

# Data Protection Information for Dealers and Business Partners of IDEAL Fensterbau Weinstock GmbH

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With the following information we would like to provide an overview of the processing of your personal data and the resulting data protection rights in the context of our business relationship.

As a business partner of IDEAL Fensterbau Weinstock GmbH, please also forward this Data Protection Information to your respective employees who are involved in the respective business relationship with our company or in any way participate in it – regardless of type and form.

The processing of personal data includes any operation such as the collection, recording, storage, organization, sorting, use, disclosure by transmission, linking, and erasure.

## 1. Who is responsible for processing your data and who can you turn to when you have questions about data protection?

### **Controller in the sense of Art. 4 (7) of the General Data Protection Regulation (GDPR):**

IDEAL Fensterbau Weinstock GmbH

Gewerbegebiet Mont-Royal

56841 Traben-Trarbach

info@ideal-fensterbau.de

Tel: +49 6571 9045 0

You can reach our **Data Protection Officer** Dr. Marschall, LL.M. or his deputy Mr. Stephan Blazy, LL.M. (GDPC GbR) at any time by letter to the above address with the addition “- Data Protection Officer -” or by e-mail to [datenschutz@ideal-fensterbau.de](mailto:datenschutz@ideal-fensterbau.de).

## 2. Where do your data come from and which data are processed?

We mainly process data which we receive directly from you in the context of the business relationship and which is required for this purpose for communication and contract execution / disposition. These include in particular:

- Business identification and contact details (e.g. first and last name of contacts, business address, e-mail address, telephone, and fax numbers);
- order and sales data (e.g. account number, IBAN, customer number);
- documentation data used to document the communication that occurred during the business relationship;
- other sociodemographic characteristics (e.g. profession);
- tax data (e.g. tax number, tax identification number for the purpose of processing orders and fulfilling legal obligations, especially vis-à-vis the tax authorities);
- if applicable, location data for dispatching orders/deliveries in each individual case.

In addition, we also receive your data from publicly accessible sources, in particular the Federal Gazette, the Commercial Register, credit agencies (e.g. Creditreform), the Internet, freight exchanges.

The categories of data originating from third parties are in particular:

- Names and business addresses of managing directors and shareholders;
- data concerning your creditworthiness, such as score values, payment histories.

For further information – in particular on the processing of personal data in the context of your business relationship with our company – you can contact us at any time using the above contact data.

### **3. What will your data be used for and what is the legal basis?**

Data processing always takes place in accordance with the provisions of data protection law, in order to first and foremost fulfil the contractual and legal obligations when providing the respective general or contractual services. In particular, we observe the principle of data minimization, so that only the data specifically required for the relevant transaction or contract are processed.

#### **a) Collection and processing in the context of a contractual/business relationship**

We collect and process your business and personal data described in more detail above as part of the acceptance and fulfilment of our contractual obligations towards you (Art. 6 (1) (b) of the GDPR). For example, we process your contact data in the context of contacting you to conclude a contract and the following performance of such contract. By entering into a business relationship as an interested party, supplier or business partner (pre-contractual data processing), we will store your contact data as well as information about business processes and communication with you and process it at least for the duration of the business relationship.

#### **b) Processing on the basis of a legitimate interest**

In addition to the foregoing, we also process your personal data to the extent required to safeguard our legitimate interests or those of a third party (Art. 6 (1) (f) of the GDPR). In order to process the contractual relationship, we have a legitimate interest in processing the data to carry out credit checks and collect receivables, including in connection with mandates given to debt collection companies. In individual cases, on the basis of our legitimate interests, we may also assign a claim and transfer personal data to the assignees for the purpose of a proper transfer of the claim. In addition, we process your data to the extent required for the assertion of legal claims and defence in legal disputes, and also for the fulfilment of legal obligations.

#### **c) Processing on the basis of legal requirements**

Furthermore, we process your data within the scope of legal obligations (Art. 6 (1) (c) of the GDPR). These include, in particular, the statutory requirements imposed by the German Tax Code. We also process your data within the scope of further legal obligations. For deliveries outside the EEA, your shipment data will be compared with the so-called "EU Terror Lists" due to the necessary customs clearance in accordance with the European Anti-Terror Regulations 2580/2001 and 881/2002 to ensure that no funds or other economic resources will be made available for terrorist purposes in the future.

#### **(d) Processing on the basis of consent**

If you consent to the processing of personal data for certain purposes (e.g. disclosure of data to third parties), the lawfulness of the processing follows from Art. 6 (1) (a) of the GDPR. Consent can be revoked at any time with effect for the future. This also applies to consents given before the GDPR came into force, i.e. before 25 May 2018. However, the revocation of consent does not affect the lawfulness of the data processed before such revocation or the further processing based on another legal basis.

If we process personal data on the basis of declarations of consent, we will inform the persons concerned separately of the intended data processing purposes at the time they give their consent.

### **4. Will your data be passed on?**

Within our company, only those departments/persons that absolutely need your data for the performance of their tasks are granted access to your data. Depending on the type of order or service, these are the respective department managers/employees who require the data for the execution, processing, and coordination of the respective business/contract relationship.

In addition, our service providers and contractors receive personal data for the aforementioned processing purposes, provided that they maintain confidentiality and the transfer of data is based on one of the above-mentioned legal bases. We commission contract processors or service providers partly temporarily, partly long-term for IT services, logistics, postal services, assembly, telecommunications, tax consultancy etc. In all cases, the service providers and contractors only receive the data necessary and mandatory for the performance of their individual tasks. In addition, these service providers and contractors are required to grant strict data protection and confidentiality with respect to the personal data they receive from us.

With regard to the transfer of data to recipients outside the company, please note that we will only pass on your data if this is permitted or required by law, if you have consented to this or if we are authorised to provide such information. Under these conditions, recipients of your personal data may include, for example:

- a) Public bodies and institutions (e.g. customs authorities to carry out customs activities on the basis of a power of attorney, the public prosecutor's office, the police, regulatory authorities, e.g. in the case of approved transports, supervisory authorities, tax offices etc.) in the presence of a legal or official obligation/permission (Art. 6 (1) (c) or (f) of the GDPR).
- b) Other companies to which we transfer personal data in order to execute the respective order/contract or to initiate the contractual relationship with you (e.g. commercial agents, subcontractors and processors for order coordination or execution, banks, tax consultants, transportation insurers).
- c) If we are obliged to pass on your data to authorities or other state institutions due to statutory provisions (Art. 6 (1) (c) of the GDPR), these institutions will also receive your data.

Should we pass on personal data to service providers outside the European Economic Area (EEA) as part of our business relationship, the transfer will generally only take place if the third country (such as Switzerland) has been confirmed by the EU Commission as having an appropriate level of data protection or if other appropriate data protection guarantees (e.g. binding internal company data protection regulations or an agreement on the adherence to the EU Commission's standard contractual clauses) are in place or if the transfer is absolutely necessary for the performance of the contract.

## **5. How long are your data stored?**

As soon as your data is no longer required for the fulfilment of contractual, legal, and process-related processing purposes, it will be deleted unless you have given your consent for further storage or we have a legitimate interest in (further) storage.

As a rule, however, we are obliged to retain personal data beyond the termination of the contractual relationship for reasons arising from commercial and tax law. The retention period may be up to ten years. Reference is made to the relevant laws, in particular Art. 257 of the German Commercial Code [Handelsgesetzbuch, HGB] and Art. 147 of the German Tax Code [Abgabenordnung, AO].

To the extent that we require personal data and documents as evidence for the assertion of, exercise of or defence against legal claims, these will be retained by us subject to the respective limitation periods, whereas we restrict the processing of such data for other purposes. This also applies, for example, to the assertion and processing of warranty and service claims (max. 30 years) which you submit to us, and in the context of which we process your data (contact, company, and relevant invoice/delivery). The legal basis for these processing operations is Art. 6 (1) (f) of the GDPR.

## 6. What rights do you have?

With regard to the processing of your personal data, you have various rights, in particular the right of/to **access** to the personal data stored by us (Art. 15 of the GDPR), **rectification** (Art. 16 of the GDPR), **erasure** (Art. 17 of the GDPR), **restriction of processing** (Art. 18 of the GDPR), **data portability** (Art. 20 of the GDPR), and the **right to object** to processing (Art. 21 of the GDPR), *in particular in the case of direct advertising*. The restrictions of Articles 34 and 35 of the Federal Data Protection Act [Bundesdatenschutzgesetz, BDSG] must be observed with regard to the right of access and the right to rectification.

Furthermore, there is the **right to lodge a complaint** with the competent data protection supervisory authority (Art. 77 of the GDPR), to which we expressly refer. You can contact the supervisory authority responsible for our company at the following address:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Rheinland-Pfalz  
(The State Commissioner for Data Protection and Freedom of Information of Rhineland-Palatinate)  
Postfach: 30 40  
55116 Mainz  
e-Mail: [poststelle@datenschutz.rlp.de](mailto:poststelle@datenschutz.rlp.de)

The above information corresponds to the legal status as of June 2019. We reserve the right to adapt our Data Protection Information to changes in regulations or case law.