

Information on data processing within the scope of filling a contract

The protection of personal data is very important to us. Transparency of data processing is one of the key principles of the GDPR. 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, and whom can I contact on this purpose?

The responsible legal entity (controller) is:

TÜV SÜD Battery Testing GmbH
Daimlerstraße 15
85748 Garching
089 32950710
Info.battery@tuvsud.com

Please send any written communication by regular mail to our Data Protection Officer to the email address: datenschutzbeauftragter@tuvsud.com

2. What kind of data do we use?

We process personal data which were submitted to us by our clients within the scope of our business relationship and which are necessary for us to meet our obligations resulting from our contractual relationship. These data include, but are not limited to contact details, organizational data, contract data, billing data etc.

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

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

a. For the performance of a contract (Art. 6 (1) lit. b GDPR)

Legal basis for the processing of personal data is the necessity of performing a contract or a pre-contractual measure in which you are, or are to become, one of the contracting parties. This concerns in particular (but not exclusively) the following purposes:

- Performance of contractually agreed measures and activities,
- Performance of services in line with your contracts/orders and requests,
- Communication with you in the context of a contract
- Billing and collection of payments, remunerations, or fees, and traceability of the completed transactions.

b. Within the scope of the 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.

This concerns purposes including the following:

- In case of an unsuccessful dunning process, transfer of data to a collection agency bound by a contract or an external lawyer;
- Further development or improvement of our services and products or processes;
- Due diligence within the scope of sales negotiations;
- Benchmarking and market analyses;
- Measures related to IT security and compliance with data protection.

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

In as far as you have given us your consent to the processing of personal data (e.g. transfer of data within the group of companies, evaluation of payment transaction data for marketing purposes), the lawfulness of data processing is ensured based on your consent. You can withdraw your consent at any time. 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 (for example, compliance with control and reporting duties and retention for control by authorities as defined in tax law);
- Regulatory requirements by supervisory 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 my data?

Within the TÜV SÜD Group, we provide access to your data to those functions that need your data in order for us to fulfill our contractual and legal obligations.

We only share your personal data with recipients outside TÜV SÜD Battery Testing GmbH and the TÜV SÜD Group where this is necessary based on contractual or legal provisions (e.g. auditing companies, accreditation bodies).

Beyond the above, to protect our legitimate interests we sometimes use external processors and service providers which support us in our activities (e.g. travel agents, 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. Is data being transferred to third countries?

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

- Data transfer is necessary for performance of your contracts (e.g. subcontractor),
- 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 my data be stored?

We will process and store your personal data for as long as is necessary to fulfil our contractual and legal obligations. Important in this context is that storage periods vary depending on the purpose of data processing.

- Compliance with retention duties under commercial and tax law: Examples in this context include the German Commercial Code (Handelsgesetzbuch, HGB) and the Tax Code (Abgabenordnung, AO). They define document retention and/or documentation periods of up to ten 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 my rights regarding the protection of my personal data?

All data subjects have the right of access and information under Art. 15 GDPR, the right to rectification under Art. 16 GDPR, the right to deletion under Art. 17 GDPR, the right to restriction of processing under Art. 18 GDPR, the right to object under Art. 21 GDPR, and the right to data portability under Art. 20 GDPR. In addition to the above, you have the right to file a complaint with the competent supervisory authority.

You also have the right to contact the competent Data Protection Officer (DPO) at any time.

You have the right at any time to withdraw your consent to the processing of your personal data provided to us. Please note that such withdrawal will only affect processing in the future. It does not affect data processing that took place before the withdrawal of your consent.

8. Do I 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.