

Information on the processing of the personal data of business partners

The Minimax Viking Group attaches great importance to the privacy of its business partners when it processes personal data. The following information is intended for our contractual partners and their agents in performance (e.g. employees) and explains the way personal data are processed in the Minimax Viking Group and the rights these persons have under applicable national and European data protection law.

1. Scope

This Data Privacy Policy applies to the following Minimax Viking Group companies:

- Minimax Viking GmbH
- Minimax GmbH & Co. KG
- Minimax Mobile Services GmbH & Co. KG
- Minimax E.I.S. GmbH
- Millitzer Brandschutz GmbH
- Viking GmbH & Co. KG
- Brandschutz Heimlich GmbH
- MV Pipe Technologies GmbH
- Minimax Viking Research & Development GmbH
- Minimax Fire Solutions International GmbH

2. Who is responsible for data processing?

The controller with responsibility for data privacy within the meaning of the EU General Data Protection Regulation (“**GDPR**”) and all other applicable EU data protection provisions is the Minimax Viking Group company with which the contractual partner has initiated or concluded a contract on the provision of supplies and services (“**MINIMAX**”). The responsible company’s current contact details are given in the contract and the associated business correspondence.

Even if the contractual partner maintains contact with several Minimax Viking Group companies with regard to specific supplies and services, the controller within the meaning of this Data Privacy Policy is always the company with which the contractual partner has agreed or initiated the relevant supplies and services. The other companies may be subcontractors

3. How can the data protection officer be contacted?

The Minimax Viking Group data protection officers can be contacted at

Minimax Viking GmbH
Data Protection Officer
Industriestraße 10/12, D-23840 Bad Oldesloe
Telephone +49 4531 803-0
E-mail: Dataprivacy@mx-vk.com

4. What categories of data are used and where do they come from?

The categories of personal data processed by MINIMAX include the following in particular:

- The contractual partner's first and last name;
- The contractual partner's company name and/or business address;
- The contractual partner's language skills;
- Evidence of the contractual partner's qualifications;
- The contractual partner's telephone number (business);
- The contractual partner's e-mail address (business);
- Photographs, video recordings with the contractual partner;
- The contractual partner's bank details;
- The contractual partner's tax identification number;
- Information about the contractual partner's payment behaviour;
- The contractual partner's creditworthiness;
- The visit data of the contractual partner's;
- The first and last name of the agents in performance (e.g. employees);
- The telephone number of the agent in performance (business);
- The e-mail address of the agent in performance (business);
- Photographs, video recordings with the agent in performance;
- The language skills of the agent in performance;
- The visit data of the agent in performance;
- Evidence of the qualifications of the agent in performance;
- Position / Status with the contractual partner of the agent in performance.

Personal data are usually collected when the contract is made and/or performed. In some constellations statutory regulations may require that, where lawful under data protection law, personal data are also collected by other functions.

5. For what purposes are personal data processed and on what legal basis?

5.1 Purpose of processing

Data are processed in order to implement the contractual relationship and to fulfil any legal obligations arising from it.

These include:

- Checking creditworthiness;
- Placing specific orders;
- Clarifying details;
- Providing supplies and services;
- Settlement;
- Supporting customers;
- Customer surveys;
- Paying taxes;
- Retaining tax-related documentation;
- Retaining business and commercial correspondence.

5.2 Legal basis

MINIMAX processes the contractual partner's personal data and those of its agent in performance (e.g. employees) in compliance in particular with the GDPR and all other applicable national and European laws.

Data are processed for the purpose of establishing, maintaining and terminating the contractual relationship. The primary legal basis for such processing is **Article 6(1) Sentence 1 b) GDPR** or comparable national regulations.

The contractual partner's data and those of its agent in performance are also processed by MINIMAX in order, for example, to meet its legal tax obligations. Such processing is lawful under **Article 6(1) Sentence 1 c) GDPR** or comparable national regulations.

Whenever necessary, MINIMAX also processes the contractual partner's data or those of its agent in performance on the basis of **Article 6(1) Sentence 1 f) GDPR** or comparable national regulations in order to safeguard the legitimate interests of MINIMAX or third parties (e.g. public authorities). MINIMAX also processes personal data in line with its legitimate interests to guarantee IT security, IT operations or voluntary services or those which support the company's business success. Interests are carefully weighed up, taking account of the contractual partner's interests, those of its agent in performance as well as those of MINIMAX, before data are processed in the legitimate interests of MINIMAX.

If MINIMAX wishes to process personal data for a purpose not referred to above, MINIMAX will inform the contractual partner or its agent in performance in advance and, where necessary, obtain their consent. The basis for such consent under data protection law is **Article 6(1) Sentence 1 a), 7 GDPR**.

6. What are your rights?

To the extent that MINIMAX processes the personal data of the contractual partner or its agent in performance, these are "**data subjects**" within the meaning of the GDPR. As data subjects, the contractual partner or its agent in performance have the following rights with regard to MINIMAX:

6.1 Right to information regarding processing

The contractual partner or its agent in performance have the right under data protection law (cf. also Article 15 GDPR) to obtain information from MINIMAX concerning whether personal data are being processed by MINIMAX. If this is the case, the contractual partner or its agent in performance have the right to request information about the extent of such data processing.

6.2 Right to rectification

The contractual partner or its agent in performance have the right to obtain from MINIMAX the rectification of personal data and/or to have personal data completed if the personal data relating to the contractual partner or its agent in performance are inaccurate or incomplete (cf. also Article 16 GDPR).

6.3 Right to restriction of processing

The contractual partner or its agent in performance have the right to have the processing of personal data restricted where the necessary preconditions apply (cf. also Article 18 GDPR).

6.4 Right to erasure

The contractual partner or its agent in performance have the right to demand that the applicable personal data are erased immediately where the necessary preconditions apply (cf. also Article 17 GDPR). The right to erasure does not apply if data are processed to comply with contractual obligations towards the contractual partner or its agent in performance or is necessary to comply with legal regulations.

6.5 Right to notification

If the contractual partner or its agent in performance have asserted their rights to rectification, erasure or restriction of processing with regard to MINIMAX, MINIMAX must (also subject to the requirements in Article 19 GDPR) communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. MINIMAX will inform the data subject about such recipients if requested by the data subject.

6.6 Right to data portability

The contractual partner or its agent in performance have the right (cf. also Article 20 GDPR) to receive the relevant personal data from MINIMAX in a structured, commonly-used and machine-readable format. The contractual partner or its agent in performance also have the right to communicate such data to another company without hindrance from MINIMAX where the necessary preconditions apply.

6.7 Right of objection

The contractual partner or its agent in performance have the right (including under Article 21 GDPR) to object, on grounds relating to their particular situations, at any time to the processing of personal data concerning them based on Article 6(1) Sentence 1 f) GDPR or comparable national regulations. MINIMAX may then no longer process the personal data relating to the contractual partner or its agent in performance unless MINIMAX demonstrates compelling legitimate grounds for such processing which override the interests, rights and freedoms of the contractual partner or its agent in performance or if such processing serves the establishment, exercise or defence of legal claims.

If the personal data relating to the contractual partner or its agent in performance are processed for the purposes of engaging in direct advertising, the data subject has the right to object at any time to the processing of the personal data for such advertising purposes.

The contractual partner or its agent in performance can contact the data protection officer or MINIMAX as detailed in item 1 to make such objection.

6.8 Right to withdraw the declaration of consent under data protection law

Any declaration of consent submitted by the contractual partner or its agent in performance may be withdrawn from MINIMAX at any time (cf. also Article 7 GDPR). Withdrawal of consent does not affect the lawfulness of any processing conducted on the basis of the consent up to the point of withdrawal.

6.9 Right to appeal to a supervisory authority

The contractual partner or its agent in performance have the right to lodge a complaint with a supervisory body, in particular in the place of habitual residence, place of work or place of the alleged infringement, if the contractor or agent in performance consider that the processing of personal data relating to them infringes the GDPR (cf. also Article 77 GDPR).

6.10 Automated individual decision-making, including profiling

The contractual partner or its agent in performance have in all cases the right not to be subject to a decision based solely on automated processing – including profiling – which produces legal effects concerning them or affects them negatively in a similar way (cf. also Article 22 GDPR).

7. Disclosure of data to third parties

7.1 General information

MINIMAX ensures that only the persons and functions which require the personal data relating to the contractual partner or its agent in performance in order to comply with their contractual or legal obligations actually receive such data. MINIMAX will in general only pass on personal data to service providers, business partners and other third parties within the framework of the applicable data protection law.

MINIMAX is entitled to disclose personal data to service providers working for MINIMAX and to require these to process personal data in the name of MINIMAX (order processing). The order processor is subject to instructions issued by MINIMAX and to strict contractual restrictions with regard to the processing of personal data.

MINIMAX may disclose personal data to a third party if MINIMAX is obliged to do so on account of a law or legal proceedings or in order to deliver and manage products and services. MINIMAX is also authorised to disclose data if such disclosure is necessary for the purposes of collaboration and thus of providing supplies and services to the contractual partner or if its agent in performance declare its consent to such disclosure. Disclosure can also rarely be avoided in the course of tax audits.

7.2 Credit agencies

Before MINIMAX enters a contract with a contractual partner, MINIMAX may in certain circumstances obtain information from a credit agency about the creditworthiness and the identity of the potential contractual partner and obtain external scoring about such potential contractual partner. Such creditworthiness checks are based on mathematical/statistical methods. A similarity analysis using percentage values may be used to determine whether the name or the company of the potential contractual partner or the address of the contractual partner are known. The ultimate decision as to whether MINIMAX enters into a contract with the potential contractual partner is made by MINIMAX itself and is not automated.

For the purposes of this assessment, MINIMAX may pass on the following data relating to the contractual partner or its agent in performance to the credit agency:

- The contractual partner's first and last name;
- The contractual partner's company name and/or business address;
- The contractual partner's bank details;
- Information about the contractual partner's payment behaviour;
- The first and last name of the agents in performance.

Failure to provide these data may prevent MINIMAX entering the contract. If the contract is entered into, MINIMAX only stores the information obtained by the credit agency. Further data are erased if they are not subject to statutory retention requirements.

The data relating to the potential contractual partner or its agent in performance are primarily collected, stored and disclosed in this step for the purpose of fulfilling the contract on the basis of Article 6(1) Sentence 1 (b) GDPR. At the same time, MINIMAX also has a legitimate interest in obtaining commercial information about its potential contractual partner. The purpose of obtaining commercial information is that MINIMAX wishes to ensure that potential contractual partners are solvent and generally trustworthy. The legal basis in this case is Article 6(1) Sentence 1 f) GDPR.

7.3 MINIMAX Group companies

MINIMAX is a member of the Minimax Viking Group. It is possible that MINIMAX passes on the data relating to the contractual partner or its agents in performance to MINIMAX group companies where this is necessary for the purpose of the contractual relationship or a single order. A list of such MINIMAX Group companies can be found at this link: www.minimax.com/DE/en/other/legal-entities/?preview=true.

7.4 Other categories of recipient

MINIMAX uses the services of various providers to meet its contractual and legal obligations. These may include:

- IT service providers (order processing);
- External accountants (order processing);
- Credit agencies (order processing; refer to item 7.2);
- Subcontractors (potential order processing);
- Tax consultants;
- Lawyers and patents attorneys;
- Public authorities (e.g. social security institutions, tax authorities, courts);
- The contracting partner's bank (SEPA payment service providers);
- Third-party debtors in the case of attachments;
- Insolvency administrators in the case of private insolvency.

8. When will MINIMAX erase the personal data?

MINIMAX erases personal data relating to the contractual partner or its agent in performance as soon as they are no longer needed for the purposes referred to above and no further legal evidence, contractual or legal retention requirements apply. Upon termination of the contractual relationship, MINIMAX will continue to store the personal data for as long as it is required to comply with contractual or legal retention requirements. Such data may have to be stored for up to ten years. It is also possible that personal data may have to be retained for as long as claims can be brought against MINIMAX (statutory limitation period of up to thirty years).

9. Are the personal data transmitted to third countries?

As a general rule MINIMAX only transmits personal data to companies outside the EEA if the European Commission has confirmed that the relevant third country provides an appropriate level of data protection or other appropriate data protection guarantees are in place (e.g. binding internal company data protection rules or EU standard contract clauses). Data may be transmitted to a third country in exceptional cases even if no such guarantees of appropriate data protection are given if the preconditions of Article 49 GDPR are met.

10. Obligation to provide personal data

Within the framework of the contractual relationship the contractual partner or its agent in performance are required to provide the personal data which are needed in order to establish, perform and terminate the contractual relationship and to fulfil the associated contractual obligations as well as to provide any data which MINIMAX is required by law to collect. Data needs to be processed in order to perform the contractual relationship.

11. Changes to this policy

MINIMAX may update this Data Privacy Policy from time to time. MINIMAX therefore recommends reading this Data Privacy Policy regularly at the following website address:

www.minimax-viking.com

Bad Oldesloe, 22 November 2019