

Privacy policy

Controller

We,

DMG MORI Finance GmbH

Rita-Maiburg-Str. 40

70794 Filderstadt

Tel.: +49 (0) 711 342440-0

Website: <https://www.dmgmori-finance.com>

Email: info@dmgmori-finance.com

are responsible for the collection and processing of data within the meaning of the European General Data Protection Regulation ("EU GDPR").

Contact details for our data protection officer

Frank Metzler

BDO Legal Rechtsanwaltsgesellschaft mbH

Zielstattstr. 40

81379 Munich

Email: datenschutz@dmgmori-finance.com

Introduction and general information on data processing

Protecting your personal data is extremely important to us. Therefore, we treat your personal data confidentially and observe the legal provisions on data protection, and especially the EU GDPR and the Federal Data Protection Act ("BDSG").

This privacy policy is intended to inform you about the type, scope and purpose of the collection and use of your personal data by us as the aforementioned controller. In the following, you will first find definitions of the terms used (A.) and general information on the processing of your personal data (B.). Subsequently, we will deal specifically with data processing when using our website (C.) and with further data processing that we carry out as data protection controller (D.). Finally, we inform you about your rights as a data subject (E.).

A. Definitions

Following the model of Art. 4 EU GDPR, this privacy policy is based on the following definitions. If other terms are used, they have the meaning as laid down in Art. 4 EU GDPR.

1. Personal data

According to Art. 4 No. 1 EU GDPR, personal data is all information relating to an identified or identifiable natural person (data subject). A person is identifiable if they can be identified directly or indirectly, in particular through the assignment of an identifier such as a name, an identification number, an online identifier, location data or by means of information relating to their physical, physiological, genetic, psychological, economic, cultural or social identity.

They can also become identifiable by combining such information or other additional knowledge. The formation, form or embodiment of the information does not matter (photos, video or audio recordings may also contain personal data).

2. Processing

According to Art. 4(2) EU GDPR, processing is any activity in which personal data is handled, whether with or without the help of automated (i.e. technology-supported) processes. This includes, in particular, the collection (i.e. acquisition), recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or other provision, reconciliation, combination, restriction, erasure or destruction of personal data, as well as the alteration of a purpose originally used for data processing.

3. Controller

According to Art. 4(7) EU GDPR, the controller is the natural or legal person, public authority, agency or other body which, alone or together with others, determines the purposes and the means of the processing of personal data.

4. Third party

According to Art. 4(10) EU GDPR, a third party is any natural or legal person, public authority, agency or other body except the data subject, the controller, the processor and the persons authorised to process the personal data under the direct responsibility of the controller or processor.

5. Processor

According to Art. 4(8) EU GDPR, a processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller following their instructions (e.g. IT service providers). In terms of data protection law, a processor is not a third party.

6. Consent

According to Art. 4(11) EU GDPR, consent refers to any voluntarily given, informed and unambiguous expression of will in the form of a declaration or other clear affirmative action by which the data subject indicates that they agree to the processing of their personal data.

B. General information on data processing

1. Scope of processing of personal data

In principle, we only collect the data the processing of which is required by law, which is necessary for the conclusion and execution of a contract, in the processing of which we have an overriding legitimate interest or which is provided to us voluntarily on the basis of consent.

We collect, store and use personal data from you as a visitor to our website only to the extent necessary to provide a functional website and to display our content and services. In addition, the collection and use of your personal data is regularly carried out only with your consent.

2. Legal bases for the processing of personal data

a. Data processing for contract initiation and fulfilment

When processing personal data that is necessary for the initiation or fulfilment of a contract with you, the legal basis is point (b) of Art. 6(1) EU GDPR. This also applies to processing operations that are necessary in order to take steps prior to entering into a contract.

b. Data processing on the basis of consent

Where we obtain your consent for processing your personal data, point (a) of Art. 6(1) EU GDPR is the basis for processing. We only process your personal data on the basis of consent if it is not already permitted for other legal reasons.

We also ask for consent if we want to inform you about company-owned products and services as well as events and the corresponding data processing for the protection of legitimate interests is not possible, or if we wish to ask you to participate in a survey.

c. Data processing for safeguarding legitimate interests

We process your personal data in accordance with point (f) of Art. 6(1) EU GDPR in order to safeguard legitimate interests only if the further requirements of point (f) of Art. 6(1) EU GDPR are met, i.e. if our interests in data processing or the interests of a third party outweigh your interests or fundamental rights and freedoms in individual cases.

Furthermore, we use your personal data if and to the extent necessary to protect our legitimate interests, e.g. to defend against and enforce claims. In this respect, too, the data processing is based on point (f) of Art. 6(1) EU GDPR.

d. Data processing to fulfil legal obligations

If and to the extent necessary, we process your personal data in order to be able to fulfil any legal documentation obligations, e.g. towards tax offices and supervisory authorities. In this case, the data processing is based on point (c) of Art. 6(1) EU GDPR.

In addition, we process your personal data in accordance with point (c) of Art. 6(1) EU GDPR for the purpose of detailed examination whether an order may be accepted. The same applies to the legal obligation imposed on us to identify our business partners and other obligations under the provisions of the Money Laundering Act.

3. Erasure of data and retention period

Your personal data shall be erased or blocked as soon as the purpose of storage ceases to apply. Data can be retained beyond this period if this is provided for by European or national legislators in EU regulations, laws or other regulations to which we are subject.

Your personal data shall in such cases be blocked or erased once the retention period specified by the aforementioned standards expires, unless further retention is required for the conclusion or fulfilment of a contract.

4. Security through use of TLS/SSL

If you transmit your personal data to us via our website, we use current, secure technologies, in particular the so-called “Transport Layer Security” (TLS) transmission (previously also known as “Secure Socket Layer” (SSL) transmission). All information and data transmitted using these secure methods will be encrypted before it is sent to us. In order to protect you and us against misuse, the IP address of your terminal device is transmitted to us.

Please note that encryption using these technical methods will only work if the appropriate technical preferences have also been initiated on your side.

5. Data recipients

Your personal data may be passed on by us to third parties. We only transfer your personal data to third parties if there is a right of transfer within data protection law. The transfer of data to third parties is based on the fulfilment of legal obligations, on legitimate interests, on the necessity of a contract fulfilment or on the basis of any consent given.

If external service providers act as processors, the data transfer takes place within the framework of an order processing contract in accordance with Art. 28 EU GDPR.

If a transfer of data to third parties or processors in countries outside the European Union ("EU") or the European Economic Area ("EEA") is necessary, it will be carried out either on the basis of approved EU standard contractual clauses, on the basis of an adequacy decision issued by the EU Commission or with your consent.

C. Data processing in the context of using the website

1. Storage of cookies

We use cookies to make the visit to our website more interesting and to allow the use of certain functions. Cookies are small text files that are automatically stored on your device.

Some of the cookies we use are deleted after the end of the browser session, i.e. after closing the browser ("session cookies"). Other cookies remain on your device and enable us to recognise your browser on your next visit to the site ("persistent cookies"). The duration of the storage can be found in the overview in the cookie settings of the web browser.

In addition, we distinguish between cookies that are technically necessary for the operation of the website and those that serve analytical and statistical purposes. When you visit our website for the first time, a data protection-compliant notice ("consent banner") appears and you can select which cookies are stored. There you can also see in detail which cookies are stored for which processing purposes.

You can also adjust your browser settings so that you are informed when cookies are being placed and decide individually on their acceptance or exclude the acceptance of cookies for certain cases or in general. Each browser differs in the way it manages cookie settings. This is described in the help menu of each browser, which explains how to change your cookie settings.

Please note that the functionality of our website may be restricted if cookies are not accepted.

If personal data is processed by implemented cookies, which are technically necessary for the operation of our website, the processing is carried out in accordance with point (f) of Art. 6(1) EU GDPR to protect our legitimate interests in the best possible functionality of the website and in a customer-friendly and effective design of the page visit.

If personal data is processed by implemented cookies which are used for analysis and statistical purposes, the processing is carried out in accordance with point (a) of Art. 6(1) EU GDPR on the basis of your consent, which you give us by your corresponding selection decision in the consent banner.

2. Provision of the website and creation of log files

Each time you visit our website, our system automatically collects data and information from the system of the requesting device. The following data is collected:

- IP address;
- Browser type and browser version;
- Operating system;
- The date and time of the visit to the website;
- Access status / http status code;
- GMT time zone difference;
- Volume of data transferred;
- Referrer URL (website/source/reference from which the visit to the website is made).

The temporary storage of the IP address by the system is necessary to enable the delivery of the website to your device. To do this, your IP address must be stored for the duration of the session. Storage in log files occurs to ensure the functionality of the website. In addition, the data allows us to optimise the website and to ensure the security of our IT systems. This data is not stored together with your other personal data, and there is no evaluation of the data for other purposes in this context.

This is also our legitimate interest in data processing within the meaning of point (f) of Art. 6(1) EU GDPR, which serves as a legal basis for the processing of your personal data in the context of the storage of the IP address and the recording of log files.

The data will be deleted as soon as it is no longer necessary to achieve the purpose for which it was collected. In the case of the collection of data for the provision of the website, this is the case when the respective session is ended. In the case of data storage in log files, this is the case after eight weeks at the latest. Retention beyond this time is possible. In this case, your IP address is erased or modified so that it can no longer be associated with the accessing client.

3. Borlabs Cookie

We use the WordPress plugin Borlabs Cookie on our website. The provider of the plugin is Borlabs – Benjamin A. Bornschein, Rübenkamp 32, 22305 Hamburg, Germany.

Borlabs Cookie automatically creates a consent banner for our website visitors and enables you to give consent to data processing – in particular the placement of cookies – on our website and to make use of your right of withdrawal for consent already given.

Borlabs Cookie helps us to monitor the cookies used on our website and inform you at any time precisely and transparently about the use of these cookies. You will always receive a consent banner that complies with data protection requirements and can decide which type of cookies should be allowed.

Your consent status is stored in the consent banner, so that our website can recognise and follow the stored status even during future visits to the site. For this purpose, a cookie is set and the following data is stored:

- Cookie runtime;
- Cookie version;
- Domain and path of the WordPress website;
- Consents;
- UID (randomly generated ID).

This data will not be passed on to the provider or to other third parties.

If you want to change your settings when you first visit our website, you can either delete the cookie in your browser or revisit our consent banner on our website and adjust your settings. You can find the corresponding link on each subpage of our website at the bottom left of the screen ("Footer").

The legal basis for processing your personal data is point (c) of Art. 6(1) EU GDPR in conjunction with Section 25(1) TDDDGD (law on data protection in telecommunications and digital services). We are legally obliged to provide a data protection-compliant consent banner, which allows you to select and deselect cookies and allows us to manage the consent, on our website.

The data retention period is 12 months, beginning with your consent in the consent banner. After 12 months, your data is automatically erased.

4. WP Statistics

On our website, we use the WordPress WP Statistics plugin from VeronaLabs, Tornimäe 5, 10145 Tallin, Estonia.

With WP Statistics, we can evaluate visitor access and generate statistics on the use of our website (e.g. number of visitors, country from which access is made, page visited). No cookies are placed and the following data is stored:

- IP address;
- Browser type and browser version;
- Operating system;
- The date and time of the visit to the website;
- Referrer URL (website/source/reference from which the visit to the website is made).

The IP address is shortened or anonymised, so that personal identification is not possible. In addition, the anonymised data is stored exclusively on our server and is not passed on to third parties.

The processing of your personal data takes place on the basis of your consent in accordance with point (a) of Art. 6(1) EU GDPR, which you give us by your selection decision in the consent banner. Your consent can be withdrawn at any time with effect for the future. You can call up our consent banner in the footer at any time and adjust your settings.

5. Google services

On our website, we use various services from Google, which are shown below.

Google is a group of companies and consists of Google Ireland Ltd. (Provider of the Service), Gordon House, Barrow Street, Dublin 4, Ireland, and Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA, and other related companies of Google LLC ("Google").

In each case, the processing of your personal data takes place on the basis of your consent in accordance with point (a) of Art. 6(1) EU GDPR, which you give us by your selection decision in the consent banner. Your consent can be withdrawn at any time with effect for the future. You can call up our consent banner in the footer at any time and adjust your settings.

The transfer of your personal data to the USA takes place in accordance with Art. 45 GDPR on the basis of the adequacy decision issued for the USA, by which the EU Commission has determined a comparable level of data protection in the USA. Google has become certified for the EU-US Data Privacy Framework underlying the adequacy decision (see <https://www.dataprivacyframework.gov/s/participant-search>).

a. Google Maps

On our website we use Google Maps.

Google Maps is a web service that displays interactive maps to visualise geographic information. By using this service, you will be shown our location and any possible journey will be facilitated.

When you access the subpage(s) of our website in which the map of Google Maps is integrated, information about your use of the website (such as IP address) is transmitted to Google servers and stored there. This is regardless of whether Google provides a user account through which you are logged in or whether a user account exists. If you are logged in to Google, your data will be directly assigned to your account.

If you do not want to be associated with your profile on Google, you must log out before activating the button. However, even if you are not registered with Google or have not logged in, there is a possibility that Google will learn and store your IP address. If you do not agree to the future transmission of your data to Google as part of the use of Google Maps, it is also possible to completely disable the Google Maps web service by deactivating the JavaScript application in your browser. Google Maps, and thus also the map display on our website, then cannot be used.

b. Google Fonts

We use Google Fonts on our website.

Google Fonts is an interactive directory of more than 800 fonts that Google provides for free use.

The fonts of Google are integrated on our web server and not on the servers of Google. We therefore use Google Fonts locally. Processing of personal data and data transfer to Google do not take place in connection with the use of Google Fonts.

c. Google reCAPTCHA

We use Google reCAPTCHA on our website.

Google reCAPTCHA checks whether the data input (e.g. in a contact form) is carried out by a human or by an automated program. To do this, Google reCAPTCHA analyses the behaviour based on various characteristics.

This analysis starts automatically when our website is accessed. Various information (e.g. IP address, length of stay on the website or mouse movements) is evaluated for analysis. The data collected during the analysis is forwarded to Google.

6. Vimeo

We use a plugin from the video portal Vimeo on our website. The supplier of Vimeo is Vimeo.com Inc., 330 West 34th Street, 5th Floor, New York, New York 10011, USA ("Vimeo").

When you visit a subpage with a video embedded in it, a connection to Vimeo's servers is established and Vimeo is informed of which of our pages you have visited. Your IP address is also sent to Vimeo. This also applies if you are not logged in to Vimeo when you visit our website or you do not have a Vimeo account. If you are logged in to Vimeo, Vimeo can allocate your surfing habits directly to your personal profile. You can prevent this by logging out of your Vimeo account first.

The processing of your personal data takes place on the basis of your consent in accordance with point (a) of Art. 6(1) EU GDPR, which you give us by your selection decision in the consent banner. If you do not consent in the consent banner, a placeholder will be displayed instead of the video and you have the option to either click on the "*Unblock content*" button to grant your consent for the specific video or click on "*Accept required service and unblock content*" for all Vimeo videos displayed on our website.

Your consent can be withdrawn at any time with effect for the future. If you have only given your consent to the retrieval of the specific video, your consent will be automatically withdrawn if you leave the relevant subpage with the video or close the website. Otherwise, you can call up our consent banner in the footer at any time and adjust your settings.

The transfer of your personal data to the USA takes place in accordance with Art. 45 GDPR on the basis of the adequacy decision issued for the USA, by which the EU Commission has determined a comparable level of data protection in the USA. Vimeo has become certified for the EU-US Data Privacy Framework underlying the adequacy decision (see <https://www.dataprivacyframework.gov/s/participant-search>).

D. Other data processing

1. Contact outside of contractual relationships

If you contact us by email, fax, telephone or post, we will store your email address or telephone / mobile phone number or address so that we are able to send you a reply.

If your contact is aimed at concluding a contract with us, the processing of your personal data is based on point (b) of Art. 6(1) GDPR. The same applies if the contact is made within an existing contractual relationship with us.

In all other cases, your consent pursuant to point (a) of Art. 6(1) EU GDPR serves as a legal basis, which you grant us by contacting us. Your consent can be withdrawn at any time with effect for the future. Please send us an email to datenschutz@dmgmori-finance.com. Please note, however, that your request cannot be processed further if you withdraw your consent.

Your personal data will be deleted subject to statutory retention periods as soon as we have completed processing your request. If you do not receive a response from us within 30 days outside of a contractual relationship with us, your data will also be deleted.

E. 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 to 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.

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