

Dietzel Hydraulik GmbH Privacy Policy for Business Partners

The following information is intended for persons ("business partners") who are in the process of concluding a contract, or intend to conclude a contract, with Dietzel Hydraulik GmbH, Leedenstraße 10, 04626 Löbichau/Germany ("Dietzel"). All persons who provide their services in the form of an employment relationship or as part of a freelance employment contract are expressly excluded from the term "business partner".

The terms used are based on wordings used by the European regulator when enacting the General Data Protection regulation ("GDPR"). A number of terms are first explained below in order to improve the legibility and clarity of the privacy information.

1. Definitions

"Personal data" means any information relating to an identified or identifiable natural person ("data subject"). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier.

"Processing": any operation or set of operations which is performed on personal data, whether or not by automated means. For example, this includes collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of personal data.

"Consent": any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

2. Business partner obligation to provide personal data?

The establishment and execution of a contractual relationship between Dietzel and the business partner requires the business partner to provide Dietzel with the personal data required to establish, implement and fulfil the associated contractual obligations, or which Dietzel is required to collect by law (e.g. under fiscal laws). Without this data, Dietzel will generally not be able to establish a contractual relationship or execute an existing contract and may have to end the contractual relationship.

3. Purpose of the processing

Dietzel processes the personal data of its business partners in compliance with the applicable legal provisions on the protection of personal data and data security. As part of the cooperation with the business partner, Dietzel processes the business partner's personal data for the following purposes:

- Communication with business partners to make enquiries with a business partner in relation to the establishment of a contractual relationship and to obtain quotes or review and process the business partner's contract proposals;

- Communication with business partners on the establishment, execution and processing of contractual relationships. Relevant contractual relationships particularly include purchase and service contracts.
- Compliance with the legal requirements (e.g. fiscal and commercial retention obligations),
- Enforcement of existing contracts and raising, exercising and defending legal claims.

4. Data categories

The personal data of business partners processed in the specific case primarily depends on the contractually agreed services. However, Dietzel processes the following categories of personal data of business partners for the aforementioned purposes:

- Contact information, such as first name and surname, address, telephone number, mobile phone number, fax number and email address of the business partner;
- Bank and payment details (information required to process payment transactions);
- Information from publicly available sources (e.g. websites, land registers, trade and association registers), information databases or from credit agencies;
- Information that needs to be processed to implement the contractual relationship between the business partner and Dietzel (e.g. minutes of meetings) or which are voluntarily provided by the business partner.

5. Legal basis of data protection

The processing of the business partner's personal data has the following legal basis:

- Performance of a contract concluded with the business partner or to take steps prior to entering into the contract (Art. 6 (1) letter b) GDPR).
- Data processing to protect legitimate interests (Art. 6 (1) letter f) GDPR). Besides the actual performance of the contract, Dietzel also processes the business partner's personal data to protect the legitimate interests of Dietzel or third parties. In this case, processing particularly takes place to establish legal claims and for defence in case of legal disputes as well as during other measures to establish direct contact with the business partner (e.g. Christmas card).
The processing of personal data to protect legitimate interests is not permitted if Dietzel is aware of clear indications that oppose the processing based on the legitimate interests of the business partner. The existence of legitimate interests is therefore reviewed as part of an objective consideration before processing any personal data to protect Dietzel's legitimate interests.
- Compliance with a legal obligation (Art. 6 (1) letter c) GDPR), e.g. anti-money laundering legislation, commercial and fiscal legislation, supervisory requirements.

- The business partner's consent to the data processing (Art. 6 (1) letter a) GDPR). If the business partner grants Dietzel his/her consent to process his/her personal data for certain purposes, the lawfulness of this processing is based on the consent. If the consent is revoked, Dietzel may only continue to process the personal data to the extent that Dietzel can base the processing on another legal basis.

6. Transmission and transfer of personal data to third parties

Dietzel only transfers personal data to other third parties (e.g. courts, officials, law firms), if this is required to fulfil the aforementioned purposes or the transfer is necessary to establish, exercise or defend against legal claims.

Dietzel cooperates with technical service providers (processors), such as service providers for EDP/IT application, data destruction, tax consultants and auditors as well as payment service providers. These service providers only act under the instruction of Dietzel and are contractually obliged to comply with the applicable data protection requirements.

Data transfer to countries outside the EU or the EEA (third states) only takes place if this is necessary to perform the contract with the business partner in the specific case or is required by law (e.g. tax reporting obligations). If service providers in third states are used, they are also obliged to comply with the written instructions by the agreement of the EU standard contract clauses to comply with the privacy level in Europe.

7. Erasure deadlines

The business partner's personal data is erased if this is no longer required to fulfil the purposes of the processing, unless its, temporary, further processing is necessary for the following purposes:

- Compliance with commercial and tax retention periods (especially in accordance with the German Commercial Code, the tax code and the anti-money laundering legislation). The specified retention and documentation periods can amount to up to 10 years.
- Preservation of evidence within the scope of the limitation rules. In accordance with Sections 195 et seq. of the German Civil Code (BGB), these limitation periods can amount to up to 30 years, while the regular limitation period is three years and starts to run at the end of the year in which the claim arose.

If the business partner's personal data is processed based on the business partner's consent, the business partner has the right to revoke this consent with effect for the future pursuant to Art. 7 (3) GDPR. After revocation, data processing may only continue, if the (future) processing takes place on a legal basis other than consent (cf. section 4 above).

8. Rights of the business partner

The business partner has the following rights. Their assertion will not result in any disadvantages for the business partner. They will be implemented immediately.

Right of access (Art. 15 GDPR):

The business partner may request Dietzel to provide information, free of charge, on the specific personal data being processed, the source of the data and the purpose(s) for which the data is being processed as well as, if relevant, the recipients or categories of recipients to which the data is transferred. Requests for information that are received electronically will be responded to electronically.

Right to object (Art. 21 GDPR):

The business partner has the right to object to the processing of his/her data on grounds relating to his or her particular situation, which is based on the protection of the legitimate interests of Dietzel or a third party (Art. 6 (1) letter f) GDPR) as well as in cases in which data processing takes place in the public interest (Art. 6 (1) letter e) GDPR). If the business partner submits an objection, Dietzel will no longer process the personal data unless Dietzel can demonstrate compelling legitimate grounds for the processing which override the business partner's interests, rights and freedoms, or for the establishment, exercise or defence of legal claims.

Right to data portability (Art. 20 GDPR):

The business partner has the right to receive the personal data concerning him or her, which he or she has provided to Dietzel, in a structured, commonly used and machine-readable format, if the data processing is based on the business partner's consent (Art. 6 (1) letter a) GDPR) or the processing took place to perform a contract concluded with the business partner or to take steps prior to entering into the contract (Art. 6 (1) letter b) GDPR).

Right to rectification (Art. 16 GDPR):

The business partner may request the rectification or amendment of incorrect or incomplete personal data. A rectification also obliges Dietzel to send a correction notification to all recipients to which the incorrect data was transferred, unless this is impossible or is associated with unreasonable costs and effort in exceptional cases.

Right to erasure (Art. 17 GDPR):

The business partner may demand the immediate erasure of his/her data, if (i) the purpose of the data processing is no longer applicable due to the lapse of time or for other reasons, (ii) the processing is based on the business partner's consent and this has been revoked, (iii) the business partner has objected to the processing and further processing is not permitted as a result, or (iv) a legal basis for the data processing does not or no longer exists. However, Dietzel must comply with existing retention obligations and any legitimate interests that oppose the erasure.

Right to restriction of processing (Art. 18 GDPR):

The processing of personal data must be restricted (i) as long as the contested accuracy of the data is being checked by Dietzel, (ii) if the processing was unlawful from the outset, but the business partner opposes the erasure of the personal data, (iii) after the purpose has been achieved, if the business partner still requires the data to establish legal claims as well as (iv) during the verification of an objection by the business partner. For the duration of the restricted processing, Dietzel will only process the data (i) with the business partner's consent or (ii) to establish, exercise or defend against legal claims or (iii) to protect the rights of another person or for reasons of important public interest.

Right to lodge a complaint (Art. 77 GDPR in conjunction with Section 19 BDSG (Federal Data Protection Act))

The business partner has the right to lodge complaints to the supervisory authority.

Right to withdraw a consent relating to data protection (Art. 7 (3) GDPR)

The business partner has the right to withdraw a consent to process personal data granted to Dietzel at any time.

9. Responsibilities

The controller for the regularity of the data processing is:

Dietzel Hydraulik GmbH
Leedenstraße 10
04626 Löbichau
Germany
Telephone: +49 (0) 36602 140 600
Email: datenschutz@dietzel-hydraulik.de

The contact data for the Dietzel Hydraulik GmbH Data Protection officer is as follows:

Sandro Swoboda
HCONSULT GmbH
Bahnhofplatz 15
07545 Gera/Germany
Telephone: + 49 (0) 365 3369905
Email: s.swoboda@hconsult.info

The above contact data can be used to assert the business partner's rights specified in section 8 in relation to the controller as well as the Data Protection Officer.

The State Data Protection and Freedom of Information Officer for Thuringia (TLfDI) monitors compliance with the data protection legislation in the non-public sector in the Free State of Thuringia. The business partner has the option of contacting the supervisory authority at any time at:

Thüringer Landesbeauftragte für den Datenschutz und die Informationsfreiheit
Postfach 90 04 55 | 99107 Erfurt/Germany
Häßlerstrasse 8 | 99096 Erfurt/Germany
poststelle@datenschutz.thueringen.de
Tel.: 03 61 / 57 311 29 00
Fax : 03 61 / 57 311 29 04

10. Amendment to the Privacy Policy

Dietzel reserves the right to amend this Privacy Policy to changed material or legal conditions.

The legal basis is exclusively the German version of this publication.