

## Data protection declaration according to EU General Data Protection Regulation (GDPR)

Valid for customers, interested parties, suppliers as well as sales and cooperation partners of the Nickelhütte Aue GmbH.

With the following information we give you an overview of the processing of your personal data by us and your rights under the EU General Data Protection Regulation (GDPR). Which data is processed in detail and how it is used depends largely on the products and services requested or commissioned.

### 1. We assume responsibility for the treatment of your personal data:

Nickelhütte Aue GmbH  
 Rudolf-Breitscheid-Straße 65-75  
 08280 Aue  
 Deutschland  
 Phone +49 (0) 3771 / 505 0  
 E-Mail info@nickelhuetten-aue.de  
 Internet www.nickelhuetten-aue.de

### 2. Our data protection officer:

GINDAT Ltd.  
 Mr. Arndt Halbach  
 Wetterauer Str. 6  
 42897 Remscheid, Germany  
 Germany (German)  
 Phone +49 (0) 2191 909 / 430  
 E-mail datenschutz@nickelhuetten-aue.de

### 3. Data and services

#### a) Sources

We process personal data which we receive from you within the scope of our business relationship. In addition, we process (to the extent necessary for the provision of our products and services) personal data that we have received from third parties (e.g. for the execution of orders, for the fulfilment of contracts or on the basis of your consent). Additionally we also process personal data that we have obtained and are permitted to process from publicly accessible sources (e.g. trade and association register, press, media, Internet).

#### b) Categories of personal data

The following personal data may be collected, processed and stored when initiating a business relationship or creating master data:

Address and communication data (name, address, telephone, e-mail address, other contact data), personal master data (date and place of birth, gender, nationality, marital status, legal capacity, occupational group code, identification data (e.g. ID card data), authentication data (e.g. specimen signature), tax ID)

When using products and services within the scope of the contracts concluded with us, the following personal data may be collected, processed and stored in addition to the aforementioned data:

Contract master data (order data, data from the fulfilment of our contractual obligations, details of any third-party beneficiaries), billing, service and payment data (direct debit data, tax information, other personal master data (occupation, employer), documentation data (e.g. protocols), product data (e.g. requested or booked services and products) as well as the following business creditworthiness documents: income/surplus invoices, balance sheets, business evaluation, type and duration of self-employment.

#### c) Customer contact information

Data will also be generated during the business initiation phase and the subsequent business relationship, in particular through personal, telephone or written contacts, initiated by you or by Nickelhütte Aue GmbH. This may include, for example, information about the contact channel, date, occasion, (electronic) copies of correspondence and information on participation in direct marketing activities.

#### (d) Information society services

When processing data within the framework of information society services, you will receive further information on data protection in connection with the respective service.

### 4. Purpose and legal basis of the processing

We process the personal data mentioned in par. 3 in accordance with the provisions of the EU General Data Protection Regulation (GDPR):

a) For the performance of a contract (Article 6 para. 1 lit. b GDPR)  
 The processing of personal data is carried out to establish, execute and terminate a contract for the provision of products or services as well as to carry out pre-contractual measures for the preparation of offers, contracts or other wishes relating to the conclusion of the contract, which are carried out at your request.

The purposes of data processing depend primarily on the specific products and services and may include, among other things, needs analyses, advice and support. Further details on the purpose of data processing can be found in the respective (also pre-contractual) contractual documents of our cooperation. Interested parties may be contacted during the business relationship using the data they have provided, taking into account any restrictions expressed during the contract initiation and customers, suppliers as well as sales and cooperation partners during the business relationship.

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

If you have given us permission to process personal data for certain purposes (e.g. passing on data within the group of companies), the legality of this processing is based on your consent. Your consent can be revoked at any time. This also applies to the revocation of declarations of consent given to us before the EU General Data Protection Regulation came into force, i.e. before 25 May 2018. Please note that the revocation will have no retroactive effect. Processing that took place before the revocation is not affected by this. You can request an overview of the status of your consents at any time.

c) Based on compliance with a legal obligation (Article 6 para. 1 lit. c GDPR) or the public interest (Article 6 para. 1 lit. e GDPR)

We are subject to various legal obligations and legal requirements and process data for the following purposes, among others: Identity and age verification, the fulfilment of fiscal control and reporting obligations as well as the assessment and control of risks in the group of companies.

d) In the context of the pursuit of legitimate interests (Article 6 para. 1 lit. f GDPR)

If necessary, we process your data beyond the actual fulfilment of the contract to protect the legitimate interests of us or third parties.

Examples:

- Examination and optimisation of procedures for needs analysis and direct customer approach, including segmentation and calculation of closing probabilities;
- Advertising or market and opinion research, insofar as you have not objected to the use of your data;
- Assertion of legal claims and defence in legal disputes;
- Ensuring IT security and IT operations;
- Consultation of and data exchange with credit agencies to determine creditworthiness and default risks;
- Prevention of criminal offences;
- Video surveillance for the protection of the house right, for the collection of evidence with criminal offences;
- Measures for building and office security (e.g. access controls);
- Measures to secure the householder's title;
- Measures for business management and further development of services and products;
- Risk management within the Group.

### 5. Recipients of personal data

Within Nickelhütte Aue GmbH, those offices that need your personal data to fulfil our contractual and legal obligations will be given access to it. Service providers employed by us may also receive such data for these purposes if they comply with our written data protection instructions.

With regard to the transfer of data to recipients outside Nickelhütte Aue GmbH, it should first be noted that we are obliged to maintain secrecy with regard to all customer-related information of which we become aware. We may only pass on information about you if this is required by law, if you have consented to it and/or if contract processors commissioned by us guarantee in the same way the requirements of the EU General Data Protection as we do.

Under these conditions, recipients of personal data may be, for example:

- Public authorities and institutions in the event of a legal or official obligation
- Processors to whom we transfer personal data in order to carry out the business relationship with you. In detail: Support / maintenance of EDP / IT applications, archiving, document processing, call center services, compliance services, controlling, data destruction, purchasing/procurement, space management, collection, customer administration, letter shops, marketing, media technology, reporting, research, risk controlling, expense accounting, telephony, video legitimation, website management, auditing services, payment transactions.

Other data recipients may be those for whom you have given your consent for data transfer.

## **6. Data transfer to third countries or to international organisations**

Data will only be transferred to countries outside the EU or the EEA (so-called third countries) to the extent that this is required by law for the execution of your orders (e.g. tax reporting obligations), you have given us your consent or within the framework of order processing. If service providers are used in a third country, they are obliged to comply with the data protection level in Europe in addition to written instructions through the agreement of the EU standard contract clauses.

## **7. Duration of data storage**

We process and store your personal data as long as it is necessary for the fulfilment of our contractual and legal obligations. If the data are no longer required for the fulfilment of contractual or legal obligations, they will be deleted regularly, unless their (temporary) further processing is necessary for the following purposes:

- Compliance with commercial and tax retention periods and the periods specified therein for retention or documentation.
- Preservation of evidence within the framework of the statute of limitations.

## **8. Data protection rights of the person concerned**

Every person ("data subject") has the right of access under Article 15 GDPR, the right of rectification under Article 16 GDPR, the right of cancellation under Article 17 GDPR, the right of limitation of processing under Article 18 GDPR, the right to object under Article 21 GDPR and the right to data transfer under Article 20 GDPR. In addition, there is a right of appeal to a data protection supervisory authority (Article 77 GDPR). You can revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent given to us before the EU General Data Protection Regulation came into force, i.e. before 25 May 2018. By revoking the consent, the lawfulness of the processing carried out on the basis of the consent until revocation is not affected.

## **9. Obligation to provide data**

As part of our business relationship, we need you to provide the personal information that is necessary to establish and conduct a business relationship and to fulfil the contractual obligations associated therewith, or which we are required by law to collect. Without this information, we will typically be required to decline to enter into a contract, provide products or services, or to terminate an existing contract if we are unable to do so.

## **10. Automated decision (including profiling)**

We do not use fully automated decision-making (including profiling) pursuant to Article 22 GDPR for the establishment and implementation of the business relationship. Should we use these procedures in individual cases, we will inform you separately if this is required by law.

## **11. Profiling**

We may partially process your data automatically with the aim of evaluating certain personal aspects (profiling). For example, we use profiling to provide you with targeted information and advice on products with the help of evaluation tools. These enable communication and advertising tailored to your needs, including market and opinion research.

## **Information about your right of objection under Article 21 of the EU General Data Protection Regulation (GDPR)**

### **1. Right of objection in individual cases**

You have the right, for any reasons arising from your particular situation, to object at any time to the processing of personal data concerning you on the basis of Article 6 para. 1 e GDPR (data processing in the public interest) and Article 6 para. 1 f GDPR (data processing on the basis of a balancing of interests); this also applies to profiling based on this provision in the sense of Article 4(4) GDPR. If you file an objection, we will no longer process your personal data unless we can prove compelling reasons for processing worthy of protection which outweigh your interests,

rights and freedoms, or the processing serves the assertion, exercise or defence of legal claims.

### **2. Right of objection against the processing of data for advertising purposes**

In individual cases we might process your personal data in order to operate direct advertising. You have the right at any time to object to the processing of your personal data for the purpose of such advertising; this also applies to profiling, insofar as it is connected with such direct advertising. If you object to the processing for purposes of direct marketing, we will no longer process your personal data for these purposes. The objection can be addressed to the responsible person in a form-free manner.

Status: November 2018