



# Privacy Policy

Avital Swiss Invest AG

12<sup>th</sup> March 2025

# Definitions

**Personal Data** – Any information relating to an identified or identifiable natural person, such as name, contact details, financial transactions, or IP addresses.

**Data Controller** – Avital Swiss Invest AG, responsible for determining the purposes and means of processing personal data.

**Data Processor** – Any third-party entity that processes personal data on behalf of Avital under contractual obligations ensuring compliance with applicable laws.

**Data Subject** – An individual whose personal data is collected, processed, or stored by Avital.

**Profiling** – Automated processing of personal data to evaluate certain aspects related to an individual, including fraud detection, credit risk assessment, or transaction monitoring.

**Automated Decision-Making** – Processing operations conducted without human intervention that may impact individuals, as outlined in Art. 21 revDSG and Art. 22 GDPR.

**Consent** – A freely given, specific, informed, and unambiguous indication of an individual's agreement to process their personal data, as required under Art. 31 revDSG, and Art. 6(1)(a) GDPR.

**Legitimate Interest** – The basis under which Avital may process personal data when necessary for security, fraud prevention, or operational efficiency, in accordance with Art. 31 revDSG, and Art. 6(1)(f) GDPR.

**Data Retention** – The period during which personal data is stored by Avital, subject to legal and regulatory requirements (e.g., 10-year retention under VQF and GwG, Art. 957 OR).

**Supervisory Authorities** – Regulatory bodies such as the Swiss Federal Data Protection and Information Commissioner (FDPIC) and the European Data Protection Board (EDPB) overseeing data protection compliance.

# 1. Introduction

Avital Swiss Invest AG (hereinafter "Avital") is committed to protecting the personal data of our customers, business partners, and visitors to our website. Avital operates the BASE Payments platform ([www.basepayments.io](http://www.basepayments.io)). This Privacy Policy informs you about what data we collect, how we use it, and what rights you have regarding your data.

This Privacy Policy applies to the processing of personal data in accordance with the Swiss Data Protection Act (revDSG) and the processing of personal data of individuals in the European Union (EU) under the General Data Protection Regulation (GDPR). Avital may provide services to EU customers, the GDPR applies to all processing activities related to individuals in the EU.

**No Services for Customers in the USA.** Avital does not offer services to individuals or legal entities residing in the United States of America (USA). Avital services are not intended for users in the US, and we do not collect or process personal data of US citizens or individuals residing in the US. Inquiries from potential customers in the US will not be processed.

# 2. Data Controller

**Avital Swiss Invest AG, a company registered in Switzerland, is responsible for processing customers' personal data.** For questions regarding data protection, you can contact us at:

Address: Ägeristrasse 64, 6300, Zug, Switzerland.

Email: [support@basepayments.io](mailto:support@basepayments.io)

## **EU Representative Pursuant to Article 27 GDPR**

As Avital does not maintain a physical presence within the European Union. Nonetheless, the company acknowledges the requirement under Article 27 of the GDPR to appoint an EU Representative. Once appointed, the EU Representative will serve as the official point of contact for data protection inquiries from individuals and regulatory authorities within the EU, ensuring compliance with GDPR requirements and facilitating communication regarding privacy rights and requests.

### 3. Data Collected and Purposes of Processing

Avital collects and processes personal data only in accordance with legal requirements and for the fulfillment of our services. The data we collect may includes:

- **Identification data** (e.g., name, date of birth, passport copies) for customer identification under GwG, revDSG, and VQF regulations.
- **Contact data** (e.g., address, phone number, email) for customer communication.
- **Financial and transaction data** to process payment transactions, prevent fraud, and detect money laundering risks.
- **Technical data** (e.g., IP address, cookies) are automatically collected to improve our online services and security measures.
- **Data from external sources**, where applicable, we receive data from banks, credit agencies, or governmental authorities.

### 4. Legal Basis for Processing

The processing of customers personal data is based on the following legal grounds:

- **Performance of a contract** (Art. 31 revDSG; Art. 6(1)(b) GDPR)
- **Compliance with legal obligations** (Art. 957 OR, Art. 82 SRO-Regulation VQF, GwG; Art. 6(1)(c) GDPR)
- **Legitimate interests** (Art. 31 revDSG; Art. 6(1)(f) GDPR) to ensure the security of our systems
- **Consent** (Art. 31 revDSG; Art. 6(1)(a) GDPR) for specific data processing activities

## 5. Data Sharing

Avital may share personal data with third parties to comply with legal regulations, enhance our services, improve customer experience, or maintain operational efficiency. Avital's platform provider is PCI DSS Level 1 compliant, ensuring that payment transactions are handled securely in accordance with the highest industry standards for data security.

Recipients may include:

- **Banks and payment service providers** required to process payment transactions.
- **Correspondent banks and payment networks** facilitating international transfers and fund movements.
- **Regulatory authorities such as VQF and FINMA**, where a legal obligation to disclose data exists.
- **IT service providers** for system maintenance and security monitoring.
- **Fraud prevention and risk management providers** used to prevent fraud and money laundering.
- **External consultants or auditors**, if necessary to comply with regulatory requirements.
- **Cloud hosting and infrastructure providers**, for securely storing and processing data in compliance with applicable regulations.
- **Legal advisors**, where necessary to protect Avital's legal rights or comply with legal processes.

In accordance with revDSG and GDPR, In the following cases customer consent must be acquired before sharing their personal data:

- **Marketing and analytics providers**, where permitted, to improve user experience, service offerings and customer engagement.
- **Customer support service providers**, assisting in communication and issue resolution (e.g., Online Chat, Ticketing systems, etc.) .
- **Other non-essential services**

Consent must be freely given, specific, informed, and unambiguous (e.g., through a clear opt-in checkbox).

Additionally, personal data may be processed at Avital's offices and other locations where the involved third parties operate.

## 6. International Data Transfers

Avital may transfer customers' personal information or personal data as part of its operations, ensuring industry standards for data protection are met. The transfer of personal data from Switzerland, or the EU to countries outside of Switzerland, or the EU. Such transfer will only occur under specific conditions and with appropriate safeguards in place.

Data may be shared with:

- **With client permission**, where applicable or required by certain jurisdictions.
- **To fulfill contractual obligations**, such as processing transactions or providing requested services.
- **Financial institutions and payment service providers** to facilitate and process transactions.
- **Correspondent banks and payment networks** involved in international fund transfers.
- **Regulatory authorities**, including law enforcement and other relevant bodies, when legally required.
- **IT service providers** responsible for platform maintenance, security monitoring, and technical support.
- **Fraud prevention and risk management firms** to mitigate financial crime risks.
- **Compliance consultants and auditors**, ensuring adherence to legal and regulatory frameworks.
- **Marketing and analytics providers**, where permitted, to improve user experience, service offerings and customer engagement.
- **Cloud hosting and infrastructure providers**, ensuring secure data processing in line with legal requirements.
- **Customer support service providers**, assisting with inquiries and dispute resolution.
- **Legal representatives and advisors**, when necessary to protect Avital's legal interests.

## 7. Data Retention

Avital retains personal data as long as legally required or necessary to provide our services and to fulfill regulatory obligations.

If a data subject requests deletion of their personal data, Avital will review the request and delete the data, provided that no legal retention obligations under Swiss law (e.g., VQF, GwG, OR) prevent such deletion. The statutory retention periods under VQF and GwG are generally at least 10 years (Art. 957 OR).

## 8. Rights of Data Subjects

Customers have the following rights under applicable data protection law:

- Right to access stored data
- Right to rectification of incorrect data
- Right to erasure of data, the "Right to be Forgotten", provided no legal retention obligations exist
- Right to restriction of processing
- Right to data portability
- Right to object to certain processing activities
- Right to withdraw their consent at any time
- Right to Transparency and information about how their data is processed

### **Complaints in Switzerland:**

Individuals in Switzerland may contact the Swiss Federal Data Protection and Information Commissioner (FDPIC) regarding concerns about the processing of their personal data. More information can be found at: <https://www.edoeb.admin.ch/>

### **Complaints in the EU:**

Individuals in the EU may contact the competent data protection authority in their country of residence. A list of national data protection authorities can be found at: <https://edpb.europa.eu/>

## 9. Profiling & Automated Decision-Making

If Avital uses automated systems for fraud detection or credit assessment, individuals have the right to request human intervention or an explanation of the decision-making logic (Art. 21 revDSG, Art. 22 GDPR), the customer has the right to:

- Request human review of an automated decision.
- Receive an explanation of the logic behind an automated decision.

- Contest the decision if they believe it is incorrect or unfair.

## 10. Data Security

Avital implements industry-standard security technical and organizational measures to protect personal data from unauthorized access, disclosure, alteration, destruction, or misuse. These measures ensure the integrity and confidentiality of all processed data. Avital's platform provider is PCI DSS Level 1 compliant, ensuring that payment transactions are handled securely in accordance with the highest industry standards for data security.

Personal data is managed using secure IT infrastructure and technological tools, following structured organizational procedures aligned with Avital's operational and legal requirements. Access to data is strictly limited to authorized personnel and third-party service providers who play a role in maintaining and delivering Avital's services. This may include:

- **Internal personnel** responsible for administration, legal compliance, marketing, sales, and system management.
- **External service providers**, such as IT infrastructure and hosting providers, security auditors and consultants, fraud prevention firms, and communication agencies, engaged under strict data protection agreements.

Where necessary, Avital designates certain third parties as Data Processors, ensuring they adhere to applicable privacy regulations and security protocols. A current list of these service providers can be requested from Avital at any time.

## 11. Cookies and Tracking

Our website uses cookies and similar technologies. For more information on the use of cookies and your options to manage them, please refer to our **Cookie Policy** [Link to Cookie Policy].

## 12. Updates to Privacy Policy

Avital reserves the right to update or modify this Privacy Policy at any time to reflect changes in legal requirements, regulatory obligations, or operational practices. Any amendments will comply with the **Swiss Federal Act on Data Protection (revDSG)** to ensure continued transparency and compliance with applicable data protection laws.

If significant changes affect the way Avital processes personal data, users will be notified through appropriate channels, such as email, platform notifications, or updates on the



company website. Where required by law, Avital will seek explicit consent from users before implementing changes that materially impact their rights or how their data is processed.

Users are encouraged to periodically review this Privacy Policy to stay informed about how their personal data is managed.

## 13. Legal References

This Privacy Policy is governed by and complies with the following legal frameworks:

- **Swiss Federal Act on Data Protection (revDSG)** – Regulates the processing of personal data in Switzerland and establishes rights for data subjects.
- **Swiss Anti-Money Laundering Act (GwG)** – Establishes legal obligations for financial institutions, including customer identification and transaction monitoring.
- **SRO-Regulation VQF (Art. 82)** – Defines compliance requirements for Swiss financial intermediaries under self-regulatory organizations (SROs).
- **Swiss Code of Obligations (Art. 957 OR)** – Governs record-keeping and data retention obligations for companies operating in Switzerland.
- **General Data Protection Regulation (GDPR) (EU Regulation 2016/679)** – Governs the protection of personal data for individuals within the European Union (EU) and extends its applicability to Swiss companies processing EU citizen data.
- **PCI DSS (Payment Card Industry Data Security Standard)** – Industry standard ensuring secure handling of payment transactions.