

Privacy Policy for contractual relationship (information on data protection regarding our data processing within the framework of the contractual relationship pursuant to Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR))

(Last updated: November 2018)

We take data protection seriously and hereby inform you how we process your data and which claims and rights you are entitled to in accordance with the data protection policy.

1. Data Controller and contact details

Data Controller in accordance with the GDPR

CSM Deutschland GmbH
Theodor-Heuss-Allee 8
28215 Bremen

Contact details of our data protection officer:

Volker Minsberg
Phone: +494213502417
Mobil: +491716013464

volker.minsberg@csmingredients.com

2. Purposes and legal basis on which we process your data

We process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR), the Federal Data Protection Act (BDSG) and other applicable data protection regulations. Details in the following:

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

The processing of your personal data (voluntary data are marked with "if applicable": Name, address, postal code, city, street incl. no., phone number/mobile phone number, e-mail address, invoice address, bank details, legal form, title, date of birth) which you make available to us within the framework of the conclusion of the contract and which are necessary for the conclusion of the contract and for the provision of our products, will be used to justify, execute and, if necessary, terminate our contracts with you and to execute your orders. We process data which we receive in the context of a complaint in order to examine the incident and process it. However, we also use the data of our customers to collect our claims.

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

We process your data, if applicable, where it is necessary in order to protect our legitimate interests or those of third parties, unless your interests or fundamental rights and freedoms oppose this. Legitimate interests may include our economic interests, our legal interests, our interest in observance and safeguarding of compliance or in IT security. Legitimate interests exist, for example, in the following cases:

- Obtaining information on creditworthiness from credit agencies;
- Provision of e-learnings to ensure compliance and to provide information on our products;
- Quality control as well as testing and optimization of procedures for needs analysis and communication with you;
- Analysis of business metrics to perform internal sales analysis, calculation and analysis of cost structures or compensation;
- Management and control by affiliated companies (e.g. parent company) or the relevant supervisory or control bodies (e.g. auditors) as well as risk management within the Group;
- Measures for business management and further development of services and products;
- Collection of receivables by debt collection companies;
- Assertion of legal claims and defence in legal disputes by lawyers;
- Ensuring EDP / IT security;
- Video surveillance for the protection of domiciliary rights, for the collection of evidence in criminal offences;
- Measures for building and plant security (e.g. access controls) and for safeguarding the domiciliary rights;
- Prevention and investigation of criminal offences;
- Verifiability of orders, inquiries etc. and other agreements as well as for quality control and training purposes by recording telephone conversations;
- Goodwill procedures.

2.3 Use of data for advertising purposes, such as newsletters, surveys etc. and your right to object (Art. 6 para. 1 f GDPR, Section 7 para. 3 UWG)

With your consent, we use your data for advertising purposes, such as the transmission of our newsletter, for advertising surveys or invitations to events of interest to you or use your data for purposes of market research. We collect mandatory information such as your e-mail address, but also information that you voluntarily provide to us. We use the voluntary information to permanently improve our customer relationship and make it customer-friendly for you, to be able to address you individually in future, to analyze your preferences and to inform you about the products of interest to you. You can unsubscribe at any time by clicking on the link provided in the newsletter and unsubscribing or by contacting our customer service at the above contact address.

We process your data for the dispatch of newsletters, surveys etc. and the personalization of the address on the following legal basis:

- If you have given us your consent, in accordance with Art. 6 para. 1 lit. a GDPR;
- If you have provided us with your e-mail address in connection with the purchase of goods or services or if we send you personalized advertising to protect our legitimate interests pursuant to Art. 6 para. 1 lit. f GDPR in connection with Section 7 para. 3 UWG; our legitimate interest is based on our economic interests in the implementation of advertising measures and target group-oriented advertising.

Use of data for e-mail advertising and your right to object

If we receive your e-mail address in connection with the conclusion of the contract and the provision of our products and you have not objected to this, we reserve the right to regularly send you offers for similar products from our product range by e-mail. You can object to this use of your e-mail address at any time by sending a message to the contact person described below or via a link provided for this purpose in the newsletter e-mail, without incurring any costs other than the transmission costs according to the basic rates.

2.4 Purposes for fulfilling legal requirements (Art. 6 para. 1 lit. c GDPR)

Like everyone who takes part in economic activities, we are also subject to a multitude of legal obligations. These are primarily legal requirements (such as but not limited to trade and tax laws), but also regulatory or other official requirements. The purposes of the processing may include identity and age verification, fraud and money laundering prevention, the prevention, combating and clarification of terrorist financing and property-threatening criminal offences, the fulfilment of control and reporting obligations under tax law as well as the archiving of data for the purposes of data protection and data security as well as auditing by tax and other authorities. In addition, the disclosure of personal data may become necessary within the framework of official/judicial measures for the purposes of gathering evidence, criminal prosecution or the enforcement of civil law claims.

2.5 Purpose of credit assessment and data transmission to credit agencies

We use the data provided by you (name, address, date of birth and, if applicable, gender) on the application, execution and termination of the business relationship also for queries and creditworthiness information on the basis of mathematical-statistical procedures at credit agencies to check your creditworthiness before concluding a contractual relationship, and transfer any data about non-contractual behaviour or fraudulent behaviour during the contractual relationship to a credit agency. The exchange of data with a credit agency also serves the purpose of identity verification. Based on the compliance rates provided by the credit agency, we can determine whether a person is stored in their database with the address provided by the customer.

If we obtain a query from a credit agency, the legal basis is Art. 6 para. 1 lit. b GDPR, or if we pass on information about non-contractual conduct to a credit agency, the legal basis is Art. 6 para. 1 lit. f GDPR, insofar as this is necessary

to safeguard the legitimate interests of us or third parties and your interests or fundamental rights and freedoms, which require the protection of personal data, do not prevail. The legitimate interest is that the credit agency informs third parties about negative payment experiences and thus protects them from their own disadvantages.

2.6 Participation in events

When you register for an event, we process your personal data in order to receive the registration, organize and carry out the trip to the event and the event itself.

We process the information about the participant (e.g. contact data, date of birth, company, department/position, language) or about the company for which the participant is working (e.g. company, customer number of the company or number of registered participants) that can be seen from the respective registration forms. Furthermore, we collect travel data (e.g. type of arrival or departure airport) and information about food intolerances, allergies, preferred food, etc. (health data) in order to organize the trip or event. If costs are incurred for the event, we collect the associated data for the purposes of billing, collection of receivables and compliance with legal requirements (see also sections 2.2. and 2.4).

We also process your personal data to fulfil a contract or to implement pre-contractual measures pursuant to Art. 6 para. 1 lit. b GDPR as well as Art. 6 para. 1 lit. a and Art. 9 GDPR if you voluntarily provide information about your health.

3. The categories of data processed by us, insofar as we do not receive data directly from you, and their origin

We receive the personal data processed by us predominantly from you in the context of our business relationship.

Insofar as this is necessary for the provision of our services within the framework of our business relationship or for the above purposes, we process personal data obtained from other companies or from other third parties (e.g. credit agencies, address publishers). In addition, we process personal data that we have obtained, received or acquired from publicly accessible sources (such as telephone directories, commercial and association registers, population registers, debtor directories, land registers, the press, the Internet and other media) and that we are permitted to process.

4. Recipients or categories of recipients of your data

Initially, only our employees receive knowledge of your personal data.

Your data will only be passed on to third parties if this is permitted or prescribed by law or if you have given your consent. We also share your data with the service providers we use to the extent necessary to provide our services. We limit the transfer of data to what is necessary to provide our services to you. Some of our

service providers receive your data as data processors and are then strictly bound by our instructions when handling your data. In some cases, the recipients act independently with your data, which we transmit to them.

Below we list the categories of recipients of your data:

- Affiliated companies within the company group, insofar as they act as data processors for us and, for example, provide IT services or insofar as this is necessary for the provision of our services,
- Payment service providers and banks to collect outstanding payments from accounts or to pay out refunds,
- Call centres and complaint managers to receive and process your enquiries and complaints,
- Agencies, printing companies and letter shops that support us in the implementation of advertising measures, competitions, promotions, etc.,
- Providers of training courses to provide corresponding eLearning programs,
- IT service providers who, among other things, store data, support the administration and maintenance of systems, as well as file archivists and shredding companies;
- Logistics service providers to deliver goods, etc.,
- Credit agencies when retrieving credit information,
- Collection agencies and legal advisors in asserting our claims,
- public bodies and institutions to the extent that we are legally obliged to do so.

In addition, we may exchange your personal data within our worldwide company group, e.g. with subsidiaries that need this data to fulfill our contractual and legal obligations or on the basis of our legitimate interests. This may be for economic, administrative or other internal business purposes; this only applies if your interests or fundamental rights and freedoms, which require the protection of personal data, do not prevail. Beyond that we do not pass on your data to third parties.

5. Transfer to third countries

Data will only be transferred to countries outside the EU or the EEA (so-called third countries) if this is necessary or legally required (e.g. tax reporting obligations) within the framework of our contractual relationships, if you have given us your consent or within the framework of data processing. If service providers are employed in a third country, they are obliged to comply with the data protection level in Europe in addition to written instructions through the agreement of the EU standard contract clauses. Alternatively, we may transfer the data on the basis of the Binding Corporate Rules or if the data transfer is based on the implementing decision (EU) 2016/1250 of the EU Commission of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection afforded by the EU-US data protection shield. Further information can be obtained from our data protection officer.

Otherwise, we do not transfer your personal data to countries outside the EU or the EEA or to international organizations.

6. Duration of storage of your data

We process your data for the duration of our business relationship. This also includes the initiation of a contract (pre-contractual legal relationship) and the execution of a contract.

In addition, we are subject to various storage and documentation obligations, including but not limited to the German Commercial Code (HGB) and the German Tax Code (AO). The periods for storage or documentation specified there are up to ten years after the end of the business relationship or the pre-contractual legal relationship.

Furthermore, special statutory provisions may require a longer retention period, e.g. the preservation of evidence within the framework of legal statute of limitations. According to Sections 195 et seq. of the German Civil Code (BGB), the regular limitation period is three years, but limitation periods of up to 30 years may also be applicable.

If the data are no longer necessary for the fulfilment of contractual or legal obligations and rights, they are regularly deleted, unless their - limited - further processing is necessary in individual cases for the fulfilment of the purposes listed under section 2. In these cases, we may also store and, if necessary, use your data after termination of our business relationship or our pre-contractual legal relationship for a period agreed with the purposes.

7. Your data protection rights

Under the respective legal conditions, you have the following rights as data subject, which you can assert against us

- **Right to information:** You are entitled to request confirmation from us at any time within the scope of Art. 15 GDPR as to whether we are processing personal data relating to you. If this is the case, you are also entitled under Art. 15 GDPR to receive information about such personal data as well as other specific information (inter alia, processing purposes, categories of personal data, categories of recipients, planned storage period, your rights, the origin of the data, the use of automated decision-making and, in the case of transfers to third countries, the appropriate guarantees) and a copy of the data.
- **Right to correction:** According to Art. 16 GDPR, you are entitled to demand correction of the personal data stored about you if it is inaccurate or incorrect.
- **Right to deletion:** You are entitled, under the conditions of Art. 17 GDPR,

to request from us the deletion of personal data relating to you without delay. Among other things, there is no right of deletion if the processing of personal data is necessary for (i) the exercise of the right to freedom of expression and information, (ii) the fulfilment of a legal obligation to which we are subject (e.g. statutory retention obligations) or (iii) the assertion, exercise or defence of legal claims.

- **Right to limitation of processing:** Under the conditions of Art. 18 GDPR you are entitled to request from us the limitation of the processing of your personal data.
- **Right to data transferability:** You are entitled, under the conditions of Art. 20 GDPR, to request from us the provision to you of the personal data relating to you that you have submitted to us in a structured, current and machine-readable format.
- **Right to objection:** You are entitled to object to the processing of your personal data under the conditions of Art. 21 GDPR, meaning that we have to terminate the processing of your personal data. The right of objection exists only within the limits provided for in Art. 21 GDPR. In addition, our interests may prevent the processing from being terminated, so that we are entitled to process your personal data despite your objection.
- **Right to revocation:** You have the right to revoke your consent to the processing of personal data at any time with effect for the future.
- **Right to appeal to a supervisory authority:** You are entitled to file a complaint with a supervisory authority, in particular in the Member State of your place of residence, work or suspected infringement, under the conditions laid down in Article 77 GDPR, if you believe that the processing of personal data concerning you infringes the GDPR. The right of appeal is not prejudicial to any other administrative or judicial remedy.

However, we recommend that you always address a complaint to our data protection officer first.

If possible, your applications for the execution of your rights should be addressed in writing to the above address or directly to our data protection officer.

8. Scope of your obligations to provide data

You only need to provide data which is necessary for the establishment and execution of a business relationship or for a pre-contractual relationship with us or which we are legally obliged to collect. Without this data, we will generally not be able to conclude or execute the contract. This may also refer to data required later within the framework of the business relationship. If we also request additional data from you, you will be informed separately about the voluntary nature of the information.

9. Automated decision-making in individual cases (including profiling)

We do not use purely automated decision-making procedures pursuant to Article

22 GDPR or profiling. Should we use such a procedure in individual cases in the future, we will inform you of this separately.

Information about your right of objection Art. 21 GDPR

- 1. You have the right to object at any time to the processing of your data on the basis of Art. 6 para. 1 f GDPR (data processing on the basis of a balance of interests) if there are reasons for this arising from your particular situation. This also applies to profiling based on this provision within the meaning of Art. 4 No. 4 GDPR.**

If you object, we will no longer process your personal data, unless we can prove compelling and applicable reasons for the processing, which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

- 2. We also process your personal data for direct marketing purposes in individual cases. If you do not wish to receive advertising, you have the right to object to it at any time; this also applies to profiling, insofar as it is associated with such direct advertising. We will take this objection into account in the future.**

We will no longer process your data for direct marketing purposes if you object to the processing for these purposes.

The objection can be made without formality and should be addressed to Info.Deutschland@csmingredients.com