

# Data protection information pursuant to the EU General Data Protection Regulation (GDPR) for customers, distributors and suppliers

Version dated: July 2019

With the following information we are providing you with an overview of how we process your personal data and what rights you have under the General Data Protection Regulation and the German Federal Data Protection Act (Bundesdatenschutzgesetz – BDSG).

## 1. Who is responsible for processing data and who can I contact for support?

### a) The following are jointly responsible within the sense of Art. 4(7) GDPR:

Busch SE, Busch Produktions GmbH, Dr.-Ing. K. Busch GmbH, Busch Dienste GmbH  
Schauinslandstraße 1, 79689 Maulburg  
Telephone +49 (0)7622 681-0, Fax +49 (0)7622 5484, E-mail info@busch.de

### b) Data Protection Officer

You can contact our Data Protection Officer via email: [datenschutzbeauftragter@busch.de](mailto:datenschutzbeauftragter@busch.de) or using the postal address listed above and adding "Attn: Data Protection Officer".

## 2. Why are data processed and what legal basis is used to process personal data?

We process personal data in line with the provisions in the EU General Data Protection Regulation (GDPR) and the national data protection regulations:

### a) Processing is necessary for the performance of a contract

In particular, in connection with orders from customers, suppliers, and service partners (Art. 6(1)(1)(b) GDPR)

### b) Processing is necessary for the purposes of legitimate interests

If necessary, we process your data above and beyond fulfilling the contract to protect legitimate interests of ours or a third party (Art. 6(1)(1)(f) GDPR), namely:

- Direct marketing to existing customers, insofar as you have not objected to the use of your data
- Exercising legal claims and defense if a legal dispute arises
- Ensuring information security and IT operations of the company
- Video surveillance for the protection of domiciliary rights
- Measures for securing buildings and system security (e.g. access control)
- Exchange of control and planning data within companies affiliated with Busch
- Forwarding of customer orders and inquiries to local retailers or area representatives
- Credit check

### c) You have given your consent

If you have given us your consent to process personal data for certain purposes (e.g. videos and pictures, newsletter), it is legal for us to process this data based on your consent (Art. 6(1)(1)(a) GDPR). You can revoke consent at any time.

### d) Processing is necessary for compliance with a legal obligation

Fulfillment of tax and social security controlling and reporting obligations are among the reasons for processing (Art. 6(1)(1)(c) GDPR). This is also true for the processing insofar as this is necessary for the implementation of the technical and organizational measures pursuant to Art. 32 GDPR.

## 3. Who receives my data?

Within Busch, any persons that require your personal data to fulfil our contractual and legal obligations or to safeguard legitimate interests will receive access to your personal data. Service providers and subcontractors we use may also receive access to the data for these purposes. We may only transfer your data if legal regulations require this, if you have given consent, if we are authorized by law to disclose or transfer data and/or if processors we commission guarantee compliance with confidentiality and the provisions

of the General Data Protection Regulation and the German Federal Data Protection Act. Under these conditions, the following recipients may receive data:

- Companies affiliated with Busch
- Contract processors, in particular cloud and ASP service providers
- Subcontractors for order fulfillment, in particular financial service providers and logistics companies
- Credit rating services
- Public offices for fulfillment of statutory reporting obligations, e.g., financial authorities, social insurance agencies, law enforcement
- Data destruction service providers
- Lawyers, tax consultants and auditors
- Leasing companies
- Collection service providers
- Payment card processors (credit cards), payment service providers and payment transactions with banks
- Telephony providers
- Website management (hosting/maintenance)
- Insurance companies

#### **4. Is data transferred to a third country or an international organization?**

Data transmission to countries outside of the EU or the EEA (so-called third countries) only takes place if this is necessary to execute your orders (e.g., purchasing, procurement, logistics and delivery), is required or prescribed by law (e.g. reporting requirements), you have given us consent or if it is within the context of job processing. If service providers in third countries are used, these must be required to comply with the level of data protection in the EU by agreeing to standard EU contractual clauses, in addition to written instructions. In addition, financial, management, and planning data is transmitted to companies with Busch in Switzerland in order to safeguard legitimate interests.

#### **5. How long is my data stored?**

We process and store your personal data as long as it is required to fulfil our contractual and statutory obligations. We delete your personal data as soon as it is no longer required for the aforementioned purposes. It is possible that personal data will be stored during the period in which claims against our companies can be made (statutory limitation periods range from three up to thirty years). We also store your personal data as long as we are legally obligated to. Obligations to provide supporting documents and retention requirements result in line with trade, tax, and social security regulations. We also store business-related documents and e-mails for the purpose of legally secure archiving and documentation for the defense of unjustified claims and enforcement of claims (litigation hold). The storage period is 12 years at the end of a fiscal year.

#### **6. To what extent do you use automated decision-making (including profiling)?**

As a general rule, we do not use any automated decision-making pursuant to Article 22 GDPR to establish and implement the business relationship. Profiling does not take place. We use cookies and tracking technology on our websites. In this respect, we refer you to the separate privacy policies of the websites.

#### **7. What data protection rights do I have?**

You are entitled to the following rights with respect to use as the controller. If you would like to exercise your rights or wish to receive more information, please contact us or our Data Protection Officer:

##### **a) Rights in accordance with Article 15 et seqq. GDPR**

The data subject has the right to obtain from the controller confirmation as to whether personal data relating to him or her will be processed; if this is the case, he or she has right of access to such personal data and to the information specified in Art. 15 GDPR. Under certain legal requirements, you have the right to rectification in accordance with Article 16 GDPR, the right to restriction of processing in accordance with Article 18 GDPR and the right to erasure ("right to be forgotten") in accordance with Article 17 GDPR. In addition, you have the right to the data you have provided being disclosed in a structured, commonly used and machine-readable format (right to data portability) in accordance with Article 20 GDPR, in as far as processing takes place with the aid of automated procedures, and is based on consent in accordance with Article 6(1)(a) or Article 9(2)(a) GDPR, or a contract pursuant to Article 6(1)(b) GDPR. With regard to the right to access and the right to erasure, the restrictions in accordance with sections 34 and 35 of the German Federal Data Protection Act apply.

##### **b) Revoking consent**

If processing is based on consent, you can revoke your consent to the processing of personal data at any time (Art. 7(3) GDPR).

**c) Right to lodge complaints**

Irrespective of any other administrative or judicial remedy, you have the option of contacting us or a data protection supervisory authority regarding any complaints (Article 77 GDPR in conjunction with section 19 of the German Federal Data Protection Act). The competent supervisory authority in Baden-Württemberg is: The State Commissioner for Data Protection and Freedom of Information (Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit), P.O. Box 10 29 32, 70025 Stuttgart, Tel.: +49 (0)711 615 541-0, Fax: +49 (0)711 615 541-15, e-mail: [poststelle@lfdi.bwl.de](mailto:poststelle@lfdi.bwl.de),

**d) Right to object according to Article 21 GDPR**

In addition to the rights specified above, you are also entitled to a right to object as follows:

**Case-specific right to object**

You have the right, at any time, to submit an objection to the processing – that takes place based on Article 6(1)(e) GDPR (data processing in the public interest) and Article 6(1)(1)(f) GDPR (data processing on the basis of a balancing of interests) – of personal data concerning you, for reasons that arise from your particular situation; this also applies to profiling based on this provision as defined by Article 4(4) GDPR, as applicable. If you submit an objection, we will not process your personal data unless we are able to prove binding legitimate grounds for such processing that override your interests, rights and freedoms, or the processing serves the establishment, exercise or defence of legal claims.

**Right to object to processing of data for marketing purposes**

In individual cases we process your personal data for direct marketing purposes. You have the right to object at any time to the processing of personal data concerning you for the purposes of such marketing; this also applies to profiling insofar as this is associated with direct marketing. If you object to processing for the purposes of direct marketing, we will no longer process your personal data for this purpose. The objection may be submitted in any format to the body detailed under Item 1.