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## **Privacy policy for business partners and their employees**

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**TOTO Europe GmbH  
Zollhof 2  
40221 Düsseldorf**

## Privacy policy for business partners and their employees

### 1. Processing Controller's Name and Address

TOTO Europe GmbH  
Zollhof 2  
40221 Düsseldorf

Commercial register: Local Court Düsseldorf  
HRB 24827  
VAT ID number: DE 258501442

### 2. Contact Person

Stefan Kleiner  
E-Mail: dsb@das-datenschutz-team.de

### 3. Data Protection Officer

Appointed as external data protection officer:

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

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

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 fulfillment 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:

- Offer submission and the transfer of information required for the preparation of the overall offer;
- Contract conclusion, contract performance and customer support;
- Creditworthiness assessments prior to establishing contractual customer relationships;
- For information about our products and services;

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- Measures for business management and for the further development of products and services;
- Statistical assessments or market analyses;
- Proof of orders or other agreements and for quality assurance
- Quality assurance and for reviewing and optimizing processes for needs analyses and for communicating with you;
- Fulfillment of legal obligations or official requirements.

### 6. Legal Regulations on Data Protection

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 fulfillment of our contractual rights and duties in accordance with our relationship with you, including necessary services, measures and activities (Art. 6(1) Letter b 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 Art. 6(1) Sentence 1 Letter a GDPR. We will process your data beyond the actual fulfillment of the (pre-)contract if doing so is required for safeguarding our or a third party's legitimate interests (Art. 6(1) Letter f of the 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.

### 7. Data Subject Rights

Under the General Data Protection Regulation (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 (Art. 15 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 (Art. 16 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 (Art. 17 of the 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;

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- You object to processing that is based on so-called "legitimate interests" (under Art. 6(1) Letters e or f of the 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 Art. 8(1) of the 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 fulfillment of legal obligations (e.g., legal storage obligations)
  - 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 (Art. 18 of the 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 Art. 21(1) of the 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 (Art. 20 of the 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.

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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 Art. 17 GDPR.

### Right to object (Art. 21 GDPR)

You have the right to object to the processing of your data if your data is processed in the performance of tasks carried out in the public interest or for safeguarding legitimate interests. You must state the reasons for your objection that result from your particular situation. This may especially include your family situation or confidentiality interests.

If you object, we may no longer process your data for the purposes stated under Point 5, unless

- There are reasons for the processing that override your interests, rights and freedoms or
- The processing is required for the establishment, exercise or defense of legal claims
- You may object to the use of your data for direct marketing purposes at any time; this also applies to profiling if related to the direct marketing. If you object, we may no longer use your data for direct marketing purposes

### 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 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 (Art. 12(5) of the 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 Art. 12(6) and Art. 11 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 Art. 12(3 & 4) 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 (Art. 23 GDPR).

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

For processing, your data may be transmitted to:

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- 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;
- 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 centers, printing companies, data disposal companies, etc.);
- Authorities if we are required to fulfill legal requirements regarding data disclosure, reporting or transfer, or if a data transfer is in the public interest;

### 9. 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 Art. 44 – Art. 49 GDPR. At present we do not carry out any further transmissions to third countries.

### 10. Data Storage Duration / Usual Data Deletion Periods

We will process and save your data for the duration of our business relationship. This includes contract initiation (pre-contractual legal relationship) and performance.

In addition, we are subject to various storage and documentation obligations under, including the German Commercial Code [Handelsgesetzbuch, HGB] and the German Fiscal Code [Abgabenordnung, AO]. The storage and documentation periods specified therein last up to ten years after the end of the business relationship or of the pre-contractual legal relationship.

Special legal regulations may require longer storage durations, e.g., for maintaining evidence of legal limitation periods. Although the regular limitation period under Section 195 *et seq.* of the German Civil Code [Bürgerliches Gesetzbuch, BGB], is three years, other limitation periods of up to 30 years may apply.

If data is no longer needed for the fulfillment 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. 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.

### 11. Data Processing

We will process your data on our own server. Technical and organizational measures in accordance with Art. 32 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.