

# **Privacy policy and information obligation according to Art. 13 DS-GVO**

## **1. Information obligation according to DS-GVO**

### **Responsible for data processing, according to Art 13 para. (1) lit. a)**

Company name acc. to § 17(1) HGB incl. contact details of the person responsible (manager)

#### **Company**

H2O GmbH, Wiesenstrasse 32, 79585 Steinen/ Germany

Local court Freiburg i. Br., HRB 413631

#### **Contact**

Tel. +49 7627 9239-0, Fax +49 7627 9239-100, e-mail: [info@h2o-de.com](mailto:info@h2o-de.com)

#### **Manager**

Matthias Fickenschner

### **Contact data of the data protection officer according to Art 13 para. (1) lit. b) DSGVO**

Helbig Datenschutz GmbH  
Harald Helbig  
Bergstraße 11  
91207 Lauf an der Pegnitz  
+49 9123 70275-15  
[h2o@helbig-datenschutz.de](mailto:h2o@helbig-datenschutz.de)

### **Purposes and legal bases of the data processing, according to Art 13 para. (1) lit. c) DSGVO**

The personal data will be processed for the purpose of the performance of contracts or for the implementation of pre-contractual measures. This includes the customer master data with contact persons as well as the contact history, offers, orders, invoices, project data and other legal obligations of the responsible person.

The personal applicant data will be used for the justification of the employment relationship.

The legal basis is Art. 6 DSGVO. Further essential legal bases arise from the German Commercial Code, tax law, GMBH law and other legal requirements relevant to the H2O limited liability company. These also include contractual regulations. The processing of newsletters is based on the consent of those involved. The legal basis for applicants arises from Art. 6 DSGVO and §26 BDSG new (data processing for employment purposes). This also includes contractual provisions and internal company guidelines / regulations of the H2O limited liability company. Consent for further data processing after completing the application process and conducting an employment test.

**Processing is for the protection of the legitimate interests of the person in charge or a third party according to Art 13 para. (1) lit. d) DSGVO**

If necessary, we process your data beyond the actual fulfilment of the contract for the protection of legitimate interests of us or third parties. This includes:

- Sales management and sales controlling
- Asserting legal claims and defence in legal disputes
- Applicant management
- Ensuring IT security and IT operations
- Measures for building and plant safety (e.g. access control) and for the maintenance of the domiciliary right
- Measures for business management and development

**Categories of recipients of personal data (data transmission) according to Art 13 para. (1) lit. e) DSGVO**

Within Germany, the European Union and the European Economic Area  
Germany:

Auditors, bailiffs and other creditors as well as other public authorities for fulfilling legal obligations and for requested certificates, logistics companies, customers as well as suppliers and other agencies and business partners.

**Third country incl. adequacy decision according to Art 13 para. (1) lit. f DSGVO**

In the context of international business relations, the transmission takes place according to Article 6 (1) (b) for the performance of contracts or the execution of pre-contractual measures. No adequacy decision is needed here.

**Storage duration according to Art. 13 par (2) lit a)**

The respective purposes result from legal requirements as well as from relevant branch-specific regulations. The personal data will be deleted after fulfilling the purpose.

**Rights of data subjects according to Art. 13 par (2) lit b)**

You can exercise your rights at any time by using the above contact information. If your personal data is processed, you are a data subject within the meaning of the DSGVO and you have the following rights towards the person responsible:

Information about the rights of data subjects

The data subject has the right to ask the person responsible for information about whether personal data is processed; if this is the case, he has a right to information about this personal data and to the information listed in Article 15 of the DSGVO.

The data subject has the right to demand the correction of incorrect personal data concerning him / her and, if necessary, the completion of incomplete personal data from the person responsible without delay (Art. 16 DSGVO). The data subject has the right to demand that the person responsible would delete personal data relating to him / her be without delay, provided that one of the reasons detailed in Art. 17 GDPR is fulfilled, for example, if the data is no longer needed for the purposes pursued (right to deletion).

The data subject has the right to demand that the person responsible restricts the processing if one of the conditions listed in Art. 18 DSGVO is fulfilled, for example, if the data subject has objected to processing for the duration of the review by the controller.

The data subject has the right, at any time, to object to personal data concerning him / her for reasons arising out of their particular situation. The controller then no longer processes the personal data unless he can demonstrate compelling legitimate grounds for processing that outweigh the interests, rights and freedoms of the data subject, or the processing serves the assertion, exercise or defence of legal claims (Art 21 DSGVO).

### **Rights of data subjects according to Art. 13 par (2) lit. c) DSGVO**

Insofar as you have given us consent to the processing of personal data for specific purposes (e.g. processing of images of the data subjects), the legality of this processing is based on your consent.

A given consent can be revoked at any time. This also applies to the revocation of declarations of consent that were issued to us before the validity of the DSGVO, i.e. before May 25, 2018.

Please note that the revocation is only effective for the future. Processing that occurred before the revocation is not affected.

### **Complaint right with a supervisory authority acc. to Art 13 para. (2) lit. d) DSGVO**

Without prejudice to any other administrative or judicial remedy, any data subject shall have the right to file a complaint with a supervisory authority if the data subject considers that the processing of personal data concerning him / her violates the DSGVO (Article 77 DSGVO). The data subject may assert this right with a supervisory authority in the member state of his or her residence, place of work or place of alleged infringement.

In Baden-Württemberg, the competent supervisory authority is:

The State Commissioner for Data Protection and Freedom of Information

Home address:

Königstrasse 10 a, 70173 Stuttgart

Postal address:

P.O. box 10 29 32, 70025 Stuttgart

Tel.: 0711/615541-0

FAX: 0711/615541-15

E-mail: [poststelle@lfdi.bwl.de](mailto:poststelle@lfdi.bwl.de)

## **Provision of personal data according to Art. 13 par. (2) lit. e) DSGVO**

As part of our business relationship, you only need to provide the personal information that is required to establish, conduct and terminate the employment relationship or that we are required to collect by law. Without this data we will usually not be able to carry out the employment relationship.

## **Revision of the data protection policy**

### **Change in purpose**

We reserve the right to change this privacy policy in accordance with the data protection regulations. The current version can be found under the privacy policy on our website [www.h2o-de.com](http://www.h2o-de.com). You can also request them at any time via the contact details above. If we intend to process your data for other purposes, i.e. those for which it was collected, we will inform you in advance in accordance with the law.

Date 22.05.2018

## **2. Data protection at a glance**

### **General information**

The following information gives a simple overview of what happens to your personal information when you visit our website. Personal data is all data that identifies you personally. Detailed information on the subject of data protection can be found in our privacy policy listed under this text.

### **Data collection on our website**

*Who is responsible for the data collection on this website?*

The data processing on this website is carried out by the website operator. His contact details can be found in the imprint of this website.

*How do we collect your data?*

On the one hand, your data is collected when you give it to us. This may be data that you enter in a contact form, for example.

Other data is collected automatically through our IT systems when visiting the website. These are mainly technical data (for example Internet browser, operating system or time of the visit). The collection of this data is automatic as soon as you enter our website.

*What do we use your data for?*

Part of the data is collected to ensure a flawless provision of the website. Other data can be used to analyse your user behaviour.

*What rights do you have regarding your data?*

Your rights are listed in the above stated information obligation.

### **Analysis tools and tools of third party providers**

When you visit our website, your surfing behaviour can be evaluated statistically. This is mainly done with cookies and so-called analysis programs. The analysis of your surfing behaviour is usually anonymous; the surfing behaviour cannot be traced back to you. You can object to this analysis or prevent it by not using certain tools. Detailed information can be found in the following privacy policy.

You can object to this analysis. We will inform you about the possibilities for objection in this data protection policy.

## **3. General information and required information**

### **Data protection**

The operators of these pages take the protection of your personal data very seriously. We treat your personal data confidentially and in accordance with the statutory data protection regulations and this privacy policy.

If you use this website, various personal data will be collected. Personal information is information that identifies you personally. This privacy policy explains what information we collect and what we use it for. It also explains how and for what purpose this happens.

Please note that data transmission over the Internet (for example, when communicating via e-mail) may have security loopholes. A complete protection of the data from access by third parties is not possible.

### **Information, blocking, deletion**

In the framework of the applicable legal regulations, you have the right to free information on your stored personal data, their origin and recipient and the purpose of the data processing and, if necessary, a right to rectification, blocking or deletion of this data. For further information on personal data you can contact us at any time at the address given in the imprint.

### **Objection to advertisement emails**

The use of contact data published in the context of the imprint obligation for sending unsolicited advertising and information materials is not permitted. The operators of the pages expressly reserve the right to take legal action in the event of the unsolicited sending of advertising information, such as spam e-mails.

## **4. Data collection on our website**

### **Cookies**

Some of the websites use so-called cookies. Cookies do not harm your computer and do not contain viruses. Cookies serve to make our offer more user-friendly, effective and secure. Cookies are small text files that are stored on your computer and stored by your browser.

Most of the cookies we use are so-called "session cookies". They are automatically deleted after your visit. Other cookies remain stored on your device until you delete them. These cookies allow us to recognize your browser the next time you visit.

You can set your browser so that you are informed about the placement of cookies and allow cookies only in individual cases, exclude the acceptance of cookies for certain cases or generally and enable the automatic deletion of cookies when closing the browser. Disabling cookies may limit the functionality of this website.

Cookies that are required to carry out the electronic communication process or to provide certain functions that you wish to use (e.g. shopping cart function) are saved on the basis of Art. 6 par. 1 lit. f DSGVO. The website operator has a legitimate interest in the storage of cookies for the technically error-free and optimized provision of his services. Insofar as other cookies (such as cookies for analysing your surfing behaviour) are stored, they will be treated separately in this privacy policy.

### **Server-Log-Files**

The provider of the pages collects and automatically saves information in so-called server-log-files, which your browser automatically transfers to us. These are:

Browser type and browser version

Operating system

Referrer URL

Host name of the accessing computer

Time of the server query

IP address

No merging of this data with other data sources will be done. The basis for data processing is Art. 6 par. 1 lit. DSGVO, which allows the processing of data for the fulfilment of a contract or pre-contractual measures.

### **Contact form**

If you send us inquiries via the contact form, your details from the inquiry form, including the contact details you provided there, will be stored in order to process the request and in case of follow-up questions. We do not transfer this data without your consent.

The processing of the data entered into the contact form is therefore exclusively based on your consent (Art. 6 (1) lit. DSGVO). You may revoke this consent at any time. An informal message by e-mail to us is sufficient. The legality of the data processing operations carried out until the revocation remains unaffected by the revocation.

The information you provide in the contact form will remain with us until you ask us to delete it, revoke your consent for storage or the purpose for data storage becomes void (for example, after your request has been processed). Mandatory statutory provisions - especially retention periods - remain unaffected.

## **5. Analysis tools and advertisement**

### **Google Analytics**

This website uses functions of the web analytics service Google Analytics. The provider is Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

Google Analytics uses so-called "Cookies". These are text files that are stored on your computer and that allow an analysis of your usage of the website. The information generated by the cookie about your use of this website is usually transmitted to a Google server in the USA and stored there.

Google Analytics cookies are stored on the basis of Art. 6 par. 1 lit. f DSGVO. The website operator has a legitimate interest in analysing user behaviour in order to optimize both his website and his advertising.

#### *IP Anonymisation*

We have activated the function IP anonymisation on this website. As a result, your IP address will be truncated by Google within member states of the European Union or other parties to the Agreement on the European Economic Area prior to transmission to the United States. Only in exceptional cases will the full IP address be sent to a Google server in the US and truncated there. On behalf of the operator of this website, Google will use this information to evaluate your use of the website, to compile reports on website activity and to provide other services related to website activity and internet usage to the website operator. The IP address provided by Google Analytics as part of Google Analytics will not be merged with other Google data.

#### *Browser Plugin*

You can prevent the storage of cookies by a corresponding setting of your browser software; however, please note that if you do this, you may not be able to use all the features of this website to the fullest extent possible. In addition, you may prevent the collection by Google of the data generated by the cookie and related to your use of the website (including your IP address) as well as the processing of this data by Google by downloading and installing the browser plugin available under the following link: <https://tools.google.com/dlpage/gaoptout?hl=de>.

#### *Objection to data collection*

You can prevent the collection of your data by Google Analytics by clicking on the following link. An opt-out cookie will be set to prevent your data from being collected on future visits to this site: Deactivate Google Analytics.

For more information on how to handle user data on Google Analytics, please refer to the Google Privacy Policy: <https://support.google.com/analytics/answer/6004245?hl=de>.

#### *Order data processing*

We have entered into a contract data processing agreement with Google and fully implement the strict requirements of the German data protection authorities when using Google Analytics.

### *Demographics in Google Analytics*

This website uses the demographics feature of Google Analytics. As a result, reports can be produced that contain statements about the age, gender and interests of the site visitors. This data comes from interest-based advertising from Google and third-party visitor data. This data cannot be related with a specific person. You can disable this feature at any time through the ad settings in your Google Account, or generally prohibit the collection of your data by Google Analytics as outlined in the section "Objection to Data Collection".

### **Google Analytics Remarketing**

Our websites use the features of Google Analytics Remarketing combined with the capabilities across devices of Google AdWords and DoubleClick. The provider is Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

This feature allows you to link the advertising audiences created with Google Analytics Remarketing to the capabilities across devices of Google AdWords and Google DoubleClick. This way, interest-based, personalized advertising messages that have been customized based on your previous usage and browsing behaviour on one end device (e.g. cell phone) may also be displayed on another of your end devices (e.g. tablet or PC).

Once you have given your consent, Google will associate your web and app browsing history with your Google Account for this purpose. That way, the same personalized advertising messages can appear on any device you sign in to with your Google Account.

To support this feature, Google Analytics collects Google-authenticated IDs of users who are temporarily linked to our Google Analytics data to define and create audiences for cross-device ad promotion.

You can permanently opt out of cross-device remarketing / targeting by turning off personalized advertising in your Google Account; to do that, follow this link: <https://www.google.com/settings/ads/onweb/>.

The aggregation of the collected data in your Google Account is based solely on your consent, which you can submit or revoke on Google (Article 6 (1) (a) DSGVO). For data collection operations that are not merged into your Google Account (for example, because you do not have a Google Account or have objected to the merger), the collection of data is based on Art. 6 (1) lit. f DSGVO. The legitimate interest results from the fact that the website operator has an interest in the anonymous analysis of the website visitors for advertising purposes.

For more information and privacy policy, please refer to Google's Privacy Policy at: <https://www.google.com/policies/technologies/ads/>.

### **Google AdWords and Google Conversion-Tracking**

This website uses Google AdWords. AdWords is an online advertising program of Google Inc., 1600 Amphitheater Parkway, Mountain View, CA 94043, United States ("Google").

As part of Google AdWords, we use so-called conversion tracking. When you click on an ad served by Google, a conversion tracking cookie is saved. Cookies are small text files that the Internet browser stores on the user's computer. These cookies lose their validity after 30 days and are not used for the personal identification of the users. If the user visits certain pages of this website and the cookie has not expired yet, Google and we can recognize that the user

clicked on the ad and was redirected to this page.

Each Google AdWords customer receives a different cookie. The cookies cannot be tracked through the websites of advertisers. The information gathered using the conversion cookie is used to generate conversion statistics for AdWords advertisers who have opted for conversion tracking. Customers are told the total number of users who clicked on their ad and were redirected to a page with a conversion tracking tag. However, they do not receive information that personally identifies users. If you do not want to participate in tracking, you can opt-out of this by easily disabling the Google Conversion Tracking cookie through your Internet browser under User Preferences. Then you will not be included in the conversion tracking statistics.

The storage of "conversion cookies" is based on Art. 6 para. 1 lit. f DSGVO. The website operator has a legitimate interest in analysing user behaviour in order to optimize both his website and his advertising.

More information about Google AdWords and Google Conversion Tracking can be found in the Google data protection regulations: <https://www.google.de/policies/privacy/>.

You can set your browser so that you are informed about the placement of cookies and allow cookies only in individual cases, exclude the acceptance of cookies for certain cases or generally and enable the automatic deletion of cookies when closing the browser. Disabling cookies may limit the functionality of this website.

## **6. Newsletter**

### **Newsletter data**

If you would like to receive the newsletter offered on the website, we require an e-mail address from you, as well as information that allows us to verify that you are the owner of the e-mail address provided and that you agree to receive the newsletter. Further data is not collected or only on a voluntary basis. We use this data exclusively for the delivery of the requested information and do not pass it on to third parties.

The processing of the data entered into the newsletter registration form takes place exclusively on the basis of your consent (Art. 6 (1) lit. DSGVO). The granted consent to the storage of the data, the e-mail address and their use for sending the newsletter can be revoked at any time, for example via the "unsubscribe" link in the newsletter. The legality of the already completed data processing operations remains unaffected by the revocation.

The data deposited with us for the purpose of obtaining the newsletter will be saved by us until your removal from the mailing list and will be deleted after cancellation of the newsletter. Data that has been stored for other purposes with us (for example, email addresses for the members area) remain unaffected.

## **7. Plugins and Tools**

### **Google Web Fonts**

This site uses so-called web fonts, provided by Google, for the uniform representation of fonts. When you call up a page, your browser loads the required web fonts into your browser cache in order to display texts and fonts correctly.

To do this, the browser you use must connect to Google's servers. As a result, Google learns that our website has been accessed via your IP address. The use of Google Web Fonts is in the interest of a consistent and attractive presentation of our online services. This constitutes a legitimate interest within the meaning of Art. 6 par. 1 lit. f DSGVO.

If your browser does not support web fonts, a default font will be used by your computer.

You can find further information about Google Web Fonts under <https://developers.google.com/fonts/faq> and in the Google data protection policy: <https://www.google.com/policies/privacy/>.

### **Google Maps**

This site uses the map service Google Maps via an API. Provider is Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

To use the features of Google Maps it is necessary to save your IP address. This information is usually transmitted to and stored on a Google server in the United States. The provider of this site has no influence on this data transfer.

The use of Google Maps is in the interest of an attractive presentation of our online offers and an easy retrievability of the places we have indicated on the website. This constitutes a legitimate interest within the meaning of Art. 6 par. 1 lit. f DSGVO. For more information on how to handle user data, please refer to Google's data protection policy: <https://www.google.de/intl/de/policies/privacy>.

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