

## Implementation of information duties pursuant to the GDPR in connection with data collection

Data protection information pursuant to Art. 13 and Art. 21 GDPR

### Data controller:

GIGANT GmbH is responsible for data collection and processing.

### Voluntary information:

Generally, we collect only data required to conclude the contract. Stating information above and beyond this is voluntary. However, data may be collected via various channels (further details below). Each form (e.g. the contact form on the website or the order slip for awarding assignments) states which specific data is collected. Fields asking for voluntary information are generally indicated with an asterisk (\*). There will be no negative consequences if a data subject chooses not to provide this information. In individual cases, however, not providing this data may complicate or delay subsequent communication.

### Data processing for conclusion of contract:

If you are a customer or supplier or a local representative of us, we process name, company, address, telephone/fax/mobile telephone number, e-mail address as well as the preferred language pursuant to Art. 6 para. 1 sentence 1 letter b GDPR for the purpose of fulfilling the contract. This includes also the related customer care and particularly the following tasks:

- Preparing offers and invoices
- Processing repair assignments
- Providing spare parts
- Carrying out finance transactions

We process the above data too if you contact us as a visitor to a trade fair or in-house events.

If necessary, personal data will be transmitted to the companies involved in handling this contract, such as

- financial institutions for payment handling & refinancing demands
- hauliers / freight carriers / shipping companies for goods deliveries

- financial credit agencies, commercial credit insurance companies, banks and leasing/finance companies

The data will be held only for as long as required for the contract's purpose. The data is not erased if demands are still open and due to be collected after the contract has been completed. If legal retention periods exist, the data concerned will be archived for the duration of these periods.

## **Data processing for safeguarding justified interests:**

We may process your data for other purposes relating to an existing business relationship, if applicable. The data is processed on the basis of Art. 6 para. 1 sentence 1 letter f GDPR and in the interest of maintaining personal contact with you. The data includes the following purposes:

- Issuing VIP tickets for sponsored events
- Using information about you that is in the public domain (e.g. on public websites or in press articles)
- Saving additional personal information if you have reported such to us (e.g.: which of our events you have attended in the past)

The data is made anonymous or is subject to pseudonymisation as soon as this is technically possible. Irrespective of this, you have the right to object to the processing of your data at any time. For more information, refer to the item 'Rights of the data subject' at the end of this document.

## **Data processing on the basis of a consent:**

If you have allowed us specifically to contact you by telephone or email to inform you about our company's products and services, the respective data processing is carried out on the basis of Art. 6 para. 1 sentence 1 letter a GDPR. This includes also carrying out a satisfaction survey once a service activity has been completed, such as a repair, maintenance or processed insurance loss. You can revoke your consent at any time. This will not affect the legitimacy of the previous data processing. When you revoke your consent, we will stop the respective data processing.

## **Data processing to fulfil statutory obligations:**

In a special case, we forward your data to the TÜV, Federal Motor Transport Authority (Kraftfahrtbundesamt) and any register bodies to enable the legal obligations regarding our vehicles' roadworthiness to be fulfilled. The data is processed based on Art. 6 para. 1 sentence

1 letter c GDPR. The legal obligation results from the respective national registration regulations and export provisions. The data is stored for as long as required by statute.

## **Data processing for direct advertising purposes:**

We process your data for the purpose of direct advertising, particularly for invitations to training sessions, in-house information events or public trade fairs such as the IAA Commercial Vehicle (IAA Nutzfahrzeuge), or other advertising by post. The data is processed on the basis of Art. 6 para. 1 sentence 1 letter f GDPR in the interest of keeping you updated of new products and services. Each customer has the right to object specifically to this processing; the exercise of this right results in the termination of processing for direct marketing purposes. Any data stored exclusively for direct marketing purposes will be erased after you lodge an objection.

## **Automated decision making and profiling:**

If we render advance performance for customers, we may use data, if relevant, by obtaining an automated credit rating. For this purpose, we transmit the mandatory personal data (usually: company or family name, first name, address) and use the information we receive about the statistical probability of a payment default for the decision of the payment conditions under which we provide a vehicle – in other words, with up-front payment or on account. The credit rating includes probability (score) values calculated based on mathematical statistical procedures recognised by science. In the case of companies, the score value harnesses corporate data; in the case of individuals, data on age and gender, address data, etc., whereat we take into account also our own payment experience data as a whole. These pieces of data flow into the score value calculation with different weightings. The data is processed on the basis of Art. 6 para. 1 letter f GDPR in the interest of estimating the potential risk of payment default. We categorise our customer data with regard to the size of the company and the turnover generated to enable suitable offers to be made to them on the one hand, and to improve our strategic commercial direction as well as to plan staffing effectively on the other hand. In the latter case, data is processed based on Art. 6 para. 1 letter b GDPR, otherwise based on letter f GDPR. You have the right to demand that the automated decision is reviewed at your request by one of our employees, and you can present your own point of view or contest the decision within this framework.

## **Data recipients:**

We transfer your data to third parties, with such third parties located domestically, in other European countries, or foreign countries not in Europe, only if there is an authorisation to transmit

such under data protection law according to the stated legal regulations. This applies particularly to:

- financial institutions / leasing and finance companies for payment processing
- lawyers to enforce open demands
- workshop service partners to carry out repairs or maintenance

We may also disclose your data to external service providers (e.g. IT service providers, companies that erase or archive data, printing service providers) who support us in processing data as part of a data processing mandate and who are strictly bound to our instructions. If we transfer your data to an IT service provider outside of the EU as part of assignment processing, we have concluded as an appropriate guarantee for the legality of the data transfer inter alia an EU standard contract according to Art. 46 para. 2 letter c GDPR with the processor. No further data processing takes place outside of the EU apart from this. We shall neither sell your personal data to third parties nor put it on the market in any other way.

#### **Contact data of the Data Security Officer:**

datenschutz nord GmbH, Konsul-Smidt-Straße 88, 28217 Bremen, email: [office@datenschutz-nord.de](mailto:office@datenschutz-nord.de)

#### **Rights of the data subject:**

Data subjects have the right to obtain information from the data controller about personal data concerning them, and to have inaccurate data rectified or erased if one of the reasons stated in Art. 17 GDPR applies, e.g. if the data is no longer required for the purposes pursued. Furthermore, there is a right to limitation of processing if one of the conditions specified in Art. 18 GDPR applies, and the right to data portability in the cases of Art. 20 GDPR. If data is collected on the basis of Art. 6 para. 1 sentence 1 letter f (data processing for the protection of legitimate interests), the data subject is entitled to object to the processing at any time for reasons arising from his or her particular situation. In this case, we will no longer process the personal data unless there are demonstrably compelling reasons worthy of protection for the processing which outweigh the interests, rights and freedoms of the data subject, or the processing serves to assert, exercise or defend legal claims.

You can assert your data protection rights here:

datenschutz nord GmbH

Konsul-Smidt-Straße 88

28217 Bremen

Web: [www.datenschutz-nord-gruppe.de](http://www.datenschutz-nord-gruppe.de)

E-Mail: [office@datenschutz-nord.de](mailto:office@datenschutz-nord.de)

## Right to lodge a complaint with a supervisory authority:

As a data subject, you have the right to lodge a complaint with a supervisory authority if you consider that the processing of data concerning you is in breach of data protection legislation. The right to lodge a complaint may be exercised in particular before a regulatory authority in the Member State of your residence, or in the place where the alleged breach occurred. In Lower Saxony, the responsible regulatory authority is: State Commissioner for Data Protection for Lower Saxony (Die Landesbeauftragte für den Datenschutz Niedersachsen), Prinzenstraße 5, 30159 Hanover.

## Notice regarding right to object pursuant to Art. 21 GDPR

If data is collected on the basis of Art. 6 para. 1 sentence 1 letter e (data processing for the fulfilment of official tasks or for the protection of the public interest) or letter f (data processing for the protection of legitimate interests), you are entitled to object to the processing at any time for reasons arising from your particular situation. In this case, we will no longer process the personal data unless there are demonstrably compelling reasons worthy of protection for the processing which outweigh the interests, rights and freedoms of the data subject, or the processing serves to assert, exercise or defend legal claims. If possible, please address the objection to: [datenschutz@gigant.com](mailto:datenschutz@gigant.com)

## Notice regarding the right to object against direct advertising

We process your data for the purpose of direct advertising. You have the right to object specifically against this processing; the exercise of this right results in the termination of processing for direct marketing purposes. If possible, please address the objection to: [contact@gigant.com](mailto:contact@gigant.com)