



Data Protection Notice for Business Partners

Dear Prospective and Existing Customers,

In accordance with the requirements of the EU General Data Protection Regulation (GDPR), we are hereby informing you of the personal data that will be collected about you and your data protection rights in that regard. Which specific data are processed and how they are used is governed largely by the services agreed or requested. To ensure that you are fully informed of the processing of your personal data in connection with the performance of a contract or steps taken prior to entering into a contract, please take note of the information set out below.

1 | Controller for data processing

The controller pursuant to Art. 4(7) GDPR and the applicable national data protection regulations is the **Circlon | group**®, consisting of the following companies:

- \ Circlon Holding GmbH
- \ Circlon Entwicklung- und Service GmbH
- \ Circlon Consulting GmbH

If you have any queries, please direct them to:

Ettore-Bugatti-Straße 35 | D-51149 Cologne, Germany
Tel. +49 2203 18880 | info(at)circlon.de

Please send general questions about data protection in the Circlon Group to DSO-Team(at)circlon.de. Our data protection officer can be contacted by post at the above address (please mark the envelope “Datenschutzbeauftragter”) or by e-mail at DSO(at)circlon.de.

2 | What data and sources do we use?

We process personal data which we receive directly from our customers, suppliers, contractors and prospective customers in the course of our business relationship. Where necessary for the performance of our services, we also process personal data which we lawfully obtain from publicly accessible sources or which are legitimately transferred to us by other companies within the **Circlon | group** or by other third parties.

Relevant personal data, including those of prospective customers making enquiries, could include master data (e.g. name, address, phone number, e-mail address, customer number), order data, data for the fulfilment of our contractual obligations, information on your credit rating, payment reliability, correspondence (e.g. with you) and other data comparable with these categories.



This notwithstanding, there can always be circumstances in which we process personal data about you that are not itemised here or the purposes of which are not listed here. In these cases we will provide separate information – depending on the particular reason – about data protection for you to the extent required by law.

3 | Why do we process your data (purpose of processing), and on what legal grounds?

We process your personal data in compliance with the GDPR and the Federal Data Protection Act (BDSG) as well as all other prevailing laws to the extent that these data are required in order to decide on the establishment of a business relationship.

Such processing is lawful if at least one of the following conditions is met:

3.1 Processing in order to perform contractual obligations (point (b) of Art. 6(1) GDPR)

Personal data are processed for the purpose of performing contracts with our customers, suppliers, contractors and prospective customers or taking steps prior to entering into such contracts or dealing with your enquiries.

3.2 Processing in order to comply with legal obligations (point (c) of Art. 6(1) GDPR) or in the public interest (point (e) of Art. 6(1) GDPR)

We also process your personal data in order to comply with legal obligations, e.g. duties of retention under commercial or tax law, or our duty to advise.

3.3 Processing within the scope of a balancing of interests (point (f) of Art. 6(1) GDPR)

Where necessary, we will process your data beyond actual performance of the contract in order to protect our legitimate interests or those of third parties. Examples:

- \ Review and optimisation of processes for demand analysis and direct sales pitching, incl. customer segmentation and calculation of the probabilities of closing a deal
- \ Marketing our own products, unless you have objected to the use of your data
- \ Establishing legal claims and defences in the event of legal disputes
- \ Guaranteeing IT security and IT operations
- \ Preventing criminal offences
- \ Measures to protect buildings and systems (e.g. physical access controls)
- \ Measures to safeguard the right to determine access
- \ Measures to control and develop business in products and services



Our company will normally review your credit rating and default risk prior to entering into contracts and in certain other circumstances where we have a legitimate interest. To do so we collaborate with Creditreform Köln v. Padberg GmbH & Co. KG (Gustav-Heinemann-Ufer 68, 50968 Cologne), from whom we obtain the necessary data. To this end we will transfer your name and contact data to Creditreform. Further information about data processing at Creditreform can be found in the comprehensive notice sheet entitled "Creditreform information pursuant to Art. 14 GDPR" (see Annex 1).

E-mail advertising to existing customers

Once you make a purchase from us, we also use your contact information to send you further relevant information about our products by e-mail („existing customer advertising“). This may include, in particular, news, promotions and offers as well as feedback and other surveys.

The legal basis for this data processing is Art. 6 Para. 1 lit. f DSGVO in conjunction with § 7 Para. 3 UWG, according to which data processing is permissible for the exercise of legitimate interests, insofar as this concerns the storage and further use of the data for advertising purposes. You can object to the use of your data for advertising purposes at any time by using a corresponding link in the e-mails or by notifying the above contact details (e.g. by e-mail or letter), without incurring any costs other than the transmission costs according to the basic rates.

3.4 Processing on the basis of your consent (point (a) of Art. 6(1) GDPR)

If you have given us consent to process personal data for certain purposes (e.g. forwarding to third parties, analysis for marketing purposes or advertising), your consent makes such processing lawful. Once given, consent can be withdrawn at any time with effect for the future (see also section 7). It does not affect processing performed prior to the withdrawal of consent.

4 | Who receives your data?

Within the Circlonl group, your data will be transferred to certain companies (see section 1) in order to fulfill our contractual and legal obligations or to implement our legitimate interests if these companies perform data processing tasks centrally and insofar as this is permissible within the scope of the purposes and legal bases set out in section 3 of this data protection information sheet.

Our tax consultants receive all accounting data. Direct debits are handled by our bank.

Information about you will only be passed on outside the company (e.g. to social insurance institutions, tax authorities or criminal prosecution authorities) if this is permitted or required by legal or official notification obligations, the transfer is necessary for the processing and thus the performance of the contract or, at your request, to take steps prior to entering into a contract, if we have your consent or if we are authorised to provide information.



Your personal data will always be processed on our behalf on the basis of processing contracts in accordance with Art. 28 GDPR. The categories of recipient are providers of the customer management systems or software solutions for the destruction of data and for the support and maintenance of IT systems and applications.

5 | Will data be transferred to a third country or an international organisation?

If we process data in a third country (i.e. outside the European Union (EU) or the European Economic Area (EEA)) or if this is done for the utilisation of services of third parties or the disclosure or transfer of data to third parties, this will only take place if it is necessary in order to perform our (pre-)contractual obligations, on the basis of your consent, on the basis of a legal obligation or on the basis of our legitimate interests. Subject to legal or contractual consents, we will only process the data or have the data processed in a third country if the particular requirements of Art. 44 et seq. GDPR are met. In other words, processing will be performed on the basis of particular guarantees such as the officially recognised establishment of a level of data protection corresponding to that of the EU or compliance with officially recognised specific contractual obligations (known as “standard contractual clauses”).

6 | For how long will your data be stored?

We will process and store your personal data for as long as is necessary for the performance of our contractual and legal obligations. Your personal data will normally be erased or blocked if they are no longer necessary for the performance of our contractual or legal obligations, you have made use of your right to erasure, all mutual claims have been satisfied and there are no other legal duties of retention or justifications for the storage of your data.

We are also subject to various duties of retention and documentation under the German Commercial Code (HGB) and Fiscal Code (AO), among others. The retention or documentation periods specified there are two to ten years.

The duration of storage is also governed by the statutory limitation periods, which are normally three years according to sections 195 et seq. of the German Civil Code (BGB), for instance, but can be as much as thirty years in certain cases.

7 | What data protection rights do you have?

You can demand access to the data stored about you (Art. 15 GDPR) by contacting the above address. Furthermore, you can demand the rectification of any incorrect data we store about you (Art. 16 GDPR). Under certain circumstances you can also demand the erasure of your data (Art. 17 GDPR) or assert your right to object (Art. 21 GDPR). You likewise have a right to the restriction of processing of your personal



data (Art. 18 GDPR) and a right to the return of the data you have provided (Art. 20 GDPR). The right of access and right of erasure are subject to the restrictions set out in sections 34 and 35 BDSG.

If you believe that the processing of your personal data infringes the requirements of the General Data Protection Regulation, you have the right to contact your respective data protection supervisory authority (Art. 77 GDPR in conjunction with section 19 BDSG). In the case of North Rhine-Westphalia, this is the State Commissioner for Data Protection and Freedom of Information, Kavalleriestr. 2-4, 40213 Düsseldorf.

If data are processed on the basis of your consent, Art. 7 GDPR gives you the right to withdraw consent to the processing of your personal data at any time. Please note that the withdrawal only has effect for the future. It does not affect processing performed prior to the withdrawal of consent. Please also note that we are required to retain certain data for the fulfilment of statutory requirements or for a certain period of time.

8 | Information on your right to object under Article 21 GDPR

1. RIGHT TO OBJECT ON A CASE-BY-CASE BASIS

You have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you which is based on point (e) of Article 6(1) GDPR (data processing in the public interest) or point (f) of Article 6(1) GDPR (data processing based on a balancing of interests); this also applies for profiling based on those provisions within the meaning of Article (4) no. 4 GDPR.

If you object, we will stop processing your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

2. RIGHT TO OBJECT TO THE PROCESSING OF DATA FOR THE PURPOSE OF DIRECT MARKETING

In isolated cases we will process your personal data for direct marketing purposes. You have the right at any time to object to the processing of personal data concerning you for the purposes of such marketing. Where you object to processing for direct marketing purposes, the personal data concerning you will no longer be processed for such purposes. There is no requirement on the form the objection takes. Where possible, it should be sent to:

You are welcome to use the contact data given in section 1 when asserting your rights.



9 | What happens if you do not provide your data?

The provision of personal data for the establishment, performance or fulfilment of a contract or to take steps prior to entering into a contract is generally not required either in law or contractually. This means you are not under any obligation to disclose your personal data. Please note, however, that they are normally required for a decision on entering into a contract, the performance of a contract or steps taken prior to entering into a contract. If you do not provide us with any personal data, we may not be able to take a decision within the scope of contractual measures. We recommend always only providing the personal data that are necessary in order to enter into or perform a contract or take steps prior to entering into a contract.

10 | Automated decision-making

We do not in principle use any automated decision-making pursuant to Art. 22 GDPR in order to establish, perform or fulfil the business relationship or take steps prior to entering into a contract. Should we use these processes in individual cases, we will inform you of this separately and ask for your consent if this is required by law.



Annex 1 - Information on data protection at Creditreform

Controller within the meaning of Art. 4 no. 7 GDPR:

Creditreform Köln v. Padberg GmbH & Co. KG Gustav-Heinemann-Ufer 68 | D - 50968 Cologne

Tel +49 (0) 221 37660 0 | Fax +49 (0) 221 37660 61 | info@koeln.creditreform.de

You can reach our data protection officer by post at the above address (please mark the envelope "Datenschutzbeauftragter") - or by e-mail at: datenschutz@koeln.creditreform.de.

Our database holds in particular details regarding your name, trading name, address, marital status, occupation, financial circumstances, any liabilities and information payment behaviour.

Some of the data come from publicly accessible sources such as public registers, the internet, the press and other media and the transfer of data concerning outstanding debts.

The purpose of processing the data collected is the provision of information on the creditworthiness of the person/company that is the subject of the enquiry, including other information of relevance to the credit rating, and use for direct marketing purposes. The legal basis for the processing is point (f) of Art. 6(1) GDPR. If Creditreform as a collection company pursues a claim against you as a debtor, the necessary data will also be processed in Creditreform's collection department.

Under point (f) of Art. 6(1) GDPR, information about the data we store may only be issued if a customer credibly demonstrates a legitimate interest in knowing this information. Where data are transferred to states outside the EU, this is done on the basis of what are known as standard contractual clauses, which you can view at <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32001D0497&from=DE> or request to be sent to you.

Legitimate interests within the above meaning may be a decision about a loan, initiation of a business relationship, investment holdings, claims, credit checks, insurance policies, outstanding debts or information regarding debt execution.

Our customers, operating in Germany and abroad, include credit institutions leasing companies, insurance companies, telecommunications companies, receivables management companies, mail order, wholesale and retail companies as well as other companies that supply goods or services against invoice. Within the framework of the legal provisions, some of the data available in the business database is also used for supplying other company databases, including for use for address trading and advertising purposes, as well as for the production of corresponding data carriers.



The data will be stored as long as knowledge of them is necessary for the fulfilment of the purpose of storage. Generally knowledge is necessary for an initial storage period of three years. After expiry, a check will be made to ascertain whether storage is still necessary, failing which the data will be deleted. In the event that a matter is settled, the data will be deleted three years to the day after settlement. Pursuant to section 882e of the German Code of Civil Procedure (ZPO), entries in the debtors' register are deleted three years to the day from the date entry was ordered. Further details can be found (in German) in the "Verhaltensregeln für die Prüf- und Löschfristen von personenbezogenen Daten durch die deutschen Wirtschaftsauskunfteien" [Rules of conduct for the verification and deletion periods of personal data by German credit reporting agencies] drawn up by the association „Die Wirtschaftsauskunfteien e.V.“, which can be found under the following link: http://www.handelsauskunfteien.de/fileadmin/user_upload/handelsauskunfteien/doc/DW_CoC_Loeschfristen_180418_final_Logo.pdf

You have a right of access to the personal data we store about you. Should the data stored about you be incorrect, you have a right to rectification or erasure. If it cannot be ascertained immediately whether the data are correct or incorrect, you have a right to have the data blocked until such clarification is obtained. If your data are incomplete, you have a right to demand that the data be completed.

If you have given us consent to process the data we store, you have the right to withdraw this consent at any time. Withdrawal does not affect the lawfulness of the processing of your data based on consent prior to the withdrawal.

You can lodge a complaint about our processing of your data with the state commissioner for data protection for your German state.

The transfer of your data to us is neither prescribed by law or contract or required in order to enter into a contract. You are not under any obligation to give us the data requested. If you do not give us your data, this may make it difficult or impossible for your lender or supplier to assess your creditworthiness, which may in turn result in you being refused credit or advance delivery from the supplier.

RIGHT TO OBJECT:

THE DATA WE STORE ARE PROCESSED ON THE BASIS OF COMPELLING LEGITIMATE GROUNDS OF PROTECTING CREDITORS AND LOANS THAT GENERALLY OVERRIDE YOUR INTERESTS, RIGHTS AND FREEDOMS OR SERVE THE ESTABLISHMENT, EXERCISE OR DEFENCE OF LEGAL CLAIMS. ONLY IN THE CASE OF GROUNDS RELATING TO YOUR PARTICULAR SITUATION, WHICH MUST BE VERIFIED, CAN YOU OBJECT TO THE PROCESSING OF YOUR DATA. IF THE EXISTENCE OF SUCH PARTICULAR GROUNDS IS VERIFIED, THE DATA WILL NO LONGER BE PROCESSED. IF YOU OBJECT TO THE PROCESSING OF YOUR DATA FOR ADVERTISING AND MARKETING PURPOSES, THE DATA WILL NO LONGER BE PROCESSED FOR THESE PURPOSES.