this case, we will also inform the recipients of the data concerned about the adaptations we have made, unless this is impossible or involves disproportionate effort.

**Right to erasure:** You have the right to obtain the erasure of your personal data under certain circumstances. In individual cases, particularly in the case of statutory retention obligations, the right to erasure may be excluded. In this case, the erasure may be replaced by a blocking of the data if the requirements are met.

**Right to restriction of processing:** You have the right to request that the processing of your personal data be restricted.

**Right to data portability:** You have the right to receive from us, free of charge, the personal data you have provided to us in a readable format.

**Right to object:** You have the right to object at any time to data processing, especially with regard to data processing related to direct marketing (e.g., marketing emails).

**Right to withdraw consent:** You have the right to withdraw your consent at any time. However, processing activities based on your consent in the past will not become unlawful due to your withdrawal.

To exercise these rights, please send us an email to the following address: [datenschutz@engstlenalp.ch](mailto:datenschutz@engstlenalp.ch).

**Right of complaint:** You have the right to lodge a complaint with a competent supervisory authority, e.g., against the manner in which your personal data is processed.

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November 2023