

**Privacy Policy for (end)consumers in the event of  
complaints / warranty processing**

# **Privacy Policy for (end)consumers in the event of complaints / warranty processing**

**Branch Office  
TOTO Europe GmbH  
140-142 St. John Street  
London EC1V 4UB  
United Kingdom**

**Headquarter  
TOTO Europe GmbH Zollhof 2  
40221 Düsseldorf  
Germany**

# Privacy Policy for (end)consumers in the event of complaints / warranty processing

## 1. Processing Controller's Name and Address

Branch Office:  
TOTO Europe GmbH  
140-142 St. John Street  
London EC1V 4UB  
Great Britain

represented by

TOTO Europe GmbH  
Zollhof 2  
40221 Düsseldorf  
Germany

Commercial register: Local Court Düsseldorf  
HRB 24827  
VAT ID number: DE258501442

## 2. Contact Person

Oliver Klich (Manager Claim Support Technical Department)  
E-Mail-Adresse: [teu.claimsupport@toto.com](mailto:teu.claimsupport@toto.com)

## 3. Data Protection Officer

Appointed as external Data Protection Officer:

Mr. Stefan Kleinermann  
Kleinermann & Sohn GmbH  
Max-Planck-Str. 9  
52499 Baesweiler  
Germany

## 4. Supervisory Authority Responsible for Data Protection Law Regulation and Compliance

Branch Office in London:  
The Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Great Britain

# **Privacy Policy for (end)consumers in the event of complaints / warranty processing**

Headquarter in Germany:

The State Commissioner for Data Protection and Freedom of Information North Rhine-Westphalia  
Kavalleriestraße 2-4  
40213 Düsseldorf  
Germany

## **5. Purposes of Data Collection, Processing and Usage**

Personal data is processed to establish, perform and, if necessary, terminate our contracts with you and for the performance of measures and activities for pre-contractual relationships. Processing therefore especially serves the fulfilment of our contractual rights and duties in accordance with our relationship with you, including all necessary services, measures and activities.

We especially collect and process personal data for the following purposes:

- Complaints and/or warranty processing;
- Contract performance and customer support;
- Proof of orders or other agreements;
- Quality assurance;
- Fulfilment of legal obligations or official requirements.

## **6. Legal Regulations on Data Protection**

TOTO processes the Customer's personal data on the basis of the United Kingdom's General Data Protection Regulation (UK-GDPR) and the Data Protection Act 2018 (DPA 2018) for the provision of customer service and the processing of the manufacturer's warranty (Article 6(1)(b) UK-GDPR), unless other data processing is required by law (Article 6(1)(c) UK-GDPR) or the Customer has expressly consented in advance (Article 4 no. 11 UK-GDPR in conjunction with Article 7 UK-GDPR).

Personal data is processed for the establishment, performance and, if necessary, termination of our contracts with you and for the performance of measures and activities for pre-contractual relationships. Processing therefore especially serves the fulfilment of our contractual rights and duties in accordance with our relationship with you, including necessary services, measures and activities (Article 6(1)(b) UK-GDPR).

If you voluntarily disclose data concerning you to us beyond what is necessary, we may process your data on the basis of your consent under Article 6(1)(a) UK-GDPR. We will process your data beyond the actual fulfilment of the (pre-)contract if doing so is required for safeguarding our or a third party's legitimate interests (Article 6(1)(f) UK-GDPR).

We will ensure that your personal data is processed in a manner that guarantees your data's protection. Your data will be processed using electronic means and in hard copy. We will comply with any security standards for the protection of your privacy and access risk to your data by unauthorized parties. We implemented extensive technical and organizational measures to protect the data you provide against loss, manipulation, destruction and unauthorized access. Our security measures are regularly improved in accordance with technological advances and legal requirements.

# Privacy Policy for (end)consumers in the event of complaints / warranty processing

## 7. Necessity of providing personal data

Although the provision of personal data for the performance / fulfilment of the contract – in this case complaints / warranty processing – is not a statutory or contractual requirement, we cannot make any decision within the framework of contractual measures without the information about your personal data.

## 8. Data categories

As part of the complaint/warranty processing, we process your personal data that is related to the contractual basis. This includes your personal data (name, address, contact details, date of purchase, etc.) and any other data that you send to us as part of the complaint/warranty processing.

## 9. Data Subject Rights

Under the United Kingdom's General Data Protection Regulation (UK-GDPR), you have, among other things, the following rights as a data processing data subject (hereafter briefly referred to as "data subject rights"):

### Right of access (Article 15 UK-GDPR)

You have the right to obtain confirmation from us as to whether we process personal data concerning you.

The first copy may be obtained free of charge. An appropriate fee may be charged for each additional copy. Copies may only be provided if rights of other persons are not thereby impaired.

### Right to rectification (Article 16 UK-GDPR)

You have the right to obtain the rectification of your data by us if your data is inaccurate and/or incomplete. This right also includes the right to completion through supplementary statements or notifications.

### Right to erasure (Article 17 UK-GDPR)

You have the right to obtain the erasure of your personal data by us if

- The personal data is no longer required for the purposes for which it was collected or processed;
- You withdraw the consent on which the processing is based; this does not, however, apply if there are other legal grounds for processing;
- You object to processing that is based on so-called "legitimate interests" (under Article 6(1) (e or f) UK-GDPR); erasure is, however, not required if there are overriding legitimate grounds for processing;
- You object to the processing for direct marketing purposes;
- Your personal data has been processed unlawfully;
- The data collected for the services of the information society (=electronic services) on the basis of consent (under Article 8(1) UK-GDPR) is that of a child.

### The right to erasure of personal data does not apply

- If the erasure is prevented by the right to freedom of speech or information;
- To the processing of personal data:
  - In case of fulfilment of legal obligations (e.g., legal storage obligations)

## **Privacy Policy for (end)consumers in the event of complaints / warranty processing**

- For the performance of public tasks and interests under applicable laws (including "public health")
- If the personal data is required for archiving and/or research purposes;
- If the personal data is required for the establishment, exercise or defense of legal claims.

If we make personal data publicly accessible (e.g., on the Internet), we must, as far as technically feasible and reasonable, ensure that other data processors are informed about erasure requests, including for the deletion of links, copies and/or republications.

### Right to restriction of processing (Article 18 UK-GDPR)

You have the right to have the processing of your personal data restricted in the following cases:

- If you contest the accuracy of your personal data you may, for the duration of the accuracy verification process, prevent your data from being used further, thereby obtaining a restriction on data processing by us;
- If your data is processed unlawfully, you may obtain a data processing restriction, rather than an erasure of your data;
- If you require your personal data for the establishment, exercise or defense of legal claims and if we no longer need your personal data, you may demand that our processing of your data is restricted to the purposes of legal proceedings;
- If you objected to data processing (under Article 21(1) UK-GDPR) and it has not yet been determined whether our interests in the processing may override your interests, you may prevent your data from being used for the duration of the review, thereby obtaining a restriction on data processing by us.

Personal data, the processing of which was restricted at your request may, subject to storage, only be processed

- With your consent,
- For the establishment, exercise or defense of legal claims,
- To protect the rights of other natural or legal persons or
- For reasons of substantial public interest.

You will be notified in advance if a processing restriction is lifted.

### Right to data portability (Article 20 UK-GDPR)

You have the right to receive in commonly used electronic format (e.g., as a PDF or Excel file) the data you provided us with.

You also have the right to have us transmit this data directly to another company (specified by you) if doing so is technically feasible for us.

You are entitled to this right if

- Processing is performed on the basis of your consent or for the performance of a contract and is performed using automated means;
- Exercising your right to data portability will not impair the rights and freedoms of other persons;

If you exercise your right to data portability, you will also be entitled to the right to erasure under Article 17 UK-GDPR.

## **Privacy Policy for (end)consumers in the event of complaints / warranty processing**

### **Right to objection (Article 21 UK-GDPR)**

You have the right, for reasons that arise from your particular situation, to object at any time to the processing of personal data concerning you, which takes place on the basis of a balance of interests (Article 6(1)(f) UK-GDPR). This is especially the case if the data processing is not required to fulfil a contract. If you exercise your right to object, we ask you to explain the reasons. We will then no longer process your personal data, unless we can prove to you that compelling legitimate reasons for data processing outweigh your interests and rights. Please direct your objection to the above-mentioned contact address of the responsible person.

### **Right of appeal (Article 77 UK-GDPR)**

You have the right to lodge a complaint with a supervisory authority. For this you can contact the supervisory authority of your usual place of residence, your workplace or our company headquarters.

### **Right of Withdrawal (Article 7 (3) UK-GDPR)**

You have the right to revoke your consent to the processing of your data at any time to us. The revocation you have declared does not alter the legality of the processing of your personal data until the revocation.

### **Exercising Data Subject Rights**

To exercise data subject rights, please contact us using the contact details stated above. Inquiries submitted electronically are also answered electronically. Information, notifications and measures required under the UK-GDPR, including the "exercise of data subject rights," are provided free of charge. In cases of manifestly unfounded or excessive requests we may charge a reasonable fee or refuse to act on the request (Article 12(5) UK-GDPR).

In case of reasonable doubts about your identity, we may request additional information from you to confirm your data. If we are unable to identify you, we may refuse to act on your request. We will – if possible – inform you separately if we are unable to identify you (see Article 12(6) and Article 11 UK-GDPR).

Access and information inquiries will usually be processed without delay within one month of receipt. If necessary, this period may be extended by two months, if the complexity and/or number of inquiries demands it; if this period is extended, we will inform you of the reasons for the extension within one month of the receipt of your inquiry. Should we refuse to act on a request, we will notify you of the reasons for this without delay within one month of receipt of your inquiry and inform you about your right to lodge a complaint to a supervisory authority or to seek legal remedy (see Article 12(3 & 4) UK-GDPR).

Please note that you may only exercise your data subject rights within the limitations and restrictions of the European Union or of its member states (Article 23 UK-GDPR).

## **10. Data Recipients or Categories of Recipients**

For processing, your data may be transmitted to:

- Persons and internal offices at our company who are involved in data processing for the performance of our contractual or legal obligations and for handling and realizing our legitimate interests in data processing;
- TOTO Ltd., 1-1, Nakashima 2-chome, Kokurakita-ku, Kitakyushu, Fukuoka, 802-8601 Japan as parent company; the transmission is based on an adequacy decision of the EU Commission and the UK's Information Commissioner's Office (ICO) ;

## **Privacy Policy for (end)consumers in the event of complaints / warranty processing**

- Service providers who are contractually bound to confidentiality and who perform partial data processing tasks in relation to contract performance;
- External companies, if required. Examples include mailing service providers for sending letters and/or logistics/shipping companies in relation to contract performance;
- External service providers if they process data on our behalf as commissioned processors or for the performance of certain functions (e.g., external computer centres, printing companies, data disposal companies, etc.);
- Authorities if we are required to fulfil legal requirements regarding data disclosure, reporting or transfer, or if a data transfer is in the public interest (cf. point 5 above);
- TOTO service partners who carry out the replacement/repair of a complaint and/or warranty processing on our behalf.

### **11. Data Transmissions to Third Countries**

Data transmissions to third countries are not intended and will only be performed to fulfil existing contractual requirements, necessary communication and other exceptions expressly stated in Article 44 – Article 49 UK-GDPR. We will only transfer your personal data if:

- The country your personal data is being transferred to has been deemed to have adequate data protection by the UK adequacy regulations; or
- We have implemented appropriate safeguards in respect of the transfer. For example, the recipient is a party to binding corporate rules, or we have entered into standard EU or UK Data Protection Contractual Clauses with the recipient.

### **12. Data Storage Duration / Usual Data Deletion Periods**

Personal data will only be kept for as long as necessary for the purposes for which it is processed (Article 5(1)(e) UK-GDPR). If data is no longer needed for the fulfilment of contractual or legal rights or obligations, the data will be deleted, unless its – temporary – further processing is necessary for the purposes stated under Point 5.

Special legal regulations – up to ten years after the end of the business relationship or of the pre-contractual legal relationship – may require longer storage durations, e.g., for maintaining evidence of legal limitation periods. In such cases, we may also save or, if applicable, use your data for a duration compatible with the respective purposes even after our business relationship or pre-contractual legal relationship ends.

### **13. Data Processing**

We will process your data on our own server. Technical and organizational measures in accordance with Article 32 UK-GDPR protect our server from unauthorized access. An authorization concept ensures that this data may only be accessed by authorized employees. Our security measures are regularly updated in accordance with technological advances and legal requirements.