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Data processing information for customers and other contractual partners of TÜV SÜD Sec-IT GmbH

The protection of personal data is of great concern to us. A key principle of the DSGVO is the transparency of data processing. With the following information we provide you with an overview of the processing of your personal data and the rights you are entitled to under the DSGVO.

1. Introduction

We would like to inform you about the processing of personal data carried out by TÜV SÜD Akademie.

Controller in accordance with the General Data Protection Regulation (GDPR) is TÜV SÜD Akademie, Westendstr. 160, 80339 Munich, Germany (TÜV SÜD, we)

You can contact our data protection officer by mail at TÜV SÜD Business Services GmbH, Westendstr. 199, 80686 Munich, Germany, with the addition "AKD Datenschutz" or by e-mail at AKD.DSGVO@tuvsud.com.

In the following you will find the data protection information in connection with the processing of personal data within the scope of the "Data Protection Consulting" services.

If the term "data" is used, „personal data“ in GDPR context is meant.

2. What kind of data do we collect?

We process personal data which are submitted to us within the scope of initiating, entering, and executing our contractual relationship and which are necessary in order for us to meet our obligations resulting therefrom. This includes in particular contact details of contact persons, such as title, first name, name, email address, address, telephone numbers, position/function in your company. In addition to your personal details, personal data can also include data related to your contract or order (e.g. payment order), data obtained from the performance of our contractual obligations (e.g. sales data in payment transactions), information about your financial situation (e.g. creditworthiness data), advertising and sales data, and other data comparable with the above categories. We also process data that you submit voluntarily (e.g. for preparation of quotation, within the scope of planning and service provision during testing and audits) or that are publicly accessible, e.g. on the Internet or your company website.

3. For which purposes do we process your personal data, and on what legal basis?

We process your personal data in compliance with the GDPR and local data protection requirements (e.g. BDSG) as well as all other relevant legal regulations.

a. To take steps prior to entering a contract and for the performance of a contract (Art. 6 (1) lit. b GDPR)

We process your personal data to create quotations and draft contracts with the objective of concluding a contract.

After conclusion of a contract, we process your personal data within the scope of fulfilling, and billing for, the contractually agreed services. This includes in particular:

- audit planning, performance, and documentation,
- performance of services in line with your contracts/orders and requests,
- communication with you in the context of a contract,
- furnishing proof of compliance with their requirements to authorities, accreditation bodies, and standard owners,
- billing and collection of payments, remunerations, or fees, and traceability of the completed transactions,
- review of the lawfulness of the respective compensation, and
- establishment of warranty and other liability claims, if any.

b. Within the scope of balancing of interests (Art. 6 (1) lit. f GDPR)

We process your personal data beyond the extent required to fulfill our obligations under the contract where this is necessary to pursue our legitimate interests or the legitimate interests of third parties.



Akademie

This concerns purposes including the following:

- Transfer to a contractually bound collection company or an external lawyer in the event of unsuccessful dunning proceedings,
- Obtaining information/ data exchange with credit agencies,
- a due diligence during sales negotiations,
- knowledge databases to exchange knowledge and promote business,
- protection of domiciliary rights,
- contacting you for the purposes of renewing our contract, re-establishing customer relations, or preparing a new quotation,
- Direct advertising for similar goods or services by e-mail or telephone,
- sending you invitations to customer surveys, workshops, and/or events,
- providing you with information as a response to complaints or enquiries by third parties,
- taking measures for the further development or improvement of our services and products or processes,
- measures related to IT security and compliance with data protection.

Our legitimate interests related to the above purposes of data processing are maintenance and expansion of our customer base, improvement of our services, optimization of our processes and services, taking into account customer requirements, identification and improvement of customer satisfaction, expansion of the service portfolio offered to our customers, avoiding misuse of our certification mark, protection of our brand, assuring compliance with certification-related standards, and ensuring the confidentiality, availability, and integrity of the IT systems used.

c. Based on your consent (Art. 6 (1) lit. a GDPR)

In as far as you have consented to the processing of your personal data for certain purposes (e.g. newsletter dispatch, handing out of data within the Group of companies), the lawfulness of data processing is ensured on the basis of your consent. You can withdraw your consent at any time. To do so, please send a written withdrawal of your consent to the above postal address or use the contact details provided above. Withdrawal of your consent will not affect the lawfulness of data processing up to the time of your withdrawal of consent.

d. For compliance with legal obligations (Art. 6 (1) lit. c GDPR)

We will also process your personal data, in as far as necessary, to comply with our legal obligations.

This particularly (but not exclusively) concerns the following purposes within the scope of:

- Commercial and tax laws (e.g. the fulfilment of fiscal control and reporting obligations and storage for inspection by authorities),
- Criminal law (e.g. to prevent fraud and money laundering, comparison against anti-terror and corruption lists),
- Disclosure of your personal data (e.g. by order of authorities or courts of law) within the scope of measures for the purposes of collection of evidence, criminal prosecution, or implementation of civil-law claims.

4. Who will have access to your data?

Within the TÜV SÜD Group, we provide access to your data only to those functions that need your data in order for us to fulfill our contractual and legal obligations (e.g. IT services).

We only share your personal data with recipients outside the TÜV SÜD Group if this is necessary on the basis of contractual, legal, or other obligations (e.g. auditing companies, standard owners, and accreditation bodies).

Beyond the above - in part to protect our legitimate interests - we sometimes use external processors and service providers which support us in our activities (e.g. letter shops, print shops, logistics companies, subcontractors such as freelance auditors or technical experts used for providing the services requested by you).

Further recipients of your data can be those for which you have given us your consent concerning data transfer.



Akademie

5. Are data transferred to third countries?

The data are provided within the TÜV SÜD Group in countries outside the European Union and/or the European Economic Area (EEA) ("third countries") for communication purposes and to establish the basic mechanisms for collaboration with our colleagues (e.g. email communication within the TÜV SÜD Group).

Beyond the above, we will only transfer personal data to third countries if the EU Commission has confirmed that the country in question maintains an appropriate level of data protection, if other sufficient safeguards of data protection (e.g. agreement of the standard contract clauses of the EU Commission) are in place or you have given us your consent.

6. For how long will your data be stored?

The storage period of personal data depends on contractual, legal, and process-related requirements. Personal data will only be stored for as long as necessary for the purpose of processing. This generally means for as long as necessary for the performance of the contract concluded with you. Beyond the above, the following periods apply to the storage of personal data:

Personal data which you submit for the purposes of reviewing service offers and preparing quotations will be retained for a period of four years, if you do not place an order with us for the current service cycle (for certifications generally three years).

Personal data relevant under tax law are generally stored for a period of 10 years; other personal data according to commercial regulations, are generally stored for a period of 6 years.

Retention of evidence in line with the legal statutes of limitation. According to Sections 195 et seq. of the German Civil Code (Bürgerliches Gesetzbuch, BGB), limitation periods can be up to 30 years. However, the regular period of limitation is three years.

All data that are no longer needed for compliance with contractual or legal obligations will be deleted or anonymized at regular intervals.

7. What are your rights regarding the processing of personal data?

a. Right of access

On request, you have the right to obtain information from us about the personal data concerning you and processed by us, to the extent defined in Art. 15 GDPR. Please send your request to obtain information by using the contact details provided above.

b. Right to rectification

You have the right to require us to rectify any inaccurate personal data concerning you without undue delay (Art. 16 GDPR). Please send your request for rectification by using the contact details provided above.

c. Right to deletion

Where the legal reasons defined in Art. 17 GDPR apply, you have the right to immediate deletion ("right to be forgotten") of personal data concerning you. These legal reasons include: the personal data are no longer necessary for the purposes for which they were processed, or you withdraw your consent, and there are no other legal grounds for processing; the data subject objects to the processing (and there are no overriding legitimate grounds for processing does not apply to objections to direct advertising). To assert your above right, please contact us by using the contact details provided above.

d. Right to restriction of processing

If the criteria defined in Art. 18 GDPR are fulfilled, you have the right to restriction of processing as established in the above article of the GDPR. According to this article, restriction of processing may be called for in particular if processing is unlawful and the data subject opposes deletion of the personal data and requests the restriction of their use instead, or if the data subject has objected to processing according to Art. 21 (1) GDPR as long as it is unclear whether our legitimate interest overrides the interest of the data subject. To assert your above right, please contact us by using the contact details provided above.



Akademie

e. Right to data portability

You have the right to data portability as defined in Art. 20 GDPR. This means you have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used, and machine-readable format, and have the right to transmit those data to another controller such as another service provider. Prerequisite is that processing is based on consent or a contract and is carried out using automated means. To assert your above right, please contact us by using the contact details provided above.

f. Right to object

You have the right to object at any time under Art. 21 GDPR to processing of personal data concerning you which is based on Art 6 (1) lit. e or f GDPR, on grounds relating to your particular situation. We will desist from processing your personal data unless we can demonstrate compelling legitimate grounds for processing which override your interests, rights, and freedoms, or unless processing is for the establishment, exercise, or defense of legal claims. To assert your above right, please contact us by using the contact details provided above.

g. Right to file a complaint with a supervisory authority

If you think that processing of personal data concerning you and carried out by us is unlawful or impermissible, you have the right to file a complaint with the supervisory authority responsible for us. You can contact this authority at

Bayerisches Landesamt für Datenschutzaufsicht
Promenade 27 (Schloss)
91522 Ansbach
Tel.: +49 (0) 981 53 1300
Fax: +49 (0) 981 53 98 1300
Email: poststelle@lda.bayern.de

8. Do you have to provide personal data?

Within the scope of our business relationship, you need to provide the personal data which are required to start and carry out a business relationship and to fulfill our associated contractual obligations, or which we are legally required to collect. Without these data, we will generally not be able to conclude or execute our contract with you.