

## Data protection information for customers, prospective customers and business partners

The following comments provide information to our customers, prospective customers and business partners about our processing of personal data, as well as processing performed by affiliated companies, and about the rights to which data subjects are entitled under the General Data Protection Regulation (“GDPR”) applicable from 25 May 2018. The legal basis for providing this information arises from Articles 13 or 14 of the GDPR.

This data protection information will be updated as necessary and published in an appropriate form that may be accessed by data subjects.

**1. The controller** for purposes of data protection law is

**DUALIS GmbH IT Solution**  
**Breitscheidstraße 36**  
**01237 Dresden**

Phone: +49 (0) 351 47791 0

E-Mail: [dualis@dualis-it.de](mailto:dualis@dualis-it.de)

Internet: [www.dualis-it.de](http://www.dualis-it.de)

In some cases, which are explicitly described, two or more companies of the Dürr Group are jointly responsible for the processing (see for example under item 7).

**2. Data protection officer**

We have appointed a data protection officer in our company. You may reach our data protection officer using the following contact information:

DUALIS GmbH IT Solution

Breitscheidstraße 36

01237 Dresden

E-Mail: [datenschutz@dualis-it.de](mailto:datenschutz@dualis-it.de)

+49 (0) 351 47791 335

If two or more companies of the Dürr Group are jointly responsible for the processing, you will also find the contact details of the respective controller (the company with which you are in contact) and its company data protection officer in the [list](#).

**3. What data do we process concerning you?**

We process the following data from customers, prospective customers and business partners:

- Master data (e.g. title, first name, surname, gender) of contact persons in the company of the customer, interested party or partner
- Communication data of contact persons in the company of the customer, interested party or partner (e.g. e-mail, telephone)
- Survey data and protocol data
- Documentation data (e.g. minutes of consultations and meetings)

#### **4. Where does the data come from (data source)?**

As a rule, we collect data directly from the data subject, e.g:

- The collection of contact data in order to prepare an offer or in connection with other topics related to an order/project
- Contact details that you provide to us when you contact us (e-mail, business card, enquiry, telephone call, recommendation, events, trade fairs).

Data that we do not collect directly from the data subject may include for example:

- Provision of contact information about partner companies on whose behalf the company acts.

#### **5. For what purpose is data processed and what are the applicable legal bases?**

Personal data may be processed if there is a legal basis for the processing concerned. Data from customers/prospective customers/business partners is processed on the following legal bases:

##### **5.1. Fulfilment of contractual obligations (Art. 6(1)(b) GDPR)**

Personal data is processed in connection with the performance of a contract, e.g. performance based on an order. This also includes pre-contractual measures such as the preparation of quotations.

##### **5.2. Compliance with a legal obligation (Art. 6(1)(c) GDPR)**

A large number of legal requirements must be observed in connection with contractual performance or the initiation of contracts. This may include for example:

- Statutory retention obligations applicable to the company under the German Commercial Code (“HGB”) and relevant tax laws
- Any potential liability and warranty claims

##### **5.3. Legitimate interest of the controller (Art. 6(1)(f) GDPR)**

We process data in a lawful manner in pursuit our legitimate interests and those of third parties. This also includes the use of personal data in order to:

- Provide support, advice and advertising and to arrange our own sales and distribution activities in line with demand
- Send you product information or to communicate with you in general
- To implement measures to improve and develop services, products along with existing systems and processes
- To consult and exchange data with credit agencies in order to determine creditworthiness and default risks, in particular if the requirements of section 31 Federal Data Protection Act (“BDSG”) are satisfied
- To establish, exercise or defend legal claims.
- To investigate or prevent criminal offences
- To process address inquiries (e.g., in the case of relocations)
- To use anonymised data for analytical purposes
- To collect data using our online contact form
- To secure and exercise our domiciliary rights through appropriate measures
- To request the readiness of a customer survey and carry out the customer survey if necessary.
- To carry out the project communication and documentation

#### **5.4. Consent (Art. 6(1)(a) GDPR)**

If you have consented to the processing of your personal data, your consent serves as the legal basis for the processing referred to in your consent. This may include for example:

- Subscribing to our newsletter
- Reference agreements

You can withdraw your consent at any time with effect for the future. Any such withdrawal applies exclusively to future processing.

#### **6. Sharing data**

Personal data obtained when you contact us will not be shared with third parties unless:

- Required by law
- Required to fulfil contractual obligations
- Required by the legitimate interests of third parties
- Or this has been agreed in the consent you have given us

Subject to the conditions referred to above, potential recipients may include:

- Contract processors commissioned by us
- Public authorities
- Public organisations
- Customers and business partners within and outside the Dürr Group

Data will only be transferred to countries outside the European Economic Area if the respective countries can demonstrate an appropriate level of data protection as confirmed by the European Commission. In addition, if there are appropriate data protection guarantees in place, this is required to fulfil contractual obligations or if have provided us consent in this regard.

We would like to inform you that the USA is a so-called unsafe third country. This means that the USA does not offer a level of data protection comparable to that in the EU. If data is transferred to the USA, there is a risk that US authorities may access the data on the basis of surveillance programmes based on Section 702 of the Foreign Intelligence Surveillance Act and on the basis of Executive Order 12333 or Presidential Police Directive 28, without EU citizens having effective legal protection against such access.

In the event of a transfer of your personal data to unsafe third countries, we will take steps to ensure the adequate protection of your personal data in those countries (e.g. by, inter alia, entering into the EU Commission's standard contractual clauses, with additional safeguards where necessary). We will provide evidence of the respective protection mechanism upon request to the contact details stated under the first sub-item of points 2 ff. in each case.

#### **7. Joint CRM system that we operate as Joint Controller**

The companies of the Dürr Group operate a joint customer database (CRM system) and in this respect act as Joint Controllers within the meaning of Art. 26 DSGVO (also referred to as Joint Controllers).

You can view the companies of the Dürr Group [here](#). As a rule, data is stored for as long as is necessary for the purpose for which it was collected or as long as is required by law, or if we have a legitimate interest in storing the data, for example for the purposes of legal enforcement.

If this involves the transfer of data to Dürr companies outside the EEA, we rely on the standard contractual clauses of the EU Commission. We also refer to the explanations on third country transfers under item 6.

The CRM system is provided by Salesforce. The storage location is the EU. A transfer of data to companies of the Salesforce Group outside the EEA is not excluded. Salesforce generally stores the personal data in the USA. Salesforce has issued binding corporate rules for this purpose (so-called Binding Corporate Rules, available at

[https://www.salesforce.com/content/dam/web/en\\_us/www/documents/legal/misc/Salesforce-Processor-BCR.pdf](https://www.salesforce.com/content/dam/web/en_us/www/documents/legal/misc/Salesforce-Processor-BCR.pdf) ), which ensure the secure transfer of data. Internally, we have distributed

responsibilities in a contract as follows: Data subjects can contact all jointly responsible persons in order to exercise data subject rights (see more details on data subject rights under item 11).

The Dürr Group company to which you have provided your data will nevertheless act as your first point of contact. The company responsible for the information obligations under Art. 13 f. DSGVO is Dürr Systems AG, which is in charge of operating the CRM system. The jointly responsible parties are responsible for fulfilling the necessary reporting obligations and maintaining documentation within the scope of their area of activity, for obliging employees to maintain confidentiality and informing them of their obligations under data protection law, and for ensuring technical and organisational security in data processing.

## **8. Retention period**

We store personal data for the above-mentioned purposes. To the extent that you or a third party have provided data to us, such data will only be processed from the time of collection. We delete personal data when the contractual relationship has ended, all mutual claims have been satisfied and there are no other legal retention obligations or legal bases for continued retention. The statutory retention period for accounting and tax-relevant documents is generally ten years. There is a 10-year retention obligation applicable to commercial papers, regardless of whether they are in paper form or digital (e-mail). Regardless of the retention periods, we ensure that only authorised employees have access to this data at all times. This applies to paper files and digital data in IT systems.

Data collected when you contact us will be retained as long as it is needed to communicate with you, to inform you or to maintain a business relationship with you. This data will be deleted when

- The grounds indicated above no longer apply and are not expected to apply again in future
- You exercise your right to erasure
- Erasure is required by law (usually ten years after the termination of the contractual relationship)

## **9. Where is the data processed?**

We store, collect and process information mainly in Germany and the EEA.

In doing so, we comply with local laws and restrictions regarding the processing of the personal data we collect, including the General Data Protection Regulation.

When transferring data to countries outside the European Union, we ensure that a level of data protection within the meaning of Art. 44 et seq. DSGVO is complied with.

The personal data is processed in our internal systems and by the processors contracted by us. The headquarters of some of the companies used as processors is in the USA. Your processed data will

therefore also be transmitted to and stored at data centres in the USA. DUALIS GmbH IT Solution has concluded a Data Processing Agreement (DPA) with standard contractual clauses with the corresponding processors. The processors have consequently undertaken to comply with the standards and regulations of European data protection law.

#### **10. To what extent is automated decision making used in individual cases (including profiling)?**

We do not use purely automated decision-making procedures as referred to in Article 22 GDPR. Should we use these procedures in individual cases, we will inform you separately to the extent required by law.

#### **11. Your rights as a data subject**

- You have the **right to obtain information** about the personal data we have processed concerning you (Art. 15 GDPR). In the case of a request for information that is not made in writing, we ask for your understanding that we may then demand verification from you that you are the person you claim to be.
- You have the **right to rectification, erasure or restriction of processing** to the extent permitted by law (Art. 16, 17, 18 GDPR).
- You have the **right to object to processing** to the extent permitted by law (Art. 21 GDPR).
- You have the **right to data portability** to the extent permitted by law (Art. 20 GDPR).
- You have the **right to lodge a complaint**. This gives you the opportunity to lodge a complaint with the competent supervisory authority (state commissioner for data protection) if you are of the opinion that we are not processing your personal data lawfully (Art. 77 GDPR).
- If personal data has been collected based on your consent, you have the right to withdraw your consent at any time without the need to provide a reason (Art. 7(3) GDPR).

#### **12. Scope of your obligations to provide your data to us**

You are only required to provide data that is necessary for the initiation and performance of a contract or based on pre-contractual activities we undertake at your request, or that is necessary for compliance with a legal obligation to which we are subject. Without this information, we will usually not be able to conclude or perform the contract. This may also relate to data required later in the course of the business relationship. If we request further data from you, you will be separately informed of the voluntary nature of the request.

#### **13. Information about your right to object (Art 21 GDPR)**

You have the right to object at any time to the processing of your data on the basis of Art. 6(1)(f) GDPR (data processing on the basis of the weighing of interests) if there are reasons to do so arising from your particular situation. This also applies to profiling based on this provision within the meaning of Art. 4(4) GDPR.

If you submit an objection, we will no longer process your personal data unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims. We may also process your personal data for direct marketing purposes. If you do not wish to receive advertising, you have the right to object at any time. We will honour your objection with prospective effect.

We will no longer process your data for direct marketing purposes if you object to processing for this purpose. You may send an objection informally to the address listed under Section 1.

#### **14. Your right to lodge a complaint with the competent supervisory authority**

You have a right to lodge a complaint with a supervisory authority (Art. 77 GDPR). The supervisory authority responsible for us is:

Commissioner for Data Protection for the Free State of Saxony  
P.O. Box 11 01 32  
01330 Dresden

Web: [www.datenschutz.sachsen.de](http://www.datenschutz.sachsen.de)

Phone: +49 (0) 351-85471 101

E-mail: [saechsdsb@slt.sachsen.de](mailto:saechsdsb@slt.sachsen.de)

However, we recommend that you always direct a complaint to our Data Protection Officer in the first instance.

#### **15. Amendments**

We may make amendments to our data protection information from time to time to reflect changes in how we process data. We will inform you of any changes.