

## Notes on Data Processing and Data Protection-judicial Approval

### Name und Contact Data of Person who is Responsible for Processing

This data protection information is applicable to data processing by:

- ESSMANN Gebäudetechnik GmbH,  
represented by their managing directors Stephen Ede, Sven Kaiser, Geert Kessels,  
Liam McDaniel, Tom Neville  
Im Weingarten 2, D - 32107 Bad Salzuflen, Germany  
Fon: +49 5222 791-0 , Fax: +49 5222 791-236, Email: info@essmann.de
- Name and contact data of appointed data protection officer:  
Mr. Jürgen Recha, interev GmbH, Robert-Koch-Straße 26, D- 30853 Langenhagen  
Fon: +49 5 11 / 89 79 84 10, E-Mail: juergen.recha@interev.de

### Collection and storage of personal data as well as type and purpose of their use

ESSMANN Gebäudetechnik GmbH (the „Company“, „we“, „us“ or „our“) will collect and process personal information relating to you in connection with its business dealing with you. We will do this in compliance with our obligations under applicable data protection law. This notice will explain what personal data relating to you is collected, the purposes for which it is used, the third parties to whom it may be disclosed, the rights you have as a party involved and how you can exercise your rights regarding your personal data.

### Personal data collected

The types of personal data relating to you that we collect and process may include:

- Your name and contact details, including your address, your email address and phone numbers.
- Information you provided during the application process
- Information which you have made available to us within the scope of our business relations
- The data of your bank account
- If required for contract execution: value added tax identification number

## **Purposes of processing and legal bases**

Your personal data may be used for the following purposes:

- To be able to identify you as a customer / contracting party / potential business partner
- For correspondence with you
- For the implementation of the application procedure for possibly initiating business relations
- For contract initiation, conclusion, execution, and termination
- For invoicing, accounting, handling of payments
- To assert justified claims on our part, to meet justified demands on your part as well as to defend unjustified claims possibly also against authorities or courts or by using the support of the latter.

The legal bases on which we collect and process your personal data as described above are as follows:

- Your approval art. 6, paragraph 1 no.1 a) DSGVO
- Necessity for the fulfilment of our contract with you art. 6, paragraph 1, no. 1 b) DSGVO
- To meet our legal and official obligations art. 6, paragraph 1, no. 1 c) and e) DSGVO
- To safeguard vital interests of the person involved (you) or of another individual person art. 6, paragraph 1, no. 1 d) DSGVO

This is necessary for the purpose of safeguarding our justified interests or those of a third party to whom we provide your personal data. Should our justified interests or those of a third party be suspended by your own interests, rights or freedom we will not process your personal data for these purposes art. 6, paragraph 1, no. 1 f) DSGVO. The justified interests for which we process your personal data will include:

- Management of our business in a responsible and prudent manner,
- Qualification of our staff to communicate with each other and with third parties
- Avoidance, investigation and detection of theft, fraud or any other criminal offence

## **Recipients of data**

We may disclose your personal data to third party recipients in connection with the above purposes including:

- To credit reference agencies in order to carry out money laundering and identity checks and to comply with legal obligations
- To third party recipients whom we engage to provide services to us, such as IT service providers, professional advisers, auditors, and outsourced service providers
- To other members of our corporate group
- To competent regulatory authorities and bodies as requested or required by law as or necessary

## **Storage**

We will store personal data only for as long as is necessary to fulfil the purpose for which it was collected or - if applicable - until the expiry of the time prescribed by law for storage (§§ 238, 257, 261 HGB und § 147 AO), after that the data will be deleted, unless you have approved storage beyond that date according to art. 6 paragraph 1 S. 1 lit. a DSGVO, or if storage is required for settling disputes that could result in connection with our contractual relationship /contract initiation or with your employment.

## **Transfer abroad**

In connection with the above we may transfer your personal data outside the European Economic Area including to a jurisdiction which has not been recognized by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. If and to the extent that we do so, we will ensure that suitable measures are taken to comply with our obligations under applicable law governing such transfers; which may include entering into a contract governing the transfer which contains the "Standard contractual clauses" approved for this purpose by the European Commission or - regarding transfers to the United States of America - ensuring that the transfer is covered by the EU-US Privacy Shield Framework.

## **Your rights**

You will have the following rights:

- According to art. 7, paragraph 3 DSGVO to revoke your given consent at all times<sup>(2)</sup>. As a consequence of this we will not be allowed to continue data processing based on this consent in the future.
- According to art. 15 DSGVO to request information about the personal data processed by us. In particular, you can request information about the purposes of processing, the category of the personal data, the categories of recipients to whom your data has been or is being disclosed, the planned storage period, the existence of a right of correction, deletion, restriction of processing or contradiction, the existence of a right of appeal, the origin of your data if the data has not been collected by us, as well as about the existence of automated decision-making including profiling and possibly to request significant information regarding the details.
- According to art. 16 DSGVO to immediately request the correction of incorrect data or the completion of your personal data stored by us.
- According to art. 17 DSGVO to request the deletion of your personal data stored by us unless processing is required for exercising right to freedom of expression and information, for meeting a legal obligation, for reasons of public interest or for enforcing, exercising or defending legal claims.

- According to art. 18 DSGVO to request restriction of processing your personal data inasmuch as you contest the correctness of the data and processing is unlawful, but you refuse deletion of the data and we do not need them any longer; however, you do need the data for enforcing, exercising or defending legal claims or you have appealed against processing according to art. 21 DSGVO.
- According to art. 20 DSGVO to request the preservation of your personal data you have made available to us in a structured, commonly used and machine-readable format or to request transfer to another responsible person <sup>(1)</sup>.
- According to art. 77 DSGVO to complain to a supervisory authority. In this case you can generally apply to the supervisory authority of your usual residence or workplace or to our registered office.

### **Right of appeal**

If your personal data is processed based on justified interests according to art. 6, paragraph 1 S. 1 lit. f DSGVO you will be entitled to appeal against the processing of your personal data according to art. 21 DSGVO provided that there are any reasons arising from your special situation.

If you want to use your right to objection please send an email to:  
info@essmann.de

To exercise one of the rights mentioned above please contact us under  
info@essmann.de

Or contact the appointed data protection officer whose contact data is as follows:

Mr. Jürgen Recha, address: interev GmbH, Robert-Koch-Straße 26, D - 30853 Langenhagen,  
Fon: +49 5 11 / 89 79 84 10, email: juergen.recha@interev.de

### **Complaints**

If do not agree to our way we have used your information or addressed your rights you can file a complaint with the competent data protection authority:

State representative for data protection and freedom of information  
North Rhine-Westphalia  
P. O. Box 20 04 44  
D - 40102 Düsseldorf  
Tel.: +49 211/38424-0  
Fax: +49 211/38424-10  
Email: poststelle@ldi.nrw.de

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<sup>1</sup> The right to data portability is only applicable if the legal basis for processing is based on consent or fulfilment of contract.

<sup>2</sup> The right to withdraw consent will only apply if consent is being relied upon as the legal basis for processing.