

Privacy Policy of FRXSH Vertrieb AG Switzerland and FRXSH GmbH Germany

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1. Responsibility for your data

Our customers expect a high level of quality not only from our products and services, but also in the processing of their personal data. In this data protection notice we inform our customers, suppliers, service providers and other website visitors about our processing of their personal data.

Responsible for the processing of your data are:

FRXSH Vertrieb AG, the parent company of FRXSH based in Switzerland, which distributes FRXSH products in Switzerland and all countries outside the European Union.

- Postal address: Rotfluhstrasse 91, 8702 Zollikon, Switzerland
- E-mail address: office@frxsh-vertrieb.com
- E-mail address of the data protection officer : dataprotection@frxsh.com

FRXSH GmbH, the subsidiary based in Germany that distributes the FRXSH products in countries in the European Union.

- Postal address: Im Hag 1, 79227 Schallstadt bei Freiburg, Germany
- E-mail address: office@frxsh.de
- E-mail address of the data protection officer: dataprotection@frxsh.com

We, FRXSH Vertrieb AG and FRXSH GmbH (hereinafter: FRXSH, we, us), are jointly responsible for the processing and protection of your personal data, which we process according to your wishes and in accordance with the requirements of the applicable data protection law (Swiss Data Protection Act, taking into account the 2023 revision, as well as German and EU data protection laws). If and to the extent that the GDPR and/or German law is/are applicable, their provisions stated below shall apply. Your personal data will only be processed by us if permitted by law.

With the following information, we would like to inform you about the processing of your data - in particular with regard to the use of our website:

2. Personal data

Personal data is any information relating to an identified or identifiable natural person (Art. 4 No. 1 DSGVO). This includes, for example, data that you provide to us when using our website or communicating with us, such as your address data, registration data, telecommunications data, order data or financial data, but also data that is automatically collected when using our website, such as your IP address.

3. Integration of service providers

In order to be able to operate with a division of labour, we have to use service providers. Our service providers include, for example, ICT service providers, banking institutions and payment service providers, logistics and transport companies, advertising and communications agencies, document destruction services, accounting service providers and tax and legal advisors. To the extent necessary and within the scope of what is legally permitted, these may receive your data as part of subsequent data processing, depending

on the individual case, either as a contract processor (Art. 28 DSGVO) or as their own responsible party (legal basis: Art. 6 para. 1 b, f DSGVO).

These service providers can be located in Germany as well as in Switzerland (see 15.).

4. Data security

We take technical and organisational security measures to protect your personal data against accidental or intentional manipulation, loss, destruction or against access by unauthorised persons and to ensure the protection of your rights and compliance with the applicable data protection regulations of Switzerland, Germany and the EU.

The measures taken are intended, among other things, to ensure the confidentiality, integrity, availability and resilience of the systems and services related to the processing of your data on a permanent basis and to restore them quickly in the event of a physical or technical incident.

Our data processing and security measures are continuously improved in line with technological developments.

It goes without saying that our employees are obliged to maintain confidentiality and to comply with the requirements of data protection law.

5. Mandatory data

If certain data fields are designated as mandatory data or mandatory fields and marked with an asterisk (*), the provision of this data is required by law or contract, or is necessary for the conclusion of the contract, the desired service or the stated purpose. Provision is at your discretion. Failure to provide such data may result in our not being able to fulfil the contract, provide the requested service or achieve the stated purpose.

6. Processing of data

a. General enquiries and communication

We process your data communicated e.g. in telephone calls, via the FRXSH webshop, contact forms, e-mail, postal correspondences or our social media channels initially to answer your enquiries (legal basis: Art. 6 para. 1 f, b DSGVO). This is usually done with our interest in offering a good service or working reliably. Any information that we designate as mandatory (e.g. in data entry fields) is required in order to be able to contact you or communicate with you about your request. The voluntary provision of further data makes it easier for us to communicate with you.

Insofar as another company from our group of companies is responsible for your enquiries, this company may receive your data to the extent necessary within the scope of the above purposes and process it accordingly (legal basis: Art. 6 para. 1 b, f DSGVO). Accordingly, this company may also have forwarded your data to us for further processing. The company from our group of companies may be located in Switzerland or Germany (see 15.).

We generally store your data processed for these purposes for twelve months after answering the general enquiry in case of further enquiries, unless it concerns commercial or business letters, which we store for six or ten years (legal basis: §§ 147 AO, 257 HGB, Art. 6 para. 1 c DSGVO), or unless we are obliged to store the data for a longer period for other reasons (legal basis: Art. 6 para. 1 c DSGVO).

b. Online account

We process the necessary registration data as well as your data provided in this context to set up and use our password-protected online area and its functionalities (legal basis: Art. 6 para. 1 b, f DSGVO). Insofar as data is processed on the legal basis of legitimate interest, this is the provision of the best possible functionalities. You can also place orders/bookings (see c. below) online without an online account ("guest orders").

You can close your online account at any time by sending us a short message by e-mail or post (see above for contact details). We store your registration data for your online account until you cancel your access, provided that there are no other retention periods (such as those from orders/bookings, see c.).

c. Orders / Bookings

In the case of orders or bookings, we process your order, address, communication, payment and financial data firstly to process your orders or bookings, namely in particular for the delivery of the goods or the provision of the services and for the payment and, if necessary, repair processing (legal basis: Art. 6 para. 1 b, f DSGVO), in order to offer you a good service or to fulfil contracts.

Financial data is information about creditworthiness (i.e. information that allows conclusions to be drawn about the likelihood that debts will be settled), about reminders and about debt collection. We receive this data partly from you (e.g. when you make payments), but also from credit agencies, debt collection companies and from publicly accessible sources (e.g. a commercial register).

Insofar as data is marked as mandatory, it is required for the processing or handling of the corresponding contract or for invoicing or payment processing. Insofar as we request your date of birth, we do so in order to check the minimum age of end customers required for orders/bookings. Insofar as another company from our group of companies is responsible for your order or booking, this company may receive your data to the extent necessary within the framework of the above purposes and process it accordingly (legal basis: Art. 6 para. 1 b, f DSGVO). Accordingly, this company may also have forwarded your data to us for further processing. The company from our group of companies may be located in Switzerland or Germany (see 15.).

We store your contract-related data relevant to the order or booking and the associated documents (e.g. commercial letters, invoices) in accordance with statutory limitation periods or in accordance with the legal requirements for a maximum of six years or ten years after conclusion of the contract (legal basis: §§ 147 AO, 257 HGB, Art. 6 Para. 1 c DSGVO).

d. Advertising

(1) Customer analyses and postal advertising

We process your personal data from orders and bookings for shopping basket and target group analyses in order to determine offers that are as suitable for you as possible and to send you advertising by post about our products and services in the area of kitchen appliances (legal basis: Art. 6 para. 1 f DSGVO).

Data processed for advertising purposes will be retained for as long as the advertising purpose continues or until you object to the processing for advertising. Information on your existing right to object at any time can be found below in section 7.

(2) E-mail advertising / e-mail newsletter

With your express consent, which can be revoked at any time for the future, we will inform you by e-mail about advertising within the scope of your consent (legal basis: § 7 para. 2 no. 3 UWG, Art. 6 para. 1 a DSGVO). We process the mandatory information you provide when you give your consent in order to send you the promotional message and to be able to address you personally.

To obtain your consent to e-mail advertising, the so-called double opt-in procedure is used online in order to avoid sending advertising messages to e-mail addresses of persons who have not requested them. For this purpose, after consent has been granted, an e-mail is sent with a request to confirm the granting of consent. Only after your confirmation are you registered to receive e-mail advertising. Your IP address will also be recorded and stored for documentation purposes. (Legal basis: Art. 7 para. 1, Art. 6 para. 1 c DSGVO)

If you have provided us with your e-mail address when concluding a contract (e.g. for orders, bookings), we will also inform you by e-mail about our goods and services that are similar to those you have purchased (legal basis: Art. 6 para. 1 f DSGVO, § 7 para. 3 UWG). You can of course object to this at any time without incurring any costs other than the transmission costs according to the basic rates.

Data processed for advertising purposes will be kept as long as the advertising purpose continues or until you object to the processing for advertising or revoke your consent.

Information on your existing right of revocation or objection at any time can be found below in section 7.

(3) Sweepstakes

If you participate in our competitions, we and, if applicable, our cooperation partners (prize sponsors) process your address and telecommunication data for the implementation of the respective competition or the respective sales promotion measure (Art. 6 para. 1 b, f DSGVO). We and our prize sponsors delete participant data after the competition has been carried out. Winners' data will be stored for 3 years in accordance with the statutory provisions. Other data will be deleted after the competition has been completed, unless there are other legal grounds (e.g. consent to e-mail advertising).

7. Right of objection/revocation

If you wish to revoke a given consent or object to the processing of your personal data for the purpose of advertising or due to your particular situation, it is sufficient to send a message to the above contact details at any time. Your data will then no longer be processed for the advertising purposes covered by the consent or objection. The lawfulness of the processing carried out until the objection remains unaffected.

After your objection to the processing of your personal data for advertising purposes, the contact data required for this purpose will be included in an internal advertising blacklist and permanently stored (blocked) - only for this purpose - and used for comparison with our future advertising files (legal basis: Art. 21 para. 3, Art. 17 para. 3 b, Art. 6 para. 1 c DSGVO). In this way, we can ensure that your advertising objection is respected on a permanent basis.

8. data that we automatically collect during use

When you call up our website, you transmit data to our web server (out of technical necessity) via your internet browser. The following data is processed during an ongoing connection to enable communication between your internet browser and our web server (legal basis: Art. 6 para. 1 f DSGVO):

- content of the request (page, name of the requested file, etc.),
- date and time of the request,
- amount of data transferred,
- access status (file transferred, file not found, etc.),
- time zone difference to Greenwich Mean Time (GMT),
- source/reference from which you reached the page,
- web browser and operating system used,
- IP address.

Temporary storage or processing of this so-called server log data is necessary for reasons of ensuring the functionality or technical security, in particular for the defence against attempted attacks or damage, and is carried out with our corresponding legitimate interest (legal basis: Art. 6 para. 1 f DSGVO). This data is not merged with other data sources.

The data is no longer processed in a personalised manner (i.e. is anonymised) as soon as it is no longer required to achieve the purpose for which it was collected. In principle, data is anonymised or deleted by shortening the IP address unless it has to be retained for longer for documentation purposes (e.g. to document consent given, see above, legal basis: Art. 6 para. 1 c, Art. 5 para. 2, Art. 7 para. 1 DSGVO).

9. What are cookies and what are they used for?

a. Cookies

Cookies are small text files that are transferred to your end device (e.g. PC, tablet, smartphone) by means of your web browser or other programs in order to "remember" information about you. These are stored locally on your end device and kept ready for later

retrieval (Art. 25 TTDSG). Insofar as we use the term "cookies" below, we also understand this to include other technical measures such as HTML storage, tags, images or scripts.

b. Use of cookies

Cookies are used to make our website more user-friendly, effective and secure. The cookies enable us to recognise your browser on your next visit.

You can see in detail in the privacy settings of our so-called Consent Management Platform how long which cookies are used on which legal basis and which data processing which tools take place in the process and decide (as far as the use is not absolutely necessary). This consent management platform is permanently accessible on our website, e.g. via the floating fingerprint icon on our website.

In principle, the following applies: On this website, cookies can be used or read and personal data can be processed, among other things,

- which are absolutely necessary, for example, to enable and securely offer the functions of our website, and also to be able to prove consent ("Essential") (legal basis(s): Art. 6 para. 1 b, c, f DSGVO, § 25 para. 2 no. 2 TTDSG) (see also 10., 13. below, among others),
- to evaluate visits to our website (website analysis), to make our website more user-friendly and to better adapt it to your needs (e.g. also video embedding) or, if applicable, to measure the success of our external advertisements and to track pages of origin (so-called referrers) ("marketing") (legal basis(s): Art. 6 para. 1 a DSGVO, § 25 para. 1 TTDSG) (see also 11., 12. below).

Insofar as data processing takes place on the basis of a legitimate interest, this is the provision of an interesting and secure website or easier compliance with applicable data protection regulations.

c. Rejection / deletion of cookies

You can set your web browser so that it notifies you when cookies are set, generally rejects cookies, restricts their setting or deletes them. However, if you refuse or restrict the setting of cookies using your browser, you will no longer be able to use various functions on our website. You can delete stored cookies at any time using your web browser, including automatically.

By deleting the cookies, you can also revoke consent given via our Consent Management Platform (see b. above).

You can find out about this option for the most commonly used browsers via the following links:

- Microsoft Edge: <https://support.microsoft.com/de-de/microsoft-edge/cookies-in-microsoft-edge-l%C3%B6schen-63947406-40ac-c3b8-57b9-2a946a29ae09>
- Microsoft Internet Explorer: <https://support.microsoft.com/de-de/help/17442/windows-internet-explorer-delete-manage-cookies>
- Firefox: <https://support.mozilla.org/de/kb/cookies-informationen-websites-auf-ihrem-computer>
- Google Chrome: <https://support.google.com/chrome/bin/answer.py?hl=de&answer=95647>

- Safari: <https://support.apple.com/de-de/guide/safari/sfri11471/mac>
- Brave: <https://support.brave.com/hc/en-us/articles/360048833872-How-Do-I-Clear-Cookies-And-Site-Data-In-Brave->
- Opera: <https://help.opera.com/de/latest/web-preferences/>

10. use of the Usercentrics Consent Management Platform

We use the Usercentrics Consent Management Platform as a consent management tool on our website. You can see in detail how it is used in the privacy settings of our so-called Consent Management Platform. This Consent Management Platform is permanently accessible on our website, e.g. via the floating fingerprint icon on our website.

11. Use of the web analytics service Google Analytics / Google Tag Manager

This website uses functions of the web analysis service Google Analytics and the Tag Manager of the American company Google Inc. The provider for the European area is Google Ireland Limited (Gordon House, Barrow Street 4, Ireland). You can see in detail how this is used in the privacy settings of our so-called Consent Management Platform, where you can also give and revoke your corresponding consent. This is permanently accessible on our website, e.g. via the floating fingerprint icon on our website.

12. Embedding of YouTube videos

This website uses the YouTube embedding function to display and play videos from YouTube directly on the website. YouTube belongs to the American company Google Inc. The provider for data processing in the European area is Google Ireland Limited (Gordon House, Barrow Street 4, Ireland).

We use the YouTube function "No-Cookies". YouTube videos are initially deactivated. You must first activate them in order to be able to play them. To do this, you must consent to their use (see 9. above). If you activate the videos, cookies will also be stored on your end device and data will be transferred to Google, namely at least the IP address and cookie ID, the specific address of the page called up from us, the system date and time of the call-up and the identifier of your browser. This is not the case without your activation.

The use of cookies and the data processing are based on your consent, which can be revoked at any time (legal basis: Art. 6 para. 1 a DSGVO, § 25 para. 1 TTDSG).

The data transfer will then also take place irrespective of whether you use a user account with Google via which you are logged in or whether there is no user account for you. If you are logged in, this data can be directly assigned to your account. If you do not wish this, you must log out before visiting.

For more information on the purpose and scope of data processing by Google, as well as your rights in this regard and setting options for protecting your privacy, please refer to the data protection information at Google: www.google.com/intl/de/policies/privacy.

In any case, it is not excluded that Google also uses and passes on your data in its advertising network (Double Click) for marketing purposes and also transmits it to the USA. You can find more details about Google's use of cookies in Google's cookie policy at policies.google.com/technologies/types and in our privacy settings (e.g. the floating fingerprint symbol on our website). If you wish to opt out of further data processing by Google following your consent, please contact Google as the responsible party at YouTube. You can revoke your consent at any time via the privacy settings (e.g. via the floating fingerprint icon on our website).

13. Use of the PayPal online payment system

In the web shop of this website, we offer PayPal as a payment method, among others. PayPal is an online payment system from PayPal, which consists of PayPal's own payment methods and local payment methods from third-party providers. You can see in detail how the different payment methods are used in the privacy settings of our so-called Consent Management Platform. This consent management platform is permanently accessible on our website, e.g. via the floating fingerprint icon on our website.

14. Exercising data protection rights

If you have questions about the processing of your personal data by us, we will of course be happy to provide you with information about the data concerning you (Art. 15 DSGVO). In addition, if the legal requirements are met, you have the right to rectification (Art. 16 DSGVO), deletion (Art. 17 DSGVO), restriction of processing (Art. 18 DSGVO), objection (Art. 21 DSGVO, see above) and the right to data portability (Art. 20 DSGVO).

In all these cases, please feel free to contact us using our contact details above (see 1.).

Finally, you have the right to complain to a competent data protection supervisory authority (Art. 77 DSGVO, § 19 BDSG).

The data protection authority responsible for FRXSH Vertrieb AG Switzerland is: Federal Data Protection and Information Commissioner (FDPIC), Feldeggweg 1, CHF-3003 Bern.

The data protection authority responsible for FRXSH GmbH Germany is: State Commissioner for Data Protection and Freedom of Information Baden-Württemberg, Lautenschlagerstraße 20, 70173 Stuttgart.

15. Adequacy decision on data transfer

The European Commission has adopted an adequacy decision to the effect that personal data may be transferred to Switzerland without further authorisation ([schweiz_en.pdf](#) ([hessen.de](#))). An equivalent level of data protection exists in Switzerland.

16. Amendments

From time to time it is necessary to adapt the content of this data protection notice for data collected in the future. We therefore reserve the right to amend this information at any time. We will also publish the amended version of the data protection information here. When you visit us again, you should therefore read through the data protection information again.

Status: January 2023