

Privacy policy for customers and suppliers of PRIMES GmbH

In accordance with the provisions of Articles 13 and 14 of the General Data Protection Regulation (GDPR), we inform you in the following about which personal data is processed by PRIMES GmbH in connection with prospective or existing business relationships and your rights in this regard.

1. General information

Personal data is any data relating to an identified or identifiable natural person. Processing is any operation relating to such data, e.g. collection, organization, storage and destruction (Art. 4 No. 1 and 2 GDPR).

2. Controller and data protection officer

Many obligations under data protection law apply to the so-called "controller". Where the terms "we" or "us" are used below, this refers to the controller in each case. The controller for data processing in the context of prospective or existing business relationships is:

PRIMES GmbH
Max-Planck-Str. 2
64319 Pfungstadt
Telefon: 06157 9878-0
E-Mail: info@primes.de

You can reach the data protection officer as follows:

MOOG & Partner Steuerberatungsgesellschaft mbH
Dr. Jan Moritz Schilling
Holzhofallee 15a
64295 Darmstadt
Telefon: 06151 9936-0
E-Mail: datenschutzbeauftragter@primes.de

3. Scope of data processing

In principle, we only collect and process the personal data of our (prospective) business partners or the employees responsible there that is required to initiate, implement or maintain the business relationship. These personal data are in particular

- Personal data (e.g. name, date of birth, title, professional position)
- (professional) contact data (e.g. address, e-mail address, telephone number)
- Communication data (e.g. communication partner and content of communication)
- Contract and invoice data (e.g. content of contracts and contract negotiations, information in the context of contract processing, bank data, information on the liquidity of business partners)
- Video and image recordings as part of the video surveillance of our company premises

4. Purposes and legal basis of processing

We only collect your personal data for the initiation, realization and maintenance of business relationships. This applies in particular to personal data, (professional) contact data, Communication data as well as contract and invoice data. The legal basis for the processing of personal data of (prospective) business partners is Art. 6 para. 1 sentence 1 lit. b) GDPR (initiation and performance of contracts); the legal basis for the processing of personal data of employees of (prospective) business partners is our legitimate interest pursuant to Art. 6 para. 1 sentence 1 lit. f) GDPR, which lies in the initiation, performance and maintenance of business relationships.

We may also process your data if this is necessary to protect our legitimate interests or the interests of third parties. The legal basis for such processing is Art. 6 para. 1 sentence 1 lit. f) GDPR. These legitimate interests include

- Internal management of data from business partners and their contact persons,
- Credit assessment,
- Maintenance of business relationships, e.g. through direct advertising to the extent permitted by law,
- Defence in legal disputes and assertion of legal claims,
- Ensuring and safeguarding domiciliary rights as well as building and plant security (e.g. video surveillance, for which Section 4 (1) sentence 1 no. 2 BDSG also serves as the legal basis),
- The prevention and investigation of criminal offences (e.g. video surveillance, for which Section 4 (1) sentence 1 no. 2 BDSG also serves as the legal basis).

Furthermore, your personal data may be processed to fulfil legal obligations in accordance with Art. 6 para. 1 sentence 1 lit. c) GDPR. This includes, for example, retention obligations under commercial law (see Section 257 HGB) or mandatory reports to (tax) authorities.

If you have given us your consent to the processing of personal data, we process the data covered by the consent for the purposes stated therein on the basis of Art. 6 para. 1 sentence 1 lit. a) GDPR. The granting of data protection consent to us is always voluntary and can be revoked at any time with effect for the future (e.g. by e-mail or post to the contact details given above). You will be informed separately about the purposes of data processing and the consequences of revoking or not granting consent before consent is granted.

5. Duration of the archiving of your data and documents

PRIMES GmbH will store your personal data for as long as is necessary for the decision on the conclusion of the contract or for the implementation of other pre-contractual measures. Once a contract has been concluded, we process the data for as long as it is necessary to retain and use the personal data to fulfil the contract.

In addition, we are subject to various retention and documentation obligations arising from the German Commercial Code (HGB) and the German Fiscal Code (AO), among others. The periods specified there for the retention or documentation of, for example, commercial letters (which may also include e-mails) or tax-relevant documents are six or ten years. Relevant documents and records as well as the personal data contained therein are stored by us in accordance with these mandatory retention periods.

The storage period also depends on how long we expect to receive claims - even after the business relationship has ended. Personal data may therefore continue to be stored if this is necessary in order to process or clarify legal claims. The storage period then depends in particular on the statutory limitation provisions, e.g. §§ 195 ff, 438 BGB.

If the data is no longer required for the fulfilment of contractual or legal obligations and rights, it is regularly deleted, unless its temporary further processing is necessary for the fulfilment of the purposes for an overriding legitimate interest. Such an overriding legitimate interest also exists, for example, if deletion is not possible or only possible with disproportionate effort due to the special type of storage and processing for other purposes is excluded by suitable technical and organizational measures.

6. Disclosure of your data to third parties

Personal data of our (prospective) business partners and their employees are processed at the registered office of PRIMES GmbH. This may involve the management, but also other employees who need your data to initiate or execute contracts, to fulfil our legal obligations or in the context of processing and implementing our legitimate interests. As part of data processing, we may pass on your data to the following third parties:

- Names and address data are disclosed to postal and transport service providers for the purpose of postal and goods traffic.
- In order to process payments, we also pass on the necessary data of our business partners to Volksbank Darmstadt Mainz, Neubrunnenstraße 2, 55116 Mainz and Commerzbank Darmstadt, Rheinstraße 14, 64283 Darmstadt.
- In addition, our external tax advisor, Moog & Partner Steuerberatungsgesellschaft mbH, Holzhofallee 15a, 64289 Darmstadt, receives data from our business partners to the extent necessary for accounting and tax advice.
- For the purpose of document destruction, we pass on documents and records that may contain personal data to a document destruction service after termination of the business relationship and expiry of the statutory retention obligations, which destroys them for us as part of order processing.
- In the event of disputes, your data may also be forwarded to lawyers or debt collection agencies.
- PRIMES GmbH may be subject to a specific statutory or legal obligation to provide the lawfully processed personal data to third parties, in particular public authorities (Art. 6 para. 1 sentence 1 lit. c) GDPR).

We use modern software solutions as part of our business activities. In some cases, we use providers of these software solutions as processors. This means that they process data for us (which may include your personal data) on our behalf and strictly in accordance with our instructions. We use the following software solutions in the context of order processing:

- We use a product from proALPHA GmbH, Auf dem Immel 8, 67685 Weilerbach, Germany, as our merchandise management and CRM software. In individual cases, proALPHA GmbH support staff may have access to personal data as part of maintenance work.
- We also use the DATEV software from DATEV eG, Nuremberg, Paumgartnerstr. 6-14, 90429 Nuremberg, for accounting purposes.
- We use the software solution from datamog, Lagerstraße 11a, 64807 Dieburg, Germany, for the legally required whistleblower system.
- We use Microsoft 365, Microsoft Ireland Operations Limited, One Microsoft Place, South County Business Park, Leopardstown, Dublin 18 D18 P521, as our basic office and communication software. The servers used are located in the European Union. If data is processed by the Microsoft Corporation based in the USA, this is done on the basis of an adequacy decision (see section 8 of this privacy policy). Microsoft Corporation is certified in accordance with the Data Privacy Framework (see <https://www.dataprivacyframework.gov/s/participant-search/participant-detail?id=a2zt0000000KzNaAAK&status=Active>).

7. Automated decision-making

Your data will not be subject to automated decision-making within the meaning of Art. 22 GDPR, in particular no profiling.

8. Transfer of data to third countries

Third countries are countries that are outside the European Union or the European Economic Area and therefore also outside the scope of the GDPR. We endeavor to process personal data within the EU. In some cases, however, personal data may also be transferred to recipients in third countries as part of data processing. This is particularly the case if the data transfer is necessary for the fulfilment of the contract

(e.g. in the case of delivery to a third country) or if we use external service providers (so-called processors, see Art. 28 GDPR) based in a third country for data processing.

The European Commission certifies that some third countries have a level of data protection comparable to the standard set by the GDPR by means of so-called adequacy decisions (a list of these countries and a copy of the adequacy decisions can be found here: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en). Due to the comparable level of data protection, the transfer of data to these countries does not require any special authorization or agreement.

If there is no adequacy decision, personal data will only be transferred to recipients in a third country if the standard contractual clauses under data protection law pursuant to Art. 46 para. 2 lit. c) GDPR are agreed and suitable technical and organizational measures are complied with. If you would like to view the agreed standard contractual clauses or receive a copy of them, please contact our data protection officer named in section 2.

Insofar as we use external service providers (so-called processors, see Art. 28 GDPR) for data processing and these in turn use subcontractors in third countries as part of the order processing, we ensure that the security of the data is guaranteed by an adequacy decision of the European Commission or by the existence of suitable guarantees within the meaning of Art. 46 GDPR.

9. Consequences of not providing data

As part of the business relationship, it is mandatory to provide the personal data that is required for the establishment, execution and termination of the business relationship and the fulfilment of the associated contractual obligations or that we are legally obliged to collect. Without this data, we will not be able to conduct business with you or the company you work for.

10. Your rights in connection with the processing

The GDPR grants you the following rights as a data subject:

- a) **Right to information:** You have the right to request information from us at any time as to whether and, if so, how your personal data is processed by us. Requirements and details can be found in Art. 15 GDPR.
- b) **Right to rectification:** You have the right to obtain from us without undue delay the rectification and/or completion of your personal data if they are inaccurate. The requirements and details are set out in Art. 16 GDPR.
- c) **Right to deletion:** You can request the immediate erasure of your personal data stored by us and we are obliged to erase the personal data immediately if the requirements of Art. 17 GDPR are met.
- d) **Right to restriction:** You also have the right to request the restriction of the processing of your personal data. Requirements and details can be found in Art. 18 GDPR.
- e) **Right to data portability:** You have the right to receive your personal data in a structured, commonly used and machine-readable format, and you are also entitled to have this data transmitted by us directly to third parties. Requirements and details can be found in Art. 20 GDPR.
- f) **Right to revoke a consent given:** Consent to the processing of personal data can be revoked at any time, Art. 7 para. 3 GDPR. However, the revocation does not call into question the legality of the data processed up to that point on the basis of the consent. Requirements and details can be found in Art. 7 GDPR.
- g) **Right to object to processing:** If we process your employee data on the basis of legitimate interests in accordance with Art. 6 para. 1, sentence 1 lit. f) GDPR, you have the right to object to the processing. Requirements and details can be found in Art. 21 GDPR.
- h) **Right to lodge a complaint with the supervisory authority:** You have the right to lodge a complaint with the competent supervisory authority. Requirements and details can be found in Art.

77 GDPR. The competent supervisory authority for data protection issues is the data protection authority of the federal state in which the controller has its registered office (see section 2 of these data protection provisions). A list of the state data protection authorities and their contact details can be found at the following link:
<https://www.bfdi.bund.de/DE/Service/Anschriften/Laender/Laender-node.html>

11. Modification history

Version	Date	Modifications, abbreviations
1.0	21.03.2024	First edition, DG
1.1	01.07.2024	Change of contact person at MOOG, DG