

Information about the collection and processing of your personal data

As of May 2018



**Trust
Quality
Progress**

Information about the collection and processing of your personal data

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Scope/Target Group	The Directive applies to all affiliated companies (pursuant to §§ 15 et seq. AktG).
Validity or conversion	23.05.2018

Care and transparency are the basis for a trusting cooperation with our customers. We therefore inform you about how we process your data and how you can exercise the rights to which you are entitled under the General Data Protection Regulation (GDPR). Which personal data we process and for what purpose depends on the respective contractual relationship.

Who is responsible for data processing?

Responsible is:

Kiwa International B.V.
Kiwa Deutschland GmbH
Kiwa International Cert GmbH
Kiwa GmbH
Kiwa BCS Öko-Garantie GmbH

How do you reach the data protection officer?

You can reach our data protection officer at the above address:

attn. data protection commissioner
Datenschutz@kiwa.de

Which of your personal data is used by us?

If you have an inquiry, have us prepare an offer or conclude a contract with us, we process your personal data. In addition, we process your personal data, among other things, to fulfil legal obligations, to safeguard a legitimate interest or on the basis of a consent given by you.

Depending on the legal basis, the following categories of personal data are involved:

- General data
- Contract master data, in particular contract number, term, period of notice, type of contract
- Invoice data / sales data
- Creditworthiness data
- Payment data / account information
- Account information, in particular registration and logins
- Video or image recording

In the course of initiating the contract, we also make use of data provided to us by third parties. Depending on the type of contract, the following categories of personal data are involved:

- Information on creditworthiness (via credit agencies in the B2B area)

What are the sources of the data?

We process personal data that we receive from our customers, service providers and suppliers.

We also receive personal data from the following sources:

- Credit bureaus
- Publicly accessible sources: commercial or association registers, debtor directories, land registers
- Other Group companies

For what purposes do we process your data and on what legal basis?

We process your personal data in particular in compliance with the General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG) as well as all other relevant laws.

Based on your consent (Art. 6 para. 1 a GDPR)

If you have given us your voluntary consent to the collection, processing or transfer of certain personal data, this consent forms the legal basis for the processing of this data.

In the following cases we process your personal data based on your consent:

- Sending an e-mail newsletter
- Pseudonymized newsletter tracking
- Market research (e.g. customer satisfaction surveys)
- Marketing and advertising creation of customer profiles
- Publication of a customer reference (name and picture)

For the fulfilment of a contract (Art. 6 para. 1 b GDPR)

We use your personal data to carry out the respective order / purchase contract rental contract / service contract.

Within this contractual relationship we will process your data in particular for the execution of the following activities:

Contract-related establishment of contact, contract management, ongoing Customer Service, Service Center, Warranty Claims, Receivables Management, Contract Termination Management.

Further information on the purposes of data processing can be found in the respective contract documents and general terms and conditions.

For the fulfilment of legal obligations (Art. 6 para. 1 c GDPR) or in the public interest (Art. 6 para. 1 e GDPR)

As a company we are subject to various legal obligations. To fulfil these obligations, it may be necessary to process personal data.

- Control and reporting obligations
- Creditworthiness, age and identity checks
- Prevention / defense of criminal offences

On the basis of a legitimate interest (Art. 6 para. 1 f GDPR)

In certain cases, we process your data to protect a legitimate interest of us or third parties.

- Direct advertising or market and opinion research
- Central customer data management within the group, business management and further development
- Measures for building and plant safety
- Video surveillance for the protection of the house right, collection of evidence
- Consultation of and data exchange with credit agencies
- For determining creditworthiness and default risks
- Ensuring IT security and IT operations

To whom will your data be passed on?

To fulfil our contractual and legal obligations, your personal data will be disclosed to various public or internal bodies and external service providers.

Company in a group of companies:

Kiwa Deutschland GmbH
Kiwa International Cert GmbH
Kiwa GmbH
Kiwa BCS Öko-Garantie GmbH

We cooperate with selected external service providers to fulfil our contractual and legal obligations, in particular contract processors according to Art. 28 GDPR:

External service providers:

- IT service providers (e.g. maintenance service providers, hosting service providers) and telecommunications
- Service provider for document and data destruction, printing services, letter shops
- Consultancy and consulting, service provider for telephone support (call center)
- Service provider for marketing or sales
- Payment service providers, credit agencies, authorized dealers - Auditors

Public:

In addition, we may be obliged to transfer your personal data to other recipients, such as authorities to comply with statutory notification obligations.

- Fiscal authorities
- Customs
- Social insurance carriers
- Law enforcement agencies

If you have any further questions about the individual recipients, please contact our data protection officer at the contact details given above.

Is your data transferred to countries outside the European Union (so-called third countries)?

Countries outside the European Union (and the European Economic Area "EEA") treat the protection of personal data differently than countries within the European Union. For the processing of your data, we also use service providers located in third countries outside the European Union. There is currently no decision by the EU Commission that these third countries generally offer an adequate level of protection.

We have therefore taken special measures to ensure that your data is processed in third countries as securely as within the European Union. We conclude the standard data protection clauses provided by the Commission of the European Union with service providers in third countries. These clauses provide appropriate safeguards for the protection of your data by service providers in third countries.

Our US service providers are also certified under the EU-US Privacy Shield Agreement.

If you would like to review the existing guarantees, please contact our data protection officer.

How long will my data be stored?

We store your personal data as long as it is necessary to fulfil our legal and contractual obligations. The personal data will then be deleted, unless their further processing is necessary for the following purposes:

- Compliance with commercial and tax retention obligations. According to storage periods from the German Commercial Code (HGB) or the Tax Code (AO), these usually amount to 6 years for business letters and 10 years for data relevant to tax and commercial law.
- Preservation of evidence within the framework of the statutory statute of limitations. According to the statute of limitations provisions of the German Civil Code (BGB), in some cases these statutes of limitations can be up to 30 years, the regular statute of limitations being three years.

What rights do you have in connection with the processing of my data?

Every data subject has the right to information pursuant to Art. 15 GDPR, the right to correction pursuant to Art. 16 GDPR, the right to deletion pursuant to Art. 17 GDPR, the right to limitation of processing pursuant to Art. 18 GDPR, the right to objection pursuant to Art. 21 GDPR and the right to data transfer pursuant to Art. 20 GDPR. The restrictions under §§ 34 and 35 BDSG apply to the right to information and the right to cancellation.

Right of objection

You can object to the use of your data for advertising purposes at any time without incurring any costs other than the transmission costs according to the basic tariffs.

- **What right do you have in the case of data processing on the basis of your legitimate or public interest?**

Pursuant to Art. 21 (1) GDPR, you have the right, for reasons arising from your particular situation, to object at any time to the processing of personal data concerning you. Personal data that is processed on the basis of Art. 6 para. 1 e GDPR (data processing in the public interest) or Article 6 para. 1 letter f GDPR (data processing to safeguard a legitimate interest), this also applies to profiling based on this provision. In the event of your objection, we will no longer process your personal data unless we can prove compelling reasons for the processing worthy of protection which outweigh your interests, rights and freedoms, or the processing serves the assertion, exercise or defense of legal claims.

- **What right do you have in the case of data processing for the purpose of direct marketing?**

If we process your personal data for the purpose of direct advertising, you have the right pursuant to Art. 21 (2) GDPR to object at any time to the processing of your personal data for the purpose of such advertising. This also applies to profiling insofar as it is connected with such direct advertising.

If you object to the processing of your personal data for the purpose of direct marketing, we will no longer process your personal data for these purposes. You can revoke your consent to the processing of personal data at any time. Please note that the revocation is only effective for the future.

Exercise of your rights

In order to exercise your rights, you may contact the person responsible or the data protection officer at the contact details provided. We will process your enquiries immediately and in accordance with the legal requirements and inform you which measures we have taken.

Is there an obligation to provide your personal data?

In order to enter into a business relationship, you must provide us with the personal data necessary to carry out the business relationship.

contractual relationship or which we are required to fulfil on the basis of statutory provisions.

(e.g. obligation from the Money Laundering Act). If you do not provide us with this data, we will not be able to carry out and process the contractual relationship.

Changes to this information

Should the purpose or method of processing your personal data change significantly, we will update this information in good time and inform you of the changes in good time.