

## 1 General information

**FONDIUM, (this means FONDIUM Singen GmbH, FONDIUM Mettmann GmbH, FONDIUM Group GmbH, FONDIUM B.V. & Co. KG)** is taking protection of your personal data seriously. Your privacy is an important concern for us. We process your personal data in compliance with the respective applicable statutory data protection requirements for the purposes named hereinafter. Personal data in the meaning of this data protection information shall be all information that are have a connection to your person.

In the following you will learn, how we treat these data. For a better overview, we divided our data protection information into chapters.

**Controller of the data processing is the entity of FONDIUM, with whom you maintain a business relationship.**

### **FONDIUM Group GmbH**

Flurstrasse 15 -17

40822 Mettmann

Germany

In case you have question or comments regarding data protection (e.g. regarding disclosure and updating of your personal data), you are free to contact our data protection officer.

### **Dirk Kirchner**

Data protection officer (DSB)

Email: [datenschutzbeauftragte@fondium.eu](mailto:datenschutzbeauftragte@fondium.eu)

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## 2 Processing scope

### 2.1 Source and origin of data collection

FONDIUM will, in context with the performance of the respective agreement, collect, process or use personal data of you, including, but not limited for the purpose of supplying or purchasing goods, services as well as for further maintainance of the contractual relationship.

As far as it is necessary for performing our services, we process personal data that we have received in a lawful manner of other companies or other third parties (e.g. credit agencies, address publishers). Futhermore we process personal data, that we have extracted, received or acquired in a lawful manner from public sources (e.g. telephone directories, commercial and association registers, register of residents, debtors' registers, land registers, press, internet and other media) and that we are entitled to process.

## 2.2 Categories of data

Relevant categories of personal data may include, but are not limited to:

- Personal details (name, date of birth, place of birth, citizenship, marital status, position / function, department, responsibility for groups of material and/or production sites, profession/sector and comparable information)
- Contact details (address, email address, phone number and comparable information)
- Payment/confirmation of cover for bank and credit cards customer history
- Data on your use of the telemedia offered by us (e.g. time of access to our websites, apps or newsletters, pages/links by us clicked on or entries and comparable data)
- Credit rating data

Applicable for the supplier portal / SAP system:

- Tax relevant data e.g. Tax and/or VAT identification number
- Order information such as nature and quantity of the products ordered or of the services used
- Data as a result of claims
- Legitimization and authentication data such as ID card, signature, company stamp and passwords
- Historical data related to the business relationship between you and us and our affiliated companies
- Advertising and sales data including target-group-specific information
- Data within the scope of ongoing contact maintenance or the initiation of business such as data related to the communication taken place including date and time as well as the reason
- - Copies of the correspondence provided it takes place in writing, by email or by fax

## 2.3 Purpose and legal basis of processed data

We process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR), the German Federal Data Protection Act, new version (BDSG-neu), and other applicable data protection regulations (details in the following). Which data is processed in detail and in which way it is used depends largely on the respective subject matter of the contract. Further details or additions regarding the purposes of data processing can be found in the respective contract documents, forms, a declaration of consent and/or other information provided to you (e.g. in the context of the use of our website or our terms and conditions).

### **Purposes for the performance of a contract or pre-contractual measures (Art. 6 para. 1 b GDPR)**

The processing of personal data is performed in order to execute our contracts with you and to carry out your orders or our assignments, as well as to carry out measures and activities within the framework of pre-contractual relations, e.g. with interested parties. This essentially includes: contract-related communication with you, the corresponding invoicing and associated payment transactions, the traceability of orders and other agreements as well as quality control by appropriate documentation, goodwill procedures, measures for the management and optimisation of business processes as well as for the fulfillment of general duties of care, management and control by affiliated companies; statistical evaluations for corporate management, cost recording and controlling, reporting, internal and external communication, emergency management, invoicing and tax evaluation of operational services, risk management, assertion of legal claims and defence in legal disputes; ensuring IT security (e.g. system or plausibility tests) and general security, securing and exercising domiciliary rights (e.g. through access controls); ensuring the integrity, authenticity and availability of data, preventing and solving criminal offences, and monitoring by supervisory bodies or control authorities (e.g. auditing).

### **Purposes within the scope of a legitimate interest of us or third parties (Art. 6 para. 1 f GDPR)**

# Information on processing of customer / supplier data

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Beyond the actual performance of the contract or letter of intent, we may process your data if it is necessary to protect the legitimate interests of us or third parties, in particular for the following purposes

- advertising or market and opinion research, insofar as you have not expressly objected to the use of your data;
- testing and optimisation of procedures for the analysis of requirements
- further development of services and products and existing systems and processes;
- enrichment of our data, including the use or research of publicly available data;
- statistical evaluations or market analysis; benchmarking;
- enforcement of legal claims and defence in legal disputes which are not directly attributable to the contractual relationship
- limited storage of the data, if deletion is not possible or only possible with disproportionately high effort due to the special type of storage;
- development of scoring systems or automated decision-making processes;
- prevention and investigation of criminal offences, insofar as not exclusively for the fulfillment of legal requirements;
- building and plant security (e.g. through access controls), insofar as this exceeds the general duties of care;
- internal and external investigations and security checks; the possible overhearing or
- Recording of telephone conversations for quality control and training purposes;
- obtaining and maintaining certifications of a private or governmental character;
- securing and exercising domestic authority through appropriate measures (such as video surveillance) as well as to safeguard evidence in the event of criminal offences and to prevent them.

## **Purposes within the scope of your consent (Art. 6 para 1a GDPR)**

Processing of your personal data for specific purposes (e.g. use of your e-mail address for marketing purposes) may also be carried out with your consent. Generally, you can withdraw this consent at any time. This also applies to the withdrawal of declarations of consent that were issued to us before the GDPR came into force, i.e. before May 25, 2018. You will be informed separately about the purposes and consequences of withdrawal of consent or failure to grant consent in the corresponding text of the consent. In general, the withdrawal of consent is only effective for the future. Processing that took place before the withdrawal is not affected and remains lawful.

## **Purposes for the fulfilment of statutory requirements (Art. 6 para. 1 c GDPR) or for the public interest (Art. 6 para. 1 e GDPR)**

As anyone who is involved in the economic process, we are also subject to many legal obligations. These are primarily statutory obligations (e.g. commercial and tax laws), but also regulatory or other official requirements, if applicable. The purposes of processing may include the fulfilment of fiscal control and reporting obligations and the archiving of data for purposes of data protection and data security as well as the examination by tax and other authorities. In addition, the disclosure of personal data may become necessary within the framework of official/judicial measures for the purpose of gathering evidence, criminal prosecution or the enforcement of civil law claims.

## **Scope of your obligation to provide data to us**

You only have to provide the data that is necessary for the establishment and execution of a business relationship or for a pre-contractual relationship with us or that we are legally obliged to collect. Without this data we will

generally not be able to conclude or execute the contract. This may also refer to data required later within the scope of the business relationship. If we request additional data from you, you will be informed separately of the voluntary nature of the information.

## Existence of automated decision making in individual cases (including profiling)

### If applicable:

In order to inform and advise you about products in a targeted manner, we use evaluation tools where necessary. These enable us to provide you with product design, communication and advertising according to your needs, including market and opinion research. Information on nationality and special categories of personal data in accordance with Art. 9 GDPR are not processed.

## 2.4 Recipient of data within the EU

Within our company, those internal departments or organisational units receive your data that require it to fulfil our contractual and statutory obligations or within the scope of processing and implementing our legitimate interests.

Your data will only be passed on to external parties

- In connection with the performance of contract;
- for the purposes of fulfilling statutory requirements according to which we are obliged to provide information, report or pass on data or if the passing on of data is in the public interest (see section 2.3);
- insofar as external service companies process data on our behalf as processors or function providers (e.g. computer centres, support/maintenance of EDP/IT applications, archiving, document processing, call centre services, compliance services, controlling, data validation or plausibility checks, data destruction, purchasing/procurement, customer management, lettershops, marketing, media technology, research, risk controlling, accounting, telephony, website management, auditing services, credit institutions, printing works or companies for data disposal, courier services, logistics);
- due to our legitimate interest or the legitimate interest of the third party for purposes within the scope of the above-mentioned purposes (e.g. to authorities, credit agencies, debt collection, lawyers, courts, experts, subsidiaries and committees and supervisory bodies);
- if you have given us your consent to the transfer to third parties.

We will not pass on your data to third parties beyond this extent. If we commission service providers within the scope of order processing, your data is subject to the same security standards there as in our company. In all other cases, the recipients may only use the data for the purposes for which it was transmitted to them.

## 2.5 Recipient of data outside the EU

Data is not transferred to bodies in countries outside the European Union (EU) or the European Economic Area (EEA) (so-called third countries).

## 2.6 Storage periods

We process and store your data for the duration of our business relationship. This also includes the initiation of a contract (pre-contractual legal relationship) and the processing of a contract.

Furthermore, we are subject to various storage and documentation obligations, which result from the German Commercial Code (HGB) and the German Fiscal Code (AO), among others. The periods of retention and documentation stipulated there are up to ten years to the end of the calendar year after the end of the business relationship or the pre-contractual legal relationship. Furthermore, special legal regulations may require a longer period of retention, such as the preservation of evidence within the framework of the statutory limitation rules. According to §§ 195 ff. of the German Civil Code (BGB), the regular limitation period is three years; however, limitation periods of up to 30 years may also be applicable.

If the data are no longer necessary for the fulfillment of contractual or statutory obligations and rights, they are regularly deleted, unless their - temporary - further processing is necessary to fulfil the purposes for an outweighing legitimate interest. Such an outweighing legitimate interest also exists, for example, if deletion is not possible or only possible with disproportionately high expense due to the special type of storage and processing for other purposes is excluded by suitable technical and organisational measures.

## 2.7 Your rights

Under certain conditions you can exercise your data protection rights against us.

- Thus you have the right to receive information from us about your data stored with us according to the rules of Art. 15 GDPR (possibly with restrictions according to § 34 BDSG-new).
- At your request, we will correct the data stored about you in accordance with Art. 16 GDPR if it is incorrect or inaccurate.
- If you request it, we will delete your data in accordance with the principles of Art. 17 GDPR, provided that other statutory regulations (e.g. statutory storage obligations or the restrictions according to § 35 BDSG-new) or an outweighing interest on our part (e.g. to defend our rights and claims) do not conflict with this.
- Taking into account the requirements of Art. 18 GDPR, you can request us to restrict the processing of your data.
- Furthermore, you can object to the processing of your data in accordance with Art. 21 GDPR, on the basis of which we are obliged to stop processing your data. However, this right of objection only applies if there are very special circumstances of your personal situation, whereby our company's rights may conflict with your right of objection.
- You also have the right, under the conditions of Art. 20 GDPR, to receive your data in a structured, common and machine-readable format or to transfer it to a third party.
- Furthermore, you have the right to withdraw your consent to the processing of personal data at any time with effect for the future (see section 2.3).
- You also have a right of complaint to a data protection supervisory authority (Art. 77 GDPR). However, we recommend that you always address a complaint to our data protection officer first.
- Your requests concerning the exercise of your rights should be addressed, if possible, in writing or by e-mail to the above address or directly in writing or by e-mail to our data protection officer.

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## Special information on your right of withdrawal according to Art. 21 GDPR

You have the right to object at any time to the processing of your data on the basis of Art. 6 para. 1 f GDPR (data processing on the basis of a balancing of interests) or Art. 6 para. 1 e GDPR (data processing in the public interest) if there are reasons for doing so arising from your particular situation.

This also applies to profiling based on this provision within the meaning of Art. 4 No. 4 GDPR. If you submit an objection, we will no longer process your personal data unless we can prove compelling reasons for processing worthy of protection that outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

We may also process your personal data in order to do direct advertising. If you do not wish to receive any advertising, you have the right to object at any time; this also applies to profiling, insofar as it is connected with such direct advertising. We will take this objection into account for the future. We will no longer process your data for direct advertising purposes if you object to the processing for these purposes.

The objection can be made in any form and should be addressed, if possible, to

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You also have the possibility to make a complaint to a data protection supervisory authority.

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