

# Information on the processing of your personal data

Diligence and transparency are the foundation for a trusting relationship with our customers. That's why we are informing you about how we process your personal data and how you may assert the rights to which you are entitled under the General Data Protection Regulation (GDPR). The type of personal data we process and the purpose for which it is processed depend on the respective contractual relationship.

## 1 Who is the data controller?

The data controller is:

agineo GmbH  
represented by the managing directors Mr. Thomas Haveneth and  
Mr. Uwe Scariot  
Pascalstr. 25  
52076 Aachen

## 2 How do you contact the Data Protection Officer?

You can contact our Data Protection Officer at:

agineo GmbH  
Personally/confidentially addressed to the Data Protection Officer  
Pascalstr. 25  
52076 Aachen  
Email: [datenschutz@agineo.de](mailto:datenschutz@agineo.de)

## 3 Which of your personal data do we use?

We process your data when you have a query, want to receive an offer from us, or conclude a contract with us. In addition, we process your personal data, among other things, to fulfill legal obligations, to protect a legitimate interest, or based on consent granted by you.

Depending on the legal basis, this concerns the following categories of personal data:

- First name, last name
- Gender
- Address
- Communication data (tel., email address)
- Date of birth

- Contract master data, in particular, contract number, term, period of notice, type of contract
- Billing data/sales data
- Creditworthiness data
- Payment information/account information
- Account information, in particular registration data and logins
- Video or visual recordings

During the initial contract procedure, we also draw on data made available to us by third parties. Depending on the respective type of contract, this involves the following categories of personal data:

- Information on creditworthiness (provided by credit agencies)

## 4 What are the sources of the data?

We process personal data which we have received from our customers, service providers and suppliers.

In addition, we obtain personal data from the following sources:

- Credit agencies
- Publicly accessible sources: commercial or association registers, records of debtors, land registers
- Other corporate group companies

## 5 For which purposes and on which legal basis do we process your personal data?

We process your personal data in compliance with the General Data Protection Regulation (GDPR), the German Federal Data Protection Act (BDSG), and any further applicable laws.

### 5.1 On the basis of consent granted by you (Art. 6 (1) (a) GDPR)

If you have granted us your voluntary consent to the collection, processing, or transfer of certain personal data, this consent constitutes the legal basis for the processing of such data.

In the following cases, we process your personal data on the basis of consent granted by you:

- Transmission of email newsletters
- Personalized newsletter tracking
- Market research (e.g., customer satisfaction surveys)
- Marketing and the creation of advertising from customer profiles

- Publication of a customer testimonial (name and picture)

## **5.2 For the fulfillment of a contract (Art. 6 (1) (b) GDPR)**

We use your personal data for the implementation of sales contracts. Within the scope of this contractual relationship, we process your data in particular for carrying out the following activities:

- For contract-related communication
- Contract management
- Ongoing customer support
- Service center activities
- Realization of warranty claims
- Receivables management
- Contract-termination management

Further information on the purposes of data processing can be found in the respective contract documents and general terms and conditions.

## **5.3 For the fulfillment of legal obligations (Art. 6 (1) (c) GDPR)**

As a company, we are subject to various legal obligations. Fulfillment of such obligations may necessitate the processing of personal data:

- Control and reporting obligations
- Creditworthiness, age, and identity checks
- Prevention/defense against criminal offenses

## **5.4 Due to a legitimate interest (Art. 6 (1) (f) GDPR)**

In certain cases, we process your data to assert our own legitimate interest or that of a third party.

- Direct advertising or market and opinion research
- Central customer data management within the Group
- Measures for building and plant safety
- Video surveillance for the protection of domiciliary rights
- Consultation of and data exchange with credit agencies to determine default and/or credit risks
- Safeguarding IT security and IT operations

## 6 Who are the recipients of your data?

In order to fulfill our contractual and legal obligations, your personal data will be disclosed to various public or internal bodies as well as to external service providers.

### 6.1 Companies within the corporate group

The Materna Group maintains a central customer data management system. The companies of the Materna Group can be viewed at: [https://www.materna.de/DE/Unternehmen/Standorte/standorte\\_node.html](https://www.materna.de/DE/Unternehmen/Standorte/standorte_node.html). agineo also maintains its own customer data management system.

### 6.2 External service providers

We work with carefully selected external service providers to meet our contractual and legal obligations:

- IT service providers (e.g., maintenance service providers, hosting service providers)
- Service providers for document and data destruction
- Printing services
- Telecommunication
- Payment service providers
- Advisors and consultants
- Marketing or sales service providers
- Credit agencies
- Authorized dealers
- Telephone support (call center) service providers
- Web hosting service providers
- Lettershops
- Auditors

### 6.3 Public authorities

In addition, we may be obliged to transfer your personal data to other recipients, such as authorities to fulfill legal notification obligations.

- Tax authorities
- Customs authorities
- Social insurance agencies

## 7 Is your data transferred to countries outside the European Union (so-called “third countries”)?

Countries outside the European Union (and the European Economic Area “EEA”) have a different approach to the protection of personal data than countries within the European Union. There is currently no decision by the EU Commission that these third countries generally offer an adequate level of protection.

We have therefore taken special measures to ensure that personal data is processed just as securely in third countries as within the European Union. We have concluded the standard data protection clauses provided by the Commission of the European Union with service providers in third countries. These clauses provide appropriate safeguards for the protection of your data by third-country service providers.

Our service providers in the United States are generally bound by the standard data protection clauses.

For further questions, please feel free to contact us at [datenschutz@agineo.de](mailto:datenschutz@agineo.de).

## 8 How long will my data be stored?

We store your personal data as long as it is necessary to fulfill our legal and contractual obligations.

Should storage of your data no longer be required for the fulfillment of contractual or legal obligations, your data will be erased, unless subsequent processing thereof is essential for the following purposes:

- Compliance with legal retention periods under commercial and tax law, i.e., the retention periods pursuant to the German Commercial Code (HGB) or German Fiscal Code (AO). Retention periods range up to ten years.
- Preservation of evidence in compliance with legal limitation periods. Pursuant to the limitation provisions set out in the German Civil Code (BGB), these limitation periods can, in certain cases, apply for up to 30 years; the regular limitation period applies for three years.

## 9 What are your rights in connection with the processing of your data?

Every data subject has the right of access to information pursuant to Art. 15 GDPR, the right to rectification of data pursuant to Art. 16 GDPR, the right to erasure of data pursuant to Art. 17 GDPR, the right to restriction of processing pursuant to Art. 18 GDPR, the right to object pursuant to Art. 21 GDPR, and the right to data portability pursuant to Art. 20 GDPR. In regard to right of access to information and the right to erasure of data, the restrictions set forth in Sections 34 and 35 of the German Federal Data Protection Act (BDSG) apply.

### 9.1 Right to object

You may object to the use of your data for advertising using electronic mail at any time, without incurring any costs other than the transmission costs according to the basic rates.

■ **What right do you have if your data is processed due to a legitimate or public interest?**

Pursuant to Art. 21 (1) GDPR, you have the right to object at any time to the processing of your personal data on the basis of Art. 6 (1) (e) GDPR (data processing in the public interest) or Art. 6 (1) (f) GDPR (data processing to safeguard a legitimate interest) for reasons arising from your particular situation; this shall also apply to profiling based on this provision.

Should you lodge an objection, we will discontinue processing your personal data, unless we can demonstrate compelling legitimate grounds for such processing which override your rights, interests, and freedoms, or such processing is conducted for the establishment, exercise, or defense of legal claims.

■ **What right do you have if your data is processed for the purpose of conducting direct marketing?**

If we process your personal data in order to conduct direct marketing, you have the right, pursuant to Art 21 (2) GDPR, to lodge an objection 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.

Should you object to the processing of your personal data for the purpose of direct marketing, we will discontinue processing your personal data for this purpose.

## 9.2 Withdrawal of consent

You may at any time withdraw your consent to the processing of your personal data. Please note that withdrawal is only effective for the future.

## 9.3 Right of access

You may request information on whether we have stored any personal data on you. If desired, we will provide you with details on the data involved, the purposes for which this data is processed, the parties with whom we share this data, how long this data will be stored, and on any additional rights relating to this data to which you are entitled.

## 9.4 Further rights

Furthermore, you have the right to rectification of incorrect data or the erasure of your data. If no reason exists for continued storage, we will either erase your data or restrict processing thereof. You may also request that all personal data which you have entrusted to us be made available by us, either to you or to a person or company of your choice, in a structured, common, and machine-readable format.

In addition, you may exercise your right to lodge a complaint with the competent data protection authority (Art. 77 GDPR in connection with Section 19 BDSG).

## **9.5 Assertion of your rights**

You may assert your rights by contacting the data controller or the Data Protection Officer at the contact details provided. We will promptly respond to your inquiries in accordance with legal requirements and inform you about the measures which we have taken.

## **10 Are you obliged to make your personal data available?**

In order to enter into a business relationship with us, you must provide such personal data as is required for us to fulfill the contractual relationship, or those which we are obliged to collect in compliance with legal requirements. Should you fail to provide such data, we will be unable to implement or perform the contractual relationship.

## **11 Changes to this information**

Should the purpose or method of processing your personal data change significantly, we will promptly update this information and inform you of the changes in good time.