

Data Protection Information of GECHEM GmbH & Co KG

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Introduction

The purpose of our data protection information leaflet is to inform you about our processing of your personal data and about your rights under data protection laws.

Part I provides you with general information about our processing of your personal data and your rights as a data subject. In addition, we inform you of the circumstances under which you may object to our processing of your data.

Part II is relevant to you if you wish to communicate with us via teleconferencing and/or video conferencing. In this part you will find additional information for people taking part in videoconferences.

I. Information obligations pursuant to sections 13, 14 and 21 of the General Data Protection Regulation (GDPR)

Contact details of the data controller

Data controller:

GECHEM GmbH & Co KG
Hauptstraße 4
D-67271 Kleinkarlbach
Phone: ++49(0)6359 801260
Fax: ++49(0)6359 801320
E-mail: info@gechem.de

Contact details of the data protection officer

You can contact our data protection officer via e-mail at datenschutz@gor-gmbh.de.

What is personal data?

The term “personal data” is the gateway to the application of the General Data Protection Regulation (GDPR) and is defined in Art. 4(1) of the GDPR as any information relating to an identified or identifiable natural person.

How do we obtain personal data?

For the most part, we process personal data that, for various reasons, you have directly provided us with, i. e.:

- You have made an enquiry.
- We have received this enquiry due to our business relationship.
- You have sent us a request for information.
- The data is required so that we can provide our services.
- The data is required so that we can carry out orders and contracts.
- You have applied for a vacancy.
- You represent your company.

What data categories are processed?

Relevant personal data categories may include in particular:

- Personal data
- Contact data
- Order data
- Contract invoicing and payment data
- Documentation data
- Contract master data

Purposes and legal basis of the processing

We process your personal data based on Art. 6(1b) of the GDPR.

The processing is necessary so that we can carry out our contracts or pre-contractual measures with you and complete your order, as well as for all activities necessary for the operation and administration of our services. The individual details concerning the purpose of data processing can be found in the respective contract documents.

Apart from the actual execution of the contract, we process personal data in accordance with Art. 6(1f) of the GDPR. This is permitted if the processing is necessary to safeguard our legitimate interests or those of a third party, except where such interests are overridden by your interests or fundamental freedoms which require the protection of personal data. Such a legitimate interest exists, for example, when it comes:

- to examining and optimising procedures to analyse demand and directly approach customers;
- to asserting legal claims and defending our company in legal disputes;
- to ensuring the IT security and IT operation of our company.

If you have given your consent to us processing your personal data for specific purposes, the lawfulness of such processing is ensured based on your consent (Art. 6(1a) of the GDPR). You may withdraw your consent at any time. Please note that any withdrawal will only take effect in the future. Any processing that took place before your withdrawal will not be affected.

In addition, we process personal data in accordance with Art. 6(1c) of the GDPR, whenever this is necessary to comply with legal obligations that the company is subject to, i.e. commercial and tax law obligations in accordance with section 257 of the German Commercial Code [HGB] and section 147 of the German Fiscal Code [AO].

When you contact us

When you call our switchboard or our employees, we collect caller identification information (caller ID). Unless your telephone number is suppressed or withheld, it is displayed on our device and will automatically be saved in the call list of the target telephone set together with the time and date of the call. We do not record the call itself, but we may make telephone notes which we can archive at a later date if they are relevant to the procedure. We use this information to forward your enquiry to the relevant internal department. We may also use the number to call you back if you have asked us to do so, if your call is interrupted or if there is a problem with the line.

If you provide us with your e-mail address so that we can attend to a matter, we will store it and use it for further communication concerning the relevant matter unless you object to such use. We would recommend that you only use encrypted communication when you disclose confidential data. We also monitor all e-mails sent to us, including data attachments, for viruses or malware.

Provision of data on a voluntary or obligatory basis

To enter into a contract, you are required to provide us with the above-mentioned personal data. Without this data we may need to refuse entering into the contract or may no longer be able to fulfil an existing contract and may have to terminate it.

Recipients or categories of recipients of your data

Within our company, your data will be passed on to those internal departments that require it to fulfil our contractual obligations or as part of the processing and implementation of our legitimate interest. Your data will only be transmitted to external parties:

- in connection with the order processing;
- for the purposes of complying with legal requirements based on which we must provide information, reports or pass on data;
- if external service providers process data on our behalf as processors or parties carrying out functions (e.g. support/maintenance of EDP/IT applications, web services);
- due to our legitimate interest or the legitimate interest of a third party (e.g. authorities, credit agencies, lawyers, courts, experts);
- if you have given us your consent to transfer your data to third parties.

If we commission service providers to process certain orders, your data will be subject to the same security standards as those that apply to us. In all other cases, the recipients may only use the data for the purposes for which it was transferred.

Transfer of personal data to a third country

We do not plan to transfer your personal data to a third country.

Data shall be transferred to locations outside the European Union (EU) or the European Economic Area (EEA) (so-called third countries) if such transfer is necessary to carry out an order/contract placed by you or arranged with you, if it is required by law, if it is in our legitimate interest or that of a third party or if you have given your consent. Your data may also be processed in a third country in connection with the involvement of service providers engaged in order processing. If there is no decision by the EU Commission guaranteeing an appropriate level of data protection in the country in question, we shall, based on the corresponding contracts, ensure that your rights and freedoms are adequately and reasonably protected and guaranteed in accordance with EU data protection regulations. Upon request, we will provide you with detailed information.

Duration of storage of personal data

We process and store your data for the duration of our business relationship. This also includes the initiation of a contract and its processing.

In addition, we are subject to various storage and documentation obligations arising, among others, from commercial or tax law regulations. Depending on the type of document, the

respective retention and documentation periods are six, seven or ten years after the end of the business relationship or the pre-contractual legal relationship, and in exceptional cases, even 50 years depending on the applicable national law.

Furthermore, special legal regulations may require a longer retention period, e.g. the preservation of evidence within the framework of statutory limitation periods.

If the data is no longer required to comply with contractual or legal obligations and rights, it is regularly erased unless its temporary disclosure is necessary to fulfil an obligation due to an overriding legitimate interest. Such an overriding interest also exists, for example, if, due to the special type of storage required, erasure is either not or only possible at disproportionate expense and if processing for other purposes using suitable technical and organisational measures is excluded.

Your rights as a data subject

Data protection laws grant you various data subject rights to which we must draw your attention.

You may request information on personal data stored about you at the above address (Art. 15 of the GDPR). If incorrect personal data is processed, you have the right to rectification (Art. 16 of the GDPR). If the legal requirements are met, you may request the erasure or restriction of the processing of your personal data and object to its processing (Art. 17, 18 and 21 of the GDPR).

If you have consented to data processing or if there is a contract for data processing and if data processing is carried out with the help of automated procedures, you may have a right to data portability (Art. 20 of the GDPR).

If you make use of your rights, we will check whether the respective legal requirements are met.

You may assert your rights via GECHEM GmbH & Co KG using the above-mentioned contact details of the data protection officer.

Your right to lodge a complaint

Pursuant to Art. 77 of the GDPR you are entitled to lodge a complaint with the above-mentioned data protection officer or the data protection supervisory authority.

The data protection supervisory authority responsible for us is

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Rheinland-Pfalz
Hintere Bleiche 34
55116 Mainz
Phone: ++49(0)6131 2082449
E-mail: poststelle@datenschutz.rlp.de

Automated decision-making (including profiling)

We do not use automated decision-making (Art. 22 of the GDPR). Should we make use of this tool in individual cases in the future, we will inform you separately if this is required by law.

Right to object

Due to reasons resulting from your individual situation and based on Article 6(1f) of the GDPR, you have the right to object at any time to the processing of your personal data.

If you object, we will no longer process your personal data unless GECHEM GmbH & Co KG can prove compelling legitimate grounds for processing which override your interests, rights and freedoms, or the processing is necessary to assert, exercise or defend legal claims.

If you have given your consent to have your data processed by us (Art. 6(1a) or Art. 9(2a)), it is your right to withdraw your consent at any time. The lawfulness of the data processing shall remain unaffected until you withdraw your consent.

Your objection may be made informally and should preferably be addressed to:

GECHEM GmbH & Co KG
Hauptstraße 4
D-67271 Kleinkarlbach
Phone: ++49(0)6359 801260
Fax: ++49(0)6359 801320
E-mail: info@gechem.de

II. Additional information for participants in videoconferences

Type of data

- Activity data
- User data (user name, profile picture)
- Tele-data and video-data
- Contact data
- Meeting data (topic, participant ID, device/hardware information)
- User data (data for joint processing)
- Factual data (chat data)

Purposes and legal basis for processing

We use the Microsoft Teams tool to carry out and organise presentations, discussions, joint project work, team meetings and conferences.

The legal basis for data processing during online meetings is Art. 6(1b) of the GDPR, provided that meetings take place within the framework of contractual relationships. If there is no contractual relationship, the legal basis is Art. 6(1f) of the GDPR. In this context we are interested in the effective handling of online meetings. Another legal basis is the consent given pursuant to Art. 6(1a) of the GDPR.

Platform used

Microsoft Teams is a platform that combines chats, meetings, notes, and attachments. Microsoft is Privacy Shield certified. A corresponding order processing contract is included in the OST (Online Service Terms). The privacy statement as well as the standard EU contractual clauses are available and can be viewed on the provider's website.

Data processing during the use of Office 365

• **Functional data:**

When using Office 365, Microsoft processes a large amount of data, including personal data. To a certain extent, data processing relates to functional data. These are data processing operations that are necessary for the provision of the Office 365 services. In this context and based on the Online Service Terms (hereinafter referred to as "OST"), Microsoft acts as a processor pursuant to Art. 28 of the GDPR. A corresponding order processing contract is included in the OST. The processing of functional data results from the instruction given by the client to Microsoft. The instruction corresponds to the use of the service by the client. Functional data is deleted immediately after the service has been provided.

• **Content data:**

Apart from functional data that is used to provide the service, Microsoft as a processor also automatically processes content data. These are actual documents, presentations, e-mails etc. that users create for Microsoft when working with Office 365. Microsoft only processes

this data for the provision of the Office 365 service. Any other use is excluded by the OST terms under “processing of customer data”.

- **Diagnostic data:**

In addition to functional and content data, Microsoft processes a large amount of so-called diagnostic data when providing Office 365 services. This data contains a unique ID generated by Office 365 that clearly allocates it to a user. This information is sent to Microsoft's servers. It cannot be ruled out that during this process some data is transferred to the USA. Microsoft has stated to use this information for the following purposes: providing and improving the services, updating the services and their security.

Further information and the privacy policy can be found on the provider's website.

Profiling

Data will NOT be used for profiling, data analyses, market research or advertising purposes.

Transmission to a third country

GECEM GmbH & Co KG does not transfer any data to a third country. “Microsoft Teams” is a service provided by an American service provider. Therefore, personal data is processed in a third country. A reasonable data protection level is, on the one hand, guaranteed by the “Privacy Shield” certification and, on the other, ensured by the so-called EU standard contractual terms.

Data recipients

Personal data that is processed during the course of “videoconferences” is, as a general rule, not transferred to third parties unless it is explicitly designed for disclosure. Please note that any content covered in “videoconferences” as well as personal meetings is often used to share information with customers, interested parties or third parties and, as such, is intended for disclosure.

Other recipients: The provider of “Microsoft Teams” will necessarily become privy to the above-mentioned data as far as our processing contract provides for communication with customers, interested parties or third parties and as far as data is therefore intended for disclosure.

Storage period

We delete or anonymise your personal data as soon as it is no longer required for the purposes for which we collected or used it in accordance with the above paragraphs. As a general rule, we store your personal data for the duration of our contractual relationship with you. Login data and IP addresses will, at the latest, be deleted after 30 days, unless we are authorised or obliged to store them for a longer period. Specific information in this data protection document or legal requirements regarding the retention and deletion of personal data, in particular data that we are required to retain for tax reasons, are not affected hereby.

Rights of data subjects

- Right of access (Art. 15 of the GDPR)
- Right to rectification, erasure and restriction of processing (Art. 16, Art. 17, Art. 18 of the GDPR)

- Right to data portability (Art. 12 of the GDPR)
- Right to object (Art. 21 of the GDPR)
- Right to lodge a complaint with the competent supervisory authority in charge of GECHEM GmbH & Co KG (Art. 13 of the GDPR)

In our case, the competent supervisory authority is:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Rheinland-Pfalz
Hintere Bleiche 34
55116 Mainz
Phone: ++49(0)6131 2082449
E-mail: poststelle@datenschutz.rlp.de

Necessity

We process data to carry out videoconferences and maintain business operations based on the soft- and hardware used.

GECHEM GmbH & Co KG
