



Information on data processing within the scope of contract performance

The General Data Protection Regulation (GDPR) came into effect on May 25, 2018. 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 who can I contact in this respect?

The responsible legal entity (controller) is:

TÜV SÜD Business Services GmbH
Westendstraße 199
D-80686 München
Phone: +49/89/5791-0
Fax: +49/89/5791-1551
Email: info@tuvsud.com

Please send any written communication by regular mail to our Data Protection Officer at the above address, adding "For the attention of the Data Protection Officer," or email to datenschutzbeauftragter@tuvsud.com

2. What kind of data do we use?

Which of your data will be processed by us depends on the services contracted or agreed. We use personal data only for the purpose for which they have been provided to us. Personal data include your personal details (name, address and other contact details, date and place of birth). In addition to your personal details, personal data can also include data related to your contract or order (e.g. payment order), data obtained from the performance of our contractual obligations (e.g. sales data in payment transactions), information about your financial situation (e.g. creditworthiness data), advertising and sales data and other data comparable with the above categories.

3. For which purposes do we process your personal data, 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)

We process data to provide services within performance of our contracts concluded with our suppliers, or to perform requested pre-contractual measures. The purposes of data processing primarily depend on the specific service. For further details on the purposes of data processes, see the relevant contract documentation and our General Terms and Conditions of Business.

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;
- Obtaining information from /exchanging data with credit agencies;
- Further development or improvement of our services and products or processes;
- Due diligence within the scope of sales negotiations;
- Benchmarking and market analyses;
- Knowledge databases for knowledge transfer and to support business;
- 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 on the basis of 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. In the context of fulfilling a legal obligation (Art. 6 (1) lit. c GDPR)

If necessary, we process your data beyond the actual fulfilment of the contract to fulfil a legal obligation. The disclosure of this information to third parties concerns, among others, the following purposes: The disclosure within the framework of the Supply Chain Act (LkSG) to service providers who assists us in meeting the legal requirements.

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 Business Services GmbH and the TÜV SÜD Group where this is necessary on the basis of 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. Are data transferred to third countries?

Data processing generally only takes place in Member States of the European Union or the European Economic Area. Data transfer to “third countries” will only take place across TÜV SÜD Group and only TÜV SÜD companies have access to your data.

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.