

Privacy notice for customers, suppliers and other individuals

Privacy notice for customers and other data subjects

With the following information we would like to provide you, as a customer or a party interested in our products, with an overview of how we process your personal data and your rights resulting from data privacy laws. What data is specifically processed and how it is used basically depends on the services you would require or have agreed to. Therefore, not all of this information will apply to you.

What sources and data do we use?

We process personal data, which we receive in line with our business relations from our customers or other data subjects. Furthermore, we process, insofar as required for our business relationship, personal data, which we permissibly obtain from publicly available sources (e.g. records of debtors, land registers, commercial registers, the press or Internet) or which is transmitted to us by third parties (e.g. a credit report) authorised to do so.

Relevant personal data includes:

- contact no.
- first name
- last name
- position
- telephone no. (business)
- email address
- department

Furthermore, this data can also be order data (e.g. payment order), data from fulfilling our contractual obligations (e.g. sales data in payment transactions).

Privacy notice for customers, suppliers and other individuals

Why do we process your data (purpose of processing and what is the legal basis for this processing?)

We process personal data in compliance with the provisions of the EU General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG)

a. to fulfil contractual obligations (art. 6 sec. 1 b of the GDPR)

Data is processed to execute and realise orders and assignments in line with the performance of our agreements with our customers or to implement precontractual measures, which are taken upon request. The purposes of data processing are primarily aimed at the precise product and service and can include requirement analyses, consultations, sales and service agreements as well as regulatory requirements. You can obtain further details regarding the purposes of data processing from the relevant contract documents and terms and conditions of business.

b. in line with the balancing of interests (art. 6 sec. 1 f of the GDPR)

Where required, we process your data beyond the actual performance of agreement, to maintain our legitimate interests or those of third parties. Examples of this are:

- Consultation and data exchange with information offices (e.g. SCHUFA - the German General Credit Protection Agency), to determine credit or non-payment risks
- Review and optimisation of processes for requirement analysis for the purpose of direct sales approaches,
- advertising or market and opinion research, provided that you did not object to the use of your data,
- assertion of legal claims and defence for legal disputes,
- ensuring IT security and the IT operation of the company,
- prevention and investigation of criminal acts,
- video surveillance to safeguard domiciliary rights, to collect evidence in the event of break-ins (also refer to § 4 of the German Data Protection Act - BDSG),
- measures for building and facility security (e.g. access control),
- measures to secure domiciliary rights,
- measures for business management and further development of services and products,
- risk management

Privacy notice for customers, suppliers and other individuals

c. Based on your consent (art. 6 sec. 1 a of the GDPR)

Insofar as you have given us consent to process personal data for specific purposes (e.g. disclosure of data, analysis of payment transaction data for marketing purposes, photographs in line with events, sending of newsletters), the legitimacy of this processing is based on your given consent. Consent given can be revoked at any time. This also applies to the revocation of consent, which was given to us prior to the validity of the GDPR, i.e. prior to May 25, 2018. The revocation of consent takes effect for the future and does not affect the legitimacy of the data processed prior to revocation.

d. Based on legal requirements (art. 6 sec. 1 c of the GDPR) or in public interest (art. 6 sec. 1 e of the GDPR)

Moreover, we, as a company, are subject to various legal obligations, i.e. legal requirements (e.g. Money Laundering Act, tax laws as well as regulatory requirements). Among others, the purposes of processing include credit assessment, identity and age verification, prevention of fraud and money laundering, the fulfilment of inspection and reporting obligations in accordance with tax laws as well as the assessment and management of risks in the company.

Who receives my data?

The departments within the company, which have access to your data, are those which require it to perform our contractual and legal obligations. Service providers and vicarious agents we engage can also receive data for these purposes, in particular if these maintain confidentiality and integrity. These are companies in the categories of IT services, logistics, printing services, telecommunication, debt collection, consultation as well as sales and marketing.

Regarding the transmission of data to recipients outside our company, please note that we only disclose personal data required taking the applicable provisions for data privacy into account. We are only permitted to disclose your information if the legal provisions allow us to do so, you have consented or we are authorised to provide information. Under these conditions, the recipients of personal data can be for instance:

Privacy notice for customers, suppliers and other individuals

- Public authorities and institutions (e.g. tax authorities, law enforcement authorities, family courts, land registries) if there is a legal or official obligation,
- other banks or financial services institutions or comparable establishments, to which we transmit personal data in line with the implementation of the business relationship
- creditors or insolvency administrators, who enquire in line with a judicial execution,
- auditors,
- service providers, which we involve in line with the circumstances of data processing.

Is data transmitted to a third country or an international organisation?

Data is transmitted to places in states outside the European Union (so-called third countries) insofar as

- it is required, to execute your orders
- it is prescribed by law or
- there is a necessity within the IMC Group

Furthermore, transmission to places in third countries stipulated in the following cases:

- Insofar as this is required in individual cases, it is possible that your personal data is transmitted to an IT service provider in a third country, to ensure the IT operation of the company; this is conducted in compliance with the European standard for data privacy.

Privacy notice for customers, suppliers and other individuals

How long is my data stored?

We process and store your personal data as long as this is required to fulfil our contractual and legal obligations.

If the data is no longer required to fulfil contractual or legal obligations, it is erased on a regular basis unless its – temporary – further processing is required for the following purposes:

- fulfilment of retention obligations under commercial and tax law
- Commercial Code (HGB), Tax Code (AO), Money Laundering Act (GwG). The periods specified in these cases for retention or documentation are usually two to ten years.
- Safeguarding of evidence in line with statutory statutes of limitation. Pursuant to §§ 195 ff. of the German Civil Code (BGB), these statutes of limitation can amount to 30 years, whereby the regular statute of limitation is 3 years.

What data privacy rights do I have?

Every data subject has the right of access in accordance with article 15 of the GDPR, the right to rectification in accordance with article 16 of the GDPR, the right to erasure in accordance with article 17 of the GDPR, the right to restriction of processing in accordance with article 18 of the GDPR, the right to object resulting from article 21 of the GDPR as well as the right to data portability resulting from article 20 of the GDPR.

The restrictions pursuant to §§ 34 and 35 of the new German Data Protection Act (BDSG-neu) apply to the right of access and right to erasure. Furthermore, there is the right to lodge a complaint with a responsible supervisory authority (article 77 of the GDPR in conjunction with § 19 of the German Data Protection Act - BDSG).

You can revoke the consent given to us to process personal data at any time. This also applies to the revocation of consent, which was given to us prior to the validity of the GDPR, i.e. prior to May 25, 2018. Please observe that the revocation has effect for the future. Processing, which took place prior to revocation, is not affected by this.

Privacy notice for customers, suppliers and other individuals

Am I obligated to provide data?

In line with our business relationship, you must provide personal data required to establish, realise and terminate a business relationship and to fulfil the contractual obligations associated with it or for the collection of which we are legally bound. Without this data, we are normally not able to conclude an agreement with you or to realise or terminate such an agreement.

To what extent is there automated decision-making?

In principle, we do not use any fully automated decision-making pursuant to article 22 of the GDPR to constitute, implement or terminate the business relationship. If we apply these procedures in individual cases (e.g. to improve our products and services), we will inform you of this and of your rights in this regard separately, provided that this is required by law.

Is there profiling?

No. (with the exception of Google Analytics on our homepage).

Privacy notice for customers, suppliers and other individuals

Information on your right to object pursuant to article 21 of the GDPR

Single case related right to object

You have the right, for reasons resulting from your special situation, to object to the processing of your personal data at any time, which takes place based on article 6 section 1 letter e of the GDPR (data processing in public interest) and article 6 section 1 letter f of the GDPR (data processing based on a balancing of interests); this also applies to profiling based on this provision in terms of article 4 no. 4 of the GDPR.

If you object, we will no longer process your personal data, unless we can verify compelling and legitimate reasons for this processing, which override your interests, rights and freedoms. In particular, this includes the processing being required for the assertion, exercising or defence of legal claims.

Responsible for data privacy and recipient of an objection

Objections do not need adhere to a particular form; subject matter "objection" indicating your name, address and company and should be addressed to:

Ingersoll Werkzeuge GmbH
Stefan Pfordt
Kalteiche-Ring 21-25
35708 Haiger
Tel.: +49 (0) 2773-742-121
gdpr@ingersoll-imc.de