

## Information on the Processing of Customer/Prospective/Supplier Data

KUMAVISION AG takes the protection of your personal data very seriously. Your privacy is an important matter for us. We process your personal data in accordance with the respectively applicable, legal, data protection requirements for the purposes listed below. Personal data within the meaning of this data protection information comprises all the information that relates to your person.

In the following, you will learn how we handle this data. To give you a better overview, we have divided our data protection information into chapters.

### Responsible party and Data Protection Officer

The party responsible (controller) for the data processing is:  
KUMAVISION AG  
Oberfischbach 3  
88677 Markdorf  
Germany  
Phone: +49 (7544) 966-300  
Email: [info@kumavision.com](mailto:info@kumavision.com)

Should you have any questions or comments concerning data protection (for example, information on/updating of your personal data), you can also contact our Data Protection Officer:

Deutsche Datenschutzkanzlei – Maximilian Musch  
Richard-Wagner-Strasse 2  
88094 Oberteuringen  
Germany  
Phone: +49 (7542) 94921-02  
Email: [datenschutz@kumavision.com](mailto:datenschutz@kumavision.com)

The data protection information also applies to all other companies of Kumavision AG. They can be found at the following link: <https://kumavision.com/en/verbundene-unternehmen>

## Processing scope

### 1. Source for the data collection

We process personal data that we have collected directly from you.

Insofar as this is necessary for the provision of our services, we process rightfully obtained personal data from other companies or other third parties (e.g. credit bureaus, address publishers). In addition, we process personal data which we have rightfully obtained, received or acquired from publicly available sources (such as telephone directories, commercial and association registers, civil registers, debtor directories, debt enforcement registers, land registers, the press, Internet and other media), and are allowed to process.

### 2. Origin and categories of data not collected directly from you

Insofar as it is necessary for the provision of our services, we process rightfully obtained personal data from other companies or other third parties. In addition, we process personal data which we have rightfully obtained, received or acquired from publicly available sources (the press, Internet and other media), and are allowed to process. Relevant personal data categories may include, in particular:

- Personal data (name, function in the company and comparable data)
- Contact details (addresses, email addresses, telephone numbers and comparable data)
- Data concerning your use of the telemedia offered by us (e.g. time of call-up of our websites, apps or newsletters, our clicked-on pages/links, or entries and comparable data)

### 3. Purposes and legal bases of the processed data

We process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR), the new version of the Federal Data Protection Act (FDPA), the Federal Act on Data Protection (FADP), and other applicable data protection regulations (see details below). The data that is processed in each case and how it is dealt with are determined mainly by the respective services requested or agreed upon. For further details or additions to the purposes of data processing, please refer to the respective contract documents, forms, a declaration of consent and/or other information provided to you (e.g. in conjunction with the use of our website or our terms and conditions).

#### **Purposes for fulfilment of a contract or pre-contractual measures (Art. 6 para. 1 lit. b GDPR, Art. 31 para. 2 lit. a FADP)**

The processing of personal data is carried out for implementing our contracts with you, executing your orders, and implementing measures and activities within the framework of pre-contractual relationships, e.g. with interested parties. This includes in essence: contract-related communication with you, the corresponding billing and related payment transactions, the verifiability of orders and other agreements, as well as quality control using appropriate documentation, goodwill procedures, measures for controlling and optimising business processes, and in order to fulfil the general due diligence obligations, the management and control by affiliated companies; statistical evaluations for corporate management, cost accounting and controlling, reporting, internal and external communication, emergency management, settlement and tax assessment of operating services, risk management, assertion of legal claims and defence in the case of legal disputes; guaranteeing IT security (including system and plausibility tests) and the general security, ensuring and exercising the domiciliary rights (e.g. through access controls); ensuring the integrity, authenticity and availability of the data, preventing and investigating criminal offences, and control by supervisory committees or supervisory authorities (e.g. auditing).

#### **Purposes within the framework of a legitimate interest of Kumavision AG or third parties (Art. 6 para. 1 lit. f GDPR, Art. 31 para. 2 FADP)**

In addition to the actual fulfilment of the contract or the preliminary contract, we may process your data, if it is necessary, to protect our legitimate interests or those of third parties, in particular for purposes regarding

- Advertising or market and opinion research, insofar as you have not objected to the use of your data;
- The testing and optimisation of procedures for needs analysis;
- The further development of services and products, as well as existing systems and processes;
- The enrichment of our data, including through the use or searching of publicly available data;
- Statistical evaluations or market analysis; benchmarking;
- The assertion of legal claims and defence in the case of legal disputes which are not directly attributable to the contractual relationship;
- The limited storage of the data, if deletion is not possible due to the specific nature of the storage or is possible only with a disproportionately high expenditure;
- The prevention and investigation of criminal offences, if not exclusively for the fulfilment of legal requirements
- The safety of buildings and plants (e.g. through access controls) if exceeding the general due diligence obligations;
- Internal and external investigations as well as security checks; if applicable, listening in; or
- Obtainment and maintenance of certifications of a private law or public authority nature; ensuring and exercising domestic law through appropriate measures (such as video surveillance), as well as safeguarding evidence of criminal offenses and preventing them.

## **Purposes within the framework of your consent (Art. 6 para. 1 lit. a GDPR, Art. 31 para. 1 in conjunction with Art. 6 para. 6 FADP)**

Your personal data may also be processed for certain purposes (e.g. use of your email address for marketing purposes) on the basis of your consent. As a rule, you can revoke this consent at any time. This also applies to the revocation of declarations of consent that were given to us before the GDPR was applicable, i.e. before 25 May 2018. You will be informed separately in the corresponding text of the consent about the purposes and consequences of a revocation and non-granting of consent. As a general rule, revocation of consent is effective only for the future. Any processing carried out prior to the revocation shall not be affected and remains lawful.

## **Purposes for fulfilling legal requirements (Art. 6 para. 1 lit. c GDPR; Art. 31 para. 1 FADP) or in the public interest (Art. 6 para. 1 lit. e GDPR; Art. 31 para. 1 FADP)**

Like anyone who participates in the business world, we are subject to a variety of legal obligations. These are primarily legal requirements (e.g. commercial and tax laws), but also regulatory or other official requirements, if applicable. The purposes of processing may include the fulfilment of tax control and reporting obligations, and also the archiving of data for data protection and data security purposes, as well as audits by tax authorities and others. In addition, disclosure of personal data may be necessary in the context of administrative/judicial measures for the purpose of gathering evidence, prosecuting or enforcing civil law claims.

## **Extent of your duties to provide us with data**

You need to provide only the information required for entering into and conducting a business relationship or a pre-contractual relationship with us, or the information we are required to collect by law. As a rule, we are unable to conclude or execute the contract without this data. This may also apply to data required later in the business relationship. Should we request further data from you, you will be notified specifically of the voluntary nature of the information.

## **Existence of automated decision-making in individual cases (including profiling)**

Pursuant to Article 22 GDPR and Article 21 FADP, we do not use purely automated decision-making procedures. Should we use a procedure of this kind in individual cases in the future, we shall inform you separately, insofar as this is required by law. If need be, we may process your information partially with the aim of evaluating certain personal aspects (profiling).

In order to be able to provide you with targeted product information and advice, we may use evaluation tools. These enable requirement-oriented product design, communication and advertising, including market and opinion research. Pursuant to Art. 9 GDPR and Art. 5 lit. c no. 2 FADP, data on nationality and specific categories of personal data are not processed.

## **4. Consequences of failure to provide data**

Within the framework of the business relationship, you must provide the personal data that is needed for establishing, conducting and terminating the transaction and the related contractual obligations, or the data that we are required by law to collect. Without this data, we shall not be able to conduct the transaction with you.

## **5. Recipients of the data within the EU and Switzerland**

Within our company, the internal bodies or organisational units receive the data from you that they need in order to fulfil our contractual and legal obligations, or in the context of processing and implementing our legitimate interests.

Transfer of your data to external agencies is carried out exclusively

- in connection with the execution of contracts;
- for the purpose of fulfilling legal requirements in accordance with which we are obliged to provide information, notification or the disclosure of data or pass on data in the public interest (see section 2.4); insofar as external service providers process data on our behalf as processors or subcontractors (e.g. computer centres, support/maintenance of EDP/IT applications, archiving, document processing, call-centre services, compliance services, controlling, data validation or plausibility check, data destruction, purchasing/procurement, customer administration, letter shops, marketing, media technology, research, risk controlling, billing, telephony, website management, auditing services, credit institutions, printers or companies for data disposal, courier services, logistics);
- on the basis of our legitimate interests or the legitimate interests of the third party, in the context of the stated purposes (e.g. to authorities, credit bureaus, debt collection agencies, lawyers, courts, appraisers, subsidiaries, committees and supervisory bodies);
- if you have given us your consent for transmission to third parties.

We shall not otherwise pass on your data to third parties. Insofar as we commission service providers within the scope of processing an order, your data will then be subject to the same security standards as with us. In all other cases, the recipients may use the data only for the purposes for which it was transmitted to them.

## 6. Recipients of the data outside the EU and Switzerland

A transfer of data to agencies in countries outside the European Union (EU) or the European Economic Area (EEA) (so-called third countries) and Switzerland is carried out if it is necessary for executing an order/contract by or with you, if it is required by law (e.g. tax reporting obligations), if it is within the scope of a legitimate interest of Kumavision AG or a third party, or if you have given us your consent.

In this case, the processing of your data in a third country may also be carried out in conjunction with the involvement of service providers within the scope of the order processing. Unless a decision has been made by the EU Commission or the FDPIC for the country in question regarding a given appropriate level of data protection there, we guarantee in accordance with the EU data protection stipulations and FADP stipulations that the rights and freedoms are adequately protected and guaranteed by appropriate contracts. In this specific case, we will transfer your personal data to the USA. Transmission takes place on the basis of the provisions of Art. 16 para. 2 lit. d FADP in the form of recognised standard contractual clauses issued by the FDPIC. In addition, data will be transferred to Germany and Austria on the basis of the Swiss Federal Council's decision in accordance with Art. 16 para. 1 FADP of the FDPIC.

We will provide you with corresponding detailed information upon request. Information concerning appropriate or adequate safeguards and the possibility of receiving a copy thereof may be obtained from the internal Data Protection Officer upon request.

## 7. Data retention periods

We process and store your data for the duration of our business relationship. This also includes the initiation of a contract (pre-contractual legal relationship) and the execution of a contract.

In addition, we are subject to various retention and documentation obligations that result, among other things, from the respective relevant commercial and tax law requirements and the Swiss Code of Obligations. The periods prescribed therein for retention or documentation are up to ten years as at the end of the calendar year beyond the end of the business relationship or the pre-contractual legal relationship.

Furthermore, specific legal requirements may require a longer retention period, such as for the maintenance of evidence within the framework of the statutory limitation periods, for instance. Pursuant to sections 195 et seq. of the German Civil Code (BGB) and the Swiss Code of Obligations, the regular period of limitation is three years; however, limitation periods of up to 30 years may also be applicable.

Should the data no longer be required for the fulfilment of contractual or legal obligations and rights, it is deleted on a regular basis, unless its - limited - further processing is required for fulfilling the purposes of a predominantly legitimate interest. An overriding legitimate interest of this kind is also given e.g. if a deletion due to the special nature of the storage is not possible or is possible only with disproportionately high expenditure, and processing for other purposes using appropriate technical and organisational measures is excluded.

## 8. Your rights

Under certain conditions, you can assert your data protection rights against us.

- Thus you have the right to receive information from us about your data stored with us in accordance with the provisions of Art. 15 GDPR and Art. 25 FADP (possibly with restrictions in accordance with para. 34 FDPA).
- Upon your request we shall correct the data stored concerning you in accordance with Art. 16 GDPR and Art. 32 para. 1 FADP, should they be inappropriate or incorrect.
- If you wish, we shall delete your data in accordance with the principles of Art. 17 GDPR and Art. 32 FADP, provided that no other legal regulations (e.g. statutory retention requirements or the restrictions in accordance with para. 35 FDAP) or a predominant interest on our part (e.g. for defending our rights and claims) oppose this.
- Taking into account the requirements of Art. 18 GDPR and Art. 32 FADP, you can require us to restrict the processing of your data.
- Furthermore, you may object to the processing of your data in accordance with Art. 21 GDPR, on the basis of which we must stop processing your data. However, this right to objection applies only in the event of exceptional circumstances of your personal situation, whereby the rights of our company may conflict with your right of objection.
- In the event of an automated individual decision, you have the possibility to express your position and to request that it be reviewed by a natural person upon request.
- You also have the right to receive your data under the conditions set out in Art. 20 GDPR and Art. 28 FADP in a structured, common and machine-readable format or to transmit them to a third party.
- In addition, you have the right to withdraw your consent granted to us for the processing of personal data at any time with future effect (see No. 2.3).
- You also have the right to lodge a complaint with a data protection supervisory authority (Art. 77 GDPR, Art. 49 FADP). However, we recommend that you always address a complaint to our Data Protection Officer in the first instance.
- Your requests for exercising your rights should, where possible, be addressed in writing or sent by email to the address given above, or sent directly in writing or by email to our Data Protection Officer.

### Special reference to your right of objection under Art. 21 GDPR

You have the right to object at any time to the processing of your data that is carried out on the basis of Art. 6 para. 1 (f) GDPR (data processing on the basis of a balance of interests) or Art. 6 para. 1 (e) GDPR (data processing in the public interest) if there are reasons for this arising from your particular situation.

This also applies to profiling based on this provision within the meaning of Art. 4 no. 4 GDPR. If you object, we shall no longer process your personal information, unless we can provide compelling legitimate grounds for the processing that outweigh your interests, rights and freedoms, or the processing serves the purpose of asserting, exercising or defending legal claims.

If necessary, we also process your personal data in order to conduct direct advertising. If you do not wish to receive any advertising, you have the right to file an objection to it at any time; this also applies to profiling, insofar as it is associated with direct advertising of this kind. We shall take this objection into account for the future. We shall no longer process your data for direct advertising purposes if you object to processing for these purposes.

The objection can be filed without observing any formal requirements and should be addressed to the following party whenever possible:

KUMAVISION AG  
Oberfischbach 3  
88677 Markdorf (am Bodensee)  
Germany  
Phone: +49 (7544) 966-300  
Email: [info@kumavision.com](mailto:info@kumavision.com)

You also have the option of submitting a complaint to the afore mentioned Data Protection Officer or to a data protection supervisory authority.

Landesbeauftragter für den Datenschutz und die Informationsfreiheit Baden-Württemberg  
Lautenschlagerstrasse 20, 70173 Stuttgart  
Postfach 10 29 32, 70025 Stuttgart  
Germany  
Phone: +49 711/615541-0  
Fax: +49 711/615541-15  
Email: [poststelle@lfdi.bwl.de](mailto:poststelle@lfdi.bwl.de)  
Internet: [www.baden-wuerttemberg.datenschutz.de](http://www.baden-wuerttemberg.datenschutz.de)

The Federal Data Protection and Information Commissioner can be contacted at:  
Feldeggweg 1  
3003 Bern, Switzerland  
Phone: +41 (0)58 462 43 95 (Monday to Friday, 10.00 am to 12.00 pm)  
Fax: +41 (0)58 465 99 96  
Internet: [https://www.edoeb.admin.ch/edoeb/de/home/deredoeb/kontakt/kontaktformular\\_betroffene.html](https://www.edoeb.admin.ch/edoeb/de/home/deredoeb/kontakt/kontaktformular_betroffene.html)