



## **Data processing information for subcontractors of TÜV SÜD Management Service GmbH such as auditors, technical experts or lecturers and their employees**

The General Data Protection Regulation (GDPR) became mandatory on May 25, 2018. One of the key principles of the GDPR is the transparency of data processing. The information below provides an overview of the processing of your personal data and your rights under the GDPR.

### **1. Who is responsible for data processing (controller), and who can you contact in this respect?**

Controller is:

TÜV SÜD Management Service GmbH

Ridlerstrasse 65  
80339 Munich  
Email: [ms-anfragen@tuvsud.com](mailto:ms-anfragen@tuvsud.com)  
Tel.: +49 (0)800 5791-5000

CEO:  
Gabriele Sommer (CEO)  
Andre Krauß

Please send any written communication by regular mail to our Data Protection Officer (DPO) at the above address, adding "For the attention of the Data Protection Officer," or email to: [datschutzbeauftragter@tuvsud.com](mailto:datschutzbeauftragter@tuvsud.com)

### **2. What kind of data do we use?**

We process personal data which you 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. Primarily this are:

- contact details, including title, first name, name, email address, address, telephone numbers,
- date and place of birth, country,
- position/function in your company, where applicable,
- bank details,
- tax ID number,
- qualifications, in particular vocational training and studies (training period and place),
- professional experience (including job references),
- education and training certificates,
- other proof of your freelance activity.

In addition, we process data that you provide voluntarily (e.g. within the scope of tests and audits) or which are available on the Internet (e.g. on company websites, XING or LinkedIn).



### **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. Germany's Federal Data Protection Act) 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)**

Prior to entering a contract with you, we process your personal data to check your suitability and specific usability in individual standards and industries and with the aim of concluding a contract with you (primarily for submitting contract offers and drafting contracts).

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:

- your auditor appointment and all measures taken to maintain your appointment, including surveillance measures in line with the requirements of accreditation bodies and standard owners, if you work as an auditor on our behalf;
- planning, execution, and documentation of audits and/or other services provided by you;
- communication between you and us and our customers;
- review of the lawfulness and billing of the services provided;
- review and/or establishment of warranty and other liability claims, if any;
- furnishing proof to authorities, accreditation bodies, and standard owners of compliance with their requirements;
- presentation of your qualification and your experience background to customers.

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

In as far as necessary, we process your personal data beyond the extent required to fulfil our obligations under the contract to pursue our legitimate interests in carrying out customer satisfaction surveys to check the quality of the services provided to our customers where such processing is not already necessary for maintenance of your appointment.

We also process your personal data

- included in customer feedbacks and data on your performance for the purpose of performance evaluation,
- in knowledge databases for knowledge transfer, and to promote business;
- for IT security measures to ensure 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 the written withdrawal of your consent to the above postal address or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com) 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 are also subject to various legal requirements, in particular retention obligations established by tax law and commercial law (e.g. according to the German Commercial Code (Handelsgesetzbuch, HGB) and the Tax Code (Abgabenordnung, AO). Purposes of data processing include, but are not limited to: compliance with tax reporting duties and documentation requirements by accreditation bodies and standard owners.

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 (for example, compliance with monitoring and reporting obligations as defined in tax law and retention for monitoring by authorities);
- regulatory requirements by supervisory authorities;
- criminal law (for example, 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 TÜV SÜD Management Service GmbH and the TÜV SÜD Group, access to your data will only be granted to functions which require your data for preparing contract conclusion with you and for the performance of our contractual and legal obligations (e.g. TÜV SÜD Business Service GmbH for concluding framework contracts with service providers, such as external auditors and technical experts, IT services, TÜV SÜD Akademie GmbH for the purpose of organizing mandatory training to maintain your auditor appointment).

We only share your personal data with recipients outside TÜV SÜD Management Service GmbH and the TÜV SÜD Group if this is necessary on the basis of contractual, legal or other obligations of accredited companies (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. travel agents, letter shops, print shops, logistics companies, etc.)

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

#### **5. Are data transferred to third countries?**

The data are provided to other legal entities of TÜV SÜD in third countries for communication purposes and to establish the basic mechanisms for collaboration with our colleagues (e.g. auditor approvals at international accreditors or email communication within the TÜV SÜD Group).

Data transfer to countries outside the European Union (“third countries”) will take place if:

- data transfer is required for the performance of the contract concluded with you,
- data transfer is required by law (e.g. reporting duties under tax law), or



- you have given us your consent.

Beyond the above, we will only transfer personal data to countries outside the European Economic Area (EEA) if the EU Commission has confirmed that the country in question maintains an appropriate level of data protection or if other sufficient safeguards of data protection (e.g. agreement of the standard contract clauses of the EU Commission) are provided.

## **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 their respective 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:

- Documents submitted by you for verification of your suitability and specific usability will be stored for six months following completion of verification if we do not conclude a contract with you.
- 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 concerning 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 for information to the above postal address or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com)

### **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 to the above postal address or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com)



### **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 the postal address given above or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com)

### **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 the postal address given above or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com)

### **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 the postal address given above or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com)

### **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 the postal address given above or send an email to [MS-Datenschutz@tuvsud.com](mailto:MS-Datenschutz@tuvsud.com)

### **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



Management Service

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](mailto:poststelle@lda.bayern.de)

#### **8. Are you under an obligation to provide the personal data?**

When initiating, and within the scope of, our contractual relationship you only need to provide the personal data which are required to start and perform our contractual relationship and to fulfill the contractual obligations associated therewith, or which we are legally required to collect. Without these data we will not be able to conclude or execute our contract with you.