

# Data privacy statement

## Abbreviations and laws

Federal Act on General Aspects of Social Security Law (ATSG)  
 Federal Act on Data Protection (FADP)  
 Federal Act on the Oversight of Social Health Insurance (KVAG)  
 Federal Act on Health Insurance (KVG)  
 Federal Act on Insurance Contracts (VVG)  
 General Data Protection Regulation of the EU (GDPR)

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## **1 General**

All terms in this document referring to persons refer to persons of all genders.

This data privacy statement governs the processing of personal data by the website css.ch and applies to all products and services of the CSS Group.

The CSS Group consists of CSS Kranken-Versicherung AG and CSS Versicherung AG.

We welcome your interest in how we process your personal data. This data privacy statement explains how we collect and process personal data. More information about the processing of specific data is provided in our cookie policy, regulations and general insurance conditions, terms and conditions of participation, declarations of consent and other documents. We usually do not cite any imperative statutory provisions that may apply.

This data privacy statement refers to our processing of the data of persons who are or were insured with CSS, persons who are interested in a CSS product, service providers, public authorities and offices or their contact persons, and users of the CSS website.

## **2 Data controller**

### **2.1 Data controller**

CSS Kranken-Versicherung AG (hereinafter referred to as "CSS" or "we" or "us") is responsible for data processing under this data privacy statement.

### **2.2 Data protection advisor**

We have appointed a data protection advisor. You can contact us as follows if you have any questions or concerns pertaining to data protection:

By email: datenschutz@css.ch

By phone: 058 277 11 11

By post: CSS Kranken-Versicherung AG, Datenschutzberater, Tribschenstrasse 21, Postfach 2568, CH-6002 Luzern

### **2.3 Representative for matters under data protection law in the EU and within the scope of the GDPR**

Insofar as our processing of data is subject to the EU's General Data Protection Regulation (GDPR), Martina Schmid is our representative pursuant to Art. 27 GDPR. You can reach Martina Schmid as follows:

By email: privacy-eu@css.ch

By post: Martina Schmid, BWO GmbH, Bauernwaldstrasse 77, D-70195 Stuttgart

## **3 What personal data does CSS process?**

Personal data is defined as all information relating to an identified or identifiable natural person. Depending on your relationship with us, and sometimes also the product category, we process the following categories of personal data in particular:

Information about you as a person: in particular your name, contact details and financial information, date of birth, address, languages, nationality, canton and municipality of residence, phone number, email address, age, gender, profession;

Information about the contract: in particular information on the bank account, contractual data required for the processing of payments (e.g. account numbers), premium payments and any premium reductions, outstanding balances and reminders; insurance product, type and scope of benefits, start date and termination date, suspension and deductibles;

Risk assessments relating to you as a person and the insured subject matter when reviewing applications, in particular information about previous and other insurance policies and reported insured events; profession and data concerning health, and in some cases information to determine your creditworthiness;

Data for the processing of benefit claims: with regard to health insurance, this refers in particular to information about claims for repayment, invoice data and data concerning health such as doctor's reports and other information from service providers. For other insurance products, this refers to data about the insured items, buildings or activities, and their financing if necessary, as well as the settlement of claims, e.g. claim report, claim number, information relating to the claim assessment, number of claims and information about third parties, e.g. injured parties and involved persons;

Communication data: in particular information about the preferred communication channel, information about and contents of correspondence by letter, email, phone, via myCSS or other communication channels, and records on client satisfaction. Phone calls may be recorded to document a conversation, for quality assurance purposes or for training and evidentiary purposes. In each case, callers will be expressly informed that the call is being recorded;

Data pertaining to the use of the website or the myCSS client portal: in particular IP address and other device identifiers, access data (including passwords), date, time and number of visits to the website, pages and content called up, referring websites, cookies. More information about the use of cookies and similar technologies is provided in the cookie policy ([link](#)).

Marketing data: in particular, personal preferences and interests, newsletter subscriptions and cancellations, delivered marketing messages and reactions to such messages.

We primarily collect personal data about the persons who are involved in a business relationship or the initiation of a business relationship with interested parties, insured persons, clients and other business partners and service providers as well as data concerning the persons who use our websites, apps and other applications. This data is collected, for example, by way of contact and application forms, from email or letter correspondence, by phone, during participation in competitions and surveys, and in the context of contractual relationships, e.g. when performing benefit checks or making payments.

In certain situations we also collect personal data from third parties such as service providers, business partners, social insurance providers if official or administrative assistance is provided, other private insurance companies and public sources. Information about the ways in which data is collected is provided in the relevant product section (section 4.3).

When you disclose data about third parties, we assume that you are authorised to do so and that this data is correct. You confirm this assumption by transmitting third-party data. We would therefore ask you to inform such third parties about our processing of their data and to give them a copy of this data privacy statement. When we inform you that a new version of these documents have been published, you should also provide them with copies of the new version.

## **4 For what purposes do we process your data?**

4.1 Visits to CSS websites, premium calculator

4.1.1 Data collected automatically

When you visit our websites, CSS stores and uses technical data and certain usage data. The following data in particular is saved in log files when you access our websites:

- IP address;
- General information on the operating system and browser;
- Date, time and duration of visit;
- Browser query;

- Any add-ons you use;
- The website that referred you to us;
- General information on your surfing behaviour, such as whether or not you click on advertising banners, complete a form or download files.

We use this data to improve our websites. The data allows us to provide the offered services and is also used for statistical analyses.

#### 4.1.2 Forms

Confidential personal data that you send to CSS via the forms on the website is transmitted in encrypted form using the latest technology. This data is only used as intended for the processing of offers and for marketing purposes (excluding basic insurance) within CSS.

If you are already a client of CSS, or would like to become one, we can link the personal data that you provide to us via the website with the contract data which we already hold.

#### 4.1.3 Premium calculator and online application

By entering your data in the premium calculator you grant permission for CSS companies to contact you by phone or other means with regard to providing you with a quote for insurance. Your personal data is only sent to us if you complete the electronic contact form with all your personal details and then confirm the process. Detailed information about the processing of data in connection with applying for and taking out insurance can be found in the application form and client information about your insurance as well as the enclosed information sheet on data protection.

We will pass on your data to a service partner contracted by us if third-party services are required to process an enquiry you submit online or by phone, or to prepare your contract. In such cases, you authorise us to do so by providing us with your data. This partner is contracted by CSS and is subject to the same data protection provisions as CSS itself.

#### 4.1.4 Live chat and digital assistance (SIA)

To improve your user experience and obtain quick answers to your questions, you can also communicate with us via a chatbot system (SIA). We use the Dialogflow service offered by Google (Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA) for natural language understanding (NLU). All user entries are analysed to understand the user's intent and provide them with relevant answers and CSS content. No personal data is evaluated or stored.

### 4.2 Lawful basis

Insofar as the processing of personal data in the context of section 4.1 above is subject to the GDPR, the lawful basis for the processing of your personal data is provided by one or more of the following.

#### 4.2.1 Contract preparation and performance

Most of the processing done by us is necessary to fulfil our contractual obligations towards you, such as to provide you with mandatory health insurance or supplementary insurance. This also applies to the processing of data concerning health in order to evaluate benefit claims. Regarding the conclusion of contracts, including risk assessment, we process only the data required for pre-contractual measures, and if this involves processing data concerning health, we obtain your separate consent.

#### 4.2.2 Legal obligations

We may be obliged by statutory provisions to process data.

#### 4.2.3 Consent

We can process other data on the basis of consent given to us. If we request your consent for the processing of specific data, we will inform you separately about the pur-

poses of the processing. You can withdraw your consent at any time by notifying us in writing; our contact details are provided in section 2. As soon as we receive your notice of withdrawal of consent, we will stop processing your data for the purposes to which you originally consented, unless we have another lawful basis for processing. The withdrawal of consent does not affect the lawfulness of the processing carried out on the basis of this consent before it was withdrawn.

#### 4.2.4 Legitimate interests

We process personal data if we have a legitimate interest in doing so, provided that your interests do not outweigh ours, e.g. for administrative and security purposes, to carry out credit checks, for the purposes of market research and marketing, to improve our services, for product development and in order to comply with Swiss legal provisions.

### 4.3 Insurance contract

#### 4.3.1 Basic insurance in accordance with the KVG

For basic insurance in accordance with the KVG, we process data in accordance with the applicable lawful basis, in particular for the purposes listed in Art. 84 of the Federal Health Insurance Act (KVG), e.g.

- to ensure compliance with the insurance obligation;
- to calculate and collect the premiums;
- to assess benefit claims and to calculate, grant and coordinate benefits with those paid by other social insurance schemes;
- to assess claims to premium reductions and to calculate and grant such reductions;
- to assert a right of recourse against a liable third party;
- to prepare statistical evaluations;
- to attribute or verify the insured person's AHV number;
- to calculate the risk compensation.

### Alternative insurance models

#### a) Family Doctor models

When taking out Family Doctor Insurance, the insured person consents to the condition whereby the coordinating doctor receives access to the data necessary for this insurance model concerning diagnosis, treatment and invoicing in connection with the provision of medical care. This form of insurance also requires an exchange of data between the coordinating doctor, CSS, and any third parties involved. The data in question concerns the diagnosis, treatment and invoicing of the insured person. This data will be made available in particular to specialists, hospitals and other medical staff and institutions involved in organising or providing medical services for the purpose of performing the contract or if a change of coordinating doctor occurs.

#### b) Telmed models

When taking out a Telmed model, the insured person agrees that CSS may process their personal data in order to determine the premium, process claims and perform statistical analyses.

CSS may pass on data to authorised third parties (in particular co-insurers or re-insurers) to the extent required and permitted by law. In addition, CSS may, to the extent permitted by law, acquire data from service providers, other insurers and authorities as necessary to clarify the entitlement to benefits.

Employees of the Centre for Telemedicine are also bound by the legal obligation to maintain confidentiality as well as by the legal stipulations and regulations governing data protection.

Within the framework of this form of insurance, CSS delivers data pertaining to the insured person necessary for the performance of the contract to the Centre

for Telemedicine, in particular the insured person's number, surname, first name, date of birth, gender, address, benefit statements and details of the insurance cover.

The Centre for Telemedicine provides CSS with the data it requires to check the entitlement to benefits, in particular details of telephone calls (time of call) and the recommendations given. Data concerning the health of the insured person is only disclosed to the Medical Advisory Service of CSS.

c) Multimed

When taking out Multimed insurance, the insured person agrees that CSS may process their personal data in order to determine the premium, process claims and perform statistical analyses for Multimed. Where necessary and permitted by law, CSS may disclose data to authorised third parties (e.g. service providers, other insurers, and authorities) and/or obtain data from these third parties to the same extent.

The information that is needed for treatment is available to all parties involved in the treatment in question (service providers and/or coordination partners) and may be exchanged between them or processed for the purposes of quality assurance and to ensure the best possible treatment. The data in question specifically concerns the diagnosis, treatment and invoicing of the insured person.

d) HMO model/group practice insurance (HMO)

When taking out Health Maintenance Organisation Insurance (HMO model), insured persons consent to the condition whereby the coordinating doctor receives access to the data necessary for this insurance model concerning diagnosis, treatment and invoicing in connection with the provision of medical care. This form of insurance also requires an exchange of data between the coordinating doctor, CSS, and any third parties involved.

The data in question concerns the diagnosis, treatment and invoicing of the insured person. This data will be made available in particular to specialists, hospitals and other medical staff and institutions involved in organising or providing medical services for the purpose of performing the contract or if a change of coordinating doctor occurs.

4.3.2 Supplementary Health Insurance according to the VVG  
For health insurance according to the Federal Insurance Contract Act (VVG), this concerns the following products in particular:

VVG Medical Costs:

- Alternative Insurance
- Outpatient Insurance
- Hospitalisation Insurance
- Dental Care Insurance

VVG special insurance policies:

CSS offers the following insurance plans in accordance with the Federal Insurance Contract Act (VVG):

- Accident Insurance
- Daily Indemnity Insurance
- Property Insurance (Household Contents, Buildings)
- Liability Insurance
- Illness-Related Lump Sum Insurance

CSS processes data gathered from application and contract documents and during the performance of a contract, and uses it in particular to determine premiums, for risk assessment purposes, to process insured events and to perform statistical evaluations.

CSS may pass on data for processing to the extent required to third parties involved in the performance of the

contract in Switzerland and abroad and in particular to companies in the CSS Group, to co-insurers and to re-insurers. In cases involving suspected offences against property or falsification of documents or if CSS withdraws from a contract because insurance claims have been made on the basis of false statements (Art. 40 VVG), the Swiss Insurance Association (SVV) can be notified and an entry made in the Central Information System (CIS).

CSS may pass on data to its own mandatees if required to check invoices for services from foreign service providers. Further, CSS may obtain relevant information from official agencies and other third parties (e.g. service providers, insurers and/or insurers' medical services). This condition applies regardless of whether a contract is actually concluded.

4.4 Further processing

4.4.1 Electronic communications

Electronic communications with a promotional function (e.g. newsletters) are only sent to our clients and interested parties if they provide their consent separately. Our marketing emails (newsletters, invitations, email surveys) are managed and dispatched using the Adobe Campaign email marketing solution, which is hosted on the CSS servers. Personal data that is collected when subscribing to the newsletter is stored on CSS computers. In each newsletter we send, we offer the option of correcting, updating or removing the information that recipients have provided.

All electronic communications with a promotional function can be unsubscribed at any time via a link provided at the bottom of the email. The data that we hold in order to send you the newsletter will be stored by us until you unsubscribe from the newsletter, after which it will be deleted. Data that we store for other purposes is not affected by this.

Your email address is used only to send out our own information. We do not pass your address on to third parties. The way in which users click on hyperlinks in emails and on websites is only recorded in anonymous form.

4.4.2 Participation in competitions, promotional events, sponsorship events and similar activities

We collect and process personal data if you participate in competitions, promotional events, sponsorship events or similar events. The type and scope of the personal data being processed are set out in the relevant terms and conditions of participation, in which we also refer to the subject and scope of the consents that may be needed.

4.4.3 Use of WLAN

If you use WLAN provided by us in our offices, you must log in with your name and mobile phone number or email address. During this process we collect device- and usage-specific data, in particular the date, time and duration of the connection.

4.4.4 Areas subject to video surveillance

We make video recordings in certain designated areas at CSS. These are processed to ensure the safety of our employees and for evidentiary purposes. If a punishable offence is suspected, we may make these videos available to the criminal investigation authorities under the conditions set down in law.

5 What applies to profiling?

Profiling refers to the use of automated processing of personal data to evaluate certain personal characteristics, in particular to analyse or predict their performance at work, economic situation, health, behaviour, preferences, location or movements.

CSS uses such automated processing of data for analysis and forecasting purposes, to the extent permitted by law.

The most important areas in which profiling is used include risk assessments, creditworthiness checks, benefit checks, the combating of fraud, client relations, and sometimes also marketing. CSS may combine behavioural and preference data, and also master and contract data, with the technical data attributed to you in order to better understand you as a person with your different interests and personal needs.

## 6 Does CSS engage in "automated individual decision-making"?

CSS does not take any decisions based exclusively on automated processing that will produce legal effects concerning you or significantly affect you ("automated individual decision-making").

## 7 Disclosure to third parties – to whom and for what purposes do we disclose your personal data?

We disclose personal data to third parties for their own purposes if we are obliged or entitled to do so by law or if you have given your consent. In such cases, the recipient of the data is to be regarded as an independent controller under data protection law. We will never sell your personal data to third parties. We do not trade in your personal data.

Depending on how you are or were insured with CSS, whether you are interested in a CSS product, or are a service provider, public authority or user of this website, we may disclose personal data to the following categories of recipients:

- Providers of services to us (e.g. banks, insurance companies, consultants, IT providers, providers of marketing services, debt collection companies, credit reference agencies, etc.);
- Brokers;
- Merchants, suppliers, subcontractors and other business partners;
- National and international public authorities, social and private insurers, official agencies or courts, if legally obliged to do so;
- Buyers or interested buyers of business areas, companies or other parts of CSS;
- Other parties to potential or actual administrative and court proceedings;
- Other companies of the CSS Group.

These recipients can have their registered office in Switzerland or abroad. You must expect your data to be transmitted to all the countries in which the service providers used by us, and their agents, are located (e.g. [Microsoft], [SAP], [Amazon] and [Salesforce.com]). When we transfer data to a country that does not have adequate data protection legislation, we ensure suitable protection of your data by way of contractual agreements (usually on the basis of the standard contract clauses of the European Commission, which can be downloaded here: [http://data.europa.eu/eli/dec\\_Impl/2021/914/oj](http://data.europa.eu/eli/dec_Impl/2021/914/oj)), unless the recipient is already subject to legally recognised rules that safeguard data protection or the specific situation warrants an exception. An exception may apply in particular to legal proceedings abroad, but also in cases of overriding public interest, if the performance of a contract requires such disclosure, if you have given your consent, or if the data concerned has been made publicly available by you and you did not object to the processing of this data.

## 8 Data security – how do we protect your personal data?

Data in our systems is appropriately protected against loss, unintentional modification, misuse, falsification, in-

voluntary disclosure and unauthorised access. To this end we implement suitable security measures of a technical (e.g. encryption, pseudonymisation, logging, access restrictions, data backups, etc.) and organisational nature (e.g. instructions to our employees, confidentiality agreements, controls, etc.). CSS employees are subject to a contractual and legal obligation to maintain confidentiality (for example by Art. 33 of the Federal Act on General Aspects of Social Security Law, ATSG). CSS employees are trained in and made aware of data protection issues, and data handling processes are monitored and optimised on an ongoing basis. It must be remembered, however, that security risks cannot be wholly excluded.

The security of our systems is under constant review, both internally and externally. Since 1 July 2015, CSS IT systems have been certified in accordance with ISO standard 27001:2013. This international standard specifies the requirements for establishing, implementing, operating, monitoring, maintaining and improving an information security management system. The following additional certifications awarded to CSS also underscore the importance of data protection at CSS Insurance:

Since 2007, the CSS Medical Advisory Service (MAS) has held the GoodPriv@cy\* seal of quality and, since 2010, has also been certified under the Ordinance on Data Protection Certification (VDSZ).

Since 2013, CSS has had a certified (according to VDSZ and GoodPriv@cy) data collection office in accordance with Art. 59a of the Swiss Health Insurance Ordinance. Its standardised regulations guarantee data privacy for every person insured with CSS, while at the same time paving the way for quick and client-oriented invoicing in relation to hospitals. This permits CSS to settle DRG invoices from inpatient service providers efficiently and in conformity with the law.

The process for receiving and digitalising paper documents by email, app and portal has been certified in accordance with VDSZ and awarded the international "GoodPriv@cy\*" certificate.

\*The international GoodPriv@cy certificate is awarded by the independent Swiss Association for Quality and Management Systems (SOS) and confirmed by means of an annual audit.

## 9 For how long do we store your data?

We store your data for as long as required for the purpose for which we collected it; for contracts, this is usually for the duration of the contractual relationship. We further retain personal data if required to do so for specific reasons. This can be the case, in particular, if we need personal data to assert or fend off claims, for archiving purposes, and to guarantee IT security. We also store your personal data for as long as it is subject to the statutory retention period. For example, certain data is subject to a ten-year retention period. Shorter retention periods apply to other data, such as surveillance videos or log data relating to certain internet transactions. In some cases we may also ask you for your consent if we want to store personal data for a longer period.

The personal login data for myCSS is stored for the term of the account. If the closure of the account is requested, the data is erased immediately. If the account is deactivated (e.g. due to inactivity or blocking as a result of misuse), the data is erased after 24 months.

## 10 What rights do you have?

Under certain circumstances you have the right to object to the processing of your data, and in particular to processing for direct marketing purposes.

You also have the following rights, provided that the relevant legal conditions are met and there are no grounds for

restricting or suspending these rights. You can contact the persons listed in section 2 if you wish to exercise your rights. Please send us a copy of an official identity document (e.g. passport or ID card) for identification purposes. Information that is not necessary (e.g. photo, height, place of origin) may be redacted.

**10.1 Information**

You have the right at any time to request information from us about your stored personal data. This lets you see which personal data concerning you is being processed by us.

**10.2 Rectification**

You have the right to request the rectification or completion of incorrect or incomplete personal data as well as the right to be informed about the rectification.

**10.3 Objection, restriction and erasure**

You have the right to object to our processing of your data for specific purposes and to request the restriction of this processing or the erasure of your personal data.

**10.4 Right to data portability**

You have the right to ask us to make certain personal data available in a standard electronic format or to transmit this data to another data controller.

**10.5 Withdrawal of consent**

Where processing is based on your consent, you have the right to withdraw your consent at any time. This withdrawal of consent only applies to the future processing of your personal data.

**10.6 Complaint**

You have the right to submit a complaint about our processing of your data to the Federal Data Protection and Information Commissioner (FDPIC, <https://www.edoeb.admin.ch/edoeb/en/home.html>) if you believe that this processing does not comply with the legal stipulations.

**11 Amendments to this data privacy statement**

CSS reserves the right to amend this data privacy statement at any time. This also applies to the version published on the website of CSS.