



DATA PROTECTION AND PRIVACY POLICY

The Swiss Chambers' Arbitration Institution ("**SCAI**") is a non-profit association according to the Swiss Civil Code. It is listed in the Basel trade register, Switzerland, and has several offices in Switzerland. SCAI offers means of dispute resolution for business entities and individuals in Switzerland and abroad, based on the [Swiss Rules of International Arbitration](#) (the "**Swiss Rules**"), the [Swiss Rules of Commercial Mediation](#) (the "**Mediation Rules**"), the [Rules of SCAI as Appointing Authority in UNCITRAL or other ad hoc arbitration proceedings](#) (the "**Appointing Authority Rules**"), and any other rules, dispute resolution services, and related services that SCAI may decide to offer in the future. These rules are altogether further referred to as the "**SCAI Rules**".

SCAI collects personal data about entities and individuals for several reasons. As the controller, SCAI processes your personal data in compliance with the provisions under applicable data protection laws, including, where applicable, the Swiss Data Protection Act ("**DPA**") and or the General Data Protection Regulation ("**GDPR**"), as amended from time to time (collectively, the "**Regulation**").

This Data Protection Policy (the "**Policy**") explains how SCAI uses any personal data it collects about its contacts.

1. What Personal Data does SCAI collect?

SCAI collects two types of personal data (collectively, the "**Personal Data**"):

- 1.1. "**Personal Contact Data**" is any information relating to you or that SCAI can otherwise link to you. The collected Personal Contact Data include mainly your name, professional email, and country. Other information such as professional phone and fax numbers, postal address, company name, company type, job title, and business affiliations might be included as well.
- 1.2. "**Personal File-Related Data**" is any information related to arbitration and mediation files (such as information provided by you or by the other parties, representatives, arbitrators, mediators, and experts in the arbitration and mediation files) that has been notified to SCAI and that is not "Personal Contact Data".

2. How does SCAI collect your Personal Data?

- 2.1. SCAI mainly collects Personal Contact Data that you voluntarily provided, for example (i) when you sign up for or ask SCAI to send you newsletters or other (marketing) information or materials, (ii) when you communicate with SCAI via email, social media or other channels, (iii) when you sign up for an event, or (iv) information that you made publically available through your company's website, on your business card, or in your automatic reply email should you have changed employer. SCAI also collects Personal Contact Data that your employer and/or your partners have provided us with, or that you provide us by contacting us to pursue a development, academic or marketing project.

In some cases, your Personal Contact Data have been supplemented by information retrieved from publically available search engines, sector-specific newsletters, social media (LinkedIn), and your employer's website,



mainly in order to confirm your current professional position or in case of change of employer.

- 2.2. SCAI also receives and keeps Personal File-Related Data, generally collected when you are involved in one of our arbitration or mediation cases, based on information provided by you or by the other parties, representatives, arbitrators, mediators, and experts in the arbitration and mediation files with which you have been involved.

3. Why and how does SCAI process your Personal Contact Data?

- 3.1. SCAI uses your **Personal Contact Data** for communications and marketing purposes only, such as informing you about SCAI's activities, projects, and events:
 - to send you newsletters (3-4 times a year only);
 - to send you invitations to events, conferences or workshops (avg. 2-4 times a year);
 - to maintain SCAI's list of contacts.
- 3.2. SCAI does not share nor make any of your Personal Contact Data available to any third party, without your prior authorization.

4. Why and how does SCAI process your Personal File-Related Data and on what legal basis?

- 4.1. SCAI uses the **Personal File-Related Data** for operational purposes only, i.e., to provide the SCAI arbitration and mediation services detailed on our website.
- 4.2. SCAI releases any such Personal Data only (i) to the persons and entities involved in the arbitration or mediation files as per the SCAI Rules and according to applicable laws, (ii) in order to comply with court orders and other legal and regulatory requirements, or (iii) as a fully anonymized data for statistical, academic, and educational purposes.
- 4.3. Unless otherwise specified in this Policy, SCAI does not share nor make any of your Personal File-Related Data or any information related thereto available to any third party, in accordance with Article 44 of the Swiss Rules.

5. Where is your Personal Data stored?

SCAI is a Swiss entity with offices in Switzerland only. All your Personal Data is processed and stored exclusively in Switzerland. SCAI has implemented appropriate technical and organisational security measures to help protect your Personal Data at all times against loss and to safeguard them against unlawful processing and/or against access by unauthorised persons. General internal security procedures were put in place regarding its storage, access, processing, and destruction.

6. How long does SCAI keep your Personal Data?

- 6.1. Your Personal Contact Data is stored for the specified purposes mentioned above for as long as you remain a contact and as long as you consent to it. You can unsubscribe from our newsletter and invitation tool at any time if you no longer wish to receive communications and invitations from SCAI. If



you choose to unsubscribe, SCAI will cease to send you such communications and invitations as mentioned above.

6.2. SCAI processes arbitration and mediation files, which may include your Personal File-Related Data, from the time of the first notification of the data until a case is closed.

6.2.1. Arbitration:

- a) SCAI archives and saves the arbitration file for 15 years as of the issuance of the final award/termination order, or after the issuance of a decision on a request for interpretation or correction of the award, or of the issuance of an additional award as the case may be;
- b) Final awards and termination orders are kept in hardcopy for an indefinite period of time.

6.2.2. Mediation:

- a) SCAI archives and saves the mediation file for 15 years as of the final letter by SCAI confirming the closure of the mediation;
- b) Settlement agreements are kept in hardcopy for an indefinite period of time.

7. Your Rights

Your rights depend on the applicable Regulations. If SCAI is permitted to do so, your rights may include the right to know what Personal Data SCAI handles and stores about you, and the right to request a copy. You may also be entitled to have incorrect Personal Data about you corrected and you may ask SCAI to delete your Personal Data and/or object to certain Personal Data about you being processed and request that the processing of your Personal Data be limited, provided that SCAI is not legally required or otherwise permitted to continue to hold such data. To the extent that the GDPR is applicable, we may also have the right to data portability. Please note that the limitation or deletion of your Personal Data may mean that SCAI will be unable to provide the communications, invitations, and documents described above. You are also entitled to file a complaint with the Swiss Federal Data Protection and Information Commissioner (FDPIC) and/or to the competent supervisory authorities in the EU.

8. Contact SCAI

If you have any questions, requests or comments about this Policy and/or about how your Personal Data is handled, please feel free to contact SCAI at office@swissarbitration.org.

9. Updates

SCAI reserves its right to amend its policies whenever necessary to reflect any change in legal requirements or in its own practices. Any amendment will be included in the Policy as "new version", posted on SCAI's website (www.swissarbitration.org), and will be effective upon posting online.

The present version of this Policy was decided by the SCAI Board on 17 September 2018.

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