

DATA PROTECTION INFORMATION FOR OUR CUSTOMERS AND BUSINESS PARTNERS OUR HANDLING OF YOUR DATA AND YOUR RIGHTS INFORMATION ACCORDING TO ART. 13, 14 AND 21 OF THE GENERAL DATA PROTECTION REGULATION (GDPR)

The following information provides you with an overview of the processing of your personal data and your rights. What data is processed in detail and how it is used depends largely on the contracts or services that have been agreed.

1. WHO IS RESPONSIBLE FOR DATA PROCESSING AND WHOM CAN I CONTACT?

The responsible party is:

Ernst Schweizer AG
Bahnhofplatz 11
CH-8908 Hedingen
Tel.: +41 44 763 61 11

Our Data Protection Officer can be reached at:

GDI Gesellschaft für Datenschutz und Informationssicherheit mbH [GDI Data Protection and Information Security Co. Ltd.]

Mr Olaf Tenti, B.Sc. IT
Körnerstr. 45, 58095 Hagen, GERMANY
Tel.: +49 (0)2331/356832-0

e-mail: datenschutz@gdi-mbh.eu

2. WHAT SOURCES AND WHAT DATA DO WE USE?

We process data that we receive as a result of our business relationship with you. We receive the data directly from you, e.g. in the context of concluding a contract or placing an order, or in connection with enquiries, offers and consultations.

Specifically, we process the following data:

- master data from the contract documents (e.g. name, address and contact details, bank details),
- data in connection with the performance of the contract (e.g. subject matter of the contract, invoice address, method and manner of payment, contact person or persons), correspondence (e.g. exchange of written communications with you),
- advertising and sales data.

3. WHAT DO WE PROCESS YOUR DATA FOR (PURPOSE OF PROCESSING) AND ON WHAT LEGAL BASIS?

In the following section we inform you about the purposes for which we process your data and the legal basis for doing so.

3.1 FOR THE FULFILMENT OF CONTRACTUAL OBLIGATIONS (ART. 6, SECTION 1, LETTER (B) OF THE GDPR)

We process your data for the performance of our contracts with you, i.e. in particular for the execution of your orders and our services to you. The purposes of the data processing depend in detail on the specific services and the contract documents in question.

3.2 WITHIN THE FRAMEWORK OF THE BALANCING OF INTERESTS (ART. 6, SECTION 1, LETTER (F) OF THE GDPR)

We may also use your data on the basis of the balancing of interests to protect our legitimate interests or the legitimate interests of third parties. This is for the following purposes:

- supporting our employees in customer advice and support and sales,
- general business management and further development of services and products,
- advertising, market and opinion research,
- assertion of legal claims and defence in case of legal disputes,
- prevention and investigation of criminal offences,
- ensuring IT security and smooth IT operations.

Our interest in the data processing in the given case results from the given purpose and is in other respects of an economic nature (efficient fulfilment of tasks, sales, avoidance of legal risks). As far as the specific purpose allows, we process your data in a pseudonymous or anonymous form.

3.3 ON THE BASIS OF YOUR CONSENT (ART. 6, SECTION 1, LETTER (A) OF THE GDPR)

If you have given your consent to the processing of personal data, that grant of consent is the legal basis for the processing mentioned therein.

In addition, you may have consented to being contacted by e-mail or telephone for advertising purposes. You can revoke your consent at any time with effect for the future. This also applies to any declarations of consent that you gave to us prior to the coming into force of the GDPR, i.e. prior to 25 May 2018. The revocation only applies to future processing.

3.4 ON THE BASIS OF STATUTORY REQUIREMENTS (ART. 6, SECTION 1, LETTER (C) OF THE GDPR)

We are subject to various legal obligations, i.e. statutory requirements (Code of Obligations, Commercial Code, tax legislation etc.).

4. WHO RECEIVES MY DATA?

Your data will only be passed on if a legal basis permits this. Within our company, your data will be passed on to those departments that need it to fulfil our contractual and legal obligations or to perform their respective tasks.

Furthermore, personal data may be passed on for the purpose of and within the scope of order processing (Art. 28 GDPR). This is the case with order processors used by us, particularly in the area of IT services and logistics, who process your data for us in accordance with instructions.

In addition, the following bodies may receive your data:

- public bodies and institutions (e.g. the tax authorities) in the event of a legal or official obligation, as well as
- other bodies in respect of which you have given us your consent to the transfer of data.

In order to assess the risk of concluding a contract, it is possible that we may send your personal data to a credit agency or request information about you from such an agency. This transfer of data is permissible in accordance with Art. 6, section 1, letter (f) of the GDPR because we are pursuing legitimate interests by limiting the economic risk to which we are exposed. The credit agencies evaluate the information collected by us and others and provide us with an assessment of the risk of default in the individual case.

Possible partners for this exchange of data are:

Dun & Bradstreet Schweiz AG [Dun & Bradstreet Switzerland plc] (formerly Bisnode)

Grossmattstrasse 9,
CH-8902 Urdorf, SWITZERLAND

Data protection specifications:

<https://www.dnb.com/de-ch/datenschutz/>

Dun & Bradstreet Deutschland GmbH [Dun & Bradstreet Germany & Co. Ltd.] (formerly Bisnode)

Robert-Bosch-Strasse 11,
64293 Darmstadt, GERMANY

Data protection specifications:

<https://www.dnb.com/de-de/datenschutz/>

Creditreform Konstanz Müller & Schott GmbH & Co. KG

Mainaustr. 48,
D-78464 Konstanz, GERMANY

Data protection specifications:

<https://www.creditreform.de/konstanz/datenschutz/>

5. HOW LONG IS THE DATA STORED?

To the extent necessary, we process your personal data for the duration of our business relationship, which also includes the preparation and execution of a contract. In addition, we are subject to various retention and documentation obligations, which result, among other things, from the Code of Obligations (OR), the German Commercial Code (HGB) and the German Fiscal Code (AO). The retention and documentation periods specified by these are from two to ten years.

Finally, the storage period is also assessed according to the statutory limitation periods, which are usually three to ten years, but in certain cases can be as much as thirty years.

6. WILL DATA BE TRANSFERRED TO A THIRD COUNTRY?

We do not intend to transfer personal data to a third country or an international organisation. We will only transfer your data to countries outside the European Economic Area / EEA (third countries) if this is necessary to carry out the contractual relationship with you or is required by law (e.g. for accounting or administrative purposes) or if you have given us your consent.

Insofar as we use software from providers based in third countries or software from providers having subcontractors / service providers in third countries to carry out our contractual relationship, your data or parts of your data may – depending on the purpose of processing – be transferred to third countries (e.g. to the United States of America).

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We would like to point out that with the discontinuation of the EU-US Privacy Shield, there is currently no adequacy decision by the European Commission with reference to the United States within the meaning of Article 45, section 3 of the GDPR that would ensure a sufficient level of data protection. We have therefore agreed standard data protection clauses within the meaning of Article 46, section 2, letter (c) of the GDPR with the service providers / suppliers we use for the purpose of protecting your data. Furthermore, some of our service providers have implemented binding internal data protection regulations (Binding Corporate Rules / BCR) within the meaning of Art. 47 of the GDPR for their in-house operations, which have been approved by the respective competent supervisory authorities.

7. WHAT OTHER DATA PROTECTION RIGHTS DO I HAVE?

Under the respective legal conditions, you have the right to information (Art. 15 GDPR, the version valid from 25.05.2018), to correction (Art. 16 GDPR), to deletion (Art. 17 GDPR), to restriction of processing (Art. 18 GDPR) and to data portability (Art. 20 GDPR). You also have the right to lodge a complaint with a data protection supervisory authority (Art. 77 GDPR).

8. AM I OBLIGED TO PROVIDE DATA?

Within the scope of our business relationship, you only have to provide those personal data that are necessary for the establishment, implementation and termination of a business relationship or that we are legally obliged to collect.

Without this data, we will usually have to refuse to conclude the contract or execute the order, or will no longer be able to perform an existing contract and may have to terminate it.

9. TO WHAT EXTENT DOES AUTOMATED DECISION-MAKING TAKE PLACE IN THE INDIVIDUAL CASE?

We do not use automated decision-making as understood by Art. 22 of the GDPR for the establishment and implementation of the business relationship. Should we use these procedures in individual cases, we will inform you separately, insofar as this is prescribed by law.

10. TO WHAT EXTENT IS MY DATA USED FOR PROFILING?

We do not process your data with the aim of evaluating certain personal aspects (the process known as 'profiling').

11. WHAT RIGHTS OF OBJECTION DO I HAVE? (ART. 21 GDPR)

11.1 RIGHT OF OBJECTION BASED ON THE INDIVIDUAL CASE

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data relating to you which is carried out on the basis of Art. 6, section 1, letter (f) of the GDPR ('Data Processing on the Basis of a Balancing of Interests').

If you lodge an objection, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing serves to assert, exercise or defend legal claims.

11.2 RIGHT OF OBJECTION TO THE PROCESSING OF DATA FOR THE PURPOSES OF DIRECT ADVERTISING

Within the framework of the relevant legal provisions, we may also process your data for direct marketing purposes. You have the right to object at any time to the processing of personal data concerning you for the purpose of such advertising. This also applies to profiling, insofar as it is connected with such direct advertising. If you object to processing for the purposes of direct advertising, we will no longer process your personal data for these purposes. You may let us know of your objection informally. Our contact details may be found under point 1 above.

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