

elmatiz GmbH

Information on data processing according to Art. 12ff. EU General Data Protection Regulation (GDPR) for business partners (companies and consumers) and interested parties

Status: 24.10.2018

With the following information, elmatiz GmbH gives you an overview of the processing of your personal data as a business partner (company and consumer) or interested in our services and products and your rights according to the GDPR.

1. Data Controller and contact details of the data protection officer

Data Controller of your personal information is:

elmatiz GmbH
Tulpenweg 39
52222 Stolberg
Tel.: 0049 (0) 2402 / 9058301
E-Mail: eliza@elmatiz.de

You can contact us at the above address and e-mail address regarding data protection issues and concerns.

2. Categories of personal data

In the end customer and business customer contact (in the business contact depending on the company form and additionally named contact persons) personal data is processed. Within the scope of an order/contract or enquiry, elmatiz GmbH generally processes the following categories of data depending on the specific service, order or enquiry:

- **Companies/public bodies** (authorities, corporations, partnerships, sole proprietorships, self-employed persons, freelancers): Company/public body with details of the persons authorised to represent the company and, if applicable, additional contact persons in each case with title, surname, first name, address, further contact data (telephone, fax, e-mail); foreign language qualifications within the framework of freelance language teacher cooperations;
- **Consumers:** name, surname, address, contact details (telephone, e-mail) and other contact details, e.g. in the case of differing billing addresses;

- **Data relevant to learning**, such as learning objectives, current language level, special wishes, preferred teaching times (weekdays, times of day);
- **Order history and turnover.**

If direct contact with you occurs during the business relationship or contract implementation, further data, such as information on the contact channel, date, reason and result and copies of correspondence will be processed.

3. Purposes of data processing and legal bases

elmatiz GmbH processes your personal data to fulfill the respective contract or to carry out pre-contractual measures (e.g. contact requests) with you according to Art. 6 (1) b) GDPR.

In addition, elmatiz GmbH is subject to various legal requirements (e.g. money laundering law, tax laws) and processes your data according to legal requirements in accordance with Art. 6 (1) c) GDPR or in the public interest according to Art. 6 (1) e) GDPR. The purposes of processing include

- the prevention of fraud and money laundering;
- the fulfilment of fiscal control and reporting obligations;
- as well as the evaluation and control of risks at elmatiz GmbH.

If necessary, elmatiz GmbH processes your data within the scope of the balancing of interests according to Art. 6 (1) f) GDPR to protect the legitimate interests of elmatiz GmbH or third parties. For example:

- assertion of legal claims and defense in case of legal disputes;
- ensuring IT security and IT operation at elmatiz GmbH;
- prevention of criminal offences;
- measures for business management and further development of services and expert reports/calculations.

Also within the scope of the balancing of interests according to Art. 6 (1) f) GDPR to safeguard the legitimate interests of elmatiz GmbH, elmatiz GmbH processes your data, e.g. on the basis of existing contracts or requests for needs-based information on further services and products (advertising) according to the following guidelines:

- postal advertising, unless you have objected to this processing; you can object to this advertising use at any time with effect for the future by using the above-mentioned contact data (see item 1.) (see item 8.);
- advertising by e-mail for our own similar products and services, provided that elmatiz GmbH has received your e-mail addresses in connection with the sale of products and services from you and

you have not objected to this processing; you can object to this advertising use at any time with effect for the future by using the above-mentioned contact data (see item 1.) (see item 8.), whereby no further costs will be incurred apart from the costs of transmitting the objection; furthermore, you will be clearly informed again each time your e-mail address is used that you can object to this use at any time;

- telephone advertising to companies in the event of your presumed consent to this, unless you have objected to this processing; you can object to this advertising use at any time with effect for the future using the above-mentioned contact details (see section 1.) (see section 8.).

Insofar as you have given us your consent to process personal data for specific purposes, the lawfulness of this processing is based on your consent pursuant to Art. 6 (1) a) GDPR. Consent that has been granted can be revoked at any time with effect for the future at the above contact details (see item 1.).

4. Data collection not directly from the data subject

In individual cases, based on the balancing of interests in accordance with Art. 6 (1) f) GDPR, we collect address data (surname, first name, address) for our own postal advertising purposes from publicly accessible directories (e.g. telephone and industry directories, commercial registers), from generally accessible sources (e.g. the Internet) or from other dialogue marketing companies and other address providers. You can object to this processing at any time with effect for the future by contacting us using the above contact details (see section 1.) (see section 8.).

5. Recipients and categories of recipients of the data

Within elmatiz GmbH, only those departments that require your data to fulfill our contractual and legal obligations will have access to your data. Service providers employed by elmatiz GmbH may also receive data for these purposes, e.g. if they are commissioned as processors according to Art. 28 GDPR.

Possible recipients of personal data are, for example:

- freelance teachers whom we commission to carry out the lessons;
- public bodies and institutions (e.g. tax authorities, Federal Central Tax Office) if there is a legal or official obligation to do so;
- credit and financial services institutions in the context of payment processing;
- contract processors for support/maintenance of EDP/IT applications, controlling, data screening in accordance with legal requirements, data destruction, auditing services and payment transactions;
- logistics/forwarding service providers;

- other data recipients on the basis of a consent given by you.

6. Transfer of data to a third country or an international organisation

A data transfer to countries outside the EU or the EEA (so-called third countries) findet only takes place if this is necessary for the execution of your orders, if it is required by law (e.g. tax reporting obligations), if you have given us your consent or within the scope of an order data processing. If service providers are used in the third country, these are, in addition to written instructions, taken by appropriate measures (e.g. agreement of the EU standard contract clauses) to comply with the level of data protection in Europe verpflichtet.

7. Duration of data storage

elmatiz GmbH processes and stores your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations and on the basis of the weighing of interests. If the data are no longer required for this purpose, they are regularly deleted, unless their - temporary - further processing is necessary for the following purposes:

- fulfilment of storage periods under commercial and tax law (e.g. German Commercial Code, Tax Code and Money Laundering Act with the periods of storage or documentation specified therein for a period of two to ten years);
- preservation of evidence within the framework of the statute of limitations regulations (e.g. German Civil Code with a statute of limitations of up to 30 years and a regular statute of limitations of three years).

We store personal data in connection with a possible freelance language teacher cooperation with a view to future vacancies for a period of 12 months, unless a cooperation agreement is concluded. If you wish to have these data deleted beforehand, please inform us of this using the above contact details (see point 1.).

8. Your further data protection rights

The following additional rights are available to you as a data subject in principle and, insofar as contractual and statutory obligations do not conflict with this:

- right to information (Art. 15 GDPR) with the restrictions according to §§ 34, 35 GDPR as amended;
- right to correction of incorrect data (Art. 16 GDPR);
- right to deletion (Art. 17 GDPR) with the restrictions of §§ 34, 35 GDPR as amended;
- right to restrict the processing of personal data (Art. 18 GDPR);
- right to data transferability (Art. 20 GDPR);
- right to appeal to a data protection supervisory authority (Art. 77 GDPR);

- right to object on a case-by-case basis (Art. 21 (1) GDPR) for reasons arising from your particular situation and relating to data processing pursuant to Art. 6 (1) e) and Art. 6 (1) f) GDPR;
- right of objection to the processing of data for advertising purposes (Art. 21 (3) GDPR); you can object to the future use of your data for advertising purposes at any time using the contact details given above (see point 1.).

9. Obligation to provide data

As part of our business relationship, you must provide us with the personal data that is necessary for the establishment and execution of a business relationship and the fulfilment of the associated contractual obligations or for the collection of which we are legally obliged to. Without this data, we will generally have to refuse to conclude the contract or execute the order or be unable to execute an existing contract and may have to terminate it.