

DATA PROTECTION DECLARATION FOR BUSINESS CUSTOMERS AND SUPPLIERS

The following information is intended to provide you with an overview of how we process your personal data as an employee and your rights under the General Data Protection Regulation (Regulation (EU) 2016/679 – “GDPR”) and the German Federal Data Protection Act (“BDSG”). This data protection declaration applies to the personal data of persons with whom we enter into contractual or business relationships, as well as of bodies, managing directors, key account managers or other employees of our contractual or business partners, which we process in the context of existing or prospective contractual and business relationships. This includes, but is not limited to, existing or potential suppliers, service providers, customers or consultants as well as existing or potential cooperation partners or other partner companies.

1. RESPONSIBLE DATA CONTROLLER

KUPFERRHEYDT GmbH
Nobelstraße 18
41189 Mönchengladbach

Telefon: +49 (0)2166 956 0

E-Mail: info@kupferrheydt.de

2. CONTACT OF OUR DATA PROTECTION OFFICER

Frau Ursula Viehauser

Holger Baunach – Organisationsberatung und Datenschutz

Telefon: +49 (0)2166 2625165

E-Mail: kontakt@baunach.eu

3. SOURCES AND TYPES OF PERSONEL DATA

We primarily process personal data that the data subjects themselves provide to us in the context of contractual and business relationships or that we receive from the respective contractual and business partners (e.g. from your colleagues with whom we are already in contact), for example in the context of processing an enquiry or an order. We also process personal data that we collect from publicly accessible sources (such as the commercial register, the press, the Internet) or receive from third parties (e.g. credit agencies, business partners). We will separately indicate any collection of personal data from third party sources.

Relevant personal data are, in particular, personal details (such as surname, first name, address, bank details, billing address, tax number/VAT ID) and other contact data (such as telephone number, e-mail address). In addition, this may also include contractual or order-related data (e.g. turnover data, volumes, planned quantities), data from the fulfilment of our contractual obligations, information about your financial situation (e.g. creditworthiness data), data about you personally (e.g. business interests, profession, sector, position, duties and authorisations) as well as other data comparable with the aforementioned categories.

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The scope of the data processed about a person thereby varies depending on the function in which the person interacts with us, such as the position he or she holds with the respective business partner.

4. PROCESSING PURPOSES AND LEGAL BASES

We process personal data for the following purposes, based on the following legal grounds:

- 4.1 In individual cases, we process data because you have expressly consented to this (Art. 6(1)(a) GDPR), for example to receive advertising messages by e-mail and/or telephone;
- 4.2 Data processing is carried out in order to perform contracts concluded with you or the company at which you are employed, or in order to implement precontractual measures (Art. 6(1)(b) GDPR); including, in particular:
 - Purchase and supply contracts (e.g. processing purchase and sales enquiries, authenticating contractual partners, preparing and signing contractual documents, executing purchases and sales, invoicing and processing purchase price payments);
 - Service and work contracts as well as other contractual relationships (e.g. processing and reviewing relevant offers and enquiries; authenticating contractual partners, preparing and signing contractual documents, processing payments; sending information letters);
- 4.3 Further data processing is carried out on the basis of legal requirements (Art. 6(1)(c) GDPR): for example, in order to fulfil fiscal and other legal control and reporting obligations, as well as auditing by tax or other authorities and to comply with legal retention periods.
- 4.4 We also process your data to protect our legitimate interests (Art. 6(1)(f) GDPR) for the following purposes:
 - Optimal contact support/relations, including with our business partners' employees;
 - optimising our business processes, e.g. by maintaining a database of suppliers or prospective customers, including in the context of "customer relationship management";
 - Direct marketing to existing customers;
 - centralising or outsourcing company functions;
 - mitigating default risks in our business processes by consulting credit agencies (e.g. Creditreform, Bürgel) and determining score values (profiling), which help us to assess the probability of contractual partners meeting their payment obligations in accordance with the contract, on the basis of a recognised mathematical-statistical procedure;
 - asserting and defending legal claims;
 - Market research purposes.
- 4.5 For the following purposes we process your personal data in joint controllership together with our Holding company GINDRE DUCHAVANY in France based on Art. 6(1)(f) GDPR:
 - centralised hosting of IT infrastructure including CRM, ERP, office and communication software;
 - Organisation of trade fair appearances to advertise new and maintain existing business relationships.

5. RECIPIENTS OF PERSONAL DATA

Under certain circumstances (beyond the cases already mentioned above), your personal data will be passed on for the above-mentioned purposes; in detail, these circumstances are:

- 5.1 If it is necessary for the clarification or prosecution of unlawful or abusive incidents, personal data will be passed on to our legal advisors, the law enforcement authorities and, if applicable, to injured third parties. However, this will only happen if there are concrete indications of unlawful or abusive behaviour. Data may also be passed on if this serves to enforce contractual provisions between us and our contractual and business partners.
- 5.2 We are also legally obliged to provide information to certain public authorities upon request. These are predominantly law enforcement authorities, authorities that prosecute administrative offences that are subject to fines and the tax authorities.
- 5.3 If it is necessary for processing your enquiry or for concluding or performing a contractual or business relationship with you, as well as in the case of centralised or outsourced company functions, your data may be passed on to companies affiliated with us for the purpose of fulfilling the aforementioned purposes.
- 5.4 Occasionally, in order to fulfil the purposes described in this Data Protection Declaration or to provide our services, we may need to rely on contractually affiliated third-party companies or other cooperation partners located outside the EU or EEA, as well as external service providers such as brokers, logistics companies, IT service providers, business consultants and financial institutions. In such cases, information will be passed on to these companies or individuals to enable them to carry out further processing. Insofar as these are companies outside the EU or the EEA, we ensure an appropriate level of data protection - for example, by concluding appropriate contracts with the recipient of the data.
- 5.5 As our business evolves, the structure of our company may change through a change in its legal form, or through establishing, buying or selling subsidiaries, corporate divisions or components. In the case of such transactions, the customer data will be transferred together with the part of the company to be transferred. In the event of any transfer of personal data to third parties to the extent described above, we will ensure that this is done in accordance with this Data Protection Declaration and the relevant data protection laws.

6. DURATION OF PROCESSING

We process your personal data for the duration of your employment with one of our business partners, but will cease to process it after the final termination of the relevant business relationship between us and your employment company. We erase transaction-related data (e.g. relating to a specific contractual or order relationship) after the end of the relevant transaction, e.g. the fulfilment of a supply contract, with a time limit of three years after the end of the relevant calendar year, unless the said data are subject to a longer period of statutory retention obligations (e.g. six or ten years' retention in accordance with Section 257 of the German Commercial Code (HGB)); in such a case, the data concerned will be blocked to prevent any further processing.

7. RIGHTS OF THE DATA SUBJECT

7.1 You have the right to obtain, at any time, information about the stored data concerning you. If the relevant requirements are met, you also have the following rights:

- The right to rectification: You have the right to have any inaccurate personal data concerning you rectified.
- The right to erasure: You also have the right to request the erasure of your personal data, for example if your data is no longer needed for the purposes for which it was collected or otherwise processed.
- The right to restriction of processing: You also have the right to request the restriction of the processing of your personal data; in such a case, the data will be blocked from all processing. In particular, you likewise have this right if there is a dispute between you and us as to the accuracy of the personal data.
- The right to data portability: Insofar as we process your personal data for the purpose of fulfilling a contract with you or on the basis of your consent, you also have the right to receive your personal data in a structured, commonly used and machine-readable format, if, and to the extent that, you have provided us with the data.
- The right to revoke consent: If you have given us consent to process your personal data, you can revoke that consent at any time. The revocation of your consent will not affect the lawfulness of the processing that has been carried out on the basis of your consent up to the time of revocation.

- **The right to object:**

Insofar as the processing of your personal data is carried out in accordance with Art. 6 (1) (f) GDPR to protect legitimate interests, you have the right, in accordance with Art. 21 (1) GDPR, to object at any time for reasons arising from your particular situation to the processing of this data. We will then no longer process this personal data unless we can demonstrate compelling legitimate grounds for processing. These must outweigh your interests, rights and freedoms, or the processing must serve to assert, exercise or defend legal claims.

If your personal data is processed for direct marketing purposes, you have the right 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 associated with such direct marketing. If you object, your personal data will then no longer be used for direct marketing purposes. (Art. 21 (2) GDPR)

7.2 If you would like to receive information about the stored data concerning you, or wish to exercise any of your other rights, please e-mail us at:

betroffenenbegehren@kupferrheydt.de.

If you have any general questions about data protection, please get in touch with us using the above contact details.

7.3 If you are of the opinion that the processing of your personal data violates data protection provisions, you also have the right to lodge a complaint with a supervisory authority at any time, particularly with a supervisory authority in the member state where you reside or work or where the alleged infringement occurred.

8. STATUS OF, AND AMENDMENTS TO, THIS DATA PROTECTION DECLARATION

The status date of this Data Protection Declaration is 21.12.2022.

The further development of our company may also affect the way we handle personal data. We therefore reserve the right to amend this Data Protection Declaration in the future, within the framework of the applicable data protection laws and, if necessary, to adapt it to changed data processing realities. We will inform you separately of any significant changes to the contents.