

Data Protection Declaration in accordance with the DSGVO

Status: August 2018

I. Name and address of the Controller

The Controller pursuant to the DSGVO (Datenschutz-Grundverordnung, General Data Protection Regulation) and other national data protection legislation of the member states and additional data protection regulations is:

SURTECO GmbH
Am Brühl 6
86647 Buttenwiesen
Germany
T: +49 8274 51-0
info@surteco.com
www.surteco.com

II. Name and address of the data protection officer

The data protection officer of the Controller is:

Dr. Catrin Kollmann
SURTECO GROUP SE
Johan-Viktor-Bausch-Str. 2
86647 Buttenwiesen
Deutschland
T: +49 8274 99 88 0
datenschutz@surteco.com

III. General information on data processing

1. Scope of personal data processing

We collect and use the personal data of our users only insofar as this is necessary for the provision of an operational website, and for our content and services. The collection and use of the data of our users is generally only carried out after our users have provided consent. An exception is applicable in cases where it is not possible to obtain prior consent for genuine reasons and processing of the data is permitted in accordance with statutory regulations.

2. Legal basis for processing personal data

Insofar as we obtain consent from the affected person for processing procedures relating to personal data, Art. 6 Section 1 (a) EU General Data Protection Regulation (GDPR) shall serve as the legal basis.

When processing personal data which is required for fulfilment of a contract to which the affected person is the contracting party, Art. 6 Section 1 (b) DSGVO shall serve as the legal basis. This also applies to processing procedures that are necessary for pre-contractual measures.

If processing of personal data is necessary in order to fulfil a legal obligation that our company is subject to, Art. 6 Section 1 (c) DSGVO shall serve as the legal basis. For cases where the vital interests of the affected person or another natural person render the processing of personal data necessary, Art. 6 Section 1 (d) DSGVO shall serve as the legal basis.

If processing is necessary to uphold a legitimate interest of our company or a third party and if the interests, basic rights and basic freedoms of the affected person do not outweigh the first-mentioned interests, Art. 6 Section 1 (f) DSGVO shall serve as the legal basis for processing.

3. Data deletion and storage period

The personal data of the affected person are deleted or blocked as soon as the purpose of storage no longer applies. Storage beyond this date can take place if such storage is envisaged under the European or national statutory legislation in Union directives, laws or other regulations to which the Controller is subject. Blocking or deletion of the data also takes place if a storage period envisaged under the aforementioned standards expires, unless there is a need for further storage of the data for purposes of concluding a contract or for fulfilment of a contract.

IV. Provision of the website and creation of log files

1. Description and scope of data processing

Every time our Internet site is accessed, our system automatically records data and information about the computer system of the computer accessing our website.

The data are also stored in the logfiles of our system. These data are not stored together with other personal data of the user.

2. Legal basis for data processing

The legal basis for the temporary storage of the data and the logfiles is provided by Art. 6 Section 1 (f) DSGVO.

3. Purpose of data processing

The temporary storage of the IP address by the system is necessary in order to deliver the website to the computer of the user. This requires the IP address of the user to be stored for the duration of the session.

Storage in logfiles is carried out in order to ensure the operational capability of the website. We also use the data to optimize the website and to ensure the security of our information systems. Evaluation of the data for marketing purposes does not take place in this context.

These purposes also include our legitimate interest in data processing in accordance with Art. 6 Section 1 (f) DSGVO.

4. Duration of storage

The data are deleted as soon as they are no longer necessary to achieve the purpose for which they were collected. If the data are collected for provision of the website, this is when the relevant session comes to an end.

If the data are stored in logfiles this is the case at the latest after seven days. Additional storage beyond this period is possible. In this case, the IP addresses of the user are deleted or rendered anonymous so that allocation to the accessing client is no longer possible.

5. Objection and elimination option

The recording of the data for provision of the website and storage of the data in logfiles is absolutely essential for operation of the Internet site. The user therefore has no opportunity to object.

V. Rights of the affected person

If your personal data are processed, you are the affected person pursuant to DSGVO and you have the following rights with respect to the Controller:

1. Right to information

You can request from the Controller a confirmation as to whether personal data that relate to you are being processed by us.

If such processing takes place, you can request the following information from the Controller:

- [1] the purposes for which the personal data are being processed;
- [2] the categories of personal data which are processed;
- [3] the recipients or the categories of recipient to whom you have disclosed or will disclose the personal data related to you;
- [4] the planned duration of the storage of personal data related to you or, if concrete disclosures are not available on this, criteria for the definition of the storage period;
- [5] the existence of a right to correct or delete the personal data related to you, a right to restrict processing by the Controller or a right of objection in respect of such processing;
- [6] the existence of a right to make a complaint to the supervisory authority;
- [7] all available information about the origin of the data if the personal data were not collected from the affected person;
- [8] the existence of automated decision-making including profiling in accordance with Art. 22 Section 1 and 4 DSGVO and – at least in these cases – meaningful information about the logic involved as well as the scope and desired effects of such processing for the affected person.

You have the right to request information as to whether the personal data related to you is being transferred to a third country or to an international organisation. In this connection, you can request to be informed about the guarantees in accordance with Art. 46 DSGVO in connection with the transfer.

This right to information may be restricted if it is likely to render the realization of research or statistical purposes impossible or seriously impair them and the restriction is necessary for the fulfilment of research or statistical purposes.

2. Right to correction

You have a right to correction and/or provision of complete information in respect of the Controller, insofar as the processed personal data related to you are incorrect or incomplete. The Controller must carry out the correction immediately.

Your right to correction may be restricted if it is likely to render the realization of research or statistical purposes impossible or seriously impair them and the restriction is necessary for the fulfilment of research or statistical purposes.

3. Right to restriction of processing

Under the following prerequisites, you can request the restriction of processing for the personal data related to you:

- [1] if you dispute the correctness of the personal data related to you for a period which allows the Controller to check the correctness of the personal data;
- [2] the processing is not legitimate and you reject the deletion of the personal data and instead request the restriction of the use of the personal data;
- [3] the Controller no longer requires the personal data for purposes of processing, but you require this for asserting, exercising or defending legal claims, or
- [4] if you have contested the processing in accordance with Art. 21 Section 1 DSGVO and it has not yet been established whether the legitimate reasons of the Controller outweigh your reasons.

If the processing of the personal data related to you is restricted, these data – apart from their storage – may only be processed with your consent or for asserting, exercising or defending legal claims or for protecting the rights of another natural or legal person or for reasons of an important public interest of the Union or of a member state.

If the restriction of processing was restricted in accordance with the aforementioned prerequisites, you will be informed by the Controller before the restriction is lifted.

Your right to restriction of processing can insofar be restricted if it is likely to render the realization of research or statistical purposes impossible or seriously impair them and the restriction is necessary for the fulfilment of research or statistical purposes.

4. Right to deletion

a) Obligation to delete

You can request the Controller to immediately delete the personal data related to you, and the Controller is obliged to immediately delete these data if one of the following reasons is applicable:

- [1] the personal data related to you are no longer necessary for the purposes for which they were collected or were processed in another way.
- [2] You revoke your consent on which the processing in accordance with Art. 6 Section 1 (a) or Art. 9 Section 2 (a) DSGVO is based and there is no other legal basis for the processing.

- [3] You submit an objection to the processing in accordance with Art. 21 Section 1 DSGVO and there are no overriding legitimate reasons for processing, or you submit an objection against the processing in accordance with Art. 21 Section 2 DSGVO.
- [4] The personal data related to you were unlawfully processed.
- [5] The deletion of the data related to you is necessary for fulfilment of a legal obligation in accordance with Union legislation or the law of the member states to which the responsible entity is subject.
- [6] The personal data related to you were collected in relation to services offered by the information society in accordance with Art. 8 Section 1 DSGVO.

b) Information to third parties

If the Controller has disclosed publicly the personal data related to you and if the Controller is obliged to delete such data in accordance with Art. 17 Section 1 DSGVO, the Controller shall undertake reasonable measures taking into account the available technology and the implementation costs, such measures being also of a technical nature, to inform those persons processing the personal data that you as an affected person have requested them to delete all the links to these personal data or copies or reproductions of this personal data.

c) Exceptions

There is no right to deletion if the processing is necessary

- [1] to exercise the right to freedom of speech and information;
- [2] to fulfil a legal obligation which requires the processing in accordance with the law of the Union or of the member states to which the Controller is subject, or to carry out a function which is in the public interest or in exercising a public authority vested in the Controller;
- [3] for reasons of public interest in the area of public health in accordance with Art. 9 Section 2 (h) and (i) and Art. 9 Section 3 DSGVO;
- [4] for archive purposes, academic or historic research purposes in the public interest or for statistical purposes in accordance with Art. 89 Section 1 DSGVO, if the right defined under Section a) is likely to render the realization of the targets of this processing impossible or to seriously impair them, or
- [5] to assert, exercise or defend legal claims.

5. Right to information

If you have asserted the right to correction, deletion or restriction of processing in respect of the Controller, the Controller is obliged to inform all recipients to whom the personal data related to you was disclosed about this correction or deletion of the data or restriction of processing, unless this proves to be impossible or is associated with disproportionate expenditure of resources.

You have the right to request the Controller to inform you about this recipient.

6. Right to data portability

You have the right to receive the personal data related to you that you have provided to the Controller in a structured,

accessible and machine-readable format. You also have the right for these data to be transferred to another Controller without hindrance by the Controller to whom the personal data were made available, if

- [1] the processing is based on consent in accordance with Art. 6 Section 1 (a) DSGVO or Art. 9 Section 2 (a) DSGVO or on a contract in accordance with Art. 6 Section 1 (b) DSGVO and
- [2] the processing is carried out with the assistance of automated procedures.

In the course of exercising these rights, you further have the right to have these personal data related to you transferred directly by a Controller to a different Controller if this is technically feasible. Freedoms and rights of other persons must not be impaired as a result of this action.

The right to data portability does not apply for the processing of personal data which is necessary for carrying out a function which is in the public interest or in the exercise of public authority which was transferred to the Controller.

7. Right to object

You have the right to submit an objection for reasons arising from your particular situation at any time against the processing of the data related to you being carried out in accordance with Art. 6 Section 1 (e) of (f) DSGVO; this shall also apply for profiling based on these provisions.

The Controller shall no longer process the personal data related to you, unless the Controller can provide compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing serves to assert, exercise or defend legal claims.

If the personal data related to you are processed in order to carry out direct advertising, you have the right at any time to object to the processing of the personal data related to you for purposes of this type of advertising; this also applies to profiling if it relates to this kind of direct advertising.

If you object to processing for purposes of direct advertising, the personal data related to you will no longer be processed for these purposes.

In conjunction with the use of services offered by the information society – irrespective of Directive 2002/58/EC – you have the option to exercise your right of objection by means of automated procedures in which technical specifications are used.

You also have the right to submit an objection, for reasons arising from your particular situation, against the processing of personal data related to you which is being carried out for academic or historical research purposes or for statistical purposes in accordance with Art. 89 Section 1 DSGVO.

Your right to object may be restricted to the extent that it is likely that the objection will render the realization of the research or statistical purposes impossible or seriously impair it and the restriction is necessary for fulfilment of the research or statistical purposes.

8. Right to revoke the declaration of consent under data protection regulations

You have the right to revoke your declaration of consent under data protection regulations. As a result of the consent being revoked, the lawfulness of the processing carried out on the basis of the consent up to the revocation will not be affected.

9. Automated decision on a case-by-case basis including profiling

You have the right not to be subject to a decision exclusively based on automated processing – including profiling – which would entail a legal impact on you or would significantly impair you in a similar manner. This is not applicable if the decision

- [1] is for the conclusion or fulfilment of a contract between you and the Controller,
- [2] it is permissible on the basis of the legal regulations of the Union or the member states to which the Controller is subject and these legal regulations include appropriate measures to uphold your rights and freedoms, and your legitimate interests or
- [3] is carried out with your express consent.

However, these decisions must not be based on special categories of personal data in accordance with Art. 9 Section 1 DSGVO, if Art. 9 Section 2 (a) or (g) DSGVO are not applicable and appropriate measures to protect the rights and freedoms and your legitimate interests have been made.

In respect of the cases mentioned in [1] and [3], the Controller shall take appropriate measures in order to uphold the rights and freedoms and your legitimate interests, which include as a minimum the right to engage a person to intervene on the part of the Controller, to present your own point of view and to contest the decision.

10. Right to make a complaint with a supervisory authority

Irrespective of any other administrative or legal remedies, you have the right to make a complaint to a supervisory authority, in particular in the member state of your place of residence, your workplace or the place of the alleged infringement, if you are of the view that the processing of the personal data related to you breaches the DSGVO.

The supervisory authority to which the complaint was submitted shall inform the complainant about the status and the results of the complaint including the possibility of a legal remedy in accordance with Art. 78 DSGVO.