

Privacy policy for customers



Data controller	Equity Real Estate SA Privacy Officer
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Equity Real Estate SA



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Privacy policy for customers

Pursuant to Art. 19 of the FADP (hereinafter also referred to as "FADP") and Art. 13 of the Data Protection Ordinance (hereinafter also referred to as "OPDa"), Equity Real Estate SA, as identified below, in its capacity as "Data Controller," provides you with the following information regarding the processing of personal data (i.e., any information relating to an identified or identifiable natural person) that you provide. In accordance with the regulations indicated, such processing will be based on principles of correctness, lawfulness, transparency, and protection of your privacy and your rights.

1 Data controller of personal data.

The controller of personal data is:

Equity Real Estate SA
Via Serafino Balestra 33
6900 Lugano

represented by the persons with signing authority in accordance with the entries in the Cantonal Commercial Register (CHE-463.314.127), hereinafter also referred to as "Equity" or the "Company" or "Owner."

The list of data processors and any authorized persons is kept at the Data Controller's headquarters and made available upon request by the data subject.

2 Definitions.

Pursuant to Art. 5 of the Federal Act on Data Protection (FADP), we provide the following definitions:

personal data: all information concerning an identified or identifiable natural person;

data subject: the natural person whose personal data is being processed;

processing: any operation relating to personal data, regardless of the means and procedures used, in particular the collection, recording, storage, use, modification, communication, archiving, erasure, or destruction of data;

disclosure: the transmission of personal data or making it accessible;

Data Controller: the private individual or federal body which, alone or jointly with others, determines the purposes and means of the processing;

Data Processor: the private individual or federal body that processes personal data on behalf of the Data Controller.

3 Personal data subject to processing

To the extent permitted by applicable law, the Company may process (by way of example and without limitation) the following personal data:

✓ **Real estate brokerage and rental services**

- personal details, identification and contact details of the data subject, such as, for example, basic personal information such as name, surname, place of residence, date of birth, permit, domicile, and telephone number;
- personal details, identification and contact details of the spouse/partner, such as, for example, basic personal information such as name, surname, place of residence, date of birth, permit, domicile and telephone number, profession, telephone number and employer;



- personal data worthy of special protection of the data subject (tenant) relating to solvency, including those contained in the extract from the Enforcement Office;
 - personal data worthy of special protection of the data subject relating to solvency and financial reliability (including data relating to any disputes, debt collection activities, credit transfer or relating to events that affect the subjective or financial situation of the persons concerned) as well as accounting data (relating to payments, their periodic trend, debt exposure, including residual debt, and a summary of the accounting status of the relationship) acquired with a view to potential financing, including through third-party companies;
 - information on the financial situation of individuals (e.g., value of privately owned real estate) or on housing conditions (photos, descriptions, etc.) that may be contained in appraisals.
 - personal data that may be contained in the company name of the data subject;
 - any additional personal data that may be contained in the sales dossier or tenant questionnaire;
 - administrative and accounting data relating to any payments and billing data;
 - any additional personal data contained in the documentation provided by the data subject (including identity document, copy of foreigner's permit, copy of the last 3 pay slips, civil liability insurance policy) or requested by the Company, on behalf of the data subject, from public or private offices (including the municipal technical office, the land registry office, the property administration, and the health department);
 - photographs of the home.
- ✓ **Strategic consulting services to the promoter**
- company name, where it contains personal data;
 - personal, identification, and contact details of the data subject, such as, for example, basic personal information such as name, surname, telephone number, and email address;
 - personal, identification, and contact details of suppliers (e.g., architect/surveyor/any other professional) and craftsmen, as well as all those involved in the data subject's real estate project, such as, for example, basic personal information such as name, surname, telephone number, and email address;
 - administrative and accounting data relating to any payments, as well as billing data;
 - personal data worthy of special protection of the data subject relating to solvency and financial reliability (including data relating to any disputes, debt collection activities, credit transfer or relating to events that affect the subjective or financial situation of the data subjects) as well as accounting data (relating to payments, their periodic trends, debt exposure, including residual debt, and a summary of the accounting status of the relationship) acquired with a view to potential financing, including through the use of third-party companies;
 - any additional personal data contained in the documentation provided by the data subject.
- ✓ **Real estate consulting services**
- company name, where it contains personal data;
 - personal, identification, and contact details of the data subject, such as, for example, basic personal information such as name, surname, telephone number, and email address;
 - personal, identification, and contact details of suppliers (e.g., architect/surveyor/any other professional) and craftsmen, as well as all those involved in the data subject's real estate project,



such as, for example, basic personal information such as name, surname, telephone number, and email address;

- administrative and accounting data relating to any payments, as well as billing data;
- information on the financial situation of individuals (e.g., value of privately owned real estate) or on housing conditions (photos, descriptions, etc.) that may be contained in appraisals;
- personal data worthy of special protection of the data subject in relation to legal and bureaucratic assistance;
- any other personal data contained in the documentation provided by the data subject.

✓ **Other personal data processed in the context of business activities**

- Photographs and audio-video recordings.

The Company undertakes to keep the personal data of data subjects accurate and up to date.

Therefore, if your personal data changes, please inform us of the change as soon as possible.

Personal data is collected directly from the data subject or from third parties. In the latter case, the Data Controller, pursuant to Article 19 of the FADP, undertakes to communicate the information to the data subject no later than one month after the personal data has been collected.

4 Purpose of processing

To the extent permitted by applicable law, the Company may process your personal data for the following specific purposes:

✓ **Intermediation services**

- to finalize, execute, and terminate the service contract for the sale and purchase of real estate and, in particular, to:
 - carry out consulting, research, selection, and brokerage activities on behalf of the data subject for the sale and purchase of residential or commercial real estate;
 - provide technical services for the enhancement of real estate assets (e.g., appraisals, expert reports);
 - provide economic and tax advice;
 - verifying the solvency and financial reliability of interested parties (and specifically assessing, assuming, and managing credit risk, assessing reliability and punctuality of payment) in relation to any potential financing of real estate transactions, also using third-party companies;
 - communicating data relating to the solvency and financial reliability of the Company's customers to promoters in relation to specific financing projects;

✓ **Real estate rental services**

- to execute the service contract for real estate leasing services and, in particular, to:
 - provide assistance and advice to interested parties who wish to lease their properties;
 - providing assistance and advice to interested parties who wish to rent a property;
 - draw up rental contracts;



- disclose extracts from the enforcement register (as well as the employment contract and related pay slips) to a new owner or another administrator of the tenants' files;
- verify the solvency of the interested party (tenant) with a view to a possible lease agreement;
- ✓ **Strategic consulting services to the promoter**
 - to execute the service contract for strategic consulting services to the promoter and, in particular, to:
 - providing assistance and advice to interested parties who wish to optimize the development of real estate projects;
 - verify the solvency and financial reliability of interested parties (and specifically assess, assume, and manage credit risk, assess reliability and punctuality of payment) in relation to any potential financing of real estate transactions, also using third-party companies;
 - communicating data relating to the promoter's financial solvency to potential clients of the Company in relation to specific financing projects;
- ✓ **Real estate consulting services**
 - to execute the service contract for real estate consulting services and, in particular, to:
 - carry out real estate project evaluation activities on behalf of interested parties;
 - providing legal and bureaucratic assistance on real estate projects on behalf of interested parties;
 - provide assistance and consulting to interested parties who want support in making decisions during all phases of a real estate project;
- ✓ **For all the services identified above:**
 - to execute service contracts and, in particular, to:
 - execute the contract, including the acquisition of preliminary information prior to its conclusion, compilation of the customer file for the start of the commercial relationship, negotiation of the contractual relationship;
 - preparing an offer;
 - identify the needs of interested parties in order to offer appropriate solutions;
 - to fulfill all administrative tasks, and in particular to:
 - manage established relationships;
 - execute a service or one or more agreed operations;
 - meet operational or management needs (including correspondence with the data subject, including via WhatsApp);
 - provide news, information, and assistance related to the activity carried out;
 - collect, record, modify, and manage customer data;
 - execute obligations related to payment management and related invoicing;
 - to acquire photographic images and audio-video recordings depicting the data subjects at company events;



- to fulfill legal, tax, or regulatory obligations related to the management of the established relationship;
- forwarding of informational and promotional communications relating to the Company's initiatives and services, as well as proposals relating to new properties.
- to send newsletters;
- to guarantee IT security and functionality, as well as SW and HW IT maintenance;
- to outsource functions and services to service providers and auxiliaries appointed by the same;
- to implement security measures for buildings and facilities;
- for the transfer of the data subject's personal data to third-party companies in the event of the sale of the company or a branch of the company, acquisitions, mergers, or de r demergers;
- to assert rights in court, out of court, or administratively, and to exercise the right of defense in legal disputes;
- managing obligations related to corporate and financial organization, as well as reporting and controlling, and specifically for corporate compliance, risk management, audit and due diligence, and/or prevention, detection, and investigation of crimes.

5 Legal basis and legitimate reason

In accordance with Art. 6 of the FADP and Art. 6 of the GDPR, the Data Controller processes your personal data within the applicable legal framework. Where required, and depending on the purpose of the processing activity, the processing of your personal data may be based on one of the following legal bases/grounds:

- for processing relating to the conclusion and execution of the contract and administrative tasks: overriding interest of the controller, sub specie execution of the contract (Article 31 of the FADP, paragraph 2);
- for the processing of personal data worthy of special protection of the lessee; for the disclosure of extracts from the lessee's enforcement register; for the communication of the results of solvency checks related to the financing request to the promoter or customer, respectively; for the acquisition of photographs and audio-video recordings depicting the data subjects at company events; for the forwarding of informational and promotional communications; for the forwarding of newsletters: consent of the data subject (Art. 6 c7 and 31 c1 FADP);
- for the fulfillment of regulatory obligations related to contract management: need to comply with a legal or regulatory obligation (Art. 31 FADP c. 1);
- managing obligations related to corporate and financial organization, as well as reporting and controlling; identifying and investigating crimes, as well as asserting rights through judicial, extrajudicial, or administrative means and exercising the right of defense in legal disputes; for the transfer of the data subject's personal data to third-party companies in connection with the sale of the company or a branch of the company, acquisitions, mergers, or demergers (); to guarantee IT security and IT functionality, as well as SW and HW IT maintenance; to outsource functions and services to service providers and auxiliaries appointed by the same; to implement security measures for buildings and facilities; to carry out financial solvency checks on the customer or promoter of the Company: overriding interest of the Data Controller/legitimate interest of the Data Controller (Art. 31 FADP c.2).

The communication of personal data is necessary for the conclusion and execution of the contract as well as to comply with legal obligations. Therefore, any refusal to provide such data in whole or in part may make it impossible for the Company to execute the contract.



The processing of your personal data worthy of special protection (tenant data), the disclosure of extracts from the tenant's enforcement register, as well as the transfer of documentation and personal data to a new administrator; the communication to the promoter or customer of the results of solvency checks carried out on the data subject; the forwarding of informational and promotional communications, as well as the collection of images during company events, may only take place on the basis of your specific and distinct consent. Failure to consent to this purpose will only result in the Data Controller being unable to process your personal data for the aforementioned Purposes.

If the legal basis for the processing is the legitimate interest of the Data Controller, the latter guarantees that it has carried out a prior assessment ("balancing test") to ensure the proportionality of the processing so that the rights and freedoms of the Data Subjects are not prejudiced, taking into account their reasonable expectations in relation to the specific processing activity carried out.

If the Company intends to use your personal data for any other purpose incompatible with the Purposes for which it was originally collected or authorized, the Company will inform you in advance and, where required, request your consent for such processing activity.

6 Methods of processing personal data

Personal data will be processed using manual, computerized, and telematic tools.

It is possible to collect, record, store, use, modify, communicate, archive, delete, or destroy data using tools and procedures that guarantee the security and confidentiality of the data.

Personal data will not be processed using fully automated tools, including profiling.

7 Retention period

Your personal data will be stored in accordance with the provisions of current privacy legislation based on the principle of necessity of processing. In particular:

- The personal data of the data subject processed for the purpose of executing the contract (including information on solvency and that included in salary certificates) will be retained for the entire duration of the contractual relationship and, after the termination of the contractual relationship, for a period not exceeding 10 years (unless documents interrupting the limitation period are received or the conditions for suspending the limitation period exist; or, in any case, for the different period provided for by law - for proof of compliance with legal or tax obligations or that necessary to allow the Company to protect its rights in court, before administrative authorities or before a public authority);
- Questionnaires for those interested in leasing (submitted by potential lessees) as well as the contact details of potential buyers will be kept: a) no later than 6 months after the end of the rental process, if no contract has been signed; or b) if included in the tenant's file because the process was successful, for a period corresponding to the general limitation period of 10 years, plus a margin of 6 months, after the termination of the contractual relationship. After this period, they will be destroyed.
- Personal data processed with the consent of the data subject (for purposes related to sending information, newsletters, and acquiring images and audio-video recordings) will be stored until the data subject revokes their consent.
- The extract from the enforcement register and tenant references will be stored until the date of conclusion of the lease agreement and subsequently, if included in the tenant's file, will be deleted/destroyed 10 months after the conclusion of the lease agreement.
- Sales files will be kept for the general limitation period of 10 years, plus a margin of 6 months, after the termination of the contractual relationship. After this period, they will be destroyed.
- Personal data relating to potential buyers will be kept until the sale of the property in question is completed and will then be destroyed, unless they have given their consent to receive proposals relating to new properties.



The data subject has the right to withdraw their consent to the processing of such personal data at any time, it being understood that the withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

In any case, the data will be kept for the entire duration of the extrajudicial and/or judicial proceedings, until the terms of enforceability of judicial protections and/or appeals have expired.

Subsequently, once the aforementioned reasons for processing no longer apply, the Data will be deleted, destroyed, or simply stored in anonymous form, unless there are further legitimate interests of the Data Controller and/or legal obligations that make it necessary, subject to minimization, to store them.

8 Security measures

All Company personnel who have access to personal data are required to comply with internal rules and procedures relating to the processing of personal data in order to protect it and ensure its confidentiality. The Data Controller has also implemented appropriate technical and organizational measures to protect personal data from destruction, loss, alteration, misuse, disclosure, or unauthorized, accidental, or unlawful access, as well as from all other unlawful forms of processing.

9 Recipients.

Your personal data may be disclosed, where necessary, to:

- ✓ data processors;
- ✓ natural persons acting under the authority of the Data Controller and the Data Processor for the purposes set out above;
- ✓ firms or companies providing assistance and consulting services (e.g., legal, auditing);
- ✓ third-party suppliers of the Data Controller;
- ✓ craftsmen;
- ✓ potential buyers/real estate appraisers, with regard to the list of rents in anonymous form;
- ✓ subjects who have the right to access your data by law, secondary legislation, or EU regulations;
- ✓ Competent authorities for the fulfillment of legal obligations and/or provisions of public bodies upon request.

Where the Data Controller transfers your data to third-party service providers, it ensures that they meet the same security standards.

Third-party service providers are therefore required to comply with a series of technical and organizational security measures, regardless of their location, including measures relating to: (i) information security management; (ii) information security risk assessment; and (iii) information security asures (e.g., physical access controls, logical access controls, protection against malware and hacking, data encryption measures, and backup and recovery management measures). backup and recovery management measures). The third parties described above must process the personal data shared under this provision in accordance with the purpose for which such data was originally collected and at least to the same level of protection as in Switzerland.

The list of data processors is constantly updated and available at the headquarters of the Data Controller.

10 Communication of data outside the Confederation

Your personal data, processed for the purposes referred to in Article 4, will be kept in Switzerland and will not be transferred to third countries that do not have the same data protection laws as the country in which the information was initially provided.

For this reason, the Data Controller has taken steps to ensure that:

- ✓ to ensure that the transfer of personal data of data subjects to third countries (Italy) takes place only in compliance with Art. 16 of the FADP, i.e., to a country that ensures adequate protection, and in



particular in accordance with the OPDa of August 31, 2022 (status as of September 15, 2024) – Annex 1;

- ✓ to ensure that the transfer of personal data of data subjects to third countries takes place only in compliance with Art. 16 of the FADP, i.e., to a country that ensures adequate protection, and in particular to the United States (in view of the use of WhatsApp): pursuant to OPDa of August 31, 2022 (Status September 15, 2024) – Annex 1, to organizations certified according to the principles of the data protection framework between Switzerland and the United States that are accredited in the data privacy framework.

For the sake of completeness, it should be noted that, pursuant to Articles 16 and 17 of the FADP, personal data may only be transferred abroad if the Federal Council has determined that the legislation of the recipient country or international organization guarantees adequate data protection, or if: the data subject has given their consent; the communication is directly related to the conclusion or execution of the contract; the communication is necessary to protect an overriding public interest or to ascertain, exercise, or enforce a right before a court or competent foreign authority; the communication is necessary to protect the life or physical integrity of the data subject or a third party; the data subject has made the personal data accessible to anyone; the data comes from a register provided for by law that is accessible to the public or to persons with a legitimate interest.

Your personal data will not be disclosed to third parties or subject to any fully automated decision-making process.

11 Rights of the data subject

In accordance with the provisions of the FADP, the Data Controller recognizes the following rights in particular (non-exhaustive list):

- To be subject to transparent processing (Articles 19-21 of the FADP);
- obtain confirmation as to whether or not personal data is being processed and, if so, obtain access to the personal data - including a copy thereof - and the communication, among other things, of the following information: the purposes of the processing, the categories of personal data processed, the recipients to whom the data has been or will be disclosed, the period of storage of the data (right of access - Article 25 of the FADP);
- obtain, without undue delay, the rectification of inaccurate personal data and/or the integration of incomplete personal data (right to rectification - Article 32(1), (3), and (4) of the FADP);
- obtain, without undue delay, the erasure of personal data (right to erasure - Article 32(2)(c) of the FADP);
- receive personal data in a structured, commonly used and machine-readable format, if the processing is based on consent and is carried out by automated means (right to data portability - Article 28 of the FADP);
- object to the processing at any time, for reasons related to their situation (right to object – Article 30(2)(b) and (3) of the FADP). If this right is exercised, the Company will refrain from further processing the personal data, unless there are compelling legitimate grounds for proceeding with the processing;
- obtain restriction of processing (right to restriction of processing) if the accuracy of the personal data is contested (for the period necessary for the Data Controller to verify the accuracy of the personal data) or if the data subject has objected to the processing (pending verification of whether the legitimate grounds of the Data Controller override those of the data subject);
- assert their point of view with regard to automated decisions and, in particular, demand a review of the decision by a human being (right not to be subject to an automated individual decision – Art. 21 FADP);



- lodge a complaint with the competent supervisory authority (in Switzerland, the Federal Data Protection and Information Commissioner - FDPIC);
- if neither the correctness nor the inaccuracy of the personal data can be proven, request the addition of a note to indicate the dispute;
- request that the correction, destruction, blocking, and, above all, communication to third parties, in addition to the note on the dispute or judgment, be communicated to third parties or published;
- have the processing of personal data declared unlawful.

The data subject may exercise their rights in the following ways:

- by email: by sending a request to the Company at the following email address: privacy@equityrealestate.ch;
- by regular mail to the Company's headquarters: Equity Real Estate SA, Via Serafino Balestra 33, 6900 Lugano, Switzerland.

When contacting the Data Controller, the user must ensure that they include their name, email address, postal address, and/or telephone number(s) to ensure that the Data Controller can correctly handle their request. The Company will comply with such requests, revocations, or objections as required by applicable data protection regulations no later than one month after receiving the request. This deadline may be extended depending on the complexity or number of requests, and the Company will explain the reason for the extension.

12 Privacy Contact

The Company has appointed a contact person for the protection of personal data, who can be contacted at the address of the Data Controller indicated above or by sending an email to privacy@equityrealestate.ch.

13 Updating this policy

The Data Controller reserves the right to modify, update, add or remove parts of this privacy policy at its discretion and at any time.

Effective date: July 1, 2025