

# Privacy policy for customers

## A. Scope of data processing

In the prospective client process, during the opening of master data, in the course of authorisation or as a (co-)obliged party to financing (e.g. guarantor), the following personal data can be processed by us:

- First name and surname;
- Address;
- Contact details (telephone and/or mobile phone number, email address);
- Date and place of birth;
- Nationality;
- Marital status;
- Legal capacity;
- Occupational group code / partner type (self-employed/non-self-employed);
- Housing status (rent/property);
- Legitimation data (e.g. identification data);
- Authentication data (e.g. signature sample);
- Tax ID;
- Score value from credit agencies.

When applying for and concluding financing (leasing / hire purchase), the following personal data may be processed by us:

- Business credit records (income/surplus accounts, balance sheets, business analyses, type and duration of self-employment);
- Private credit records (self-report with information on income and expenditure as well as assets and liabilities, payslips, tax records, financial statements, guarantees provided, number of dependent children, matrimonial property regime, residence/work permit for non-EU citizens, private scoring/rating data, information/evidence of purpose, information on collateral provided, property records such as land register extracts and valuations).

In the case of personal guarantees by third parties (external securities), the respective guarantors may be subject to comparable requirements for the disclosure of economic and financial circumstances and thus data processing to a similar extent may be necessary.

In the course of the business initiation phase and during the business relationship, in particular through personal, telephone or written contacts initiated by you or us, further personal data (e.g. information on

the contact channel, date, reason and result; (electronic) copies of correspondence and information on participation in direct marketing measures) may also be processed.

## **B. Purpose and legal basis for processing data**

The processing of the personal data collected for or within a business relationship with us takes place for the following purposes and if one of the following legal bases exists:

### **1. Initiation and execution of contracts; point (b) of Art. 6(1) EU GDPR**

The processing of personal data takes place for the provision of financial services within the framework of the implementation of our contracts with our customers or for the implementation of pre-contractual measures, which are carried out on your request.

The purposes of the data processing are primarily based on the specific product (see Section D, 1, a) and may include, inter alia, identification, correspondence, needs analysis, advice, execution of transactions and invoicing.

Further details on the purpose of data processing are set forth in the respective contractual documents and terms and conditions of business.

### **2. Legitimate interests; point (f) of Art. 6(1) EU GDPR**

As far as necessary, we process your personal data above and beyond the actual fulfilment of the contract in order to safeguard the legitimate interests of us or third parties, unless the interests or fundamental rights and freedoms of the data subject prevail. Legitimate interests include:

- Consultation of and exchange of data with credit agencies to identify credit and default risks;
- Review and optimisation of processes for needs analysis and direct customer contact; including customer segmentation and calculation of probabilities of completion;
- Assertion of legal claims and defence in case of legal disputes;
- Ensuring our company's IT security and operations;
- Measures for business management and further development of services and products;
- Risk management.

### **3. Legal obligation; point (c) of Art. 6(1) EU GDPR**

In addition, we process personal data for the fulfilment of legal obligations to which we are subject as a financial institution (e.g. from the Banking Act, Money Laundering Act, Tax Laws) as well as on the basis of banking supervisory regulations (e.g. MaRisk).

The purposes of the processing include, inter alia, credit assessment, identity and age verification, fraud and money laundering prevention, the fulfilment of tax control and reporting obligations as well as the assessment and management of risks in the institution.

## C. Data sources

In principle, we process the personal data that you provide to us in the context of our business relationship.

In addition, we process – to the extent necessary for the provision of our service – personal data that we have received from other third parties (e.g. credit agencies) lawfully (e.g. for the execution of orders, for the fulfilment of contracts or on the basis of a consent given by you).

Furthermore, we process personal data that we have obtained lawfully and are permitted to process from publicly available sources (e.g. debtor directories, land registers, trade and association registers, press, media, the internet).

## D. Data recipients

Within our company, your data is accessed by persons who require such data for the fulfilment of our legal and contractual obligations. All our employees are obliged to observe confidentiality.

Outside our company, your personal data may be transferred to the following recipients:

- Public bodies and institutions (e.g. Deutsche Bundesbank, Federal Financial Supervisory Authority, tax authorities, Federal Central Tax Office) where there is a legal or regulatory obligation;
- Companies of Sumitomo Mitsui Financial Group, Inc., in particular Sumitomo Mitsui Finance and Leasing Co. Ltd., DMG MORI AG, and DMG MORI Co. Ltd., for the purpose of determining our company's overall obligation to the Group, for risk management, as well as for the provision of loan guarantees or repurchase commitments;
- Credit agencies to identify credit and default risks;
- Other credit and financial services institutions for refinancing purposes;
- Insurance companies and/or brokers to insure the contract object or to cover the optional gap protection;
- Manufacturers/suppliers of leased goods;
- Auditors / tax advisors / lawyers, to the extent necessary to safeguard legitimate interests;
- Similar institutions and processors to whom we transfer personal data for the purpose of conducting the business relationship with you (in detail: bank information processing, support/maintenance of IT applications, archiving, document processing, intermediaries, call centre services, compliance services, controlling, data screening for anti-money laundering purposes, data destruction, purchasing/procurement, credit processing service, collateral management, collection, customer management, letter shops, marketing, media technology, reporting, risk controlling, telephony, video legitimation, website management, payment transactions);
- The entities for which you have given your consent to the transfer of data.

For certain technical processes of data processing, we use the support of external service providers who receive access to your personal data for the provision of these services. All our processors are carefully selected and meet high data protection and data security standards. They are also bound to

confidentiality and process data only within the instructions given to us on the basis of an order processing contract in accordance with Art. 28 EU GDPR.

Data will only be passed on if one of the above-mentioned legal bases exists, i.e. if this is necessary for the fulfilment of the contract in accordance with point (b) of Art. 6(1) EU GDPR or point (f) of Art. 6(1) EU GDPR to protect our legitimate interests, there is a legal obligation in accordance with point (c) of Art. 6(1) EU GDPR or on the basis of a given consent in accordance with point (a) of Art. 6(1) EU GDPR.

## **E. Data transfer to third countries**

Data transfers to countries outside the EU/EEA ('third countries') will only take place if there is a corresponding right of transfer.

The transfer of your personal data to the Japanese-based companies Sumitomo Mitsui Financial Group, Sumitomo Mitsui Finance and Leasing Co. Ltd and DMG MORI Co. Ltd. is based on the adequacy decision issued for Japan under Art. 45 EU GDPR, with which the EU Commission attests to the third country a comparable level of data protection with the EU.

If your personal data is also transferred to third countries (e.g. to service providers working for us), these transfers are either also carried out on the basis of adequacy decisions issued by the EU Commission or on the basis of EU standard contractual clauses (so-called Standard Contractual Clauses or SCCs) agreed with the respective recipients, which provide appropriate safeguards for the protection of your data.

## **F. Duration of data storage**

We process your personal data as long as and to the extent necessary for the fulfilment of our contractual and legal obligations. The data is subsequently deleted, unless we are legally obliged to retain it.

Relevant retention periods to be observed by us may be, for example:

- Retention and documentation periods under commercial and tax law of two to ten years, e.g. according to HGB, AO, GwG;
- Limitation periods according to Sections 195 et seq. BGB of three to 30 years for the preservation of evidence.

After the end of the processing purpose and during the legal retention period, your personal data is removed from our productive systems and archived. After expiry of the statutory retention period, it is completely deleted.

## **G. Obligation to provide the data**

As part of our business relationship, you must provide the personal data that is necessary for the establishment and implementation of a business relationship and the fulfilment of the associated contractual obligations or that we are legally obliged to collect. Without this data, we will generally have to refuse to conclude the contract or execute the order or no longer be able to perform an existing contract and may have to terminate it.

In particular, we are obliged under the money laundering regulations to identify you on the basis of your identity card before establishing the business relationship and to collect and record your name, place of

birth, date of birth, nationality and address. In order for us to be able to comply with this legal obligation, you must provide us with the necessary information and documents in accordance with Section 11(6) GwG and notify us immediately of any changes that occur in the course of the business relationship. If you do not provide us with the necessary information and documents, we may not enter into or continue the business relationship you have requested.

## **H. Automated decision-making (including profiling)**

In principle, we do not use fully automated decision-making in accordance with Art. 22 EU GDPR to establish and implement the business relationship. If we use these procedures in individual cases, we will inform you separately, if this is prescribed by law.

We process your data partially automatically with the aim of evaluating certain personal aspects (profiling):

Due to legal requirements, we are obliged to combat money laundering and fraud. Data evaluations (e.g. in payment transactions) can also be carried out. These measures also serve to protect you.

In order to be able to inform and advise you about products in a targeted manner, we may use evaluation instruments. These enable needs-based communication and advertising, including market and opinion research.

We use scoring when assessing your creditworthiness. It calculates the probability that a customer will meet their payment obligations in accordance with the contract. The calculation can include, for example, income ratios, business analyses, total balance lists, annual accounts, expenses, existing liabilities, occupation, length of employment, experience from the previous business relationship, contractual repayment of previous financing as well as information from credit reference agencies. Scoring is based on a mathematically and statistically recognised and proven methods. The calculated scores support us in our decision-making and are included in the ongoing risk management.

## **I. Your rights as a data subject**

If your personal data is processed, you are a data subject within the meaning of the EU GDPR and you have the following rights vis-à-vis us as the controller:

### **1. Right of access**

You can ask us to confirm whether your personal data is processed by us. If such processing occurs, you can request information from us in accordance with Art. 15 EU GDPR about the following information:

- the purposes for which the personal data is processed;
- the categories of personal data processed;
- the recipients or categories of recipients to whom your personal data has been or will be disclosed;
- the intended duration of the storage of your personal data or, if specific information is not possible, criteria for determining the duration of the storage;
- the existence of a right to rectification or erasure of your personal data, a right to restriction of processing by us or a right to object to such processing;
- the existence of a right to lodge a complaint to a supervisory authority;
- if the personal data is not collected from you, all available information regarding the source of the data;
- the existence of automated decision-making including profiling in accordance with Art. 22(1) and (4) EU GDPR and – at least in these cases – meaningful information about the logic involved as well as the scope and the intended effects of such processing on you.

You also have a right to information as to whether your personal data is transmitted to a third country or to an international organisation. If this is the case, you have the right to be informed of the appropriate safeguards pursuant to Art. 46 EU GDPR relating to the transfer.

### **2. Right to rectification**

In accordance with Art. 16 EU GDPR, you have the right to rectification and/or completion of your personal data vis-à-vis us if it is inaccurate and/or incomplete. We have to rectify the data immediately.

### **3. Right to restriction of processing**

Under the following conditions, you can request the restriction of the processing of your personal data in accordance with Art. 18 EU GDPR:

- if you dispute the accuracy of your personal data for a period that allows us to verify the accuracy of the personal data;
- the processing is unlawful and you refuse deletion of the personal data and instead request the restriction of the use of the personal data;

- we no longer need the personal data for the purposes of processing, but you need it to establish, exercise or defend legal claims;
- if you have objected to the processing in accordance with Art. 21(1) EU GDPR and it has not yet been determined whether our legitimate reasons outweigh your reasons.

Where processing of your personal data has been restricted, such data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. You will be notified by us before the restriction is lifted.

## **4. Right to erasure**

### **a. Obligation to erase**

In accordance with Art. 17 EU GDPR, you can request that your personal data be deleted immediately. We are obliged to delete this data immediately if one of the following reasons applies:

- Your personal data is no longer necessary for the purposes for which they were collected or otherwise processed;
- Your consent, on which the processing pursuant to point (a) of Art. 6(1) EU GDPR was based, is withdrawn by you and there is no other legal basis for the processing;
- You object to the processing in accordance with Art. 21(1) EU GDPR and there are no overriding legitimate reasons for the processing;
- You object to the processing in accordance with Art. 21(2) EU GDPR;
- Your personal data has been processed unlawfully;
- The erasure of your personal data is necessary for the fulfilment of a legal obligation under Union law or the law of the Member States to which we are subject;
- Your personal data was collected in relation to information society services offered in accordance with Art. 8(1) EU GDPR.

### **b. Information to third parties**

Where we made your personal data public and are obliged to delete it in accordance with Art. 17(1) EU GDPR, taking into account the available technology and the costs of implementation, we shall take reasonable steps, including technical measures, to inform the controllers responsible for processing the personal data that you, as the data subject, have requested that the controllers delete any links to, or copies or replications of, this personal data.

### **c. Exceptions to the right of erasure**

The right to erasure does not exist to the extent that processing is necessary:

- for exercising the right of freedom of expression and information;
- for compliance with a legal obligation which requires processing by Union or Member State law to which we are subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;

- for reasons of public interest in the area of public health in accordance with points (h) and (i) of Art. 9(2) as well as Art. 9(3) EU GDPR;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Art. 89(1) EU GDPR in so far as the right referred to in section 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing;
- for the establishment, exercise or defence of legal claims.

## **5. Right of information**

If you have asserted the right to rectification, erasure or restriction of processing vis-à-vis us, in accordance with Art. 19 EU GDPR, we are obliged to communicate such rectification or erasure of the data or restriction of processing to each recipient to whom your personal data has been disclosed, unless this proves impossible or involves disproportionate effort. You have the right to request information about these recipients.

## **6. Right to data portability**

In accordance with Art. 20 EU GDPR, you have the right to receive your personal data, which you have provided to us, in a structured, common and machine-readable format. In addition, you have the right to transfer this data to another controller to whom the personal data has been provided without hindrance from us, provided that

- the processing is based on consent pursuant to point (a) of Art. 6(1) EU GDPR or on a contract pursuant to point (b) of Art. 6(1) EU GDPR and
- the processing is carried out by automated means.

In exercising this right, you also have the right to have your personal data transmitted directly from one controller to another, where technically feasible. This must not adversely affect the rights and freedoms of others.

The right to data portability does not apply to any personal data processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us.

## **7. Right to object**

In accordance with Art. 21 EU GDPR, you have the right to object at any time to the processing of your personal data on the basis of point (e) or (f) of Art. 6(1) EU GDPR for reasons arising from your special situation; this also applies to profiling based on these provisions. The objection must be justified.

If we receive an objection, your personal data will no longer be processed by us, unless we are able to demonstrate compelling legitimate reasons for processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Where your personal data is processed for direct marketing purposes, you have the right to object at any time to any processing of your personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing. Where you object to processing for direct marketing purposes, your personal data will no longer be processed for such purposes.



In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, you may exercise your right to object by automated means using technical specifications.

## **8. Right to withdraw consent under data protection law**

In accordance with Art. 7(3) EU GDPR, you have the right to withdraw your consent under data protection law at any time, even your consent given before entering into force of the GDPR (25/05/2018). The withdrawal of consent does not affect the lawfulness of the processing carried out on the basis of the consent before consent was withdrawn. The withdrawal of consent can be declared via email, letter or telephone to our aforementioned contact details.

In addition, you can withdraw the consent given in our consent banner at any time. To do this, please go back to our consent banner. The link button to the banner can be found under the name "Cookie settings" on each subpage of our website at the bottom of the screen.

## **9. Automated individual decision-making including profiling**

In accordance with Art. 22 EU GDPR, you have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. This does not apply if the decision

- is necessary for the conclusion or performance of a contract between you and us;
- is authorised by Union or Member State law to which we are subject, and that law contains reasonable measures to safeguard your rights and freedoms and legitimate interests;
- is made with your express consent.

Nevertheless, such decisions must not be based on special categories of personal data referred to in Art. 9(1) EU GDPR, unless point (a) or (g) of Art. 9(2) EU GDPR applies and suitable measures to safeguard your rights and freedoms and legitimate interests are in place.

We implement suitable measures to safeguard your rights and freedoms and legitimate interests, at least the right to obtain human intervention on our part, to express our point of view and to contest the decision.

## **10. Right to lodge a complaint with a supervisory authority**

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement, if you consider that the processing of your personal data infringes the EU GDPR.

The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Art. 78 EU GDPR.

The supervisory authority responsible for us is:

The State Commissioner for Data Protection and Freedom of Information Baden-Württemberg  
Lautenschlagerstraße 20  
70173 Stuttgart  
Tel.: +49 (0) 711 615541-0  
Email: [poststelle@lfdi.bwl.de](mailto:poststelle@lfdi.bwl.de)