

## Information pursuant to Art. 13, 14 and 21 GDPR

### 1. Responsible for data processing

According to Art. 4 paragraph 7 EU General Data Protection Regulation (GDPR), the party responsible for data processing is:

#### **BMK Group GmbH & Co. KG**

Werner-von-Siemens-Strasse 6  
86159 Augsburg  
Germany  
Phone: +49 (0)821 – 20788 100  
E-Mail: info[at]bmk-group.de

You can reach our external data protection officer at:

#### **fly-tech IT GmbH & Co. KG**

Marvin Schmidt  
Winterbruckenweg 58  
86316 Friedberg  
[datenschutz@bmk-group.de](mailto:datenschutz@bmk-group.de)  
Main phone number 0821-207 111-0

Our Data Protection Officer is at your disposal for all questions concerning the processing of your personal data either by e-mail: [datenschutz@bmk-group.de](mailto:datenschutz@bmk-group.de) or by post “for the attention of the Data Protection Officer”.

### 2. Sources and data categories

We process personal data which we receive from you under the framework of our business relationship.

We process personal data, insofar as these are necessary for our performance of service, which we have permissibly received from other companies (e.g. for the execution of orders, for the performance of contracts or on the basis of your consent granted).

We process personal data which we have permissibly obtained from publically accessible sources (e.g. press, media) and are allowed to process.

Relevant personal data are master data (name, address and other contact details such as telephone, e-mail address), date of birth, gender, nationality, company position and job definition and whether you are employed or self-employed. In addition these data may include details of orders (e. g. order conditions, product data), data in respect of the performance of our contractual obligations (e. g. sales turnover, or test procedures), creditworthiness data, scoring/rating data, documentation (e. g. documented discussions), data relating to your use of our Telemedia offers (e. g. the time at which you visited our website, Newsletters, pages you clicked on, ours or other entries) and other data in the named category.

The above information does not claim to be complete, but is to be understood as examples for handling your data.

### 3. Purpose of processing and legal justification

We process personal data in compliance with the provisions of the European General Data Protection Regulation (GDPR) and the Federal German Data Protection Act (BDSG), the details as follow:

#### **3.1 For the fulfillment of contractual or pre-contractual obligations (Art. 6 para 1 lit. b GDPR) and for the protection of legitimate interests (Art. 6 para. 1 lit. f GDPR)**

Processing of personal data (Art. 4 No. 2 GDPR) is carried out so that we can:

- provide our services in the EMS branch,
- perform our purchasing and sales activities under the terms of contracts entered into with our customers, suppliers and partners
- fulfill our obligations concerning quality management
- conduct surveys (e.g. customer satisfaction surveys, supplier ratings etc.) and
- execute our pre-contractual measures and all activities necessary in conjunction with the operation and administration of our company in the EMS branch.

The purposes of the data processing are oriented primarily to specific services or a specific contract (e. g. an order, a framework agreement, supply).

Further details or purposes of data processing can be found in the respective contract documentation and terms of business.

### **3.2 Consideration of Interests (Art. 6 paragraph 1 lit. f GDPR)**

Insofar as necessary, we process your data beyond the actual performance of contract in order to assure legitimate rights either on our part or those of a third party, e. g.:

- Data exchange with information (e. g. Credit reform) in order to establish credibility or risks;
- Advertising insofar as this use does not contravene regulations;
- Enforcement of legal claims and defense in cases of legal dispute;
- Guarantee of IT security and the ongoing IT operations of our company;
- Prevention of and clarification of possible criminal offenses;
- Video monitoring in restricted areas for the collection of evidence in the case of criminal offenses or for example, as evidence of transactions in the field of logistics. They serve to protect suppliers, customers and employees and in the sense of domiciliary right;
- Measures in respect of building and premises security (e. g. access controls);
- Measures in respect of assuring domiciliary right
- Measures in respect of business management and further development of services
- Our interest and that of responsible persons in the respective processing arise from the purposes, and of economic nature (efficient contractual performance, distribution, avoidance of legal risks).

Insofar as the specific purpose is permissible, we process your data under pseudonym or anonymously.

### **3.3 Your consent (Art. 6 para. 1 lit. a GDPR)**

Insofar as you gave us your consent for the processing of your personal data for specific purpose (e. g. the use of your Email address for the receipt of information, invitations to events) then the legal basis for this processing is given. You can withdraw your consent at any time. This also applies for the revocation of declarations of consent which we received prior to 25. May 2018. Please note that the withdrawal of consent is then only effective in the future. Processing procedures undertaken prior to the revocation are thus not affected.

### **3.4 Statutory Provisions (Art. 6 para. 1 lit. c GDPR)**

We are obliged to carry out a number of statutory obligations, i.e. legal requirements (e. g. due to retention and documentation obligations under tax and commercial law (HGB, StGB, AO), on the basis of which we process personal data. Purposes of processing include for example, the fulfillment of taxation controls and registration together with the assessment and control of risks.

## **4. Utilization of the data**

Within our company your data are received by those departments which require the information in order to perform their respective tasks in compliance with contractual and statutory obligations (e.g. sales, marketing and purchasing).

Others may receive your data as follows:

- Persons or companies assigned by us to carry out the order (Art. 28 GDPR), e.g. IT services which process your data according to our instructions
- public offices and institutions acting in accordance with a statutory or authorized obligation
- our respectively assigned officers, employees, representatives, authorized persons, auditors, service providers together with our subsidiaries or affiliated companies (and their respective officers, employees, consultants, representatives, authorized persons)
- other entities for which you have given us your consent to data transfer.

## **5. Storage of data**

Insofar as necessary, we process and store your personal data for the duration of the business relationship which includes, for example, setting up and concluding a contract. It should be noted here that our business relationship regularly represents a continuing obligation set up for a number of years. Moreover, we are also subject to various obligations of retention and documentation arising amongst others, from the Commercial Code (HGB) or Fiscal Code (AO). The periods specified here for retention or documentation are from two to ten years. Finally, the duration for storage is also regulated by statutory expiry deadlines, which according to §§ 195 ff. of the German Civil Code (BGB) can be as a rule 3 years, in certain cases however, even up to thirty years.

## **6. Data transfer to a third country or to an international organization**

Your data is transferred to countries outside the European Economic Area - EEA (third countries) only insofar as this is necessary for the execution of your orders or for the processing of the contractual relationship or is required by law or you have given your consent. If we transfer personal data, this is done in accordance with the current data protection regulations, in all cases where there is no adequacy decision according to Art. 45 GDPR of the EU Commission, we check whether appropriate guarantees exist for the transfer according to Art. 46 GDPR, e.g. through the EU standard contractual clauses. Furthermore, certain exceptions for the transfer of personal data may be permitted under Art. 49 GDPR, e.g. through your consent.

## **7. Data protection rights**

Each person concerned has the right to information pursuant to Art. 15 GDPR, the right to correction pursuant to Art. 16 GDPR, the right to deletion pursuant to Art. 17 GDPR, the right to restriction of processing pursuant to Art. 18 GDPR and the right to data portability as set forth in Art. 20 GDPR. In the case of the right to information and to deletion, the restrictions of §§ 34 and 35 BDSG [German Federal Data Protection Act] apply. In addition there is the right of appeal to a data protection supervisory authority (Art. 77 GDPR in conjunction with § 19 BDSG).

The responsible data protection supervisory authority is  
Das Bayerische Landesamt für Datenschutzaufsicht, Promenade 27 (Schloss),  
91522 Ansbach,  
Germany  
Telephone: 0049 (0) 981 53 1300,  
Fax: 0049 (0) 981 53 98 1300,  
E-mail: [poststelle@lda.bayern.de](mailto:poststelle@lda.bayern.de)

## **8. Rights of objection (Art. 21 GDPR)**

### **a) Right of objection in an individual case**

You have the right at any time to enter an objection for reasons arising in your specific situation, against the processing of personal data which concern you on the basis of Art. 6 paragraph 1 lit. f GDPR (data processing on the basis of a balance of interests).

Should you enter an objection your personal data will no longer be processed unless there are proven compelling reasons for the processing which outweigh your interests, rights and freedoms or because processing serves to enforce, exercise or defend of legal claims.

**b) Right of objection to processing of data for targeted advertising purposes**

Under the terms of statutory regulations, we and other responsible parties can also process your data for direct advertising purposes. You have the right to oppose at any time the processing of personal data which concern you for the purpose of this form of advertising.

If you should oppose the processing for purposes of targeted advertising we shall no longer process your personal data for these purposes. An objection can be entered with freedom of form. Our contact details are:

BMK Group GmbH & Co. KG  
Werner-von-Siemens-Strasse 6  
86159 Augsburg  
Germany  
[datenschutz@bmk-group.de](mailto:datenschutz@bmk-group.de)

**9. Further information**

Further information on data protection can be found on our website under the data protection declaration: <https://www.bmk-group.de/impressum-agb/datenschutz/>.