



Data processing information for employees of customers and other contractual partners of TÜV SÜD Management Service GmbH

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 57
80339 Munich
Email: ms-anfragen@tuvsud.com
Tel.: +49 (0)800 5791-5000

CEO:
Gabriele Sommer (CEO)
André 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: datenschutzbeauftragter@tuvsud.com

2. What kind of personal data do we collect?

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. This includes in particular contact details, 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. 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)

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.

Beyond the above, we also collect personal data to provide documented evidence of compliance with their requirements to accreditation bodies and to enable review of this evidence.

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 fulfill our obligations under the contract to pursue our legitimate interests.

This concerns:

- contacting you for the purposes of renewing our contract, re-establishing customer relations, or preparing a new quotation,
- sending you invitations to customer surveys, workshops, and/or events,
- direct advertising,
- 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 send an email to 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 owner.

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, 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 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. 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.



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. email communication within the TÜV SÜD Group).

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 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 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 to obtain information to the above postal address or send an email to 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



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

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

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

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

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

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

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