

Information on collection of personal data according to the GDPR for employee

The EU General Data Protection Regulation requires us to provide you with comprehensive information for processing of your personal data. In compliance with this obligation, we inform you of the following:

I. Processor

1.1 Name and contact details of the controller

**SmartHeat Deutschland GmbH, Am Augraben 10,
18273 Güstrow
Tel.: +49 3843 22790
Fax: +49 3843 683132
eMail: info@smartheat.de**

1.2 Name and contact details of the representative in the EU according to sect. 27 GDPR (only if the controller or processor is not resident in the Union)

not applicable

1.3 Contact details of the data protection officer

External data protection officer:
ECOVIS Grieger Mallison Rechtsanwälte PartG mbB
Rechtsanwalt Axel Keller / Rechtsanwältin Susann Harder
Am Campus 1 – 11, 18182 Rostock-Bentwisch
Phone: 0381 – 649 210 eMail: dsb-nord@ecovis.com
web: www.ecovis.com/datenschutzberater

II. Processing scope

2.1 Categories of personal data concerned that are processed

In the scope of the employee administration we process the following data or categories of data:

General:

Identification Data (name, date and place of birth)
Nationality
Address data, Contact data
Bank information
Financial identification data
Insurances, Pension
Professional activities
Details about travel
Complaints/Occurrences
Marital partnerships
Family/households
Residential address
Financing of qualification
Current place of employment
Data of image recording
Salary details
Vacation data
User data
Participant data (E-Learning)
Personal and biometric data of tax identification
Occupational accidents
Media and communication material use
Educational career
Occupational qualification
Work experience
End of employment contract
Career development
Presence/Discipline
Additional training, Additional benefits
Benefits
Work organization
Function description
IT- / TelCo-benefit assessment
Occupational Assessment

Corporate security
Legal data

Political affiliation
trade union memberships
Religious confession
Social security number

2.2 Source of personal data

We generally collect your data in direct contact with the data subject.

In the context of employee administration, however, data from third parties is also transmitted to us. In these cases, we collect data from public authorities to the extent provided for by law.

2.3 Duration of storage of the data

The personal data collected by us will be stored according to the provision of our erasure concept until the end of the statutory archiving obligation; they will then be erased, except of we are obligated to archive the data for a longer period according to section 6 para. 1 s. 1 lit. c GDPR due to archiving and documentation obligations under tax and commercial law (from the Commercial Code, Criminal Code or Tax Code) or if you have consented to storage beyond this according to sect. 6 para. 1 s. 1 lit. a GDPR.

Subject to such archiving obligations, data are deleted if the purpose for which they were collected has ended.

2.4 Purposes of processing

The purposes of processing your data are

- accounting of wages and salaries including expense accounts;
- recording of working, vacation and absence times, for example to manage a working time account and absence planning;
- management of personnel files for the administration of the employees of our company;
- recording and verification of the performance of training courses and other measures, in particular in the areas of occupational safety and health, fire protection, data protection, money laundering, hygiene and similar areas;
- check of access authorisation;
- organisation and administration of company cars, including the documentation of driver's logbooks and the administration of warning, fine and criminal cases;
- presentation of our company and its employees for marketing purposes in print and electronic media.

2.5 Legal basis for processing

We only process your data if there is a legal basis for it. This is the case according to sect. 6 para. 1 GDPR when at least one of the following provisions is met.

- a. You have given **consent** to the processing of personal data for one or more specific purposes;
- b. processing is necessary for the **performance of a contract** to which you are a party or in order to **take steps** at your request **prior to entering into a contract**;
- c. processing is necessary for **compliance with a legal obligation** to which we are subject;
- d. processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;
- e. processing is necessary to **maintain our legitimate interests** except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data.

As a rule, your data will therefore be processed on the basis of sect. 6 para. 1 lit. b GDPR, insofar as this is necessary to fulfil an existing contract with you.

We collect data not required for the fulfilment of the contract on the basis of sect. 6 Para. 1 lit. f GDPR, whereby we refer to the following paragraph with regard to the details of our legitimate interest in data processing.

In addition, we also base data processing on sect. 6 Para. 1 lit. c GDPR insofar as we are subject to statutory obligations. This is the case, for example, with regard to reporting obligations to collecting agencies, i.e. in particular health and pension insurances or a professional association, but also with regard to reports to the tax authorities. Even in the case of statutory audits, however, we base the transfer of data to the external auditor on the fulfilment of legal obligations that apply to us.

Finally, we may rely the data processing on your voluntary, informed and unambiguous consent for a specific purpose. In this case we will inform you separately in connection with the consent.

We expressly point out that it might happen that in some cases the processing could be based on several legal bases that are applicable side by side. In such a case, we reserve the right to base the processing on another legal basis, even in the event of revocation of consent. We will inform you accordingly in the event of revocation of your consent.

2.6 Legitimate interests within the meaning of sect. 6 para. 1 lit. f GDPR

Our legitimate interests – or those of a third party – may be

- a. the presence of a legal relationship between us;
- b. the prevention of fraud;
- c. measures to ensure and improve the safety of IT systems;
- d. measures to protect our company from illegal actions and
- e. internal administrative purposes, in particular exchange of data within our group of companies.

In particular, the processing of data by external tax consultants is based on our legitimate interest in serving ourselves to fulfil the tasks and obligations of a tax consultant licensed for this purpose. In the case of transmission to external auditors, we also base data processing on our legitimate interest in the performance of a voluntary audit by an external auditor, unless required by law. In the case of statutory audits, however, we base the transfer of data to the external auditor on the fulfilment of statutory obligations as already stated above, sect. 6 para. 1 lit. c. GDPR.

We support data processing and in particular disclosure, but also on other legitimate interests, insofar as the above-mentioned purposes require it. This concerns for example

- the assurance of uniform quality standards within our company or our group of companies;
- the conclusion of insurance policies, in particular on the payment in the event of an insured event (business interruption insurance / business contents insurance, pecuniary damage liability insurance);
- lawyers and legal representatives working for us;
- other companies in our group, for example in the areas of payroll and financial accounting, preparation of annual financial statements and controlling.

2.7 Legal or contractual obligation to provide the data

An obligation to provide data may result

- a. from a contract you have concluded with us and the performance of which data collection serves in the cases of item 2.5 lit. b;
- b. from the statutory provisions we are subject to or – in accordance with sect. 6 para. 2 and 3 GDPR –

the law of the European Union or the law of the member states of the European Union in the cases of item 2.5 lit. c.;

- c. from general support or contractual secondary obligations that are not specifically targeted at data collection, such as the provisions on failure to render assistance in § 323c Criminal Code, in the cases of items 2.5 lit. d. and e.

Included in these are, in particular, following data or categories of data:

Identification data
Address data, Contact data
Bank information
Financial identification data
Residential address
Vacation data
Social security number
Education, Occupational qualification
Work experience
Additional training, Additional benefits
Wage/Salary

2.8 Requirement of the provision of data for conclusion of a contract

In particular, the data mentioned in section 2.7 above are mandatory for the founding and processing of an employment contract or the establishment of another employment relationship.

2.9 Other obligation to provide the data

The other data or types of data are collected by us in order to ensure proper operation. The obligation to provide these data results from the employment contract with you, possibly supplemented by corresponding service or work instructions.

With regard to some data, for example on accidents at work, there are also legal obligations to provide the data.

2.10 Possible consequences of not providing data

If there is an obligation to provide your data in accordance with Section 2.7, this is a condition for the conclusion or continuation of an employment contract, service agreement or other employment relationship.

If the obligation to provide personal data arises from the employment contract existing between us or from a legal order, it can in principle also be enforced in court. Under certain circumstances an offence is even punishable or punishable by a fine. Incorrect information can also have consequences under labour law.

2.11 Presence of automated decision-making (including profiling)

We do not use any automated supervision or evaluate systems.

III. Forwarding and other countries

3.1 Recipients or categories of recipients of the personal data

The data collected by us will be forwarded to other recipients and third parties as well under consideration of the statutory provisions. These specifically are:

<u>Internal recipients:</u>	<u>External recipients:</u>
Management	Tax advisor
Department manager	Auditor
Accounting (internal)	Financial Administration

Quality Management Collecting agency, i. a. health insurance, pension insurance
Company doctor Employment Agency

Building surveillance

Lawyers and legal Representatives
Accounting/Bookkeeping (external)
Quality Management (external)
Insurance companies
External data processors (contract processors)

External data processors may be from the areas of archive, maintenance and care for EDP systems or the company website or marketing. These usually are contract processors within the meaning of sect. 4 no. 10 GDPR, so that processing of the data through them does not constitute transmission within the meaning of sect. 4 no. 2 GDPR.

Some clients require us to name the employees assigned by us within the scope of a specific order. In these cases also the following data will be transmitted:

Name
Contact data
Occupational qualification
Presence data

3.2 Intention of the controller to transmit personal data to a third country or an international organisation
Such transmission is not intended.

3.3 Presence or absence of a commission decision on appropriateness
Not applicable.

3.4 Reference to suitable or appropriate safeguards
Not applicable.

IV. Your rights

4.1 You as the data subject have various rights under the General Data Protection Regulation. These are

- the right to be informed about the data concerning you that are stored by us (sect. 15 GDPR)
- the right to rectification of incorrect data (sect. 16 GDPR)
- the right to erasure of the data if there is no legal basis for continued storage (sect. 17 GDPR)
- the right to restriction of processing of the data to specific purposes (sect. 18 GDPR)
- the right to data portability (sect. 20 GDPR) and
- the right to object to processing of your data (sect. 21 GDPR).

If processing of your data is based on consent (see item 2.5 lit. a), you have the right to withdraw your given consent at any time. The legality of the processing taking place based on given consent until the withdrawal is not affected by the withdrawal.

Separate information about the right to object under Article 21 GDPR

According to Article 21 (1) of the GDPR, you have the right at any time, for reasons arising from your particular situation, to object to the processing of personal data relating to you pursuant to Article 6 (1) (f) of the GDPR (processing to safeguard the legitimate interests of the responsible entity or a third party).

If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purpose of asserting, exercising or defence of legal claims.

If the processing is to operate direct mail, you have the right, under Article 21 (2) GDPR, to object at any time to the processing of personal data relating thereto for the purpose of such advertising; this also applies to the profiling, as far as it is associated with such direct mail.

In addition to this, you have the right to complain to a supervisory authority in accordance with sect. 77 GDPR if you believe that processing of the data concerning you violates provisions under data protection law. The supervisory authority relevant for us is:

The State Data Protection and Freedom-of-Information Officer

Mecklenburg-Vorpommern

Schloss Schwerin, Lennéstraße 1,
19053 Schwerin

Phone: +49 385 59494 0
Fax: +49 385 59494 58
eMail: info@datenschutz-mv.de
web: www.datenschutz-mv.de;
www.informationsfreiheit-mv.de
<https://www.datenschutz-mv.de/kontakt/kontaktformular/>

4.2 Finally, you have the right to contact our data protection officer at any time. He is obligated to confidentiality regarding your query where processing of your data is concerned.

You can reach our data protection officer under the contact details named in item 1.3.

With regard to the fulfilment of our accountability pursuant to article 5 (2) GDPR, we ask you to provide us with a signed copy of this information.

Güstrow, the

.....[sign]

Date of publication 17th August 2020: Update of our privacy policy

On the basis of the decision of the European Court of Justice of 16th of July 2020, we hereby inform our customers, business partners, employees, website visitors and other communication partners that it may not be possible to maintain an adequate level of data protection comparable to that required by EU regulations when using US service providers such as Amazon, Asana, Facebook, Google, MailChimp, Twitter, TeamViewer, YouTube, etc. and their respective european subsidiaries within the scope of communication. Due to national laws, a non-european provider may be forced by national law to surrender communication data to national security authorities without the possibility of such surrender being reviewed for its legality in an independent judicial procedure at the request of the data subject. Since this finding of the court also applies to companies based and processing data in Europe under the so-called EU-US Privacy Shield, as well as the Standard Contractual Clauses and the Binding Corporate Rules, we must now examine all data transfers to third-party providers on a case-by-case basis and, if necessary, discontinue them or replace them with EU-based providers. We are currently in discussions with our service providers and the supervisory authorities.