

Information pursuant to Articles 12 et seq. GDPR

Contact details of the data controller (e.g. management)

Company:	HSMV PartG mbB
Address:	Grafenberger Allee 337b, 40235 Düsseldorf
Telephone:	0211 875 42-0
Email:	info@hsmv.de

Contact details of the Data Protection Officer (if applicable)

Company:	comdatis it-consulting GmbH & Co. KG, Markus Olbring
Address:	Deventer Weg 8, 48683 Ahaus
Telephone:	02567 82900-00
Email:	info@comdatis.de

From which sources do we obtain your personal data?

We generally collect your data directly from you. The processing of the personal data you provide is necessary to fulfil the contractual obligations arising from the contract concluded with us. Due to your obligation to cooperate, it is essential that you provide the personal data we request, as otherwise we will be unable to fulfil our contractual obligations. Otherwise, accounting and/or tax disadvantages for you can no longer be ruled out.

In the context of pre-contractual measures (e.g. master data entry during the prospective client onboarding process), the provision of your personal data is necessary. Should you fail to provide the requested data, a contract cannot be concluded.

In order to provide our services, it may be necessary to process personal data that we have lawfully received from other companies or other third parties, e.g. tax authorities, your business partners or similar, for the respective purpose.

Furthermore, we may process personal data from publicly available sources, e.g. websites, which we use lawfully and solely for the relevant contractual purpose.

Purposes and legal bases for processing

The personal data you provide will be processed in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG):

To fulfil contractual obligations (pursuant to Article 6(1)(b) of the GDPR)

The purposes of data processing arise, on the one hand, from the initiation of pre-contractual measures preceding a contractually regulated business relationship and, on the other hand, from the fulfilment of obligations arising from the contract concluded with you.

On the basis of legal requirements (pursuant to Article 6(1)(c) of the GDPR) or in the public interest (pursuant to Article 6(1)(e) of the GDPR)

The purposes of data processing arise from legal requirements or are in the public interest (e.g. compliance with retention obligations, evidence of compliance with the tax adviser's notification and information obligations).

In the context of balancing of interests (pursuant to Article 6(1)(f) of the GDPR)

The purposes of the processing arise from the protection of our legitimate interests. It may be necessary to process the data you have provided beyond the actual performance of the contract. Our legitimate interest may be invoked to justify the further processing of the data you have provided, provided that your interests or fundamental rights and freedoms do not override them. In individual cases, our legitimate interest may be: the assertion of legal claims, the defence against liability claims, or the prevention of criminal offences.

On the basis of consent (in accordance with Article 6(1)(a) of the GDPR)

The purposes of processing personal data arise from the granting of consent. You may withdraw your consent at any time with effect for the future. Consent granted prior to the entry into force of the GDPR (25 May 2018) may also be withdrawn. Any processing carried out prior to the withdrawal remains unaffected by the withdrawal. Example: sending a newsletter; consent to the disclosure of the data you have provided to third parties at your request (e.g. banks, insurance companies, shareholders, etc.).

Who receives the personal data you have provided?

Within our company, access to the personal data you have provided is granted to those departments that require it to fulfil contractual and legal obligations and that are authorised to process this data.

In fulfilment of the contract concluded with you, the data you have provided will be disclosed exclusively to those bodies that require it for legal reasons, e.g. tax authorities, social security bodies, competent authorities and courts.

As holders of professional secrecy, we are obliged to observe and uphold professional confidentiality. Other recipients will only receive the data you have provided at your request, provided you release us from our duty of professional confidentiality.

As part of our service provision, we engage data processors who assist in fulfilling our contractual obligations, e.g. IT service providers, document shredders, etc. We contractually oblige these data processors to comply with professional confidentiality as well as with the requirements of the GDPR and the BDSG.

Is the data you have provided transferred to third countries or international organisations?

Under no circumstances will the data you have provided be transferred to a third country or an international organisation. Should you, in individual cases, wish for the data you have provided to be transferred to a third country or an international organisation, we will only do so following your written consent and release from our professional duty of confidentiality.

Is automated decision-making, including profiling, carried out?

No fully automated decision-making (including profiling) within the meaning of Article 22 of the GDPR is used in the processing of the data you have provided.

Duration of processing (criteria for erasure)

The data you have provided will be processed for as long as is necessary to fulfil the contractually agreed purpose, generally for as long as the contractual relationship with you remains in force. Following the termination of the contractual relationship, the data you have provided will be processed to comply with statutory retention obligations or on the basis of our legitimate interests. Once the statutory retention periods have expired and/or our legitimate interests no longer apply, the data you have provided will be erased.

Estimated periods for the retention obligations applicable to us and our legitimate interests:

- Compliance with retention periods under commercial, tax and professional law. The retention and documentation periods specified therein range from two to ten years.
- Preservation of evidence in accordance with the rules on limitation periods. Under Sections 195 et seq. of the German Civil Code (BGB), these limitation periods may be up to 30 years, although the standard limitation period is three years.

Information about your rights

- Right of **access** under Article 15 of the GDPR:
You have the right, upon request and free of charge, to be informed as to whether and what data relating to you is stored and for what purpose it is stored.
- Right to **rectification** under Article 16 of the GDPR:
You have the right to request that the controller rectify any inaccurate personal data concerning you without undue delay. Taking into account the purposes of the processing, you have the right to request that incomplete personal data be completed — including by means of a supplementary statement.
- Right to **erasure** ('right to be forgotten') pursuant to Article 17 of the GDPR:
You have the right to request that the data controller erases your data without delay. The data controller is obliged to erase personal data without delay if any of the following grounds apply:
 - a) The purposes for which the personal data were collected no longer exist
 - b) You withdraw your consent to the processing. There is no other legal basis for the processing.
 - c) You object to the processing. There is no other legal basis for the processing.
 - d) The personal data has been processed unlawfully.
 - e) The erasure of the personal data is necessary to comply with a legal obligation under Union law or the law of the Member States to which the controller is subject.
 - f) The personal data was collected in relation to information society services offered in accordance with Article 8(1).
- Right to **restriction of processing** pursuant to Article 18 of the GDPR and Section 35 of the BDSG: You have the right to request the restriction of processing if one of the following conditions is met:
 - a) You contest the accuracy of the personal data.
 - b) The processing is unlawful; however, you object to the erasure.
 - c) Personal data is no longer required for the purposes of processing; however, you require the data to establish, exercise or defend legal claims.
 - d) You have objected to the processing in accordance with Article 21(1) of the GDPR. Until it has been established whether the controller's legitimate grounds override your interests, the processing will be restricted.
- Right to **data portability** pursuant to Article 20 of the GDPR:
You have the right to receive the personal data concerning you that you have provided to the controller in a structured, commonly used and machine-readable format. You also have the right to transmit those data to another controller without hindrance from us.
- **Right to object** under Article 21 of the GDPR:
To exercise this right, please contact the data controller (see above).
- **Right to lodge a complaint** with the supervisory authority pursuant to Article 13(2)(d) and Article 77 of the GDPR
in conjunction with Section 19 of the Federal Data Protection Act (BDSG):
If you believe that the processing of your data infringes the GDPR, you have the right to lodge a complaint with the supervisory authority. For this purpose, please contact the competent supervisory authority.
- **Withdrawal of consent** pursuant to Article 7(3) of the GDPR:
If the processing is based on your consent in accordance with Article 6(1)(a) or Article 9(2)(a) (processing of special categories of personal data), you may **withdraw** your purpose-specific **consent** at any time, without affecting the lawfulness of processing based on consent before its withdrawal.