

Freigegeben am 02.09.2024 05:35 (UTC+02:00)

Status: December 2023

I. Overview

In this section of the privacy policy, you will find an overview of the data controller, its data protection officer, the purposes and legal basis for processing your data and your rights.

1. Who is responsible for data processing?

Responsible within the meaning of Art. 4 No. 7 GDPR is:

Penta-Electric GmbH

Rheinallee 30, D-79639 Grenzach-Wyhlen

Phone: +49 7624 90 85 0
info@penta-electric.de

hereinafter referred to as "Penta-Electric", "we" or "us".

2. Data protection officer

You can contact our data protection officer by e-mail: datenschutzbeauftragter@penta-electric.de or by post at the above address with the addition "Attn. data protection officer".

3. Purposes and legal bases of processing at a glance

We use your data to initiate business, to fulfil contractual and legal obligations, to implement the contractual relationship, to offer products and services and to strengthen the customer relationship, which may also include analyses for marketing purposes, customer satisfaction surveys and direct advertising. If your personal data is processed to carry out pre-contractual measures (e.g. to prepare offers for products or services) and to fulfil contractual obligations (e.g. to provide our services or to process orders/payments), Art. 6 para. 1 lit. b) GDPR) or if there is a legal obligation to process (e.g. due to tax law requirements), Art. 6 para. 1 lit. c) GDPR is the legal basis.

Your consent also constitutes a data protection authorisation provision (Art. 6 para. 1 lit. a) GDPR). We will inform you about the purposes of the data processing and about your right of revocation. If the consent also relates to the processing of special categories of personal data, we will expressly point this out to you in the consent.

4. Obligation to provide data

Various personal data are necessary for the establishment, execution and termination of the contractual relationship and the fulfilment of the asso-

ciated contractual and legal obligations. The same applies to the use of our website and the various functions it provides. In certain cases, data must also be collected or made available due to legal provisions. Please note that it is not possible to process your enquiry or fulfil the underlying contractual obligation without providing this data.

5. Your rights at a glance

We would like to take this opportunity to inform you about your rights as a data subject. These rights are standardised in Art. 15 - 22 GDPR. This includes:

- The right to information (Art. 15 GDPR),
- The right to erasure (Art. 17 GDPR),
- The right to rectification (Art. 16 GDPR),
- The right to data portability (Art. 20 EU GDPR),
- The right to restrict data processing (Art. 18 GDPR),
- The right to object to data processing (Art. 21 GDPR).

To assert these rights, please contact us or the data protection officer. The same applies if you have any questions about data processing in our company. You also have the right to lodge a complaint with a data protection supervisory authority.

II. Data processing in detail

In this section of the privacy policy, we inform you in detail about the processing of personal data in the context of our services.

1. Which categories of data do we process, data subjects and from which sources does the personal data originate?

Which data we process is determined by the respective context and the purposes of the processing.

a) The categories of personal data processed include

- Account data: Login/user ID and password
- Master data (salutation, first and last names, title, company, address)
- Job-related data (e.g. function in the company, department)
- Contact information (telephone number, mobile phone number, fax number and email address, social media accounts if applicable);
- Data required to process an enquiry, including creditworthiness data where applicable

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- CRM data, in particular customer history, customer statistics
- Personal data processed in the context of projects and meetings, in particular dates, times, participants, meeting content, minutes, travel, hospitality and accommodation
- Advertising and sales data and other data from comparable categories,
- Analysis and usage data of our websites (see separate privacy policy)
- Data in the context of support requests, trouble shooting
- Other information required to process our contractual relationship or a project with our customers or sales partners (e.g. payment data, order data, etc.)
- Visitor management at the site, including master data and contact information, reason for the visit, Penta-Electric contact person, date, time.

b) Data subjects

We process data of the following persons for the aforementioned purposes:

- Customers, suppliers and business partners
- Employees of customers, suppliers and business partners
- Employees of affiliated companies of customers, suppliers and business partners
- Lawyers, auditors, consultants, data protection officers and external service providers of the aforementioned persons,
- Interested parties.

c) We process personal data that we have obtained from business relationships (e.g. with customers or suppliers) or enquiries. Usually we receive this data directly from the contractual partner or an enquiring person. However, personal data may also come from public sources (e.g. commercial registers), provided that the processing of this data is authorised. Necessary data may also be made available to us by third-party providers and business partners if they are involved in the provision of services or have been commissioned by us. Data may also have been legitimately transmitted to us by other companies, including affiliated companies. Depending on the individual case, we may also store our own information relating to this data (e.g. as part of an ongoing business relationship).

2. For what purposes and on what legal basis do we process personal data?

We process personal data in accordance with the provisions of the GDPR and national data protection regulations:

a) In the context of the fulfilment of a contract or for the implementation of pre-contractual measures (Art. 6 para. 1 lit. b) GDPR)

We process personal data primarily for the fulfilment of contractual obligations and the provision of the associated services or in the context of a corresponding contract initiation (e.g. contract negotiations, preparation of offers). The specific purposes depend on the respective service or product to which the business relationship or contract initiation relates, in particular in connection with orders from customers and orders from suppliers and service partners. We also process your data in the processing of the services provided, in particular invoicing, debtor management, dunning and debt collection.

Data processing serves the following purposes in particular:

- Initiation, realisation and processing of orders
- The data is used to manage customer data, to process payments and, if necessary, to check creditworthiness.
- Communication with customers, service providers, subcontractors, business partners and authorities
- Support, in particular answering enquiries from our contacts, interested parties, customers or partners
- Organisation and implementation of training courses, workshops and certifications
- Carrying out internal and external audits on our behalf
- Organisation and planning, implementation and management of the business relationship between us and our customers and partners as well as our affiliated companies

b) For the protection of legitimate interests (Article 6(1)(f) GDPR)

Where necessary, we process your data beyond the actual fulfilment of the contract to protect our legitimate interests or those of third parties, namely

- Data processing for security, quality assurance and process optimisation: we process the data collected in the course of contract performance for (data) security purposes (e.g. to detect criminal offences or misuse), to compile statistics and for quality assurance, process optimisation and

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planning security to the extent permitted by law. The controller has a legitimate interest in this processing with regard to ensuring the smooth operation and continuous improvement of the respective products and services. In the opinion of the controller, there is no predominantly legitimate interest on the part of the data subjects, as the processing is carried out with as little intrusion intensity as possible, e.g. by using pseudonyms. The legal basis for this data processing is Art. 6 para. 1 lit. f) GDPR.

- Credit check and fraud prevention
- Settlement of legal disputes, enforcement of existing contracts and for the assertion, exercise and defence of legal claims
- Maintaining and protecting the security of our systems and the company's IT operations
- Measures for building and system security (e.g. access control or video surveillance)
- Exchange of management and planning data, key figures with affiliated companies and their consultants and service providers.

c) Due to legal obligations (Art. 6 para. 1 lit c) GDPR)

The purposes of processing include the fulfilment of control and reporting obligations under tax and social law. This also includes statutory reporting obligations for the provision of services and posting in accordance with A1 procedures, see also section 5, as well as the processing of personal data insofar as this is necessary for the implementation of technical and organisational measures in accordance with Art. 32 GDPR.

d) On the basis of your consent (Article 6 para.1 lit a) GDPR)

If you have given us your consent to process personal data for specific purposes in individual cases (e.g. film and photo shoots, newsletter subscription, consent to direct marketing and electronic advertising or consent to customer satisfaction surveys, for example), the lawfulness of this processing is based on your consent. You can revoke your consent at any time with effect for the future.

3. Postal advertising

We collect and process your address data and the customer segment for our own marketing purposes and the marketing purposes of our affiliated companies. Furthermore, we are authorised to store and use additional information, e.g. from your previous orders, in compliance with the statutory provisions, in order to send you advertising that is as

tailored as possible to your needs and interests. Any additional data not previously mentioned will not be passed on. The data is processed on the basis of Article 6 para. 1 lit f) GDPR. You can object to the use and forwarding of your data for advertising purposes at any time.

4. Who receives my data?

Within Penta-Electric, access to your personal data is granted to those persons who need it to fulfil our contractual and legal obligations or to protect legitimate interests.

We may transfer personal data to courts, supervisory authorities or law firms, insofar as this is legally permissible and necessary to comply with applicable law or to assert, exercise or defend legal claims.

Furthermore, service providers and vicarious agents employed by us may receive data for these purposes. We may only pass on information about you if this is required by law, if you have given your consent, if we are legally authorised to provide information or pass on information and/or if processors commissioned by us guarantee compliance with confidentiality and the provisions of the General Data Protection Regulation and the German Federal Data Protection Act.

Under these conditions, the following recipients may receive data

- Affiliated companies, namely Penta-Electric AG, Hammerstrasse 18, 4410 Liestal, Switzerland, in the context of controlling, financial controlling and reporting, processing of data as a processor, fulfilment of tasks, reporting and/or inter-company order processing.
- Customers, suppliers and business partners as well as authorities in the context of order processing
- Processors, in particular cloud services
- IT service provider as part of the (remote) maintenance of IT systems
- Subcontractors for order fulfilment,
- Customers and suppliers in the context of business correspondence and order documentation
- Auditors
- Credit assessment service provider
- Data destruction service provider
- Courts and arbitration tribunals for legal disputes
- Public bodies for the fulfilment of statutory reporting obligations, e.g. tax authorities, competent bodies in A1 procedures
- Lawyers, tax consultants and auditors

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- Debt collection service provider
- Banks, payment card processors (credit cards) and payment service providers
- Telephone provider
- Insurances
- Electronic signatures

5. Will your data be transferred to a third country?

Data is only transferred to countries outside the EU or the EEA (so-called third countries) if this is necessary for the execution of your orders (e.g. material procurement, production, delivery, logistics) or is required by law (e.g. tax reporting obligations), if you have given us your consent or as part of order processing. We also transfer data to affiliated companies to protect legitimate interests. If personal data is transferred to third countries, we ensure an appropriate level of data protection in compliance with the principles set out in Art. 44 et seq. GDPR are ensured. This means that processing takes place, for example, on the basis of special guarantees, such as the officially recognised determination of a level of data protection corresponding to the EU or compliance with recognised special contractual obligations (so-called "EU standard contractual clauses").

When providing services and posting employees (A1 procedure), we may transfer personal data about our customers and/or clients or the place of work to the competent authorities in accordance with the statutory reporting obligations.

6. How long will my data be stored?

We process and store your personal data as long as it is necessary for the fulfilment of our contractual and legal obligations. We delete/destroy your personal data as soon as it is no longer required for the above-mentioned purposes. Personal data may be stored for the period during which claims can be asserted against our companies (statutory limitation periods of three or up to thirty years). We also store your personal data insofar as we are legally obliged to do so. Corresponding proof and retention obligations arise from commercial, tax and social security regulations. We also store business-related documents and emails for the purpose of legally compliant archiving for tax purposes and documentation for the defence against unauthorised claims and the enforcement of claims. The storage period for tax and commercial law is generally 6 or 10 years at the end of a financial year in accordance with § 147 AO, § 257 HGB.

7. Obligation to provide data

We process your personal data to the extent necessary to fulfil our contractual and legal obligations and to protect our legitimate interests or if you have given us your consent. As part of the execution or initiation of a contract, you must provide the personal data required to fulfil the contract or to carry out pre-contractual measures and the associated obligations. You must also provide the personal data that we are legally obliged to collect. Without providing this data, we will not be able to conclude or fulfil a contract with you.

In cases of data collection based on consent, the provision of data by you is voluntary and not mandatory.

8. To what extent is there automated decision-making (including profiling)?

In principle, we do not use fully automated decision-making in accordance with Article 22 GDPR to establish and conduct the business relationship. Profiling does not take place. Separate data protection declarations apply to the use of the websites.

9. What data protection rights do I have?

You have the following rights vis-à-vis us as the controller. If you would like to assert your rights or require further information, please contact us or our data protection officer:

a) Rights according to Art. 15 et seqq. GDPR

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed. If this is the case, they have a **right of access** to this personal data and to the information listed in detail in Art. 15 GDPR. Under certain legal conditions, you have the right to **rectification** under Article 16 GDPR, the **right to restriction of processing** under Article 18 GDPR and the **right to erasure** ("right to be forgotten") under Article 17 GDPR. You also have the right to receive the data you have provided to us in a structured, commonly used and machine-readable format (**right to data portability**) in accordance with Article 20 GDPR, provided that the processing is carried out by automated means and is based on consent pursuant to Article 6 para 1 a) or Article 9 para 2 a) or on a contract pursuant to Article 6 para 1 b) GDPR. The restrictions under Sections 34 and 35 BDSG apply to the right to information and the right to erasure.

b) Revocation of consent

If the processing is based on consent given to us, e.g. for film and photo shoots, you can revoke your

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consent to the processing of personal data at any time (Art. 7 para. 3 GDPR). The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. The data subject will be informed of this before consent is given.

c) Right of appeal

Without prejudice to any other administrative or judicial remedy, you have the option of lodging a complaint with us or with a competent data protection supervisory authority (Article 77 GDPR in conjunction with Section 19 BDSG).

Right to object in accordance with Article 21 GDPR

In addition to the aforementioned rights, you have the right to object as follows:

Individual right of objection

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on Article 6 para 1 f) GDPR (data processing on the basis of legitimate interests); this also applies to a profile based on this provision within the meaning of Article 4 para 4 GDPR, where applicable. If you object, 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 the processing serves the establishment, exercise or defence of legal claims.

Right to object to the processing of data for advertising purposes

In individual cases, we process your personal 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 associated with such direct advertising. If you object to processing for direct marketing purposes, we will no longer process your personal data for these purposes. The objection can be made informally to the office specified under point 1.