

Data privacy notice for customers and other affected 'natural persons' under the EU General Data Protection Regulation

The following information is part of our effort to provide you with an overview of how we process your personal data, as well as your rights under data privacy law.

What specific data will be processed and which method will be used to process it depend largely on the services requested or agreed upon.

For that reason all of the information will not be pertinent to you.

Who is responsible for data processing, and who can I contact?

The party responsible for data processing is:

Inxmail GmbH

Wentzinger Strasse 17, 79106 Freiburg, Germany

Tel.: (+49-761) 296979-800

kontakt@inxmail.de

You can contact our company data protection officer at:

Deutsche Datenschutz Kanzlei

Stefan Fischerkeller (Data Protection Officer)

Richard Wagner Strasse 2, 88094 Oberteuringen, Germany

Telephone: (+49-7544) 904-9691

datenschutz@inxmail.de

What sources and data do we use?

We process personal data that we receive within the context of our business relationship from our customers and other data subjects. We additionally process – insofar as necessary to provide our services – personal data that we obtain with authorisation from publicly accessible sources (e.g., media, Internet) or that is legitimately transferred to us by other companies within a customer relationship or from other third parties.

Relevant personal data includes personal details (name, address and other contact details, date and place of birth, nationality) and authentication data (e.g., in the form of signatures). It could also include order data (e.g., a service order), data from the fulfilment of our contractual obligations (e.g., sales data in payment transactions for invoicing), credit information (e.g., credit data, score or rating), marketing and sales data (including advertising scores), documentation data (e.g., minutes from a consultation) and other data similar to the categories specified above.

What do we process your data for (purpose of processing) and on what legal basis?

We process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG).

a. For fulfilment of contractual obligations (Art. 6 Para. 1b GDPR)

Data is processed in order to fulfil our contracts with our customers or to carry out pre-contractual measures that occur as part of a request. The purposes of data processing depend primarily on the specific product (e.g., Inxmail Professional, Inxmail Commerce and integration solutions) and can include requirements analyses and advice, amongst others.

You can find additional information on the purposes of data processing in the relevant contract documents and terms of business.

b. In the context of balancing interests (Art.6 Para.1f GDPR)

Where required, we process your data beyond the actual fulfilment of the contract for the purpose of upholding the legitimate interests pursued by us or third parties. Examples include:

reviewing and optimising procedures for requirements analyses for the purpose of direct client communications; marketing or market and opinion research, unless you have objected to the use of your data; asserting legal claims and maintaining a legal defence in the event of legal disputes; safeguarding IT security and IT operations at Inxmail; prevention and investigation of crimes; video surveillance in order to protect the rights of an owner of premises and to collect evidence in the event of hold-ups and acts of fraud; measures to protect buildings and plants (e.g., access controls); measures to safeguard the rights of the owner; business management measures; measures to upgrade services and products; and risk management.

c. As a result of you giving your consent (Art. 6 Para. 1a GDPR)

Where you have granted us consent to process your personal data for defined purposes (e.g., the transfer of data within Inxmail GmbH, analysis for marketing purposes, photographs taken at event, distribution of newsletters), this processing is lawful on the basis of your consent.

Consent that was previously granted can be withdrawn at any time.

This also applies to the retraction of declarations of consent submitted to us before the GDPR entered into force, i.e., before 25 May 2018.

Withdrawal of consent applies with future effect and does not affect the lawfulness of data processed prior to consent being withdrawn.

d. Due to statutory provisions (Art. 6 Para. 1c GDPR) or in the public interest (Art. 6 Para. 1e GDPR)

Furthermore, we are subject to various legal obligations, i.e., statutory requirements (e.g., the German Money Laundering Act, tax legislation).

Purposes of processing include, amongst others, credit and identity checks, verification of age, prevention of fraud and money laundering, fulfilment of monitoring and reporting obligations set out in tax law, and the assessment and management of risks within Inxmail GmbH.

Who receives my data?

Within Inxmail GmbH, your data will be received by persons and departments which require it in order to fulfil our contractual and statutory obligations. Service providers and

vicarious agents deployed by us may also receive data for these purposes, if, in particular, they uphold the data protection requirements.

These include companies in the categories of credit services, IT services, logistics, printing services, telecommunications, debt collection, consulting and marketing & sales. With regard to transferring data to recipients outside Inxmail GmbH, it should first be noted that, as a company, we are obliged to maintain the confidentiality of all customer-related facts and assessments of which we become aware (in accordance with Section ... of our General Terms & Conditions).

In principle, we are only permitted to pass on information about our customers if this is mandated by law or where the customer has given their consent.

Under these conditions, recipients of personal data could be, for example:

public entities and institutions (e.g., financial authorities, law enforcement authorities, courts of law) where a legal or official obligation exists; other companies to which we transfer your personal data in order to carry out a business relationship with you (depending on the contract, e.g., systems integration firms, partner agencies); and service providers we engage within the scope of commissioned data processing.

Additional recipients of data may be the entities for whom you grant consent to transfer data and/or for which you have released us from secrecy in accordance with an agreement or consent or entities to which we are authorised to transfer personal data by virtue of balancing interests.

Is data transferred to a third country or to an international organisation?

Data is transferred to countries outside the EU or EEA (so-called third countries) only where this is required to carry out your orders (e.g., orders for subsidiaries located in a third country), where this is legally mandated (e.g., under reporting obligations set out in tax law), where you have granted consent or where this is done as part of commissioned data processing.

How long is my data stored?

We process and store your personal data for as long as this is required in order to fulfil our contractual and statutory obligations.

If the data is no longer required to meet such obligations, it shall be deleted on a regular basis, unless its further processing is required – for a limited time – for the following purposes:

Fulfilling obligations to preserve records according to commercial and tax law that may result from, for example: the German Commercial Code (HGB), the German tax code (AO), the German Banking Act (KWG) and the German Securities Trading Act (WpHG).

The retention and/or documentation periods specified there are generally two to ten years.

Preserving evidence in the context of the regulatory statute of limitations. According to Section 195 et seq. of the German Civil Code (BGB), these limitation periods can be up to 30 years; the regular limitation period is three years.

What data privacy rights do I have?

Every data subject has the right of access (Art. 15 GDPR), the right to rectification (Art. 16 GDPR), the right to erasure (Art. 17 GDPR), the right to restriction of processing (Art. 18 GDPR), the right to object (Art. 21 GDPR) and the right of data portability (Art. 20 GDPR). The restrictions imposed under Sections 34 and 35 of the German Federal Data Protection Act (BDSG) apply to the right of access and the right to erasure. Furthermore, there exists the right to lodge a complaint with a supervisory authority (Art. 77 GDPR in conjunction with Section 19 BDSG).

Once granted, consent to process personal data can be withdrawn at any time. This also applies to the retraction of declarations of consent submitted to us before the GDPR entered into force, i.e., before 25 May 2018. Please note that withdrawal of consent will have effect only for the future. Information processed prior to consent being withdrawn will not be affected.

Is there an obligation to provide data?

Within the framework of our business relationship, you are required to provide only the personal data necessary for the initiation, execution and termination of a business relationship, information required to fulfil the associated contractual obligations or the information we are legally obliged to collect. Without this information, it will not be possible for us to enter into a contract with you or to carry out the contract, or we may be required to terminate it.

If you do not provide us with the necessary information and documents, we cannot enter into or continue the business relationship you desire.

To what extent are decisions made automatically?

In accordance with Article 22 GDPR, we do not use fully automated decision-making to establish and carry out a business relationship.

Does profiling take place?

We process some of your data automatically, with the goal of assessing certain personal aspects (profiling). For example, we use profiling in the following cases:

Under statutory and regulatory requirements, we are obliged to combat money laundering, terrorism financing and criminal offences. Information is evaluated for this purpose. These measures also serve to protect you.

We use evaluation tools in order to inform you and advise you on specific products. This enables needs-based communication and advertising, including market and opinion research.

Information regarding your right to object in accordance with Art. 21 GDPR

Individual right to object

You have the right, for reasons arising from your particular situation, to object to the processing of personal data concerning you that occurs based on Art. 6 Para. 1e GDPR (data processing in the public interest) and Art. 6 Para. 1f GDPR (data processing based on a balancing of interests) at any time; this applies also to profiling supported by this provision pursuant to Art. 4 Para. 4 GDPR.

If you object to the processing of your personal data, we will no longer process your personal data, unless we can provide documentation of compelling, legitimate reasons for processing, which outweigh your interests, rights and freedoms, or processing serves the enforcement, exercising or defence of interests.

Right to object to the processing of data for purposes of direct marketing

In individual cases, we process your personal data in order to conduct direct marketing. You have the right to object to the processing of your personal data for the purpose of this type of marketing at any time. This also applies to profiling, insofar as it is in direct connection with such direct marketing.

If you object to processing for the purpose of direct marketing, we will no longer process your personal data for this purpose.

Recipient of an objection:

Objections may be submitted informally under the heading 'objection', indicating your name, address and e-mail address, and should be addressed to:

Inxmail GmbH
Wentzinger Strasse 17, 79106 Freiburg, Germany
Tel.: (+49-761) 296979-800
kontakt@inxmail.de