

## **DATA PROTECTION INFORMATION FOR CUSTOMERS, INTERESTED PARTIES, BUSINESS PARTNERS AND OTHER CONTRACTING PARTIES**

In accordance with the requirements of Art. 13, 14 and 21 of the General Data Protection Regulation (GDPR), we hereby inform you about the processing of your personal data as well as your rights under data protection law in this respect. Which data is processed in detail and how it is used depends on the requested or agreed services. To ensure that you are fully informed about the processing of your personal data in the context of the performance of a contract or the implementation of pre-contractual measures, please take note of the following information.

### **1. CONTROLLER IN THE CONTEXT OF DATA PROTECTION LAW**

Thor GmbH  
Landwehrstraße 1  
67346 Speyer, Germany  
+49 (0) 6232 636-0  
[info@thor.com](mailto:info@thor.com)  
[www.thor.com](http://www.thor.com)

### **2. CONTACT DATA OF OUR DATA PROTECTION OFFICER**

PROLIANCE GmbH / [www.datenschutzexperte.de](http://www.datenschutzexperte.de)  
Data Protection Officer  
Leopoldstr. 21  
80802 Munich, Germany  
Email: [datenschutzbeauftragter@datenschutzexperte.de](mailto:datenschutzbeauftragter@datenschutzexperte.de)

### **3. PURPOSES AND LEGAL BASIS OF PROCESSING**

**Thor GmbH** processes your personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG), insofar as it is required for the establishment, execution and performance of a contract and for the implementation of pre-contractual measures. If the processing of personal data is necessary for the initiation or execution of a contractual relationship or in the context of the execution of pre-contractual measures, the legal basis is Art. 6 Para. 1 lit. b GDPR.

If you give us your express consent to process personal data for specific purposes (e.g. disclosure to third parties, evaluation for marketing purposes or advertising), the lawfulness of this processing is based on your consent pursuant to Art. 6 para. 1 lit. a GDPR. Given consent can be revoked at any time with effect for the future (see Section 9 of this information).

If necessary and legally permissible, we may process your data beyond the actual contractual purposes to fulfil legal obligations in accordance with Art. 6 Para. 1 lit. c GDPR. In addition, processing may be carried out based on legitimate interests of us or third parties in accordance with Art. 6 Para. 1 lit. f GDPR. If necessary, we will inform you separately, stating the legitimate interest, insofar as this is required by law.

### **4. CATEGORIES OF PERSONAL DATA**

We only process data that is related to the initiation of a contract and its fulfilment or pre-contractual measures. This may be general data about you or employees of your company (name, address,

contact data etc.) as well as further data, if necessary, which you transmit to us in the context of the initiation and fulfilment of a contract.

## **5. SOURCES OF DATA**

We process personal data provided by you for the purpose of establishing contact, fulfilling a contractual relationship or in the context of pre-contractual measures.

## **6. RECIPIENTS OF DATA**

Within our company, we only pass on your personal data to those areas and employees who require this data to fulfil contractual and legal obligations or to implement our legitimate interests.

Your personal data will be processed on our behalf on the basis of order processing contracts in accordance with Art. 28 GDPR. In these cases we ensure that the processing of personal data takes place in accordance with the provisions of the GDPR.

The categories of recipients in this case are providers of ERP systems (customer order management)

Otherwise, data is only passed on to recipients outside the company if this is permitted or required by law, the transfer is necessary for processing and thus for the fulfillment of the contract or, at your request, for the implementation of pre-contractual measures, if we have your consent or if we are authorized to provide information. Under these conditions, recipients of personal data may include for example:

- External tax advisors
- Public bodies and institutions (e.g. public prosecutor's office, police, supervisory authorities, tax office) where there is a legal or official obligation,
- Recipients to whom the transfer is directly necessary for the purpose of establishing or fulfilling a contract, such as financial service providers, transport service providers

## **7. TRANSFER TO A THIRD COUNTRY**

We generally endeavor to process your personal data only within the EU/EEA. If a transfer of personal data to third countries outside the EU/EEA (e.g. to the U.S.) is necessary (e.g. for the performance of a contract) or takes place through our data processors, further appropriate safeguards are required to ensure the level of data protection is equivalent to the one prescribed by the GDPR. To ensure this is the case, we put in place appropriate safeguards in accordance with Art. 46 of the GDPR (e.g. standard contractual clauses in accordance with Art. 46 Para. 2 lit. c GDPR) and, where necessary, additional safeguards. These oblige the recipient of the data in countries outside of the EU to process the data according to the level of protection in Europe.

## **8. STORAGE PERIOD**

If necessary, we process and store your personal data for the duration of our business relationship or for the initiation or fulfilment of contractual purposes.

In addition, we are subject to various storage and documentation obligations arising from the German Commercial Code (HGB) and the German Fiscal Code (AO), among other regulations. The retention and documentation periods prescribed there are two to ten years.

Finally, the storage period also depends on the statutory limitation periods, which, for example, according to §§ 195 et seq. of the German Civil Code (BGB), are generally three years, but in certain cases can be up to thirty years.

## 9. YOUR RIGHTS

Every data subject has the right of access pursuant to Art. 15 GDPR, the right to rectification pursuant to Art. 16 GDPR, the right to erasure pursuant to Art. 17 GDPR, the right to restriction of processing pursuant to Art. 18 GDPR, the right to notification pursuant to Art. 19 GDPR and the right to data portability pursuant to Art. 20 GDPR.

In addition, you have the right to lodge a complaint with a data protection supervisory authority pursuant to Art. 77 GDPR if you are of the opinion that the processing of your personal data is not lawful. The right to lodge a complaint with a supervisory authority shall be without prejudice to any other administrative or judicial remedy.

If the processing of data takes place based on your consent, you are entitled to withdraw your consent to the use of your personal data at any time in accordance with Art. 7 GDPR. Please note that the withdrawal will only take effect in the future. Processing that took place before the withdrawal is not affected by this. Please also note that we may need to retain certain data for a period of time to comply with legal requirements (see Section 8 of this Privacy Policy).

### Right to object

**If your personal data is processed in accordance with Art. 6 para. 1 lit. f GDPR to safeguard legitimate interests, you have the right, pursuant to Art. 21 GDPR, to object to the processing of this data at any time for reasons arising from your particular situation. We will then no longer process this personal data unless we can prove compelling reasons for the processing. These must outweigh your interests, rights and freedoms; or the processing must serve the assertion, exercise or defense of legal claims.**

To exercise your rights, you can contact us using the contact details provided in section 1.

## 10. NECESSITY OF PROVIDING PERSONAL DATA

The provision of personal data for the purpose of deciding whether to conclude a contract, perform a contract or take pre-contractual measures is voluntary. However, we can only make a decision regarding contractual measures if you provide personal data that is required for the conclusion of a contract, the performance of a contract or pre-contractual measures.

## 11. AUTOMATED DECISION-MAKING

In principle, we do not use fully automated decision-making in accordance with Art. 22 GDPR to establish, fulfill or implement the business relationship or for pre-contractual measures. If we use these procedures in individual cases, we will inform you of this separately or obtain your consent if this is required by law.

## 12. SUBJECT TO CHANGE

For legal reasons, adjustments to our data protection declaration may become necessary. We reserve the right, at any time to make appropriate changes.