



## Information on how bayernhafen handles data

Information obligations pursuant to Articles 13 and 14 GDPR

We take the protection of your personal data seriously. For this reason, we process your personal data (in short: “Data”) solely in line with statutory provisions. Through this Privacy Statement, we would like to inform you about how your data is processed in our company and fully inform you of the rights and entitlements that you are afforded under Article 13 of the European Union’s General Data Protection Regulation (GDPR).

### 1. Who is responsible for data processing and who can you contact?

The party responsible for data processing is

**Bayernhafen GmbH & Co. KG**

Linzer Straße 6

93055 Regensburg

Tel. +49 (0)941 795 040

E-Mail: [holding@bayernhafen.de](mailto:holding@bayernhafen.de)

The company’s Data Protection Officer is

Christian Volkmer

Projekt 29 GmbH & Co. KG

Ostengasse 14

93047 Regensburg

Email: [c.volkmer@projekt29.de](mailto:c.volkmer@projekt29.de)

Tel.: +49 (0)941 298 6930

### 2. Which data is processed and from which sources does this data originate?

We process the data that we have received from you in connection with initiating or fulfilling a contract, on grounds of your consent, in connection with a job application you have submitted to us, or on grounds of your status as our employee. If you are a journalist, we store and process your data for public relations purposes (in particular, for sending press releases).

**Personal data includes:**

Your master/contact data; for **customers and interested parties** this includes, for example, first/last name, address, contact details (email address, telephone number, fax), bank account details, photographs.

For **job applicants and employees**, this includes, for example, first/last name, address, contact details (email address, telephone number, fax), date of birth, data from CV and employment references, bank account details, religious affiliation, photographs.

For **business partners** this includes, for example, the name of their legal representatives, company name, commercial register number, VAT ID no., company number, address, details of contact persons (email address, telephone number, fax), bank account details.

For **visitors** to our company, this includes, for example, names and signatures.

For **journalists**, this includes, for example, first/last name, company name, address, email address, telephone number, fax number.

For **participants in competitions**, this includes for example, first/last name, address, telephone number, email address.

In addition, we also process the following other personal data:

- Information on the nature and content of contractual data, order data, sales and billing data, customer and supplier history, and consultation documents,
- Advertising and sales data,
- Information from your electronic dealings with us (e.g. IP address, login data),
- Other data that we have received from you in connection with our business relationship (e.g. in customer meetings),
- Data that we generate ourselves from master/customer data and other data, such as through the use of customer requirements/customer potential analyses,
- Documentation of your declaration of consent to receive, for example, the customer magazine, photographic imagery relating to events.

### 3. For what purposes and on what legal basis is the data processed?

We process your data in accordance with the provisions of the General Data Protection Requirements (GDPR) and the Bundesdatenschutzgesetz [Federal Data Protection Act] 2018, as amended:

- To comply with (pre-)contractual obligations (Article 6 (1)(b) GDPR):

For the fulfilment of contracts, your data is processed online or at one of our branches; to fulfil contracts relating to your employment, in our company. Data is processed, in particular, when handling your enquiry, initiating business relationships and in the performance of contracts with you.

- **To comply with legal obligations (Article 6 (1)(c) GDPR):**

It is necessary to process your data for the purpose of fulfilling various legal obligations, such as obligations arising under the Handelsgesetzbuch [Commercial Code] or the Abgabeordnung [Fiscal Code].

- **To pursue legitimate interests (Article 6 (1)(f) GDPR):**

On the basis of a balance of interests, data may be processed beyond the actual performance of the contract to protect our legitimate interests, or those of third parties. Data is processed to pursue legitimate interests, for example, in the following cases:

- Advertising or marketing (see No. 4),
- For business management measures and for further developing products and services;
- Managing a group-wide customer database to improve customer service
- In connection with legal proceedings.
- Sending of non-sale-related promotional information and press releases

- **On grounds of your consent (Article 6 (1)(a) GDPR):**

Where you have given us your consent to process your data, such as to send you our customer magazine 'kurs bayernhafen', to publish photos, competitions, etc.

#### 4. Processing of personal data for marketing purposes

You have the right to object at any time to the use of your personal data for marketing purposes, either as a whole or for individual campaigns, without incurring any costs other than the transmission costs charged at the basic rates.

Under the legal requirements of section 7 (3) UWG [Act Against Unfair Competition], we are entitled to use the email address you provided when you entered into the contract in order to advertise our own similar goods or services directly. You will receive these product recommendations from us regardless of whether you have subscribed to a newsletter.

If you do not wish to receive such recommendations from us by email, you can object to the use of your address for this purpose at any time without incurring any costs other than the transmission costs as charged at the basic rates. A message in digital text form will suffice. Of course, every email always contains a link which enables you to unsubscribe.

## 5. Who receives my data?

If we use a service provider to process orders, we still remain responsible for protecting your data. All contract processors are contractually obliged to treat your data confidentially and to process it only within the scope of the provision of their services. The contract processors we engage are provided with your data where this is required to perform their respective services. Such providers are, for example, IT service providers we engage to ensure the operation and security of our IT systems, newsletter service providers, as well as advertising and mailing list providers for our own advertising campaigns.

Your data is processed in our customer, Human Resources and job applicant databases. These databases support the enhancement of the quality of existing data (duplicate elimination, inactive flags, address correction).

Where required for fulfilling contracts, this data is made available to the companies of the corporate group. Customer data is stored separately for each company, with Bayernhafen GmbH & Co. KG acting as a service provider for the individual participating companies.

Where there is a legal obligation and in connection with legal proceedings, recipients of your data could be public authorities and courts as well as external auditors.

In addition, your data may be forwarded to insurance companies, banks, credit agencies and service providers for the purpose of initiating and fulfilling contracts.

## 6. How long will my data be stored?

We process your data until the business relationship ends and/or until expiry of the applicable legal retention periods (e.g. under the German Commercial Code, the German Fiscal Code, German Home Care Act or German Working Hours Act); in addition, until the conclusion of any legal disputes for which the data is required as evidence.

In the case of job applications, the data is deleted 6 months after the end of the application process, provided no employment relationship is established. If you withdraw your application, your data and files in the applicant bank will be deleted immediately – subject to the restrictions set out in the following. Furthermore, you have the right to request that individual items of data or computer files submitted by you and held at Bayernhafen GmbH & Co. KG be deleted. We reserve the right to store a limited amount of your data for a limited period of three months in order to comply with statutory provisions, in particular the obligations to provide supporting evidence under the Gleichbehandlungsgesetz (AGG) (General Equal Treatment Act).

## 7. Is personal data transferred to third countries?

As a general rule, we do not transmit data to third countries. Data will only be transmitted in individual cases on the basis of an adequacy decision by the European Commission, standard contractual clauses, suitable guarantees, or your express consent.

## **8. What are my data protection rights?**

You have a right of access to information, to rectification, erasure, or restriction of the processing of your stored data at any time, a right of objection to processing, a right to data portability and to lodge a complaint in accordance with the requirements of data protection law.

### **Right of access to information:**

You have the right to request information from us whether and to which extent we process data about you.

### **Right to rectification:**

If the data concerning you that we process is incomplete or incorrect, you have the right to request at any time that we correct or complete it.

### **Right to erasure:**

You have the right to request that we delete your data if we process it unlawfully or if the processing encroaches disproportionately on your legitimate interests. Please note that there may be reasons that preclude immediate erasure, e.g. in the case of legally stipulated retention obligations.

Irrespective of whether you exercise your right to erasure, we will erase your data immediately and in full, unless there is a contractual or legal obligation to retain it.

### **Right to restriction of processing:**

You have the right to request that we restrict the processing of your data if

- you contest the accuracy of the data, for a period enabling us to verify the accuracy of the data;
- the processing is unlawful, but you oppose the erasure of the personal data and instead request the restriction of its use;
- we no longer need the personal data for the intended purpose, but you still require it for the establishment, exercise or defence of legal claims;
- you have objected to processing of the data.

### **Right to data portability:**

You have the right to receive from us the data about you that you have provided to us in a structured, commonly used and machine-readable format and have the right to transmit such data to another controller without hindrance from us, where

- we process this data on the basis of your revocable consent or to fulfil a contract between you and us, and

- the processing is carried out by automated means.

Where technically possible, you can ask us to transfer your data directly to another controller.

**Right to object:**

If we process your data for legitimate reasons, you have the right to object to this data processing at any time; this would also apply to profiling based on these provisions. We shall no longer process the personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or processing is used for the establishment, exercise or defence of legal claims. You have the right to object at any time to the processing of your data for the purpose of direct advertising without giving reasons.

**The right to lodge a complaint:**

If you believe that the processing of your data violates German or European data protection law, please contact us to clarify any questions. Of course, you also have the right to contact the supervisory authority competent for you, the respective state office for data protection supervision.

If you wish to assert any of the above rights against us, please contact our Data Protection Officer. In cases of doubt, we may request additional information to confirm your identity.

## 9. Am I obliged to provide data?

The processing of your data is necessary to commence or fulfil the contract that you have entered into with us. If you do not provide us with this information, we will generally have to refuse to enter into the contract or will no longer be able to perform, and will therefore have to terminate, an existing contract. However, you are not obliged to give your consent to the processing of data that is not relevant or not legally required for the fulfilment of the contract.