



Data protection notice for our customers and suppliers

Our handling of your data and your rights – information in accordance with Articles 13, 14 and 21 of the GDPR

This data protection notice is intended to inform you in accordance with the EU General Data Protection Regulation (GDPR), which came into force on 25 May 2018, about how we process your personal data and your rights in this respect. This notice will be updated as required and published at <https://www.guentner.com/dp>.

1. Who is responsible for data processing and whom can I contact in this respect?

Responsibility lies with Güntner GmbH & Co. KG
Hans-Güntner-Str. 2 – 6
D-82256 Fürstenfeldbruck

Contact details for the data protection officer:

Mr Christian Volkmer
Projekt 29 GmbH & Co. KG
Ostengasse 14
D-93047 Regensburg
E-mail: anfragen@projekt29.de

2. Which sources and data do we use?

We process personal data that we receive in the context of our business relationship with you. We receive the data directly from you.

In specific terms, we process the following personal data:

- Your master/contact details, including for example:
 - For customers: first name and last name, address, contact details (e-mail address, telephone number, fax), date of birth, data from the submitted proof of identity (identity card copy), bank details
 - For suppliers: the name of your legal representative, company, commercial register number, sales tax ID, company number, address, contact details of contact partners (e-mail address, telephone number, fax), bank details
- Other personal details, including:
 - Information about the type and content of contract data, order data, sales revenue and receipt data, customer and supplier history as well as advisory documentation
 - Advertising and sales data
 - Documentation data (e.g. minutes of consultations), image data
 - Information from your electronic transactions (e.g. IP address, log-in data)
 - Other data we receive from you in the context of our business relationship (during customer meetings, for example)
 - Data that we generate ourselves from master/contact data as well as other data (from customer requirement and customer potential analyses, for example)
 - Documentation of your consent to receipt of newsletters, for example

3. Why (purpose of processing) do we process your data and on which legal basis?

We shall inform you below of why and on which legal basis we process your data.

3.1 To comply with contractual obligations (Art. 6(1)(b) GDPR)

The purpose of data processing is determined in each case in accordance with the specific order and the contract documents.

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Geschäftsführer: Robert Gerle,
Michael Freiherr, Andrea Holzbaur

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3.2 Based on legitimate interests (Art. 6(1)(f) GDPR)

We may also use your data on the basis of a balancing of interests to safeguard our own legitimate interests or those of third parties. This is done for the following purposes:

- General business management and enhancement of services and products
- Advertising, market and opinion research
- Assertion of legal claims and defence in legal disputes
- Prevention and investigation of criminal offences
- Assurance of IT security and safeguarding IT operation

Our interest in the respective processing is based on the specific purposes in each case and is otherwise of an economic nature (efficient fulfilment of duties, sales, avoidance of legal risks).

Insofar as it fulfils the specific purpose, we process your data in pseudonymous or anonymous form.

3.3 To comply with legal obligations (Art. 6(1)(c) GDPR)

We are subject to various statutory and legal requirements, which obligate us to process your data. Of relevance in this respect is general tax law and the fiscal code (Abgabenordnung - AO). For example, we are obligated with respect to authorities to retain invoices within the scope of statutory retention periods.

3.4 Arising from your consent (Art. 6(1)(a) GDPR)

Should the processing of your personal data exceed the purposes outlined in points 3.1 to 3.3, this must be legitimised on the basis of your individual consent. Insofar as you have therefore given us your consent to process your personal data, the respective consent shall form the legal basis for processing in this respect.

You may withdraw your consent at any time with future effect. This also applies for any declaration of consent you have given us prior to the coming into force of the GDPR, therefore before 25 May 2018. Revocation shall only apply to future processing.

4. Processing of personal data for advertising purposes

You may object to the use of your personal data for advertising purposes at any time either in general or for individual measures, without incurring any costs other than the transmission costs in accordance with the basic tariffs.

We are entitled under the statutory requirements of Section 7(3) of the Law against Unfair Competition (UWG) to use the e-mail address you provided to us on conclusion of the contract for the purpose of directly advertising own similar goods or services. You shall receive these product recommendations from us regardless of whether you have subscribed to a newsletter.

If you do not wish to receive such recommendations from us by e-mail, you can object to the use of your e-mail address for this purpose at any time, without incurring any costs other than the transmission costs in accordance with the basic tariffs. Notification in text form shall suffice in this respect. An unsubscribe link is of course also always included in each e-mail.

5. Who will obtain my data?

Your data shall only be forwarded on a confidential basis and only insofar as a legal basis so permits.

Departments within Güntner GmbH & Co. KG shall obtain your data insofar as this is necessary to conduct our business relationship with you or to fulfil legal obligations or to perform their respective duties, such as for example sales, order processing, order preparation, order management, shipping and invoicing.

Furthermore, the following departments may also receive your data:

- Processors deployed by us (Art. 28 GDPR), especially in the area of IT services, logistics and printing services who process your data for us subject to instructions
- Public bodies and institutions (e.g. financial authorities) when a statutory or regulatory obligation exists as well as
- Other bodies for whom you give us your consent to transfer your data or for whom you exempt us from the obligation of banking confidentiality subject to agreement or consent



6. For how long will my data be stored?

Where necessary, we shall process your personal data for the duration of our business relationship, which also includes preparation and execution of a contract.

Moreover, we are subject to various retention and documentation obligations, which may arise especially in relation to the German Commercial Code (HGB), the German Fiscal Code (AO) and other laws. The retention and documentation periods stated therein are between two and ten years.

Finally, the storage duration is also assessed in respect of the statutory limitation periods, which can range, for example, from three years generally under Sections 195 ff. of the German Civil Code (BGB) to up to thirty years in certain cases.

7. Shall data be transferred to a third country or an international organisation?

We transfer your data to countries that do not belong to the European Economic Area (EEA) – third countries – insofar as this is necessary for executing your orders and is prescribed by law or if you have given us your consent to do so.

8. Do I have additional data protection rights?

In accordance with the respective statutory requirements, you have the right to information (Art. 15 GDPR, Section 34 Federal Data Protection Act (BDSG) as amended 25 May 2018), to rectification (Art. 16 GDPR), to erasure (Art. 17 GDPR, Section 35 BDSG), to restriction of processing (Art. 18 GDPR) as well as to data portability (Art. 20 GDPR). In addition, you have the right to lodge a complaint with a supervisory authority (Art. 77 GDPR, Section 19 BDSG).

9. Am I duty bound to provide data?

In the context of our business relationship, you are only obliged to provide such personal data as is required for establishment, execution and termination of a business relationship, or which we are legally bound to collect.

10. To what extent will my data be used for profiling?

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. This shall not apply if the decision:

- (1) is necessary for entering into, or performance of, a contract between you and us
- (2) is authorised by Union or Member State law to which we are subject and if this law lays down suitable measures to safeguard your rights and freedoms and legitimate interests or
- (3) is based on your explicit consent.

These decisions shall not however be based on special categories of personal data referred to in Article 9(1) GDPR, unless point (a) or (g) of Article 9(2) GDPR applies and suitable measures to safeguard your rights and freedoms and legitimate interests are in place.

In the cases referred to in (1) and (3), we shall implement suitable measures to safeguard your rights and freedoms and legitimate interests, including at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.



11. What rights of objection do I have? (Art. 21 GDPR)

11.1 Individual right of objection

You have the right to object at any time, on compelling legitimate grounds relating to your particular situation, to the processing of data relating to you, which is carried out under Art. 6(1)(f) GDPR (data processing based on legitimate interests).

If you object, we shall no longer process your personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

11.2 Right of objection to processing of data for the purpose of direct advertising

We may also process your data for direct marketing within the bounds of the statutory regulations. You have the right to object at any time to the processing of personal data concerning you for the purpose of such advertising.

Where you object to processing for direct marketing purposes, we shall no longer process your personal data for such purposes.

The objection may be raised in each case without observing any formal requirement. You will find our contact details under item 1.

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