

Data Privacy Statement – Pergande Group

We are very pleased that you are interested in our company. The management of the Pergande Group attaches particularly great importance to data privacy. The website of the Pergande Group can generally be used without disclosing personal data. However, if a data subject wishes to make use of our company's special services through our website, it might be necessary to process personal data. If the processing of personal data is necessary and there is no legal basis for such processing, we will generally seek the data subject's consent.

Personal data, such as a data subject's name, address, email address or telephone number is always processed in compliance with the General Data Protection Regulation (GDPR) and in compliance with the country-specific data protection legislation to which the Pergande Group is subject. With this Data Privacy Statement our company aims to inform the general public about the type, scope and purpose of the personal data we collect, use and process. In addition, this Data Privacy Statement is intended to inform data subjects of their rights.

The Pergande Group, as the controller, has carried out numerous technical and organisational measures in order to ensure the fullest possible protection for the personal data processed through this website. However, Internet-based data transfers can always have security vulnerabilities, so that absolute protection cannot be guaranteed. For this reason every data subject is also at liberty to transfer personal data to us by alternative means such as by telephone.

1. Definition of terms

The Data Privacy Statement of the Pergande Group is based on the terminology used by the legislators of the European Union when passing the General Data Protection Regulation (GDPR). Our Data Privacy Statement is intended to be easy to read and easily comprehensible to the general public and also to our customers and business partners. In order to ensure that this is the case, we would like to first explain the terminology.

In this Data Privacy Statement we use the following terms:

- **a) Personal data**

Personal data means any information relating to an identified or identifiable natural person ("data subject"). An identifiable person is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or several factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

- **b) Data subject**

A data subject is any identified or identifiable natural person whose personal data is processed by the controller.

- **c) Processing**

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as

collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

- **d) Restriction of processing**

Restriction of processing means the marking of stored personal data with the aim of limiting its processing in the future.

- **e) Profiling**

Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

- **f) Pseudonymisation**

Pseudonymisation means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

- **g) Controller**

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

- **h) Processor**

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

- **i) Recipient**

Recipient means a natural or legal person, public authority, agency or another body to which the personal data is disclosed, whether a third party or not. However, public authorities who may receive personal data in the framework of a particular enquiry in accordance with Union or Member State law are not regarded as recipients.

- **j) Third party**

Third party means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

- **k) Consent**

Consent means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

2. Name and address of the controller

The controller within the meaning of the General Data Protection Regulation, other data protection laws that apply in the Member States of the European Union and other provisions regulating data protection is the:

Pergande Group

Wilfried-Pergande-Platz 1

06369 Südliches Anhalt

OT Weißandt-Göolzau

Germany

Tel.: +49 34978 305-0

Email: info@pergande.de

Website: www.pergande.de

3. Name and address of the data protection officer

The controller's data protection officer is:

Pergande Group

Victoria Moscha

Wilfried-Pergande-Platz 1

06369 Südliches Anhalt

OT Weißandt-Göolzau

Germany

Tel.: +49 34978 305-326

Email: dsb@pergande.de

Website: www.pergande.de

Every data subject may contact our data protection officer directly at any time for all questions and suggestions in relation to data protection.

4. Cookies

The website of the Pergande Group uses cookies. Cookies are text files that are saved and kept on a computer system through an Internet browser.

Many websites and servers use cookies. Many cookies have what is known as a cookie ID. A cookie ID is the unambiguous identifier of a cookie. It consists of a string of characters which allows websites and servers to be allocated to a specific Internet browser where the cookie has been stored. This allows the websites visited and the servers to distinguish the data subject's individual browser from other Internet browsers containing other cookies. A specific Internet browser can be recognised and identified through the unambiguous cookie ID.

By using cookies the Pergande Group can provide the users of this website with services that are more user-friendly than would otherwise be the case without placing cookies.

Cookies allow the information and offers on our website to be optimised in the user's interests. As mentioned, cookies enable us to recognise the users of our website. The purpose of this recognition is to make easier for users to use our website. The users of a website that uses cookies, for instance, do not have to enter their access data all over again each time they visit the website because this is done by the website and the cookie kept on the user's computer system. A further example is the cookie of a basket in the online shop. Through a cookie the online shop is able to note the articles that a customer has placed in the virtual basket.

Data subjects can prevent our website from placing cookies at any time by making the corresponding settings in their Internet browsers. In this way they can permanently object to cookies being placed. Furthermore, cookies that have already been placed can be deleted at any time via an Internet browser or other software programs. This is possible in all commonly used Internet browsers. If a data subject deactivates the placement of cookies in his or her Internet browser, he or she may not be able to make full use of all functions that our website offers.

5. Capture of general data and information

The website of the Pergande Group captures a range of general data and information every time that it is visited by the data subject or an automated system. This general data and information is kept in the log files of the server. The following categories of data can be captured: (1) the browser types and the versions being used, (2) the operating system used by the accessing system, (3) the website from which an accessing system reaches our website (known as a referrer), (4) the sub-websites reached through an accessing system on our website, (5) the date and time when the website is accessed, (6) an Internet protocol address (IP address), (7) the Internet service provider of the accessing system and (8) other similar data and information that may be used to avert danger in the case of attacks on our information technology systems.

When using this general data and information the Pergande Group does not draw any conclusions about the data subject. Rather, this information is needed in order to (1) deliver the contents of our website correctly, (2) optimise the content of our website as well as

advertisement for the website, (3) guarantee the long-term operability of our information technology systems and the technology of our website and (4) provide the criminal prosecution authorities with the information they need for a criminal prosecution in the event of a cyber-attack. This data and information, which is collected anonymously, is therefore evaluated by the Pergande Group for statistical purposes on the one hand and also with the aim of improving data protection and data security for our company to ultimately ensure an optimal level of protection for the personal data we process. The anonymous data of the server log files is stored separately from all personal data provided by a data subject.

6. Contact possibility via the website

Due to the legal requirements, the website of the Pergande Group contains information that allows rapid contact with company through electronic means and direct communication with us, which also includes a general address for "electronic mail" (email address). If a data subject contacts the controller by email or via a contact form, the personal data sent by the data subject will be automatically stored. Such personal data transmitted to the controller by a data subject on a voluntary basis will be stored for the purpose of processing or contacting the data subject. This personal data will not be disclosed to third parties.

7. Routine erasure and blocking of personal data

The controller will only process and store personal data of the data subject for the period necessary to achieve the purpose of the storage or insofar as this is provided for by the European legislator or other legislators in laws or regulations to which the controller is subject.

If the purpose of the data storage no longer applies or if the storage period stipulated by the European legislator or another competent legislator expires, the personal data will be routinely blocked or erased in accordance with the legal requirements.

8. Rights of the data subject

- **a) Right to confirmation**

The European legislators have given every data subject the right to obtain from the controller confirmation as to whether personal data concerning him or her is being processed. If a data subject wishes to exercise this right to confirmation, he or she may address such a request to one of the controller's employees at any time.

- **b) Right of access**

The legislators of the European Union have given every data subject the right to at any time obtain from the controller free information regarding the personal data being stored about him or her and a copy of this information. Furthermore, the legislators of the European Union have stipulated that the data subject has the right to access the following information:

- the purposes of the processing;
- the categories of personal data concerned;

- the recipients or categories of recipient to whom personal data has been or will be disclosed, in particular recipients in third countries or international organisations;
- if possible, the envisaged period for which the personal data will be stored or, if not possible, the criteria used to determine this period;
- the existence of a right to request from the controller rectification or erasure or restriction of processing of personal data concerning the data subject or to object to such processing;
- the existence of a right to lodge a complaint with a supervisory authority;
- where the personal data is not collected from the data subject, any available information as to its source;
- the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) of the GDPR and, at least in those cases, meaningful information about the logic involved as well as the significance and the envisaged consequences of such processing for the data subject.

Furthermore, the data subject has a right to be informed whether personal data has been transferred to a third country or to an international organisation. Where this is the case, the data subject also has the right to be informed of the appropriate safeguards relating to the transfer.

If a data subject wishes to exercise this right of access, he or she may address such a request to one of the controller's employees at any time.

- **c) Right to rectification**

The legislators of the European Union have given every data subject the right to obtain the rectification without undue delay of inaccurate personal data concerning him or her. Furthermore, taking account of the purposes of the processing, the data subject, has the right to have incomplete personal data completed — also through a supplementary statement.

If a data subject wishes to exercise this right to rectification he or she may address such a request to one of the controller's employees at any time.

- **d) Right to erasure (right to be forgotten)**

The legislators of the European Union have given every data subject the right to obtain from the controller the erasure of personal data concerning him or her without undue delay where one of the following grounds applies and provided that the processing is not necessary:

- the personal data has been collected or otherwise processed for purposes for which the data is no longer necessary;
- the data subject withdraws the consent on which the processing was based according to Article 6 (1) (a) of the GDPR or Article 9 (2) (a) of the GDPR and there is no other legal basis for the processing;
- the data subject objects to the processing pursuant to Article 21 (1) of the GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21 (2) of the GDPR;
- the personal data has been processed unlawfully;

- the erasure of the personal data is necessary in order to comply with a legal obligation under Union or Member State law to which the controller is subject;
- the personal data has been collected in relation to the offer of information society services referred to in Article 8 (1) of the GDPR.

If any of the above-mentioned reasons apply and the data subject wishes to obtain the erasure of personal data stored by the Pergande Group, he or she may address such a request to one of the controller's employees at any time. The employee of the Pergande Group will make arrangements for the erasure request to be complied with without delay.

If the Pergande Group has made the personal data available to the public and our company, as the controller under Article 17 (1) of the GDPR, is obliged to erase the personal data, the Pergande Group, taking account of the available technology and the implementation costs, will take appropriate measures, including measures of a technical nature, to inform other controllers processing the personal data that has been made known that the data subject has requested that these other controllers erase all links to this personal data or to copies or replications of this personal data, provided that its processing is not necessary. An employee of the Pergande Group will make the necessary arrangements in the individual case.

- **e) The right to restriction of processing**

The legislators of the European Union have given every data subject the right to obtain from the controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of its use instead;
- the controller no longer needs the personal data for purposes of the processing, but it is required by the data subject for the establishment, exercise or defence of legal claims;
- the data subject has objected to the processing pursuant to Article 21 (1) of the GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject.

If any of the above-mentioned conditions applies and the data subject wishes to request the restriction of processing for any personal data stored with the Pergande Group, he or she may address such a request to one of the controller's employees at any time. The employee of the Pergande Group will arrange for the restriction of processing.

- **f) Right to data portability**

The legislators of the European Union have given every data subject the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format. He or she also has the right to transfer this data to another controller without hindrance from the controller to which the personal data has been provided, where the processing is based on consent pursuant to Article 6 (1) (a) of the GDPR or Article 9 (2) (a) of the GDPR

or on a contract pursuant to Article 6 (1) (b) of the GDPR and the processing is carried out by automated means, unless the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Furthermore, in exercising his or her right to data portability pursuant to Article 20 (1) of the General Data Protection Regulation, the data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible and without adversely affecting the rights and freedoms of others.

To assert the right to data portability the data subject may contact an employee of the Pergande Group at any time.

- **g) Right to object**

The legislators of the European Union have given every data subject the right to object at any time, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her on the basis of Article (6) (1) (e) or (f) of the GDPR. This also applies to profiling on the basis of these provisions.

In the event of an objection the Pergande Group will no longer process the personal data, unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or that the processing serves to establish, exercise or defend legal claims.

If the Pergande Group processes personal data for direct marketing purposes, the data subject has the right to object at any time to the processing of personal data for such marketing. This also includes profiling to the extent that it is related to such direct marketing. If the data subject objects to the processing for purposes of direct marketing by making a corresponding statement to the Pergande Group, the Pergande Group will no longer process the personal data for such purposes.

In addition, the data subject has the right to object on grounds relating to his or her particular situation, to the processing of personal data concerning him or her by the Pergande Group for scientific or historical research purposes or for statistical purposes pursuant to Article 89 (1) of the GDPR, unless such processing is necessary for the performance of a task carried out in the public interest.

To exercise the right to object the data subject may directly contact any employee of the Pergande Group or another employee. In connection with the use of information society services the data subject is furthermore at liberty to exercise his or her right to object by automated means using technical specifications, notwithstanding Directive 2002/58/EC.

- **h) Automated individual decision-making, including profiling**

The European legislators have given every data subject the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or significantly affects him or her in a similar way, unless the decision (1) is necessary for entering into or performing a contract between the data subject and the controller, or (2) is authorised by Union or Member State law

to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests or (3) is based on the data subject's explicit consent.

If the decision is (1) necessary in order to enter into or perform a contract between the data subject and the controller or (2) made with the data subject's explicit consent, the Pergande Group will implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

If the data subject wishes to assert rights in relation to automated decisions, he or she may address such a request to one of the controller's employees at any time.

- **i) Right to withdraw consent given in relation to data protection**

The legislators of the European Union have given every data subject the right to at any time withdraw his or her consent to the processing of personal data.

If the data subject wishes to assert his or her right to withdraw consent, he or she may at any time address such a request one of the controller's employees.

9. Data protection provisions concerning the application and use of Facebook

The controller has integrated components of Facebook on this website. Facebook is a social network.

A social network is a social meeting place on the Internet, an online community that generally enables its users to communicate with each other and to interact in a virtual space. A social network can serve as a platform to exchange opinions and experiences or enable the Internet community to provide personal or corporate information. Among other features, Facebook enables users of the social network to prepare private profiles, to upload photos and to network through friendship requests.

Facebook is run by Facebook, Inc., 1 Hacker Way, Menlo Park, CA 94025, USA. The controller in cases where a data subject lives outside the USA or Canada is Facebook Ireland Ltd., 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland.

With every visit to one of the individual pages of this website, which is operated by the controller and where a Facebook component (Facebook plugin) is embedded, the Facebook component automatically causes the Internet browser of data subject's IT system to download an image of the corresponding Facebook component from Facebook. A general overview of all Facebook plugins can be found under https://developers.facebook.com/docs/plugins/?locale=de_DE. This technical process gives Facebook knowledge of which specific subpage of our website the data subject is currently visiting.

Provided that the data subject is simultaneously logged in on Facebook, Facebook is able to ascertain which subpage of our website the data subject is visiting each time he or she accesses our website and has this information for the entire duration of the data subject's stay on our website. This information is collected by the Facebook components and Facebook

associates this information with the data subject's Facebook account. If the data subject activates one of the Facebook buttons embedded on our website, for instance the "Like" button, or if the data subject makes a comment, Facebook assigns this information to the data subject's personal user account with Facebook and stores this personal data.

Via the Facebook component Facebook always receives the information that the data subject has paid a visit to our website provided that the data subject is logged in on Facebook at the time when he or she accesses our website; this happens independently of whether or not the data subject clicks on the Facebook component. If the data subject does not wish information to be transmitted to Facebook in this way, the transmission can be prevented by the data subject logging off from their Facebook account before visiting our website.

The data privacy policy published by Facebook under <https://de-de.facebook.com/about/privacy/> contains information regarding the collection, processing and use of personal data by Facebook. It also explains which settings Facebook offers to protect the data subject's private sphere. Furthermore, various applications are available that make it possible to suppress the function whereby data is transmitted to Facebook. The data subject can use such applications to prevent any transmission of data to Facebook.

10. Data protection provisions for the application and use of Google Analytics (with anonymisation function)

The controller has integrated the Google Analytics component (with anonymization function) on this website. Google Analytics is a web analysis service. Web analysis is the capture, collection and evaluation of data concerning the behaviour of website visitors. Among other things a web analysis service records data showing from which website the data subject has come ("the referrer"), which subpages of the website are visited as well as how often and how long a subpage has been viewed. Web analysis is mainly used to optimise a website and to carry out a cost-benefit analysis of Internet advertising.

The operator of the Google Analytics component is Google Inc., 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351, USA.

The controller uses the extension code "_gat._anonymizeIp" for web analysis through Google Analytics. This extension code allows the IP address of the data subject's Internet connection to be abridged and anonymised by Google when our website is accessed from a Member State of the European Union or from another country that is a signatory to the Agreement on the European Economic Area.

The purpose of the Google Analytics component is to analyse traffic on our website. Google uses the data and information it has collected, for instance, in order to evaluate the use of our website, to compile online reports for us showing the activities on our website and to provide other services in connection with the use of our website.

Google Analytics places a cookie on the data subject's information technology system. What cookies are has already been explained above. By placing cookies Google is able to analyse the use of our website. On every visit by a data subject to one of the individual pages of this website, which is operated by the controller and which has an embedded Google Analytics component, the Google Analytics component automatically causes the Internet browser on the data subject's information technology system to transmit data to Google for the purpose of online analysis. This technical process enables Google to gain knowledge of personal data,

such as the data subject's IP address, which Google uses, inter alia, in order to determine the origin of the visitors and the clicks and to calculate commission on this basis.

Cookies allow the storage of personal information, such as the time of access, the location from which the website was accessed and the frequency of the data subject's visits to our website. On each visit to our website this personal data, including the IP address of the Internet connection used by the data subject, is transmitted to Google in the United States of America. This personal data is stored by Google in the United States of America. Google may possibly pass on the personal data collected through this technical process to third parties.

The data subject can prevent our website from placing cookies at any time, as has already been explained, by making a corresponding setting in the Internet browser being used and thus permanently object to cookies being placed. Such a setting in the Internet browser would also prevent Google from placing a cookie on the data subject's information technology system. Furthermore, Google Analytics can at any time delete cookies that have already been placed, via the Internet browser or other software programs.

Furthermore, the data subject can object to and thus prevent the capture of the data generated by Google Analytics and related to the use of this website and also to the processing of this data by Google. To do this the data subject needs to download and install a browser add-on which can be found under the link <https://tools.google.com/dlpage/gaoptout>. Through JavaScript this browser add-on tells Google Analytics that no data and information concerning visits to websites may be transmitted to Google Analytics. Google will interpret the installation of the browser add-on as an objection. If the data subject's information technology system is deleted, formatted or newly installed at a later date, the data subject will need to reinstall the browser add-on in order to disable Google Analytics. If the browser add-on has been uninstalled or disabled by the data subject or another person within his or her sphere of influence, it is possible to reinstall or reactivate the browser add-on.

Further information and Google's currently applicable data privacy policy can be found under <https://www.google.de/intl/de/policies/privacy/> and under <http://www.google.com/analytics/terms/de.html>. Google Analytics is explained in more detail under this link: https://www.google.com/intl/de_de/analytics/.

11. Legal basis for the processing

Article 6 I (a) of the GDPR provides our company with the legal basis for processing operations for which we seek consent for a certain processing purpose. If the processing of personal data is necessary for the performance of a contract to which the data subject is party, such as in the case of processing operations that are necessary for the supply of goods or to provide any other service or service rendered in return, the processing of personal data will be based on Article 6 I (b) of the GDPR. The same applies to processing operations that are necessary in order to take pre-contractual measures, such as in cases of enquiries about our products or services. If our company is subject to a legal obligation requiring the processing of personal data, such as in order to comply with tax obligations, the processing will be based on Article 6 I (c) of the GDPR. In rare cases the processing of personal data may become necessary in order to safeguard the vital interests of the data subject or another natural person. This would be the case, for instance, if a visitor to our company were to be injured and then his or her name, age, health insurance data or other vital information had to be passed on to a doctor, a hospital or another third parties. In this case the processing would be based on Article 6 I (d) of the GDPR. Finally, processing operations could be based on Article 6 I (f) of

the GDPR. Processing operations have this legal basis if they are not covered by any legal basis mentioned above or if the processing is necessary for purposes of a legitimate interest of our company or of a third party, provided that such interests are not overridden by the interests or the fundamental rights and freedoms of the data subject. We are allowed to carry out such processing operations because they have been specifically mentioned by the European legislators who have expressed the view that a legitimate interest can be assumed where the data subject is a client of the controller (Recital 47 sentence 2 of the GDPR.).

12. Legitimate interests in processing pursued by the controller or a third party

If the processing of personal data is based on Article 6 I (f) of the GDPR, our legitimate interest is to carry out our business activities for the well-being of all our employees and shareholders.

13. Length of time that personal data is stored

The criterion for the length of time that personal data is stored is the statutory retention period relevant in the particular case. At the end of this period the corresponding data will be routinely erased, provided that it is no longer required for the performance of a contract or for pre-contractual negotiations.

14. Statutory or contractual requirements for the provision of personal data; need to provide personal data in order to enter into a contract; the data subject's obligation to provide personal data; possible consequences of failure to do so

You should be aware that in some cases you are required to provide personal data by law (e.g. requirements in relation to taxation) or under the terms of a contract (e.g. information concerning the other contracting party). Sometimes, in order to enter into a contract it may be necessary for a data subject to provide us with personal data which we then have to process. The data subject, for instance, must provide us with personal data if he or she enters into a contract with our company. Failure to provide such personal data would mean that the contract with the data subject could not be concluded. Before the data subject provides personal data, he or she must contact one of our employees. Our employee will inform the data subject in the individual case whether the provision of personal data is required by law or under the contract, whether it is necessary to provide such personal data in order to enter into the contract, whether there is an obligation to provide the personal data and the consequences that failure to provide the personal data would have.

15. Existence of automated decision-making

As a responsible company we do not use automatic decision-making or profiling.