

**Information requirements of DMG MORI Finance GmbH**  
**-Information according to Art 13, 14 of the General Data Protection Regulation (GDPR)-**

With the following information, we shall give you an overview of the processing of your personal data by DMG MORI Finance GmbH and your rights regarding data protection. What specific data is processed and used essentially depends on the services requested or agreed in each case.

**1. Name and contact details of the body responsible for processing and the Data Protection Officer**

a) Responsible body: DMG MORI Finance GmbH Rita-Maiburg-Str.40 70794 Filderstadt Telephone: 0711 342440-0 e-mail: <a href="mailto:info@dmgmori-finance.com">info@dmgmori-finance.com</a>	b) Data Protection Officer: DMG MORI Finance GmbH Rita-Maiburg-Str.40 70794 Filderstadt Telephone: 0711 342440-0 e-mail: <a href="mailto:datenschutz@dmgmori-finance.com">datenschutz@dmgmori-finance.com</a>
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**2. Information about the categories and sources of personal data that we process**

If you contact us via email, fax, post or telephone, we store the data that you share in order to answer your queries. In that instance, it is necessary to provide a valid email address, fax or telephone number or address so we know who the request came from and are able to respond to it. Data processing for the purposes of contacting and initiating business with us takes place primarily on the basis of your consent granted voluntarily (Art. 6 para. 1 letter a) GDPR). We erase the data received in this context after storage is no longer necessary, or restrict processing if retention requirements apply.

Apart from that, we process personal data that we receive from **our customers** in the course of our business relationship. In addition, we process personal data, insofar as it is required for the performance of our services, that we have received permissibly (e.g. for executing orders, fulfilment of contracts or on the basis of consent given by you) from other third parties (e.g. credit agencies). Furthermore, we process personal data that we have obtained permissibly from publicly accessible sources and are allowed to process (e.g. records of debtors, land registers, commercial and association registers, the press, media, Internet).

Relevant personal data in the **potential buyer process**, for the master data setup, as part of a power of attorney or as a (jointly) obligated party to financing (e.g. guarantor) may be: name, address/other contact details (telephone, email address), place/date of birth, gender, nationality, marital status, legal capacity, occupational group key/partner type (employed/self-employed), residential status (rental/ownership), identification information (e.g. ID documentation data), authentication data (e.g. specimen signature), tax ID, score values from credit agencies.

In **applying for and concluding financing (lease/hire purchase)** the following data is collected where necessary: commercial credit rating documentation: income/profit accounts, balance sheets, economic assessments, type and duration of self-employment.

Private credit rating documentation: self-reporting with information on inputs and outputs as well as assets and liabilities, payslips, tax documents, statements on assets, guarantees granted, number of dependent children, matrimonial property regime, for non-EU nationalities residence/work permit, private scoring/rating data, information/evidence of intended purpose, information about securities provided, property documents (e.g. land register excerpts, property valuations).

In the case of personal guarantees by third parties (external securities), comparable requirements to disclose economic and financial circumstances may be requested of the respective guarantors. In the course of the initiation phase of the transaction and during the business relationship, in particular from personal, telephone or written contact initiated by you or us, further personal data is created e. g. information about contact channel, date, reason and outcome; (electronic) copies of the correspondence and information about the participation in direct marketing measures.

### 3. Purpose of data processing and indication of legal basis

We process the aforementioned personal data in compliance with the GDPR and the German Federal Data Protection Act (BDSG):

**a. For fulfilling contractual duties (Art. 6 para. 1 b) GDPR)** The processing of personal data takes place to perform financial services as part of executing our contracts with our customers or implementing pre-contractual measures which are carried out at your request. The purposes of data processing depend primarily on the specific product (see point 2) and may include inter alia identification, correspondence, need assessments, consultation, performance of services, execution of transactions and invoices. You can find further details on the purpose of data processing in the respective contract documents and terms and conditions.

**b. As part of the balance of interests (Art. 6 para. 1 f) GDPR)** Insofar as it is necessary, we process your data further to the proper fulfilment of the contract to protect our legitimate interests or those of third parties, provided that the interests or fundamental rights and freedoms of the person concerned who requires the protection of personal data do not override these. Examples:

- Consultation of and data exchange with credit agencies for determining credit or default risks
- Review and optimisation of procedures for needs assessment and direct customer contact: incl. customer segmentation and calculation of probability to close
- Advertising or market and opinion research, insofar as you have not objected to the use of your data
- The assertion of legal claims and defence in legal disputes
- Guarantee of IT security and the IT operations of our company
- Preventing offences
- Measures for building and facility safety (e.g. access controls)
- Measures for assuring householder rights
- Measures for business management and further development of services and products
- Risk management

**c. On the basis of your consent (Art. 6 para. 1 a) GDPR)** If you have granted us consent to process personal data for certain purposes (e.g. transfer of data in the network/group), the legality of this processing is based on your consent. Consent that has been granted can be withdrawn at any time. This also applies for the withdrawal of consent declarations which were granted prior to the validity of the GDPR, so prior to 25th May 2018. Please note that revocation is only effective for the future. Processing that has taken place prior to revocation is not affected by this. Should you wish to exercise this right to withdraw, this is possible without a particular form; it suffices to send an e-mail to [info@dmgmori-finance.com](mailto:info@dmgmori-finance.com) for example.

**d. On the basis of legal standards (Art. 6 para. 1 c) GDPR) or in the public interest (Art. 6 para. 1 e) GDPR)** In addition, as a financial institution, we are subject to various legal obligations, meaning legal requirements (e.g. German Banking Act, German Anti-Money Laundering Act, tax laws) and provisions of banking supervisory law (e.g. the German Central Bank and the Federal Financial Supervisory Authority). The purposes of processing include inter alia credit assessment, identity and age verification, fraud and money laundering prevention, fulfilling legal tax inspection and reporting duties, and the assessment and management of risks in the institution.

### 4. Data recipients

Within DMG MORI Finance GmbH the entities that receive access to your data are those which require this to fulfil our contractual and legal duties. All of our employees are obligated to maintain confidentiality. For certain technical processes of data processing, our company uses the support of external service providers who obtain access to your personal data to perform these services. All of our external processors are carefully chosen and meet high data protection and data security standards. They are also obligated to confidentiality and only process data on request and according to the instructions of our company.

With regards to data transfer to third parties it is always to be observed that we exclusively transfer information about you if this is required (i) in accordance with Art. 6 para. 1 letter b) GDPR for the fulfilment of a contract or to protect our or the legitimate interests of third parties in accordance with Art. 6 para. 1 letter f) GDPR, (ii) there is a legal obligation, (iii) you have consented in accordance with Art. 6 para. 1 letter a) GDPR, (iv) and/or carefully chosen external processors are acting in strict protection of confidentiality and in compliance with the obligations arising from Art. 28 GDPR.

According to these prerequisites, recipients of personal data may be for example:

- Public bodies and institutions (e.g. the German Central Bank, German Federal Financial Supervisory Authority, financial authorities, German Federal Central Tax Office) in the case of a legal or official obligation.
- Companies of the Sumitomo Mitsui Financial Group Inc., in particular Sumitomo Mitsui Finance and Leasing Co. Ltd., DMG MORI AG as well as DMG MORI Co. Ltd for the purpose of determining the total obligation of our company towards the Group, risk management, as well as for the submission of default guarantees or buyback commitments,
- Credit agencies for determining credit or default risks,
- Other credit and financial services institutions for refinancing purposes,
- Insurance companies or brokers for insuring the object of the contract or for covering the optional GAP protection,
- Manufacturers/suppliers of leasing goods,
- Auditors/tax consultants/lawyers, insofar as this is required for the protection of legitimate interests.
- Comparable entities and external processors to which we convey personal data for the performance of the business relationship with you. Specifically: handling of bank information, support/maintenance of EDP/IT applications, archiving, document processing, brokers, call centre services, compliance services, controlling, data screening for anti-money laundering purposes, data destruction, purchase/acquisition, credit processing service, securities management, recovery, customer administration, lettershops, marketing, media technology, reporting system, risk control, telephone services, video identification, website management, payment transactions. Other data recipients may be the entities to which you have granted your permission to transfer data.

## 5. Data transmission to a third-party country or to an international organisation

Data is only transmitted to countries outside of the EU/EEA (so-called third-party states) or to international organisations if this is required for the performance of existing contracts, is legally mandatory (e.g. reporting duties under tax law), you have granted us your consent or in the course of external processing. If service providers in third-party states are utilised, they are obligated to adhere to European data protection standards, insofar as no adequacy decision has been made by the EU Commission. As the EU Commission published the adequacy decision pursuant to Art 45 para 3 GDPR for Japan in the Official Journal of the EU on 19 March 2019, the data transfer to the Japan-based Sumitomo Mitsui Financial Group, Sumitomo Mitsui Finance and Leasing Co. Ltd. as well as DMG MORI Co. Ltd. does not require any separate measures to ensure an adequate level of data protection.

## 6. Duration of data storage

We process and store your personal data for as long as and to the extent necessary for the fulfilment of our contractual and legal duties. In this respect, please note that the business relationship with our clients is often created for an indefinite period of time. If the data is no longer required to fulfil contractual or legal obligations, it is regularly erased unless its fixed-term further processing is required for the following purposes:

- Fulfilment of retention periods under commercial and tax law, e.g. in accordance with the German Commercial Code (HGB), the German Fiscal Code (AO), the German Anti-Money Laundering Act (GwG). The periods stated therein for retention or documentation total two to ten years.
- Preservation of evidence as part of the statute of limitations. According to Section 195 et seq. of the German Civil Code (BGB) the statute of limitations can total up to 30 years whereby the usual statute of limitation amounts to three years.

## 7. Data protection rights of the persons concerned

Every person concerned has the right to **disclosure** according to Art. 15 GDPR, the right to **amendment** according to Art. 16 GDPR, the right to **erasure** according to Art. 17 GDPR, the right to **restrict processing** according to Art. 18 GDPR, the right to **object** under Art. 21 GDPR and the right to **data portability** under Art. 20 GDPR. Restrictions apply for the right to disclosure and the right to erasure according to Sections 34 and 35 of the German Federal Data Protection Act (BDSG). In addition, there is a right to complain to a regulatory body for data protection (Art. 77 GDPR in connection with Section 19 BDSG).

## 8. Obligation to provide data

In the course of our business relationship, you must provide personal data which is required for the initiation and performance of a business relationship and the fulfilment of the contractual duties associated with it, or which we are legally obligated to collect. Without this data, we will normally have to refuse the conclusion of the contract or the

execution of the order, or no longer be able to perform an existing contract and where necessary, we would have to terminate it.

In particular, according to the provisions under anti-money laundering legislation, we are obligated to identify you with reference to your personal ID, for example, prior to establishing the business relationship and to collect and retain your name, place of birth, date of birth, nationality and your home address. So that we are able comply with this legal obligation, you must provide us with the necessary information and documents according to Section 11 para. 6 of the GwG and inform us immediately of any changes that arise in the course of the business relationship. Should you not provide us with the necessary information and documents, we are permitted not to initiate or continue the business relationship that you would like.

#### **9. Existence of automatic decision-making (including profiling)**

To create and execute the business relationship, in principle, we do not use fully automated decision-making in accordance with Art. 22 GDPR. Should we use this procedure in individual cases, we shall inform you separately about it insofar as this is legally required. We automatically process your data in part with the aim of evaluating certain personal aspects (profiling). We use profiling for example in the following cases:

- Due to legal stipulations, we are obligated to fight money laundering and fraud. In this respect, data evaluations ( in payment transactions, among others) may be carried out. These measures also serve your protection at the same time.
- In order to inform you about products and be able to advise you in a personalised manner, we use evaluation tools where applicable. These enable needs-orientated communication and advertising including market and opinion research.
- As part of assessing your creditworthiness, we use scoring. A calculation is carried out of the probability that a customer will meet their payment obligations under the contract. For example, income circumstances, economic assessments, lists of balances, annual financial statements, expenses, existing liabilities, profession, duration of employment, experiences from a previous business relationship, repayments of earlier financing under the contract and information from credit agencies may be included in the calculation. The scoring is based on a mathematically and statistically recognised and secure process. The score values calculated support us in decision-making and are part of ongoing risk management.

#### **Information about your right to object according to Art. 21 GDPR**

##### **1. Right to object concerning individual cases**

You have the right, for reasons that arise from your particular situation, to lodge an objection at any time to the processing of the personal data concerning you which occurs on the basis of Art. 6 para. 1 letter e) GDPR (data processing in the public interest) and Art. 6 para. 1 letter f) GDPR (data processing on the basis of a balance of interests); this also applies for profiling based on this provision within the meaning of Art. 4 para. 4 GDPR. If you lodge an objection, we will no longer process your personal data unless we can prove compelling and legitimate grounds for the processing which prevail over your interests, rights and freedoms, or the processing serves the assertion, exercise or defence of legal claims.

##### **2. Right to object to data processing for advertising purposes**

In individual cases, we process personal data, where necessary, to carry out direct advertising. You have the right to lodge an objection to the processing of personal data concerning you for the purposes of such advertising; this also applies for profiling insofar as it is in connection with such direct advertising. If you object to processing for the purposes of direct advertising, we shall no longer process your data for these purposes.

**3.** The objection can always be effected without a particular form and is to be addressed to: DMG MORI Finance GmbH , Rita-Maiburg-Str.40, 70794 Filderstadt, Telephone 0711 342440-0, e-mail: [info@dmgmori-finance.com](mailto:info@dmgmori-finance.com)