

# Data protection information under the EU General Data Protection Regulation (GDPR)

Document Control

Role	Name	Abbreviation
Document Owner	Christian Golz	CGO

Document review

Review done/planned	Date
Reviewed	2019-05-13, KKS
Next planned review	2020-05-13

Document History

Version	Author	Changes	Date
1.0	CGO	Initiale Version	2018-07-17
1.1	CGO	Translation into Englisch	2018-07-17
1.2	CGO	Adaptation to a global data protection information in English language	2018-07-20
1.3	CGO	Modification of content	2018-09-06
1.4	KKS	Added Trivadis Services SRL to section 1.1. Corrected references to data controller in, sections 1.1 and 2. Corrected embedded document title. Changed to rebranded layout.	2019-05-13
1.5	KKS	Correction of company names of Trivadis Austria GmbH and Trivadis Germany GmbH.	2019-09-06
1.6	KKS	Removed OIO to reflect its integration into Trivadis Germany GmbH.	2019-09-16

Referenced Documents

Name	Version	Link

## 1 DATA PROTECTION DECLARATION AND DATA PROTECTION NOTICE IN ACCORDANCE WITH ART. 13, 14 EU GENERAL DATA PROTECTION REGULATION

We - the companies of the Trivadis Group - collect and process personal data in the business customer segment. As part of our business relationship, we process data from contacts of our interested parties, customers and suppliers. The data processing takes place exclusively within the scope of the legal data protection regulations, in particular in compliance with the national data protection laws and the European General Data Protection Regulation (GDPR).

The following data protection declaration applies to personal data within the scope of application of the GDPR, which we have received from natural persons from the EU/EEA (European Economic Area) in relation to our offers, the conclusion of contracts and the provision of services from various sources (e.g. direct recording when establishing contact via our company website, mobile apps, email or telephone or by transmission from other companies of the Trivadis Group for the purpose of establishing contact and/or providing services).

Below we provide information on the purposes and legal basis for which personal data is processed by companies of the Trivadis Group, on the recipients of the data, the transfer to a third country (outside the EU/EEA), the storage period and the rights of data subjects in accordance with the GDPR.

### 1.1 NAME AND ADDRESS OF THE DATA CONTROLLER FOR THE DATA PROCESSING

The companies of the Trivadis Group in the respective countries are data controllers within the context of the GDPR and other national data protection laws applicable in the member states of the European Union:

<u>Switzerland</u>	<u>Switzerland</u>	<u>Germany</u>
Trivadis AG Sägereistrasse 29, 8152 Glattbrugg	Trivadis Service AG Badenerstrasse 13, 5200 Brugg	Trivadis Germany GmbH Industriestraße 4, 70565 Stuttgart
+41 (58) 459 55 55 info@trivadis.com www.trivadis.com	+41 (58) 459 58 58 info@trivadis.com www.trivadis.com	+49 (711) 903 63 230 info@trivadis.com www.trivadis.com
<u>Austria</u>	<u>Denmark</u>	<u>Romania</u>
Trivadis Austria GmbH Handelskai 94-96, 1200 Vienna	Trivadis A/S Lautruphøj 1-3, 2750 Ballerup	Trivadis Services SRL 2-4B George Constantinescu Street Globalworth Campus, B building, 1st floor 020339 Bucharest
+43 (1) 332 35 31 00 info@trivadis.com www.trivadis.com	+45 (70) 70 70 73 info@trivadis.com www.trivadis.com	info@trivadis.com www.trivadis.com

The EU representative as laid out in Art. 27 of the GDPR for Trivadis AG based in Switzerland is the German company Trivadis GmbH based in Stuttgart.

The EU representative as laid out in Art. 27 of the GDPR for Trivadis Services AG based in Switzerland is the German company Trivadis GmbH based in Stuttgart.

## **1.2 NAME UND ADDRESS OF THE DATA PROTECTION OFFICER**

The Group Data Protection Officer for the Trivadis Group as laid out in Art. 37(2) and its companies on the basis of national data protection laws is

Christian Golz  
Trivadis AG  
Sägereistrasse 29  
8152 Glattbrugg  
Switzerland  
Tel.: +41-58-459 55 55  
E-Mail: dsb@trivadis.com

If you have any questions or suggestions regarding data protection, you can contact our data protection officer directly at any time.

## **1.3 CATEGORIES OF YOUR PERSONAL DATA**

We process the following categories of personal data:

- Personal master data, e.g. company name and address, last name, first name (contact person of the company), gender, preferred language, function and role in the company;
- Communication data, for example, business e-mail address, telephone number(s), fax number;
- Contract master data, e.g. contract/legal relationships;
- Contract billing and payment data;
- Customer history, e.g. order data, licenses;
- Other data, e.g. preferred interests in Trivadis technologies and solutions, direct marketing/newsletter consent.

## **1.4 PURPOSE OF COLLECTION AND PROCESSING AND LEGAL BASIS**

We process the personal data mentioned under 1.3 in accordance with the provisions of the GDPR and the applicable national data protection laws.

### **1.4.1 CONTRACT AND PRE-CONTRACTUAL MEASURE (ARTICLE 6(1)(B) GDPR)**

Personal data shall be processed in accordance with Art. 6(1)(b) GDPR in order to carry out pre-contractual measures with interested parties, customers and/or suppliers, e.g. in the event of an enquiry about our products, services and performances, as well as in our duty to fulfil contracts regarding our products and performances which we conclude with our customers and suppliers. Further details for the purpose of data processing can be found in the respective contract documents and/or the Trivadis General Terms and Conditions as well as service descriptions.

### **1.4.2 LEGAL OBLIGATION (ARTICLE 6(1)(C) GDPR)**

Where we are subject to a legal obligation to process personal data (e.g. due to legal storage and storage obligations in accordance with national legal regulations), data processing is carried out in accordance with Art. 6(1)(c) GDPR.

#### 1.4.3 LEGITIMATE INTEREST (ARTICLE 6(1)(F) GDPR)

Furthermore, we process personal data in accordance with Art. 6(1)(f) GDPR where this is necessary to protect our legitimate interests or those of third parties and where this does not outweigh the interests, fundamental rights and fundamental freedoms of the person concerned, whose personal data are processed. This is, on the one hand, the case when visiting our website, as user behaviour is analysed and processed for internal purposes within the context of the business relationship with our customers in order to be able to inform and advise our customers about products and services in a purposeful manner. On the other hand, this concerns direct marketing activities in order to inform our customers about current products and services or to transfer data within the Trivadis Group to Trivadis companies for internal administrative purposes or for the provision of services, or if the transfer to third parties (e.g. auditing companies, information files) is necessary for checking business-relevant incidents and fraud prevention. As a rule, the data refers to companies (legal entities) and not to individuals, so that in the majority of cases there is no reference to individuals.

#### 1.4.4 ON THE BASIS OF YOUR CONSENT (ARTICLE 6(1)(A) GDPR)

In some cases, we request your consent under data protection law pursuant to Art. 6(1)(a) GDPR to the processing of personal data for specific purposes (e.g. to receive our e-mail newsletter, to acquire new customers at trade fairs or to pass personal data on to a call centre for conducting a customer survey or for advertising purposes). **Consent that has been granted can be withdrawn at any time with future effect. The withdrawal of consent does not affect the legality of the data processing that took place before consent was withdrawn.**

### 1.5 TRANSMISSION OF DATA TO RECIPIENTS

Within the Trivadis Group, personal data may be forwarded to Trivadis companies if this is necessary for (corporate) internal administrative purposes and/or within the context of the business relationship with interested parties, customers and suppliers in order to fulfil our contractual and legal obligations or to process the business relationship between the Trivadis companies.

If we share personal data within the Trivadis Group with Trivadis companies, we implement our data protection guidelines and security precautions throughout the Group.

If we use external service providers within the context of providing our services (e.g. for support/maintenance of IT applications, archiving, document processing, call centre services, compliance services, customer administration, letter shops for sending e-mails, marketing activities) in order to provide our services, we take the necessary technical and organisational measures to ensure the protection of personal data. In this context, the requirements of Art. 28 GDPR are fulfilled in the case of data processing, in particular the obligation to confidentiality (data secrecy) as well as compliance with other requirements of GDPR and, where applicable, relevant national data protection laws.

Other data recipients may also be those bodies for which explicit consent to the transfer of data has been given.

### 1.6 TRANSMISSION TO THIRD COUNTRIES

Data will only be transferred to countries outside the EU or the EEA if this is necessary or legally required for the execution of orders or if the data subject has given us consent to do so. Separate information will be provided about details.

If service providers are employed in a third country, they are obliged to comply with the data protection level in Europe in addition to written instructions by the agreement of the EU standard contract clauses. This does not apply to companies in third countries (e.g. Switzerland) for which the European Commission has confirmed an adequate level of data protection by means of an adequacy decision (2000/518/EC). Data is also passed on to the Swiss Trivadis company on this basis.

## **1.7 STORAGE PERIOD OF PERSONAL DATA**

Personal data will be deleted as soon as the purposes described above under 1.4 for storage no longer apply. Beyond the achievement of purpose, data can be stored if we are obligated to do so due to legal regulations, e.g. commercial and fiscal storage obligations. In this case, the processing will be restricted, and the data will be deleted after the respective legal obligation has ceased to apply or has been fulfilled. As a rule, the retention periods are two to ten years.

## **1.8 RIGHTS OF THE DATA SUBJECT**

Every person concerned has the right to information according to Article 15 GDPR, the right to correction according to Article 16 GDPR, the right to deletion according to Article 17 GDPR, the right to restriction of processing according to Article 18 GDPR as well as the right to data transferability according to Article 20 GDPR. The restrictions of the respective national data protection laws also apply to the rights of data subjects. In addition, a right of complaint exists with a data protection supervisory authority (Article 77 GDPR).

## **1.9 OBLIGATION TO PROVIDE DATA**

As part of our business relationship, we require personal data that is necessary to establish and conduct a business relationship and to fulfil the associated contractual obligations, or which we are legally obliged to collect. Without this data, we will generally have to refuse the conclusion of the contract or the execution of the order or will no longer be able to execute an existing contract and may have to terminate it.

## **1.10 EXISTING AN AUTOMATED DECISION MAKING & PROFILING**

As a matter of principle, we do not use automated decision-making or profiling pursuant to Art. 22 GDPR to establish and conduct business relationships. Should we use these procedures in individual cases, we will inform you separately if this is required by law.

## **2 INFORMATION ON YOUR RIGHT TO OBJECT UNDER ARTICLE 21 OF THE EU GENERAL DATA PROTECTION REGULATION (GDPR)**

### **Right of objection in individual cases**

The data subject has the right to object at any time to the processing of their personal data on the basis of Article 6(1)(e) of the GDPR (data processing in the public interest) and Article 6(1)(f) of the GDPR (data processing on the basis of a weighing of interests) for reasons arising from their particular situation; this also applies to profiling based on this provision within the meaning of Article 4(4) of the GDPR. If an objection is lodged, the personal data will no longer be processed unless we can prove compelling reasons for processing worthy of protection which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

### **Right to object to the processing of data for marketing purposes**

If we process personal data for direct marketing purposes, the data subject has the right to object at any time to the processing of the personal data concerning them for the purpose of direct marketing. If they object to the processing for direct marketing purposes, the personal data will no longer be processed for these purposes.

**The objection can be sent by e-mail to [dsb@trivadis.com](mailto:dsb@trivadis.com) or by post to the respective Trivadis company as data controller (see 1.) for data processing.**