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Information on the processing of employee data

Form

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1. General Information

We hereby inform you of the processing of your personal data by devicenow GmbH and of your rights under data protection law.

1.1. Controller

Controller for data processing is your employer,

devicenow GmbH
Franz-Beer-Str. 111
88250 Weingarten
Phone: +49 (0)751 503696
email: info@devicenow.com

1.2. Data Protection Officer

Our Data Protection Officer may be contacted at:

DDSK GmbH
Irina Weiß
Dr.-Klein-Str. 29
88069 Tettnang
email: dataprotection@devicenow.com

2. Data processing framework

2.1. Data categories

Your personal data are usually collected directly from you as part of the recruitment process or at any time during the employment relationship.

The categories of personal data processed include your basic details e.g.

- family name, given name, name suffixes
- citizenship
- marital status
- staff identification number
- contact details



- curriculum vitae
- log files associated with the use of the IT systems
- Communication data (user details, content data, connection data as well as comparable data) within the scope of telephone conferences, video conferences and web meetings through the use of internet-based communication tools (hereinafter: web meetings)
- job-related performance data
- other data arising from the employment relationship
- This could include special categories of personal data such as health data.

This could include special categories of personal data such as health data.

In certain situations, your personal data are collected by other authorities due to legal requirements. In particular, this could include justified requests for tax-relevant information from the responsible tax office, or information on unfitness to work from the responsible health insurance provider. Parallel to this, we may have received data from third parties (e.g. employment agency).

In addition, we process personal data that we have legitimately collected, received or acquired from publicly available sources (e.g. professional networks).

2.2. Purposes and legal basis for processed data

We process your personal data in accordance with the EU's General Data Protection Regulation (GDPR), the Federal Data Protection Act of Germany (FDPA) and other applicable data protection regulations (e.g. Works Constitution Act (BetrVG), Working Hours Act (ArbZG)).

2.2.1. Purposes for the performance of a contract or pre-contractual measures (Art. 6 Abs. 1 b GDPR)

The processing of this data primarily serves to facilitate the setting up, carrying out and termination of the employment relationship. The paramount legal basis for this is Art. 6 (1) b GDPR in conjunction with § 26 (1) FDPA. A regulation, a labour contract or works agreement (collective agreement) under Art. 6 (1) b in conjunction with Art. 88 (1) GDPR may be cited as permission under data protection law.



In addition, the processing of health data pursuant to Art. 9 (1) GDPR may be necessary for the assessment of your ability to work pursuant to Art. 9 (2) h GDPR in conjunction with § 22 (1) b FDPA.

2.2.2. Purposes for the fulfilment of legal requirements as employer (Art. 6 (1) c GDPR)

We also process your data in order to be able to fulfil our legal obligations as an employer, particularly in the area of tax and social insurance law. This is done on the basis of Art. 6 (1) c GDPR in conjunction with § 26 FDPA.

If special categories of personal data are processed under Art. 9 (1) GDPR, this serves the exercise of rights or the fulfilment of legal obligations arising from labour law, social security and social protection (e.g. supplying the health insurer with health data, assessment of degree of disability for additional leave and calculation of disabled employees equalization levy) within the framework of the employment relationship. This is carried out on the basis of Art. 9 (2) c GDPR in conjunction with § 26 (3) FDPA.

In addition, we process your data when checking your driving licence by documenting the presentation and authorisation to drive a vehicle by signing a protocol (Art. 6 (1) c GDPR in conjunction with § 130 Administrative Offences Act (OWiG)).

In addition, European anti-terrorism regulations 2580/2001 and 881/2002 require us to check your data against the so-called "EU terror lists" to ensure that no funds or other economic resources are provided for terrorist purposes.

2.2.3. Purposes within the scope of a legitimate interest of us or third parties (Art. 6 (1) f GDPR)

Where necessary, we also process your data on the basis of Art. 6 (1) f GDPR in order to protect the legitimate interests of ourselves or third parties (e.g. authorities). This applies in particular to the investigation of criminal offences (legal basis § 26 (1) 2 FDPA) or within the Group for the purposes of Group management, internal communication and other statistical purposes, the effective and resource-efficient internal as well as external communication by using internet-based communication tools to conduct web meetings and other administrative purposes.

In our role as an employer, we may be contacted in the course of investigations into criminal or administrative offence proceedings (Ordnungswidrigkeitsverfahren). As part of our legal rights and obligations, we may disclose your personal data to the investigating authorities if the disclosure is not due to a legal obligation, but to protect our legitimate interests, which may require the processing for our own indemnification or defence against legal claims otherwise asserted against us.



2.2.4. Purposes in the context of your consent (Art. 6 Abs. 1 a GDPR)

By your separate consent according to Art. 6 (1) a, 7 GDPR in conjunction with § 26 (2) FDPA (e.g. publication of employee photos on the website, birthday list) for certain purposes, this can be used as a data protection permission regulation.

We obtain consent for the following purposes:

- The publication of data and/or photos and/or videos of employees on the Internet, in print media, etc.
- The publication (internal/external) of photos of company-/Christmas parties
- Entry in the internally published birthday list
- Access to e-mail mailbox while absence
- Cleaning schedule / kitchen schedule
- Coffee/beverage lists
- Betting game lists (organized in business context)
- Recording of web- and/or video conferences

In addition, the processing of special categories of personal data pursuant to Art. 9 (1) GDPR may be based on your consent pursuant to Art. 9 (2) a GDPR in conjunction with § 26 (2) FDPA (e.g. company health management).

If we seek to process your personal data for a reason other than those set out above, we will inform you of the matter in advance.

2.3. Consequences of failure to provide data

Within the framework of your employment you must provide such data as are required for the setting up, carrying out and termination of the employment relationship and for the fulfilment of all associated contractual obligations, or such data as we are legally bound to collect. Without this data we will not be in a position to realize an employment contract with you.



2.4. Automated individual decision-making or profiling (Art. 22 GDPR)

We do not use a solely automated decision-making procedure in accordance with Art. 22 GDPR.

Should we use such a procedure in individual cases in the future, we will inform you of the matter separately if legally obliged to do so.

3. Data Recipients

3.1. Within the EU/EEA

Within our company, your personal data is transferred only to persons and offices (e.g. department, staff council, disabilities office) which need them to fulfil our contractual and legal obligations.

Within our group, your data will be transmitted to certain companies to undertake central data processing tasks (e.g. payroll accounting, disposal of documents).

In addition, we use various service providers to fulfil some of our contractual and legal obligations.

Furthermore, we may transfer your personal data to other recipients outside the company if this is necessary to fulfil our legal duties as an employer or to protect our legitimate interests.

Such recipients may include, e.g.:

- Authorities (e.g. those for the prosecution of criminal offences and administrative offences and Government-sponsored authorities (e.g. pension providers, profession-specific pension schemes, social security agencies, finance authorities, courts))
- The employee's bank (SEPA payment transfer)
- Health insurers' offices
- Offices tasked with guaranteeing employee pension claims
- Offices tasked with paying out state-backed, employment-funded supplementary investments
- Third-party debtors in the case of wage garnishments



- Administrators in the case of bankruptcy
- Provider of internet-based telecommunication services

3.2. Outside the EU/EEA

We transfer data to countries outside the EEA, so-called third countries. This takes place due to the above-mentioned purposes (transfer within the group). The transfer takes place for the fulfilment of our contractual and legal obligations or based on a previously given consent of the data subject. In addition, data is transferred in accordance with the applicable data protection laws, in particular in accordance with Art. 44 et seq. GDPR, for example on the basis of adequacy decisions legislated by the European Commission or other appropriate safeguards (e.g. standard data protection clauses etc.)

3.3. Recipient overview

The following recipients receive your data within the scope of the data processing described here:

recipient:

CHG-MERIDIAN AG, Franz-Beer-Str. 111, 88250 Weingarten, Germany

transfer to third countries:

no data transfer to a third country.

recipient:

Hemmersbach GmbH & Co. KG, Sulzbacher Str. 9, 90489 Nürnberg, Germany

transfer to third countries:

no data transfer to a third country.

4. Storage periods

We delete your personal data as soon as they are no longer required for the above-mentioned purposes. We store your personal data for as long as we are legally obliged to do so after the termination of the employment relationship. This obligation arises from legal requirements to provide evidence or retain data as set out in German law including the German Commercial Code (HGB) and the German Tax Code (AO). This storage is limited to periods of up to ten years. In addition, personal data may be retained for the time during which claims can be made against us (statutory limitation of three up to thirty years).



5. Your rights

Under certain conditions, you can assert your data protection rights against us. Your requests to exercise your rights should be addressed, as far as possible, in writing or via e-mail to the above address or directly in writing or via e-mail to our Data Protection Officer.

- You have the right to **receive** information from us about your data stored by us pursuant to the rules of Art. 15 GDPR (possibly with restrictions pursuant to § 34 FDPA).
- If you so request, we will **correct** the data stored about you pursuant to Art. 16 GDPR if they are inaccurate or incorrect.
- If you so desire, we will **erase** your data pursuant to the principles of Art. 17 GDPR, provided that other legal regulations (e.g. legal storage obligations or the restrictions pursuant to § 35 FDPA) or an overriding interest on our part (e.g. to defend our rights and claims) do not oppose this.
- You may ask us to **restrict** the processing of your data, taking into account the requirements of Art. 18 GDPR.
- If your personal data are processed on the basis of legitimate interests pursuant to Art. 6 (1) sentence 1 lit. f) GDPR or if they are necessary for the performance of a task carried out in the public interest or in the exercise of public authority, you have the right to object to the processing of your personal data pursuant to Art. 21 DSGVO, provided that there are grounds for doing so that arise from your particular situation or if the objection is addressed to direct advertising. In the latter case, you have a general right of objection, which is implemented by us without specifying a particular situation.
- You also have the right to receive your data in a structured, common and machine-readable format under the conditions of Art. 20 GDPR or to **transmit** them to a third party.
- In addition, you have the right to **withdraw** the consent to the processing of personal data you granted at any time with future effect.
- You also have a right to **lodge a complaint** with a data protection supervisory authority (Art. 77 GDPR). However, we recommend that you always address a complaint to our Data Protection Officer initially.



The data protection supervisory authority responsible for us is:

Der Landesbeauftragte
für den Datenschutz und die Informationsfreiheit Baden-Württemberg

P.O. Box 10 29 32, 70025 Stuttgart

Phone 0711 6155410

Fax 0711 61554115

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