

Privacy Policy for business partners and interested parties

Privacy Policy in accordance with the European General Data Protection Regulation (GDPR)

Applicable for customers, interested parties and suppliers as well as sales and cooperation partners of Ortlinghaus-Werke GmbH (hereinafter referred to as "Ortlinghaus-Werke").

The following information is intended to provide you with an overview of how we process your personal data and your rights under the General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG). Exactly which data we process and how we do this largely depends on the products and services requested or commissioned in each case.

1. Controller for data processing

Ortlinghaus-Werke GmbH
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Germany
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Website www.ortlinghaus.com

2. Data protection officer at the controller

GINDAT GmbH
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Germany
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E-mail datenschutz@ortlinghaus.com

3. Data and services

a) Sources

We process personal data that we receive from you during the course of our business relationship. We also process (where this is required for the provision of our products and services) personal data that we have reliably obtained from other companies in the Ortlinghaus Group (<https://www.ortlinghaus.com/english/startseite.html>) or from third parties (e.g. in order to perform orders, to fulfil contracts or based on your consent). Furthermore, we process personal data that we have reliably obtained and are permitted to process from publicly accessible sources (such as commercial registers and association registers, the press, the media or the Internet).

b) Categories of personal data

We may collect, process and store the following personal data when preparing for an agreement or when creating master data: Address and communication data (name, address, telephone number, e-mail address, other contact details), personal master data (date/place of birth, gender, nationality, marital status, legal capacity, occupational group code, verification data (e.g. ID data), authentication data (e.g. signature specimen), tax ID.

In addition to the data referred to above, we may also collect, process and store mainly the following additional personal data during the use of products and services under the contracts entered into with us:

Contractual master data (order data, data from the fulfilment of our contractual obligations, details on any third-party beneficiaries), billing, performance and payment data (direct debits, tax-related information, further personal data (profession, employer), documentation data (e.g. minutes), product data (e.g. services and products requested or booked) as well as the following business credit rating documentation: Revenue/income statements, balance sheets, economic assessment, type and duration of self-employment.

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c) Customer contact information

Additional personal data is created as part of the initiation of business phase and during the business relationship, in particular through face-to-face contact, telephone calls or written correspondence initiated by you or Ortlinghaus-Werke. This includes information about the contact channel, date, occasion and result, (electronic) copies of the written communication as well as information about participation in direct marketing measures.

d) Information society services

When processing data as part of information society services, you receive more information on data protection in connection with the relevant service.

4. Purpose and legal basis of the processing

We process the personal data referred to under Item 3 on the basis of the provisions of the General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG):

a) To fulfil contractual obligations (Article 6(1b) GDPR)

We process personal data for the purposes of initiating, executing and terminating a contract on the provision of products or services and for the purposes of performing pre-contractual measures for creating offers, contracts or other requests leading to entering into a contract that are initiated by you.

The purpose of the data processing is primarily based on the specific products and services and may include requirements analyses, consultation and support. You can find other details about the purpose of the data processing in the relevant contractual (and pre-contractual) documents of our collaboration. We are entitled to contact interested parties taking into account any specified restrictions during initiation of the contract as well as customers, suppliers and sales/cooperation partners during the business relationship using the data that they have provided.

b) Based on your consent (Article 6(1a) GDPR)

If you have provided your consent to the processing of personal data for specific purposes (e.g. to data being passed on within the Group), the lawfulness of this processing is based on your consent. You can withdraw this consent at any time. This shall also apply to the withdrawal of declarations of consent which we received before the General Data Protection Regulation entered into force, i.e. prior to 25th May 2018. Please note that the withdrawal of consent applies with effect for the future. Any processing that takes place before the withdrawal shall not be affected by this. You can request from us an overview of the status of the consent you have provided at any time.

c) Based on compliance with legal requirements (Article 6(1c) GDPR) or in the public interest (Article 6(1e) GDPR)

We must comply with various legal obligations and statutory requirements and process data for the following purposes, amongst others: To check identity and age, fulfil inspection and reporting obligations under tax law and to assess and control risks within the Group.

d) Based on a balancing of interests (Article 6(1f) GDPR)

In so far as is necessary, we also process your data beyond the actual performance of the contract in order to safeguard our legitimate interests or those of third parties. Examples:

- Checking and optimising processes for requirements analysis and for contacting customers directly, including segmentation and calculation of the probability of closing business
- Advertising or conducting market and opinion research, provided you have not objected to the use of your data
- Asserting legal claims and providing defence in legal disputes
- Guaranteeing IT security and IT operation
- Consultation and data exchange with credit agencies to determine credit and default risks
- Preventing criminal offences
- Video monitoring to safeguard against trespass and to gather proof in the case of criminal offences
- Building and office security measures (e.g. access controls)
- Measures for ensuring our domiciliary right
- Measures for business management and the further development of services and products
- Risk management within the Group

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5. Data recipients

Within Ortlinghaus-Werke, we give controllers access to your data who need it to fulfil contractual and statutory obligations. We may also pass this data on to service providers employed by us for this purpose if they comply with our written instructions under data protection law.

With respect to passing on data to recipients outside Ortlinghaus-Werke, it should first be noted that we are obliged to keep confidential all customer-related information of which we become aware. We may only pass on information about you if statutory provisions demand this, if you have consented to this and/or if the data processors commissioned by us guarantee the provisions of the General Data Protection Regulation and the German Federal Data Protection Act in parallel.

Subject to these conditions, recipients of personal data may be, e.g.:

- Public bodies and institutions where there is a legal or official obligation to do so
- Data processors to whom we transmit personal data in order to perform the business relationship with you. In particular: Support/maintenance of IT applications, archiving, document processing, call centre services, compliance services, controlling, data destruction, purchasing/procurement, area management, recovery, customer management, lettershop services, marketing, media technology, reporting system, research, risk controlling, claims for expenses, telephony, video authentication, website management, audit service, payments.

Other data recipients can be those controllers to whom you have provided your consent for data transfer.

6. Data transmission to third countries or international organisations

Data is transferred to countries outside the European Union or European Economic Area (third countries) only if necessary for the execution of your orders, or if required by law (e.g. reporting obligations under tax law), or if you have given us your consent, or as part of commissioned data processing. If service providers in a third country are employed, not only are they bound to written instructions, but they are also obligated to comply with the data protection level in Europe by agreeing to EU standard contractual clauses.

7. Data retention period

We process and store your personal data for as long as this is required to fulfil our contractual and legal obligations. If the data for fulfilling contractual or legal obligations is no longer required, this is regularly erased unless further processing of this data is (temporarily) required for the following purposes:

- Fulfilling retention periods under commercial and tax law in accordance with Section 257 German Commercial Code (Handelsgesetzbuch, HGB) and the Fiscal Code of Germany (Abgabenordnung, AO) with the periods of retention and the retention periods for documentation of two to ten years as specified within these.
- Retention of evidence subject to the statutory limitation periods. In accordance with Sections 195 et seq. of the German Civil Code (Bürgerliches Gesetzbuch, BGB), these are up to 30 years, with the regular limitation period lasting three years.

8. Data privacy rights of data subjects

Every data subject has the right of access (Article 15 GDPR), the right to rectification (Article 16 GDPR), the right to erasure (Article 17 GDPR), the right to restriction of processing (Article 18 GDPR), the right to object (Article 21 GDPR) and the right to data portability (Article 20 GDPR). The restrictions under Sections 34 and 35 BDSG apply to the right of access by the data subject and the right to erasure. The data subject also has the right to lodge a complaint with a data protection supervisory authority (Article 77 GDPR in conjunction with Section 19 BDSG). You have the right to the consent to the processing of your personal data granted to us at any time. This shall also apply to the withdrawal of declarations of consent which we received before the General Data Protection Regulation entered into force, i.e. prior to 25th May 2018. Withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

9. Obligation to provide data

As part of our business relationship, you must provide the personal data that is required for initiating and performing a business relationship and for fulfilling the contractual obligations associated with this, and the personal data that we are legally required to collect. Without this data, we will generally have to refuse to enter into the contract or provide the products and services, or will have to cease performing an existing contract and terminate it if necessary.

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10. Automated individual decision-making (including profiling)

In order to initiate and perform the business relationship, we do not generally use a fully automated decision-making process (including profiling) in accordance with Article 22 GDPR. Should we use this process in individual cases, we will inform you separately, where this is legally required.

11. Profiling

We sometimes process your data automatically with the objective of evaluating personal aspects (profiling). For example, we use profiling to inform you about products in a targeted manner using evaluation tools and to provide you with advice. This enables requirements-based communication and marketing including market and opinion research.

Information about your right to object in accordance with Article 21 General Data Protection Regulation (GDPR)

1. Right to object in individual cases

Based on grounds resulting from your particular situation, you have the right to object at any time to the processing of your personal data on the basis of Article 6(1e) GDPR (data processing on the basis of a balancing of interests) and Article 6(1f) GDPR (data processing based on a balancing of interests); this also includes any profiling based on this provision as defined in Article 4(4) GDPR. Should you object, we will cease to process your personal data unless we can provide compelling legitimate grounds for doing so which outweigh your interests, rights and freedoms, or unless the processing is used to assert, exercise or defend legal claims.

2. Right to object to data processing for marketing purposes

In individual cases, we process your personal data for the purposes of direct marketing. You have the right to submit an objection to the processing of your personal data for the purposes of direct marketing at any time; this also applies to profiling insofar as this is linked to such direct marketing. If you object to data processing for direct marketing purposes, we will cease processing your personal data for such purposes. Your objection can be submitted to the controller in any form.