

SWICA Healthcare Organisation

Data Privacy Statement

santé24

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Data Privacy Statement

santé24

1. Introduction

santé24 is a business area of SWICA that is organisationally separate from the rest of SWICA. It is there for you 24 hours a day, 365 days a year, to answer all your questions relating to prevention, illness, accidents and maternity. You can find more information about santé24 and its services here: [santé24 – medical advice around the clock – santé24](#).

2. Legal basis for data processing

When using our services, you give your consent for santé24 and its doctors, therapists and medical staff to process your data in connection with the treatment instructions. Insofar as this is necessary for the purpose of our activities, we request that you expressly release us from the professional duty of confidentiality under Art. 321 of the Swiss Criminal Code (StGB). Refusal to do so may restrict the fulfilment of the treatment instructions. This data privacy statement provides information on data processing in connection with the treatment instructions.

3. Responsibility

The unit responsible for processing your personal data, and your health data in particular, is santé24. If you have any questions about data protection or wish to assert your data protection rights, please contact our Data Protection Unit at datenschutz@swica.ch.

4. Data collection and purpose of data processing

4.1 Categories of personal data

To be able to provide telemedicine services, it is necessary to process personal data. The information stored in the patient files of santé24 is subject to medical confidentiality and is only processed in accordance with the respective provisions.

In accordance with the treatment contract and statutory provisions, the following personal data is processed in order to fulfil the purpose of the treatment and the associated obligations:

- **Contact details**
First name, surname, address, postcode, date of birth, email address, phone numbers (mobile and landline)
- **Patient documentation**
Information about patient consultations and treatment. Treatment refers in particular to examinations, diagnoses, therapy and nursing (as defined in Art. 13 of the Health Act (GesG) of the Canton of Zurich)
- **Contract data**
Insurance details, information about the insurance model and its contents, and the options and variants you have selected
- **Technical data**
Internal and external identifiers, IP addresses, technical information from the telephone system
- **Marketing data**
Survey results, information on santé24 services
- **Business data**
Billing data
- **Data regarding personal circumstances**
Includes information about employment, family situation, possible allergies, food intolerances, employment status, living situation

4.2 Purpose of data processing

santé24 processes the data for the following purposes:

- To provide general health advice;
- To fulfil the treatment instructions, including managing the patient file;
- To make specific health recommendations and provide information on service and preventive measures;
- To make referrals to general practitioners or specialists;
- To prescribe medication in relation to a particular diagnosis;
- To issue medical certificates;
- To prepare statistics;
- To develop the indication questionnaire;
- To monitor treatment;
- To carry out research within the scope of anonymised data analysis.

4.3 Audio recordings

Incoming and outgoing telephone calls with santé 24 are recorded. You will be reminded of this at the start of every telephone conversation. By continuing the call, you agree to the recording. If you do not wish to be recorded, you can inform us at any time during the call. The recordings will be used only for the following purposes:

- for employee training;
- to comply with legal requirements;
- for evidentiary purposes.

In accordance with the Patients Act, recordings must be kept as part of your patient file for at least 10 years 3/6 after your last treatment. Due to the statute of limitations for civil personal injury claims (Art. 128a OR), santé24 reserves the right to keep recordings for up to 20 years in order to fulfil evidentiary purposes. Only authorised santé24 employees have access to the recordings.

4.4 Invoice processing

The Federal Health Insurance Act (KVG) stipulates that patients must receive a copy of their medical bills. To simplify matters, copies of invoices (system of the tiers payant) are sent to the email address supplied by you, with the doctor's name included in the email to improve transparency. Communication regarding administrative matters may be sent via the email address provided (@hin address to recipient addresses such as @bluewin.ch, @gmail.com, etc.). Copies of invoices that are not available digitally are provided in physical form.

5. Sharing of data

5.1 Exchange with third parties

By arrangement, data may be shared with or obtained from other service providers in connection with the treatment. Data may also be shared within santé24 for staffing reasons. No other sharing with third parties will take place without the necessary authorisation or legal authority.

5.2 Contract data processing

As part of its activities, santé24 has certain data processing operations carried out by third parties (such as Microsoft, Genesys, etc.) in Switzerland and abroad (Switzerland and the European Economic Area). However, santé24 remains responsible for the lawful processing of the data. Such third parties may only process the data for the purposes for which santé24 has authorised them to do so. In this case, santé24 relies on contractual arrangements to ensure that the data is processed only as santé24 itself would process it. The contractor must also comply with the provisions of this data privacy statement. In addition, santé24 requires its contractors to implement suitable technical and organisational measures to ensure data security. If, by way of an exception, personal data is disclosed in countries that do not offer an adequate level of data protection, santé24 requires the contracted data processor to adhere to a suitable level of data protection by agreeing standard contractual clauses approved by the Federal Data Protection and Information Commissioner (FDPIC). It cannot be ruled out that personal data may be disclosed in exceptional cases in connection with legal proceedings abroad or in cases of overriding public interest.

6. Duration of data storage

santé24 stores data for as long as the purpose, legal basis or another legitimate reason justifies such storage. In particular, patient documentation is stored for a period of 20 years following completion of the last treatment.

7. Rights of data subjects

7.1 Right to information

All of santé24's data subjects have the right to request confirmation as to whether their personal data is being processed. santé24 provides the following information on its data processing activities:

- A copy of all processed data, unless there is a conflict with justified third-party rights;
- The purpose of the processing;
- Information on the right to object, the right to restrict processing activities and the right to rectification;
- Information about whether there is a right to appeal to the supervisory authority;
- All available information on the origin of the data, where personal data was not collected directly from the data subject.

7.2 Right to rectification

All data subjects of santé24 have the right to demand the immediate rectification of any incorrect personal data relating to them. Furthermore, any data subject who is affected by santé24's data processing has the right to request the completion of any incomplete personal data, taking the purpose of the processing into account, including by providing an additional statement.

7.3 Right to erasure

Data maintained as part of the patient record are subject to a retention obligation of 20 years and cannot be deleted during this period. Notwithstanding this, all individuals whose personal data are processed by santé24 have the right to request the immediate deletion of their personal data by santé24 if one of the following reasons applies:

- The personal data is no longer required for the purposes stated when it was collected.
- The data subject withdraws their consent to data processing and there is no other justification.
- The data subject objects to the data processing and there are no overriding legitimate interests that would justify further processing.
- The data was processed unlawfully.
- The erasure is required by law.

7.4 Right to restrict processing

All data subjects of santé24 have the right to demand that processing be restricted. A data subject may demand that processing be restricted if one of the following conditions or reasons applies:

- If the data subject disputes the accuracy of the personal data, processing must be restricted while santé24 clarifies the accuracy of the personal data.
- If personal data is being processed unlawfully, but rather than demanding its erasure the data subject instead demands that processing be restricted.
- If santé24 no longer requires the personal data, but the data subject still needs the data in order to assert, exercise or defend legal claims.
- If the data subject lodges an objection to processing, processing must be suspended until it has been established whether santé24 can assert an overriding legitimate interest or another justified reason applies. santé24 must inform the data subject in advance if a restriction on processing is subsequently lifted.

7.5 Right to object

All data subjects of santé24 have the right to object to data processing based on their personal situation, unless a statutory provision or legitimate interest outweighs their own interests, rights and freedoms. Data subjects have the right to object to their data being processed for direct marketing purposes. This also applies to profiling in connection with direct advertising. In this case, santé24 will no longer use the data for direct marketing purposes.

7.6 Automated decisions in individual cases and profiling

If the data subject is affected by automated processing – including profiling – based on the fulfilment of a contract, a legal basis or the express consent of the data subject and this decision has legal effect vis-à-vis the data subject, the data subject has the right to have a representative of santé24 respond, explain the decision and grant the data subject the right to challenge the decision.

7.7 Right to withdraw consent

Any consent to data processing granted to santé24 can be withdrawn, unless there is a legitimate interest or a legal basis that would justify further processing. Consent to processing can be withdrawn in whatever way is simplest, provided that it is santé24 that processes the data. If a third party has been granted power of attorney or a right to inspect the data, santé24 requires this power of attorney to be withdrawn in writing. This does not affect the legality of data processing up to the time when consent is withdrawn.

7.8 Right to appeal to the supervisory authority

In addition to data subjects' rights vis-à-vis santé24, they also have the right to contact the data protection authority directly.

7.9 Help with asserting the rights of data subjects

If you wish to exercise any of these rights, please contact the Data Protection Unit directly at datenschutz@swica.ch. For Sections 7.1 to 7.4, please send santé24 a written request and a copy of an official identity document. santé24 needs this to prevent the wrong data from being altered or erased. The request and the copy of the official identity document will be retained for a minimum of eleven years.

8. Use of artificial intelligence (AI)

We use the Genesys AI tool to optimise our telephone availability and service quality. This system helps us identify callers. As a result, routine tasks can be performed more efficiently, and your requests can be processed faster. You will be informed about the use of AI before the start of a phone call. You have the right to object to the use of AI at any time. Should you do so, your request will be processed without the assistance of the AI system. The sole purpose of processing is to improve our services and deal with your requests efficiently.

9. Data security

santé24 implements suitable technical and organisational measures to ensure the security of your data. This includes protection against unauthorised access to or loss, misuse or unauthorised sharing of your personal information. Our security measures are reviewed on a regular basis and updated in line with the latest technological developments. We are unable to guarantee absolute security, however, as no internet-based transmission method or electronic storage system is 100% secure. We therefore recommend that you take appropriate precautions when transmitting your personal data online.

10. Final provisions

10.1 Access to the data privacy statement

The prevailing version of this Data Protection Declaration is always publicly accessible on the SWICA website and can be viewed by data subjects via [swica.ch/data-protection](https://www.swica.ch/data-protection) at any time.

10.2 Severability

Should any provision of this data privacy statement be or become invalid, this will not affect the effectiveness of the remaining provisions.

10.3 Applicable law and place of jurisdiction

This data privacy statement is governed exclusively by substantive Swiss law, to the exclusion of any conflict-of-law rules. Any disputes arising out of or in connection with this data privacy statement must be brought before the court in Winterthur, subject to mandatory legal places of jurisdiction.

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