

## GDPR

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### Information for interested parties and customers of agiles Informationssysteme GmbH, Hamburg

Please note that this document has been translated from German.  
In case of a dispute, the original German text applies.

#### 1. Information on the handling of your data and on your rights according to Art. 13, 14 and 21 of the EU General Data Protection Regulation (GDPR)

In the following, we would like to give you an overview of the processing of your personal data by us and of your rights arising therefrom. Which data in particular is processed and how it is used, largely depends on the services requested or agreed upon in each individual case. Therefore, not all statements contained herein may apply to you.

In addition, this information on data protection may be updated from time to time. You can always find the latest version on our website at:

<https://agiles.com/de/datenschutzerklaerung/>

#### 2. Who is responsible for data processing and whom should I address?

##### The responsible party is:

agiles Informationssysteme GmbH  
-Management-  
Represented by Axel Birkner, Herbert Feuchtinger

Kurze Mühren 2-4  
20095 Hamburg, Germany

Tel.: +49 40 30 95 33-0

##### You can reach our data protection officer at:

Att. Stefan Kramer  
Fachenfelder Weg 84  
21220 Seevetal, Germany

Tel.: + 49 173 6255527  
Email: [raskramer@web.de](mailto:raskramer@web.de)

### 3. Type of personal data collected

We process the following personal data that we receive from you in the course of our business relationship:

- Name, legal form and address of the company (customers and interested parties)
- Titles and names (customers and interested parties)
- Telephone numbers (customers and interested parties)
- Fax numbers (customers and interested parties)
- Email addresses (customers and interested parties)
- Field of activity or position (customers and interested parties)
- Banking information (customers only)
- Contract-related data (customers only).

### 4. We process your data for the following purposes and on the following legal basis

We process personal data in accordance with the regulations of the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG):

#### **To perform contractual obligations (Art. 6 par. 1 letter b GDPR)**

The processing of data is carried out to execute:

- our contract (customers only)
- our SOWs [statements of work] (customers only)
- contracts for services and work [project execution] (customers only)

#### **Due to legal requirements (Art. 6 par. 1 letter c GDPR)**

We are subject to various legal obligations that entail data processing.

These include, for example:

- Tax laws as well as statutory accounting
- Compliance with the requests and requirements of regulatory authorities or law enforcement agencies
- Compliance with fiscal monitoring and reporting requirements

In addition, the disclosure of personal data may be required in the context of official or judicial measures for the purpose of taking evidence, prosecution or the enforcement of civil claims.

#### **In the context of weighing of interests (Art. 6 par. 1 letter f GDPR)**

If necessary, we process your data beyond the performance of the actual contract to protect legitimate interests of us or third parties. Examples of such cases are:

- Assertion of legal claims (customers and interested parties)
- Defense in the case of legal disputes (customers and interested parties)
- Processing within our CRM system (customers and interested parties)
- Case studies (customers only)

## 5. Who has access to my data?

### Within our company

Employees responsible for the contact with you and for the contractual cooperation (including the implementation of pre-contractual measures)

### In the context of data processing

Your data may be transferred to service providers who work as data processors on our behalf:

- Cloud providers (Microsoft Corp. in Dublin/Ireland)
- Companies responsible for the destruction of data
- Subcontractors of agiles Informationssysteme GmbH

All service providers are bound by contract and particularly obliged to treat your data confidentially.

### Other third parties

Data is only transferred to recipients outside of our company if the applicable data protection regulations are taken into account. Recipients of personal data may for example be:

- Tax consultants or auditors, income tax and tax auditors (statutory audit assignment)

## 6. Will data be transferred to a third country or an international organization?

Your data is only processed within the European Union and the European Economic Area (EEA).

## 7. How long will my data be stored?

We process and store your personal data as long as this is necessary to perform our contractual and legal obligations. If the data is no longer necessary for the performance of contractual or legal obligations, it is deleted on a regular basis.

### Exceptions arise,

- as far as we have to comply with statutory obligations to preserve records, for example the German Commercial Code (HGB) and the German Fiscal Code (AO). The periods of retention or documentation specified therein are usually six to ten years.
- in order to preserve evidence within the scope of the statute of limitations. According to §§ 195 et seqq. of the German Civil Code (BGB), the periods of limitation can be up to 30 years, the regular period of limitation being three years.
- possibly further ones

Provided that data processing is carried out in the legitimate interest of us or a third party, the personal data will be deleted as soon as this interest no longer exists. The above-mentioned exceptions apply.

## 8. Which data protection rights do I have?

You have the right of access to your personal data according to Article 15 GDPR, the right to rectification according to Article 16 GDPR, the right to erasure according to Article 17 GDPR, the right to restriction of processing according to Article 18 GDPR, the right to object according to article 21 GDPR as well as the right to data portability of Article 20 GDPR.

With regard to the right of access to your personal data and the right to erasure, restrictions according to §§ 34 and 35 BDSG may apply.

In addition, you have the right to lodge a complaint with a data protection supervisory authority (Article 77 GDPR in conjunction with § 19 BDSG). The supervisory authority responsible for us is:

### **Datenschutzaufsichtsbehörde Hamburg**

Klosterwall 6  
20095 Hamburg, Germany  
Tel.: +49 40 42 85 44 040

## 9. Is there an obligation to provide data?

Within the scope of the contractual relationship, you have to provide those personal data which are necessary for the commencement, execution and termination of the contractual relationship and for the fulfillment of the associated contractual obligations or which we are required by law to collect. Without this data, we will generally not be able to conclude a contract with you or to execute it.

## 10. Information about your right to object according to Article 21 of the General Data Protection Regulation (GDPR)

You have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal data, which is based on Article 6 paragraph 1 letter f of the GDPR (data processing based on the weighing of interests). This also includes profiling based on those provisions in accordance with Article 4 of the GDPR.

If you lodge an objection, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or unless the processing is necessary for the establishment, exercise or defense of legal claims.

**Recipient of objection**

You can submit an informal objection with the subject "Objection" stating your name, address and date of birth, and address it to:

agiles Informationssysteme GmbH  
-Datenschutzbeauftragter-  
Kurze Mühren 2-4  
20095 Hamburg, Germany

Email: [agiles-datenschutz@aptean.com](mailto:agiles-datenschutz@aptean.com)

Management  
-Axel Birkner-

Hamburg, August 2022