

Note: This text has been translated automatically. It is an unofficial translation of our privacy policy for customers and business partners in German.

Privacy Policy for customers and business partners according to Article 13 / 14 / 26 GDPR

With the following information, we would like to give you an overview of the processing of your personal data as well as your rights under data protection law (GDPR).

First, we will give you general information about the processing of your personal data by us and the rights you have as a data subject. Finally, we will inform you about when you can object to the processing of your data by us.

1. Contact details of the data controller

1.1 If you initiate / conclude a business relationship with Tenbrink ProjektPlan GmbH:

Tenbrink ProjektPlan GmbH
Industriestrasse 1-7
48703 Stadtlohn

Management: Annabell Tenbrink, Frank Wessels, Dieter Peters, Markus Böckmann
Phone: +49 2563 2087 - 0
E-mail: info@tenbrink.de

1.2 If you initiate / conclude a business relationship with Tenbrink HotelPlan GmbH:

Tenbrink HotelPlan GmbH
Industriestrasse 1-7
48703 Stadtlohn

Management: Annabell Tenbrink, Frank Wessels, Dieter Peters, Markus Böckmann
Phone: +49 2563 2087 - 0
E-mail: info@tenbrink.de

2. Contact details of the data protection officer

ITM systems GmbH & Co. KG
Data Protection Officer – Tenbrink
Hauptstrasse 43
48712 Gescher

Tel: + 49 2542 917 918 - 0
E-mail: datenschutz@itm-gruppe.com

3. Origin of the personal data

We process personal data that we receive from you in the course of our business relationship. In addition, we process personal data that we have received from other companies in our group of companies or from other third parties (e.g. SCHUFA, credit agencies) in a permissible manner (e.g. for the execution

of orders, for the fulfilment of contracts or on the basis of consent given by you), insofar as this is necessary for the provision of the service/fulfilment of the contract with you.

In addition, we process personal data that we have permissibly obtained from accessible sources (e.g. trade and association registers, press, media) and may process.

4. Categories of personal data

We process the following categories of personal data about you: personal details (name, address and other contact data), order data (e.g. delivery order), payment data, data from the fulfilment of our contractual obligations, advertising and sales data, documentation data (data from consultation and service discussions) and comparable data.

5. Purpose and legal basis of data collection

We process personal data (Art. 4 para. 2 GDPR) on the basis of Art. 6 para. 1, lit. b GDPR. The processing serves the execution of our contracts or pre-contractual measures with you and the execution of your order, as well as all data required for the operation and maintenance of our services.

The respective details on the purpose of the data processing can be found in the respective contract documents and terms and conditions.

Beyond the actual fulfilment of the contract, we process personal data in accordance with Art. 6 Para. 1, lit. f GDPR. This is permissible insofar as the processing is necessary to protect our legitimate interests or those of a third party, unless your interests or fundamental rights and freedoms require the protection of personal data. Such a legitimate interest consists, for example, in:

- To test and optimise procedures for needs analysis and direct customer contact.
- To advertise our own products and for market and opinion surveys
- Assertion of legal claims and defence in legal disputes
- To ensure the IT security and operation of the company.

Specifically, we also base the following processing operations on our legitimate interest:

- In order to inform you about products, promotions, events, etc. or to send Christmas greetings, we use your address data to send you the relevant information by post. This procedure is based on our legitimate interest in direct advertising and thus on Art. 6, Para. 1, lit. f, in conjunction with Recital 47.
- If we have received your e-mail address in connection with the sale of a product or service, we may add you to our newsletter mailing list to inform you about similar products or services. You may object to this processing at any time without incurring any costs other than the transmission costs according to the Ba-sist tariffs. We base this procedure on Section 7, Paragraph 3 of the German "Gesetz gegen den unlauteren Wettbewerb" (UWG).

If you have given us your consent to process your personal data for certain purposes (e.g. transfer of data, evaluation of purchase contract data for marketing purposes, registration for e-mail newsletters), this processing is lawful on the basis of your consent (Art. 6 para. 1, lit. a GDPR). Consent given can be revoked at any time. Please note that the revocation is only effective for the future. Processing that took place before the revocation is not affected.

In addition, we process personal data in accordance with Art. 6 Para. 1, lit. c GDPR, insofar as this is necessary for the fulfilment of legal obligations to which we are subject as a company. The purposes of the processing include, for example, commercial and tax retention obligations in accordance with § 257 of the German Commercial Code (Handelsgesetzbuch, HGB) and § 147 of the German Fiscal Code (Abgabenordnung, AO).

6. Recipients

Within our group of companies, access to your data is granted to those offices that require it for the fulfilment of contractual and legal obligations. As far as necessary for the execution of the contract or required by law, your data will be passed on to external bodies such as authorities and to the service providers, order processors or comparable third parties necessary for the execution of the contract. These are described in more detail below.

Customers

If you are a customer of ours, we will pass on your data to the following possible recipients: project controllers, architects, engineering offices, suppliers, subcontractors, customs / customs agency.

In order to be able to process your order smoothly, we pass on your data within the Tenbrink group of companies in individual cases (Tenbrink ProjektPlan or Tenbrink HotelPlan).

Suppliers

If you are a supplier to us, we will pass on your data to the following possible recipients: customers, project managers, architects, engineering offices, subcontractors.

The following applies to all those concerned:

In order to process the order/project smoothly, we process your data jointly within the Tenbrink group of companies (Tenbrink ProjektPlan and Tenbrink HotelPlan). We have concluded an agreement on joint responsibility between the companies in accordance with Art. 26 GDPR. You will find the most important aspects of this in the annex attached to this document.

We are supported in the IT area by appropriate service providers. In this context, we also use the possibility of (remote) maintenance. In this case, it cannot be completely prevented that master data from you is viewed by the technicians carrying out the work. However, the technicians have been committed to strict confidentiality in the course of a contract for commissioned processing in accordance with Art. 28 GDPR. This includes:

- IT system house for the maintenance of our IT infrastructure and IT support (ITM systems GmbH & Co. KG / ITM solutions GmbH, Hauptstrasse 43, 48712 Gescher)
- Supplier of merchandise management system

In addition, possible recipients include our tax advisor, auditor, occupational safety specialists, the tax office, in the event of a legal dispute, our law firm as well as the competent courts and our service provider for the destruction of files.

7. Duration of storage

As far as necessary, we process and store personal data for the duration of the business relationship. This also includes the initiation and processing of a contract.

For the duration of the existence of warranty and guarantee claims, the personal data required for this purpose will be stored.

In addition, we store personal data insofar as we are legally obliged to do so. Corresponding obligations to provide proof and to store data result from the German Commercial Code (Handelsgesetzbuch) and the German Fiscal Code (Abgabenordnung). The periods specified there for storage and documentation are six years in accordance with commercial law requirements under § 257 of the German Commercial Code (Handelsgesetzbuch, HGB) and up to ten years due to tax requirements under § 147 of the German Fiscal Code (Abgabenordnung, AO).

8. Data subject rights and right of appeal

In accordance with Art. 15 GDPR, you have the right to obtain information about the personal data stored about you. If incorrect personal data has been processed, you have the right of rectification in accordance with Art. 16 GDPR.

If the legal requirements are met, you can request the deletion or restriction of processing as well as object to data processing (Art. 17, 18 and 21 GDPR). According to Art. 20 GDPR, you can exercise the right to data portability for data that is processed automatically on the basis of your consent or a contract with you.

You can exercise these rights at the address mentioned above in the section "Name and contact details of the controller".

If you believe that data processing violates data protection law, you have the right to complain to a data protection supervisory authority of your choice (Art. 77 GDPR in conjunction with § 19 BDSG). This includes the data protection supervisory authority responsible for us, which you can reach using the following contact details:

Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen
Postfach 20 04 44
40102 Düsseldorf
Phone.: + 49 211/38424-0
E-mail: poststelle@ldi.nrw.de

9. Voluntariness or obligation to provide the data

For the conclusion of the contract it is necessary that you provide us with the following data:

- Company data
- Name and contact details of a contact person
- e-mail address
- Invoice address
- Delivery address
- Information about the item / order or service

Without this data, we will usually have to refuse to conclude the contract or will no longer be able to perform an existing contract and may have to terminate it.

Information about your right to object according to Art. 21 GDPR

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data relating to you which is carried out on the basis of Art. 6(1)(f) GDPR (data processing on the basis of a balance of interests). If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

In individual cases, we process your personal data in order to carry out direct advertising. You have the right to object at any time to the processing of your data for the purpose of such advertising. If you object to the processing for the purposes of direct advertising, we will no longer process your personal data for these purposes.

The objection can be sent informally by post or e-mail to the contact details of the responsible office mentioned above.

Attachment

Privacy Policy for Joint controllers according to Art. 26 GDPR

With the following information, we, Tenbrink ProjektPlan GmbH, Industriestrasse 1-7, 48703 Stadthoehn (responsible party 1) and Tenbrink HotelPlan GmbH, Industriestrasse 1-7, 48703 Stadthoehn (responsible party 2), would like to provide you with the essential contents that we have contractually determined in the course of a joint responsibility pursuant to Art. 26 GDPR.

1. What is the reason for the joint responsibility?

The reason for the agreement is the processing of personal data (hereinafter referred to as "data") by the parties. The agreement was concluded because there is joint data management for certain concurrent business processes of several related companies.

2. For which procedures is there joint responsibility?

Joint processing results from the shared use of office space. A common IT infrastructure and IT equipment (hardware, software) is therefore used. This is looked after and maintained on the one hand by an internal IT administrator and on the other hand by an IT service provider (internet connection, telephone system, server structures etc.).

A common administration software is also used for order processing. Financial accounting and other data processing for the purpose of billing are also handled by a central office. This processing is carried out by data controller 1.

Both companies have a joint website. This is maintained by an advertising agency. The evaluation of the data is carried out with the involvement of both data controllers. This also applies to the jointly maintained social media channels.

3. What have the parties agreed?

Within the scope of our joint responsibility under data protection law, we have agreed which of us fulfils which obligations under the GDPR. This concerns, for example, the exercise of the rights of data subjects and the fulfilment of the information obligations under Articles 13 and 14 of the GDPR.

- It is the party that provides information to data subjects pursuant to Articles 13 and 14 GDPR that carries out the data collection.
- Both parties must inform each other promptly and completely if they are in the process of
- Both parties must inform each other immediately and in full if they discover errors or irregularities with regard to data protection provisions during the audit of the processing activities and/or the results of the order.
- Insofar as a data subject should contact one of the parties directly for the purpose of exercising his/her data subject rights, in particular for correction and deletion of his/her data, this request shall be forwarded to the other party without delay, irrespective of the obligation to guarantee the data subject right.
- Controller 1 shall keep a register of processing activities for the processing within the meaning of Article 30 (1) of the GDPR.
- If a data protection impact assessment is required pursuant to Art. 35 GDPR, this shall be carried out jointly by both parties.
- Both parties are obliged to treat all knowledge of trade secrets and data security measures of the other party obtained within the framework of the contractual relationship as confidential.

- Documentation which serves as proof of proper data processing shall be retained by each of the parties in accordance with the respective retention periods beyond the end of the contract.
- Responsible Party 1 and Responsible Party 2 have each appointed a data protection officer. An employee of data controller 1 acts as internal data protection coordinator.
- If destruction is to be carried out during ongoing processing, the data must be
- Controller 1 and Controller 2 have each appointed a data protection officer. An employee of Controller 1 acts as internal data protection coordinator.
- If destruction is to be carried out during ongoing processing, Data Controller 1 shall take care of the demonstrably data protection-compliant destruction of data carriers and other materials.
- Controller 1 acts as the contact point for data subjects. The right according to which the data subject can assert his or her rights with and against each of the controllers, irrespective of the agreement of the joint controllers, remains unaffected. In this case, technical and organisational measures will be taken to ensure that the claim can be fulfilled in due time by the person responsible.

If you have any questions, please contact our data protection officer:

ITM systems GmbH & Co. KG
Data protection officer - Tenbrink
Hauptstrasse 43
48712 Gescher
Tel.: +49 25 42 / 917 918 - 0
E-mail: datenschutz@itm-gruppe.com