

FONDATION EAGLE POUR LA RECHERCHE MÉDICALE ET L'AIDE AUX DÉFAVORISÉS

PRIVACY NOTICE

Last updated: November 22nd, 2023

This privacy notice (the “**Notice**”) aims at informing you how Fondation Eagle pour la recherche médicale et l'aide aux défavorisé (“*Fondation*”/“*Stiftung*”), registered under the number CHE-111.776.111 and having its seat at Rue du Grand Chêne 8, c/o Etude Bonnard Lawson, 1003 Lausanne (the “**Foundation**”, “**we**”, “**us**”, “**our**”) Processes your Personal Data while browsing our website (<https://www.fondation-eagle.ch/>) (the “**Website**”) and/or by contacting us or requesting our support, and the rights to which you are entitled in accordance with the Swiss Federal Act on Data Protection (“**FADP**”) and, when applicable, the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“**GDPR**”).

This Notice provides general information applicable in most situations and may be supplemented with more specific notices or regulations whenever applicable. This Notice aims to detail the procedures applicable to the Processing of your Personal Data used to provide and improve the Website and in our interactions with you. It explains which Personal Data we Collect and Process, how We use it, and for what purposes.

We recognize that Processing your Personal Data involves a high degree of trust on your part.

We take this mark of trust very seriously and prioritize providing you with the utmost privacy and security regarding your Personal Data.

We encourage you to review this Notice carefully and to contact us in case of any questions or remarks.

1. DEFINITIONS

Applicant(s)	shall mean all natural persons that may contact the Foundation through the Website, or by any other means, to request information or seek support from the Foundation.
Beneficiary(-ies)	shall mean the charities/organisations receiving the support of the Foundation.
Breach	means a breach of security leading to the accidental or unlawful destruction, loss or alteration of – or to the unauthorized Disclosure of, or access to – Personal Data transmitted, stored or otherwise Processed.
Collect	means a systematic approach to gathering and measuring Personal Data from the Data Subject to achieve a given result. The term “ Collection ” shall be the nominative reference to the term Collect.

Consent	means the active, free, specific, informed, and unambiguous expression of will by which a Data Subject gives consent to the Processing of his/her Personal Data.
Controller	means a natural or legal person, which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data. For the purpose of this Notice, the Controller is the Foundation.
Cookies	are pieces of data that are placed automatically on your electronic device's hard drive when you access the Website. The Cookies can be recalled by a web server in the domain that placed the Cookie. The Cookies identify your browser to the server. Cookies also allow to store information on the server (for example language preferences, technical information, click or path information, etc.) to help make your experience of the Website better and to conduct Website analysis and Site performance review. Only essential Cookies are Collected and Processed on the Website.
Data Subject(s)	shall mean all natural persons that may be concerned by the Collection or Processing of Personal Data, either directly or indirectly. The categories of Data Subjects are described in Article 6 of the present Notice.
Device	means any devices (especially electronic devices) that can access the Website, such as a computer, a mobile phone or a digital tablet.
Disclosure	means making Personal Data accessible, for example, by permitting access to, transmitting, or disseminating it to any third party. The terms " Disclosed " and " Disclose " all refer to any of the above operations and is used generically in this Notice.
Personal Data	means any data which is deemed to be personal and consists of all the information relating to a person who is either identified or identifiable, including Sensitive Personal Data, as defined in the FADP and the GDPR.
Processing	means any operation relating to Personal Data – regardless of the means and processes used – including the Collection, retention, use, modification, backup, Disclosure, archiving, storage, or destruction of Personal Data. The terms " Process ", " Processed " and " Processing " all refer to any of the above operations and is used generically in this Notice.
Processor	means a natural or legal person, which Processes Personal Data on behalf of the Controller.
Project(s)	shall mean the projects presented to and/or assessed by the Foundation. Based on its goal and yearly objectives, the Foundation may decide to grant support to a Project, in such case, the recipient is called a Beneficiary.

Sensitive Personal Data	shall refer to the definition at article 5 let. c FADP, specifically (1) data on religious, philosophical, political or trade-union opinions or activities; (2) data concerning health, intimacy or racial or ethnic origin; (3) genetic data; (4) biometric data uniquely identifying a natural person; (5) data relating to criminal or administrative proceedings or sanctions; and (6) data on social welfare measures.
Standard Contractual Clause	means the standard contractual clauses set out in the Annex of the Commission implementing decision (EU) 2021/914 of 4 June 2021 on standard contractual clauses for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council.
Usage Data	refers to data Collected automatically, either generated by using the Service or from the Service infrastructure (for example, the duration of a page visit).
Visitor	shall mean any natural person visiting the Website, without entering into contact with the Foundation.
Website	shall mean the website https://www.fondation-eagle.ch/ operated by the Foundation.
Y/you	refers to any individual accessing or using the Website and entering in contact with the Foundation, that may qualify as a Data Subject, as well as any other legal entity on behalf of which such individual is accessing or using the Website or contacting the Foundation, as applicable.
W/we	refers to the Foundation.

2. PERSONAL DATA PROCESSING PRINCIPLES

When Processing Personal Data, the Foundation is committed to the following general principles:

a. Loyalty and Legality

When Processing Personal Data, the individual rights of the Data Subjects will be protected by the Foundation. Personal Data will be Collected and Processed lawfully, fairly, in good faith and a manner proportionate to the purpose.

b. Restriction to a specific objective

Personal Data Processed by the Foundation must be adequate and relevant to the purpose for which they are Processed. This includes ensuring that the Personal Data Collected is not excessive in relation to the purpose for which it is Collected. Subsequent changes to the purpose of the Processing are only possible to a limited extent and must be justified.

c. Transparency

The Data Subject shall be informed of the manner in which their Personal Data is Processed by the Foundation. When Personal Data is Collected, the Data Subject must be informed:

- of the existence of this Notice;
- the identity of the Controller(s);
- the purpose of the Collection and Processing of Personal Data;
- how the Personal Data is Processed, where the Personal Data is Processed, and by whom the Personal Data is Processed; and
- third Parties to whom Personal Data may be Disclosed.

d. Consent of the Data Subject

Personal Data must be Collected directly from the Data Subject concerned and the Consent of the Data Subject may be required before the Processing of Personal Data. The Consent must be obtained in writing or electronically for the purposes of documentation. The Consent is valid only if given voluntarily. If, for any reason, the Consent of the Data Subject is not given before the Processing of Personal Data, the Data Subject should be informed in writing as soon as possible after the beginning of the Processing.

Personal Data will only be Processed without Consent if it is necessary to assert a legitimate interest of the Foundation, for the execution of the contract between the Data Subject and the Foundation or if a national or international law or regulation requests, requires or permits it.

e. Accuracy

The Personal Data Processed must be correct and, if necessary, updated. Inaccurate or incomplete Personal Data should not be retained and should be deleted.

3. ACCEPTANCE

By using the Website, you acknowledge that you have read and understood this Notice and agree to be bound by it and to comply with all applicable laws and regulations.

Your Consent to the Processing of your Personal Data is given in accordance with this Notice.

4. CHANGES TO THE NOTICE

We may update and change this Notice from time to time to keep it up to date with legal requirements and the way We operate our business.

In the event of any modification, if applicable, you will be notified by e-mail or by notification (pop-up message) and your Consent with the changes in question will be required. If you do not agree with these changes, you may no longer access the Website and/or request the Foundation to delete your Personal Data and/or Sensitive Personal Data. In this case, We ensure the portability of your Personal Data.

5. TYPES OF DATA SUBJECTS

Data Subjects are all the natural persons that can be concerned by the Collection and Processing of their Personal Data by the Foundation.

We can identify different categories of Data Subjects:

- **Visitors:** Data Subjects that are simply browsing the Website without taking any action.
- **Applicants:** Data Subjects that are contacting the Foundation, through the contact form on the Website, or by any other means, to request information or seek support from the Foundation.
- **Beneficiaries:** Data Subjects that work for a charity/organization that receive support from the Foundation.

6. PERSONAL DATA COLLECTED

When you visit the Website, get in touch with us, seek and receive support or communicate with the Foundation in any form, We Collect and Process a range of Personal Data.

6.1. PER DATA SUBJECTS

6.1.1 Visitors

When you are simply browsing the Website without taking any action, We Collect Cookies that are required for the operation of the Website. Essential Cookies allow us to prevent any security threats and are not used to Collect or store any of your Personal Data.

No statistics or marketing Cookies are Collected on the Website.

6.1.2 Applicants

When you are filling in the contact form on the Website, the following Personal Data are Collected:

- email address;
- name of your organization/charity and its country of registration;
- if it includes Personal Data, the subject of the Project;
- the content of your sent messages;
- the history of your sent messages;

Depending on the information that you provide in the contact form of the Website, or if you reach out to us by any other means, the following Personal Data may also be Collected:

- first and last name;
- your phone number;
- your organisation's address;
- any other Personal Data that you share with us.

6.1.3 Beneficiaries

Beneficiaries of the Foundation are **charities and/or organisations**. The Foundation may support specific Projects of the Beneficiaries.

When the Foundation provides support to Beneficiaries, the following Personal Data may be Collected:

- first and last name of the representatives of the Beneficiary (board members);
- first and last name of the employees of the Beneficiary in contact with the Foundation;
- email addresses of the employees of the Beneficiary interacting with the Foundation;
- any Personal Data included in the banking information, financial information and transactional data that are necessary to provide funding to the Beneficiary;

The Foundation typically favors the use of anonymous data and, as a rule, does not Process Personal Data related to the Beneficiaries' Data Subjects.

The Foundation restricts the Collection and Processing of Personal Data solely to the essentials required for evaluating and comprehending a Project, as well as the Beneficiary's history.

7. PURPOSE AND LEGAL BASIS FOR THE PROCESSING OF YOUR PERSONAL DATA

7.1. CONSENT

You hereby Consent that the Foundation may use your Personal Data for the following purposes:

- a. providing a better user experience when browsing the Website (article 6.1.1);
- b. providing maintenance of our Website, including monitoring of its usage (article 6.1.1);
- c. communicating with you, managing, and responding to your request(s) to us as an Applicant (article 6.1.2);
- d. understanding, evaluating and exchanging information on Projects (article 6.1.3);
- e. for other purposes, with your prior Consent.

You therefore expressly Consent that the Foundation Collects and Processes your Personal Data for the above-mentioned purposes.

7.2. LEGITIMATE INTEREST

The Foundation Processes Personal Data based on legitimate interests.

a) Contract

The Foundation Processes Personal Data relating to Beneficiaries (article 6.1.3) in direct connection with the conclusion or the performance of the contract between the Foundation and the Beneficiary, for the following purposes:

- a. evaluating and understanding the mission of Projects presented to the Foundation;
- b. assessing and understanding the background of the Beneficiary;
- c. identifying whether a Project is in line with the objectives of the Foundation;
- d. assessing the level/type of support that may be granted by the Foundation;

b) Legitimate interests to improve its services;

The Foundation will Process Personal Data relating to Data Subjects, based on the legitimate interests to improve its services, for the following purposes:

- a. relationship management with Applicants and Beneficiaries;

- b. undertaking satisfaction surveys;
- c. keeping track of the Projects supported;
- d. improvement of its services and offering.

7.3. LEGAL REQUIREMENTS

The Foundation will Process Personal Data relating to Data Subjects, based on legal requirements, for the following purposes:

- a. management of its accounting;
- b. management of the requests of Data Subjects to exercise their rights, namely the rights of access, portability, edit, erasure, opposability, and limitation.

Furthermore, by browsing the Website, contacting us, and requesting support from us, you expressly understand and agree that the Foundation Collects and Processes your Personal Data for the above-mentioned purposes, since the Foundation has a legitimate interest to provide you with a functional, up to date and user-friendly Website, as well as to provide maintenance if required. You also acknowledge and consent to the Foundation's Collection and Processing of your Personal Data during the conclusion and fulfillment of the agreement that you have entered with the Foundation to receive support as a Beneficiary. You also understand that the Foundation must be able to fulfill all its legal and regulatory obligations, as well as to detect fraud and investigating any complaints.

8. DATA DISCLOSURE

The Foundation may Disclose your Personal Data under some circumstances specified in this Article.

In any case, the Foundation shall ensure that an adequate protection is guaranteed for your Personal Data, especially by using a data sharing agreement (if needed).

In some specific cases, when the level of protection is not guaranteed, the Foundation shall obtain your prior Consent or establish with the recipient of your Personal Data a contractual framework or sufficient safeguards that ensure an adequate level of protection abroad, especially by using Standard Contractual Clauses. You may request access to a copy of these safeguards by contacting the Foundation. You shall be informed of any cross-border transfer in the event that it occurs.

a. The Foundation's employees and partners

The Foundation's employees and partners (in Switzerland) may Process your Personal Data to ensure a consistently high service standard and in line with the internal regulations of the Foundation.

The contracts of the employees and partners contain a confidentiality clause which includes the standard of protection detailed in this Notice.

b. The Foundation's affiliates

The Foundation may share your Personal Data with its affiliates. In which case the Foundation will require those affiliates to respect this Notice.

c. Digital Agency in charge of the Website

The Digital Agency in charge of the Website (which includes its employees, directors, representants, affiliates and partners) may have access to some of your Personal Data to make sure that the Website and its features technically work.

d. Public or regulatory authorities

If required from time to time, the Foundation may Disclose your Personal Data to public authorities, regulators or governmental bodies, including when required by law or regulation, under a code of practice or conduct, or when these authorities or bodies require the Foundation to do so.

Generally, the Foundation may Disclose your Personal Data in the good faith belief that such action is necessary to comply with a legal obligation, protect and defend the rights or property of the Foundation, prevent or investigate possible wrongdoing in connection with the Foundation's activities, protect the personal safety of Foundation's employees, partners, clients, affiliates and other Users of the Website, as well as protect against legal liability.

<p>You therefore expressly Consent that the Foundation Discloses your Personal Data to the above-mentioned third parties.</p>
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9. RETENTION OF YOUR PERSONAL DATA

We will retain your Personal Data only for as long as it is necessary for the purposes set out in this Notice.

We will retain and use your Personal Data to the extent necessary to comply with our legal obligations (for example, if We are required to retain your Personal Data to comply with any applicable laws), resolve disputes, and enforce our legal agreements and policies.

We will also retain some Personal Data for internal analysis purposes.

10. GEOGRAPHICAL PROCESSING OF YOUR PERSONAL DATA

Your personal information, encompassing Personal Data, is Processed and maintained on servers located in Switzerland.

The Foundation will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Notice, and no transfer of your Personal Data will take place to an organization or a country unless there are adequate controls in place, including the security of your data and other personal information.

11. DELETION OF YOUR PERSONAL DATA

You have the right to delete or request that We assist in deleting the Personal Data that We have Collected about you.

You may update, amend, or delete your information at any time by contacting us to request access to, correct, or delete any Personal Data that you have provided to us.

Please note, however, that We may need to retain certain information when We have a legal obligation or lawful basis to do so.

12. DATA SECURITY

The security of your Personal Data is our priority, and therefore We have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information We Collect.

However, please remember that no method of transmission over the Internet, or method of electronic storage is 100% secure, and it depends on various factors including the security of your Device, and the security provided by your internet access service provider.

The Foundation applies industry standards and will always apply adequate technical and organizational measures, in accordance with applicable laws to ensure that your Personal Data is kept secure.

In the event of a Breach, the Foundation shall without undue delay, and where feasible, notify the Breach to the competent supervisory authority, unless said Breach is unlikely to result in a risk to your rights and freedoms. If the Breach is likely to result in a high risk to your rights and freedoms, the Foundation shall communicate this Breach to you, if it is feasible, and required by the supervisory authority.

13. CHILDREN AND PERSONAL DATA

The Foundation takes all possible steps to limit the Processing of Personal Data belonging to children. We do not Collect Personal Data from Data Subjects under the age of 18 years.

14. ACCESS TO PERSONAL DATA AND INFORMATION RIGHTS

You have the right to request access to or information about your Personal Data which are Processed by the Foundation. Where provided by applicable law, you, your successors, your representatives and/or your proxies may (i) request deletion, correction or revision of your Personal Data; (ii) oppose the Personal Data Processing; (iii) limit the use and Disclosure of your Personal Data; and (iv) revoke Consent to any of the Personal Data Processing activities, if the Foundation is relying on your Consent and does not have another legal basis or legitimate interest to continue Processing your Personal Data.

These rights can be exercised by contacting the Foundation in writing at the address provided in Article 19 attaching a copy of your ID. If the request is submitted by a person other than the Data Subject, without providing evidence that the request is legitimately made on behalf of such Data Subject, the request will be rejected.

The request is free of charge unless your request is unfounded or excessive (e.g. if you already have requested such requests multiple times in the last twelve months or if the request generates an extremely high workload). In such a case, the Foundation may charge you a reasonable request fee according to applicable laws. The Foundation may refuse, restrict or defer the provision of

Personal Data where it has the right to do so, for example if fulfilling the request will adversely affect the rights and freedoms of others.

Please note that if you require the deletion, correction or revision of your Personal Data, it may prevent you from accessing the Website, as well as from benefiting from the Foundation's services.

15. PORTABILITY OF THE PERSONAL DATA

You also have the right to receive your Personal Data, which you have provided the Foundation with, in a structured, commonly used and machine-readable format and has the right to transmit those Personal Data to another data controller without hindrance from the Foundation.

These rights can be exercised by contacting the Foundation enclosing a copy of your ID to the address provided in Article 19 of the present Privacy Notice. If the request is submitted by a person other than the Data Subject, without providing evidence that the request is legitimately made on behalf of such Data Subject, the request will be rejected.

The request is free of charge unless your request is unfounded or excessive (e.g. if you already have requested such requests multiple times in the last twelve months or if the request generates an extremely high workload). In such a case, the Foundation may charge you a reasonable request fee according to applicable laws. The Foundation may refuse, restrict or defer the provision of Personal Data where it has the right to do so, for example if fulfilling the request will adversely affect the rights and freedoms of others.

16. PRIVACY BY DESIGN AND BY DEFAULT

The Foundation will, both at the time of the determination of the means for Processing and at the time of the Processing itself, implement appropriate technical and organizational measures, such as pseudonymization, which are designed to implement data-protection principles, such as data minimization, in an effective manner and to integrate the necessary safeguards into the Processing in order to meet the requirements of the applicable laws and protect your rights.

The Foundation will implement appropriate technical and organizational measures, in order to ensure that by default, only Personal Data which are necessary for each specific purpose of the Processing are Processed.

This obligation applies to the amount of your Personal Data the Foundation Collects, the extent of their Processing, the period of storage and their accessibility. These measures will ensure that by default your Personal Data is not made accessible without your intervention to an indefinite number of third parties.

17. DATA CONTROLLER

The Foundation is the Controller of your Personal Data.

18. LINKS TO OTHER WEBSITES

The Website may contain links to other websites that are not operated by us. If you click on a third-party link, you will be directed to that third party's website.

We strongly advise you to review the privacy policy/privacy notice of every website you visit and to get information about the third parties' websites you decide to browse before browsing them. We have no control over and assume no responsibility for the content, privacy policies/privacy notices or practices of any third-party websites or services (whether the links are hypertext links or deep links).

Furthermore, you expressly acknowledge and agree that using the Website could imply downloading or using third party applications. Under no circumstances the Foundation shall be liable for the utilization of these other applications, especially regarding the Personal Data protection rules.

19. CONTACT

The Foundation will endeavor to answer any questions or concerns you may have in relation to the Processing of your Personal Data. You may contact the Foundation by mail to the address:

Rue du Grand Chêne 8, c/o Etude Bonnard Lawson, 1003 Lausanne

If you believe that your Personal Data has been unlawfully Processed or that the Foundation has failed to meet your expectations in this regard, you may complain to the appropriate authority. However, We encourage you to contact us first.

20. JURISDICTION AND GOVERNING LAW

This Notice and any questions/issues relating thereto shall be governed by the laws of Switzerland, to the exclusion of any rules of conflict resulting from private international law.

Any dispute relating to this Notice must exclusively be brought before the courts of Lausanne, Switzerland, subject to possible recourse to the Swiss Supreme Court (*Tribunal fédéral*).