



SH business COM GmbH SH-Allee 1 | 79336 Herbolzheim

## Information on data protection for customers and prospective customers

Information on data protection and how we process the data of our customers and prospective customers in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

### SH BUSINESS COM GMBH

Dear customer or prospective customer,

We would hereby like to inform you about the processing of your personal data and your rights concerning this matter according to Articles 13, 14 and 21 of the GDPR. Specifically which data is processed and how it is used is determined by which services have been requested or agreed upon.

### 1. DATA CONTROLLER AS DEFINED BY DATA PROTECTION LAW

SH business COM GmbH

SH-Allee 1

79336 Herbolzheim, Germany

Tel.: +49 (0)7643 8006 - 1100

Email: [geschaeftsfuehrung@sh-business-com.de](mailto:geschaeftsfuehrung@sh-business-com.de)

### 2. OUR DATA PROTECTION OFFICER'S CONTACT INFORMATION

Dominik Fünkner

[datenschutzbeauftragter@datenschutzexperte.de](mailto:datenschutzbeauftragter@datenschutzexperte.de)

### **3. PURPOSES OF AND LEGAL BASIS FOR PROCESSING**

We process your personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG) for the purpose of establishment, implementation and performance of a contract as well as taking steps prior to entering into a contract. If it is necessary to provide personal data for the initiation or implementation of a contract or in order to take steps prior to entering into a contract, processing shall be lawful according to Article 6(1)(b) GDPR.

If you give us explicit consent to the processing of your personal data for specific purposes (e.g. transfer of data to third parties, analysis of data for marketing purposes, advertising), the lawfulness of this processing is provided on the basis of your consent in accordance with Article 6(1)(a) GDPR. Once given, consent can be withdrawn at any time (see point 9 below). Please note that the withdrawal of consent will only have future effect. Any processing which took place before withdrawal shall remain unaffected.

If necessary and legally admissible, we will process your data beyond the actual purposes of the contract for compliance with legal obligations (Article 6(1)(c) GDPR). Additionally, processing may occur if necessary for safeguarding legitimate interests (Article 6(1)(f) GDPR) pursued by us or by a third party; we will inform you separately of this by declaring the legitimate interest as provided by law.

### **4. CATEGORIES OF PERSONAL DATA**

We process data which is related to establishing a contract or taking steps prior to entering into a contract. This can be general data about your person or persons at your company (such as names, address, date of birth and contact information as well as bank account information, HR number, etc.) or contract data (such as telephone number, card number, customer account number, PIN and PUK, card user, cost centre, etc.) and, as appropriate, other data which you transfer to us in the context of establishing a contract.

### **5. DATA SOURCES**

We process personal data, which we either receive from you or which you provide our sales partners and network providers with, in the context of making contact or establishing a contract or within the context of steps taken prior to entering into a contract.

## 6. RECIPIENTS OF THE DATA

We pass on your personal data within our company exclusively to the departments which require this data for the performance of contractual or legal obligations, or for pursuing our legitimate interest.

We are authorised to transfer your personal data to companies associated with us insofar as this is admissible within the scope of the purposes and legal basis presented under point 3 above.

The processing of your personal data on our behalf shall be governed by processing agreements in accordance with Article 28 GDPR. In these cases, we ensure that the processing of personal data occurs in accordance with the General Data Protection Regulation.

### SOFTWARE

Otherwise, data is only transferred to recipients outside of the company if legal provisions allow for or mandate it; if a transfer is necessary for the fulfilment and therefore performance of the contract or — at your request — for taking steps prior to entering into a contract; if you have consented or if we are authorised to provide information. Under these conditions, recipients of personal data may be, for example:

- public bodies and institutions (e.g. public prosecutors, police authorities, supervisory authorities, inland revenue) at the presentation of a legal or official obligation.
- recipients to whom data must be passed on to establish or perform a contract, for example suppliers, network operators, external service providers and/or to undertakings associated with us.
- Other data recipients could be the bodies for which you have given us your consent to transfer your data.

## 7. TRANSFER TO A THIRD COUNTRY

Transfer to a third country is not envisaged.

## 8. PERIOD OF DATA STORAGE

If necessary, we will process and store your personal data for the length of our business relationship, which could for instance also comprise the initiation and fulfilment of a contract or serve contractual purposes.

Additionally, we are subject to various retention and documentation obligations arising from the German Commercial Code (HGB) and Fiscal Code (AO), or other provisions. The retention and documentation periods prescribed in those codes last two to ten years.

Ultimately, the storage period is also assessed according to the legal limitation period, which generally lasts three years, for instance under Sections 195 et seq. of the German Civil Code (BGB), but can in certain cases also last up to thirty years.

## 9. YOUR RIGHTS

Each data subject has the right of access in accordance with Article 15 GDPR, the right to rectification in accordance with Article 16 GDPR, the right to erasure in accordance with Article 17 GDPR, the right to restriction of processing in accordance with Article 18 GDPR, the right to notification of any of the preceding processes in accordance with Article 19 GDPR as well as the right to data portability arising from Article 20 GDPR.

Additionally, you have the right to lodge a complaint with a data protection supervisory authority in accordance with Article 77 GDPR if you consider that the processing of your personal data is not legal. You have the right to lodge a complaint without prejudice to any other administrative or judicial remedy.

Insofar as the processing of data is based on your consent, you have the right to withdraw consent to the use of your personal data at any time to take future effect in accordance with Article 7 GDPR. Please note that we must retain certain data for a certain period of time in order to fulfil legal provisions.

### Right to object

If personal data concerning you is processed for the safeguarding of legitimate interests on the basis of Article 6(1)(f) GDPR, you have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data according to Article 21 GDPR. We will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or unless the data is processed for the establishment, exercise or defence of legal claims.

In individual cases, we will process your personal data for the purpose of direct marketing. You shall have the right to object at any time to processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing. If you make an objection to data processing for the purpose of direct marketing, we will no longer process your personal data for this purpose.

You may contact us at any time to protect and exercise your rights using the the contact information listed above.

## 10. NECESSITY TO PROVIDE PERSONAL DATA

The provision of personal data to establish or perform a contract or for taking steps prior to entering into a contract is generally neither legally nor contractually prescribed. You are therefore not obliged to provide personal data. However, the provision of personal data is generally required for the decision to enter into a contract, to perform a contract or for steps prior to entering into a contract. You should and must only provide personal data which is

required for entering into or performing a contract or for steps prior to entering into a contract. If you do not provide us with any personal data, we may not be able to make a decision regarding steps to entering a contract.

#### **11. AUTOMATED DECISION-MAKING**

For establishing and conducting a business relationship as well as for taking steps prior to entering into a contract, as a matter of principle, we do not make any decisions based on fully-automated decision-making pursuant to Article 22 GDPR. Should we implement such procedures in individual cases, we will inform you separately of this or obtain your consent as provided by law.