

## Data Protection Information for Partners

as per Articles 13 and 14 of the General Data Protection Regulation (GDPR)

version: February 2020

Dear Partner,

the General Data Protection Regulation came into force in May of 2018. This regulation sets additional obligations to provide information to partners. As per the new provisions of the law, we are therefore writing to inform you of the data processing we carry out. Please note that we have already processed data in this way in the past: our business relationship will not therefore change.

### What sources and data do we use?

We process the data that are necessary to set up, maintain and/or conclude our business relationships. We typically collect these data from you directly, in the context of a request for a quote or placement of an order, for example, or when you contact us through our website, by email or at trade shows or similar events.

It may sometimes occur that we first obtain your data from another person, such as an employee in our organization who notifies us that you are our contact. In these cases, we will notify you of our source in our initial correspondence.

The personal data that we process include:

- First name, last name and gender (for the form of address)
- Company affiliation and company address
- Typically, two contact options in your organization (such as phone and email)
- Records of business transactions and related to current correspondence

### Why do we process your data (purpose) and on what legal grounds?

We use the data mentioned above to prepare and carry out business processes and produce and maintain effective business communications, including sending out documents such as newsletters. In general, Article 6(1)(f) GDPR provides the legal grounds for this processing if you are representing another organization as our business partner. Our legitimate interest consists in achieving the aforementioned objectives. However, if you as a person are our direct contractual partner, we process your data on the basis of Article 6(1)(b) GDPR, which permits processing of personal data to perform a contract or to take steps prior to entering into a contract.

If you do not wish to receive newsletters, etc., you may exercise your right to object and notify us of this by email or traditional mail without specific format. Your objection will not affect the lawfulness of the use of your data up to the time of objection.

It may occur that we collect additional data from you or use your data in another manner at a later time. If this does happen, we will request your consent as per Article 6(1)(a) in conjunction with Article 7 GDPR and inform you accordingly. If you grant your consent, you may withdraw it informally at any time.

If your data are needed for legal proceedings, they may be processed to pursue our legitimate interests as per Article 6(1)(f) GDPR. In this case, our interests consist in asserting or defending against claims, such as in the context of the burden of proof in legal proceedings.

## Who has access to my data?

In principle, the only people in our company who can access your data are those who require them for smooth maintenance of our business relationship. This may involve multiple departments in our organization, depending on the services and products you acquire from us. In addition, our IT department has access to your data strictly for technical processing.

Our service providers may also receive your personal data for order processing as per Article 28 GDPR.

To process your orders, we may be required to provide certain data to our suppliers, producers or distributors based in Germany, other European countries or the European Economic Area. This includes data such as your last name, and possibly also your first name, organizational affiliation and your contact details in our organization.

Under some circumstances, we are legally obligated to disclose certain data to the relevant authorities.

## Will my data be sent to a “third country” or an international organization?

In general, data are not sent to entities in countries outside of the European Economic Area (also known as “third countries”). However, data may be sent to third countries in special cases, such as if:

- it is prescribed by law
- you have given us your permission to do so
- it is justified under data protection law due to a legitimate interest, where the affected party does not have an overriding data protection interest.

Apart from the above cases, we do not provide personal data to entities in third countries or international organizations.

For certain orders however, we do use service providers, which in turn typically use other service providers, whose registered offices, parent companies or data centers may be located in third countries. Data may be provided if the European Commission has ruled that a third country offers an adequate level of protection (Article 45 GDPR). If the Commission has not issued a decision of this kind, we and our service providers are only permitted to send data to a third country if suitable guarantees exist (e.g. standard data protection clauses that the European Commission or the supervisory authority has adopted in a specific procedure) and enforceable rights and effective legal redress are available.

One example here would be our use of Microsoft Office 365 as a company-wide communication system. Although Microsoft does run servers within the EU, it cannot be ruled out that your data might be sent to and processed in a third country (such as the US).

Microsoft processes personal data under what is known as the “EU-US Privacy Shield”. We have also concluded a commissioned data processing agreement with Microsoft as per Article 28 GDPR with standard EU clauses to ensure an adequate level of data protection. If you require any further information, please do not hesitate to contact us using the contact details provided above.

We have concluded corresponding agreements with all our service providers of this kind, and have contractual agreements that they must always have data protection guarantees in accordance with a European level of data protection with their contractual partners. We will be happy to provide you with a copy of these guarantees on request.

## How long will my data be stored?

We store your data for the full duration of our business contact with your organization, which includes, in particular, during the term of a contract or when precontractual steps are being taken. If a contract does not come about, your data will be deleted from our database after five years in the absence of business contact. If we had a contract in the past, we will also store your data beyond the original term of the contract in case further support is required for a product or service we provided.

In addition, we only store your data to the extent that we are obligated to do so under mandatory provisions of the law, such as mandatory retention periods under commercial or tax law. This time period is typically ten years. Once your data are no longer needed for the purposes detailed above, they will be stored separately for the mandatory retention period and will not be processed for other purposes. After the mandatory retention period, all data still stored will be immediately and securely erased or destroyed.

## Am I obligated to provide data?

You are not obligated to provide your personal data, either by law, by contract, or otherwise.

If, however, you have a direct business relationship with us, you must provide the personal data required to set up and maintain a business relationship and comply with the associated contractual obligations. Without these data, we typically cannot conclude a contract or process an order, or continue performance of an existing agreement, possibly resulting in its termination.

If the business relationship is between us and a company that you represent, you must provide the personal data required to set up and maintain a proxy/authorized representation and perform the associated contractual obligations. Without these data, we typically cannot accept you as a proxy/authorized representative or continue our relationship under an existing proxy/authorization.

## How much of the decision-making is automated?

We do not use any automated decision-making as per Article 22 GDPR to set up, maintain or conclude business relationships. If we do use these processes in specific cases in the future, we will inform you of this and of your specific rights in this regard, where prescribed by law.

## Do you carry out profiling?

We do not process your data for automated evaluation of specific personal characteristics.

## Your rights

In principle, you have the rights of access, rectification, erasure, restriction, data portability and objection. For this, please contact us as the data controller:

Paul Köster GmbH  
Kolpingstraße 1  
59964 Medebach, Germany  
phone: 49 (2982) 92 11 0  
email: [info@paul-koester.de](mailto:info@paul-koester.de)

If you believe that processing of your personal data is in breach of data protection law or that your data protection rights have otherwise been infringed, please contact our Data Protection Officer.

Our Data Protection Officer can be contacted at:

Pohl Consulting Team GmbH  
Mr. Lutz Mönig  
Mengerinhäuser Str. 15  
34454 Bad Arolsen, Germany  
phone: +49 (5691) 8900 501  
email: [datenschutz@paul-koester.de](mailto:datenschutz@paul-koester.de)

The Data Protection Officer is named to the competent supervisory authority for us,  
the North Rhine-Westphalia Officer for Data Protection and Freedom of Information

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40213 Düsseldorf, Germany  
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