



Data Privacy Statement

Berner Data Protection Regulation

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Data privacy statement

Data privacy is of especially great importance for our company and our corporate group. It is essentially possible to use the website without providing any personal data. Should a person wish to make use of special services of our company online, however, it may be necessary to process personal data. Should the processing of personal data be required, and should no legal basis exist for such processing, we will obtain the prior consent of the person concerned.

The processing of personal data, for example the name, address, e-mail address or telephone number of a person concerned, is always carried out in line with the Federal Data Privacy Act (BDSG), the EU General Data Privacy Regulation (GDPR) that comes into force on 25/05/2018, and any laws which likewise apply. With this data privacy statement, our company would like to provide information on the nature, scope and purpose of the personal data processed by us, and explain to persons concerned what rights they are entitled to assert.

Our company has implemented numerous technical and organizational measures to ensure that any personal data processed is protected as comprehensively as possible. Web-based data transmission may, however, possibly contain security gaps, so that absolute protection cannot be guaranteed.

1 Definitions

Our company's data privacy statement is based on the General Data Privacy Regulation (DS-GVO/GDPR). It is formulated to be easy to read and understood. In order to ensure this, we are explaining the terms used in advance:

1.1 Personal data

Personal data is "any information which relates to an identified or identifiable natural person (hereinafter referred to as either 'affected person' or 'person concerned'). A natural person is considered identifiable if he or she can be directly or indirectly identified, in particular by means of being allocated to an identifier, such as a name, an ID number, site data, an online identifier or one or more special features which are the expression of the physical, physiological, genetic, psychological, economic, cultural or social identity of said natural person" (see Art. 4(1) of the General Data Privacy Regulation (GDPR)).

1.2 Person concerned/affected person

A person concerned or affected person is any identified or identifiable natural person whose personal data is processed by the party responsible for the processing.

1.3 Processing

Processing is any procedure carried out with or without the aid of automated methods, or any such sequence of procedures in connection with personal data, such as the gathering, recording, organizing, ordering, storage, adaptation or amendment of data, the reading out of it, querying of it, use, disclosure of it by way of transmission, dissemination or any other form of provision, the comparison or linking of it, or the limitation, deletion or destruction of it.



1.4 Limitation of processing

Limitation of processing means the marking of stored personal data with the aim of limiting its future processing.

1.5 Profiling

Profiling means any kind of automated processing of personal data where such personal data is used to assess certain personal aspects relating to a natural person, to analyze or predict aspects regarding work performance, economic position, health, personal preferences, interests, reliability, conduct, place of residence or change of location of such natural person.

1.6 Pseudonymizing

Pseudonymizing means processing personal data in the case where the personal data can no longer be assigned to a specific person concerned without drawing upon additional information. Such additional information that is subject to the technical and organizational measures is stored separately, and it is thus guaranteed that the personal data cannot be allocated to an identified or identifiable natural person.

1.7 Responsible party or party responsible for the processing

The party responsible, or the party responsible for processing the information, is the natural or legal person, authority, institution or other body which decides, either alone or together with others, for the purpose and means of processing personal data.

1.8 Contract data processor

A contract data processor is a natural or legal person, authority, institution or other body which processes personal data on behalf of the party responsible.

1.9 Recipient

The recipient is a natural or legal person, authority, institution or other body to whom or which personal data is disclosed, irrespective of whether the latter is a third party or not. Authorities which may receive personal data in the context of a particular investigation mandate under EU law or the law of the Member States are not, however, deemed recipients.

1.10 Third party

A third party is a natural or legal person, authority, institution or other body other than the person concerned, the responsible party, the contract data processor and the persons who are authorized, under the direct responsibility of the party responsible or the contract data processor, to process the personal data.

1.11 Consent

Consent means any expression of intent in the form of a declaration or any other clear confirmatory action voluntarily submitted by the person concerned regarding the particular case in an informed way and unmistakably, with which the person concerned makes it



understood that he or she agrees with the processing of the personal data concerning him or her.

2 Name and address of the party responsible for the processing

Since this data privacy statement is valid for several companies of the Berner Group, the respective party responsible within the meaning of the General Data Privacy Regulation (GDPR) is - for reasons of simplicity - listed in the following file:

<https://www.trafalgardirect.co.uk/media/gdpr/data-privacy-statement-list-of-legal-entities-berner-group.pdf>

Contact details of our external Data Privacy Officer

For German Berner Group companies:

Mr. Michael Gruber

BSP-SECURITY

Franz-Mayer-Str. 1

D-93053 Regensburg

Tel. +49 (0) 941 46 29 09 29

info[at]bsp-security.de

www.bsp-security.de

Any person affected may, if he or she has any questions or suggestions on data privacy related to German Berner Group companies, contact our Data Privacy Officer directly.

3 Order Management and Order Fulfillment

The following chapter is focused on informing our customers (you) on the processing of your personal data regarding our business relationship.

3.1 Personal information

We process personal data that we receive from our customers or other interested parties in the course of our business relationship to fulfill orders or handle after sales activities like returns or claims.

Lawfulness of processing is based on Art. 6 part 1 lit. b GDPR (contractual fulfilment) and Art. 6 part 1 lit. f GDPR (legitimate interest) for identification and communication and for pressing the order and payments.

During the period of our contractual relationship, we collect and process information, both in paper format and in digital form. Relevant data are:

- Name
- Address
- Payment information / Bank account information
- Tariff information

Besides the personal and identification data, it might also include data from the fulfilment of our contractual obligations, documentation data and other comparable data.

3.2 Users of your data



Your data will be given to only departments within the company, that require the information so that we can fulfil its contractual and legal obligations. Service providers and various agents used by us may also receive data for these purposes. These are companies in the categories of e.g. IT services, logistics or telecommunications.

With regard to the transfer of data to recipients outside the company, it must be noted that we comply with the applicable data protection regulations. We will only disclose information about you if required to do so by law, if you have given your consent or if we are authorized to provide such information. Under these conditions, recipients of personal data can be, for example:

- Public bodies and institutions (e.g. offices, tax authorities) in the event of a statutory or official obligation
- Other recipients of data may be those bodies for which you have given us your consent to the transfer of data

3.3 Data retention periods

We process and store your personal data as long as it is necessary for the fulfilment of our contractual and legal obligations.

In addition, we are subject to various storage and documentation obligations arising, among other things, from the German Commercial Code (HGB).

Finally, the storage period is also assessed according to the statutory statute of limitations, which may amount to up to thirty years according to §§ 195 ff. of the German Civil Code, whereby the regular statute of limitations is three years.

As soon as the storage of the data is no longer necessary for the execution of the processing purpose and there are no legal retention periods, your data will be deleted immediately.

4 Cookies

Our company's web pages make use of cookies. Cookies are text files that are stored on a computer system via a web browser.

Numerous websites and servers make use of cookies. Many cookies contain a so-called "cookie ID". A cookie ID is a unique identifier of the cookie. It consists of a character string, through which web pages and servers can be allocated to the specific web browser in which the cookie is stored. This makes it possible for the web pages and servers visited to distinguish the individual browser of the person concerned from other web browsers containing other cookies. A particular web browser can be recognized again and identified via the unique cookie ID. Through the use of cookies, we can provide the users of this website with user-friendly services, which would not be possible without placing the cookie.

The information and services available on our website can be optimized to the benefit of the user using a cookie. As already mentioned, cookies enable us to recognize the user of our website again. The purpose of such recognition is to facilitate the use of our website for users. The user of a website that uses cookies does, for example, not need to enter his or her access data again every time he or she visits the website, because this is handled by the website and the cookie stored on the user's computer system. A further example is a cookie administering a shopping cart in the web shop. The web shop notes the items that a customer has placed in the virtual shopping cart via a cookie.

The person concerned can at any time prevent cookies from being placed by our website by adjusting the setting of the web browser used accordingly, and thus permanently op-



pose the placing of cookies. Furthermore, any cookies already placed can be deleted via a web browser or other software program at any time. This is possible in all common web browsers. Should the person concerned disable the placing of cookies in the web browser used, it will be the case that, under certain circumstances, not all functions of our website can be used in full.

5 Gathering general data and information

Every time the website is accessed by a particular person or an automated system, the web server of our company gathers a range of pieces of general data and information. This general data and information is stored in the log files of the server. The browser types and versions used, the operating system used by the accessing system, the website from which an accessing system reaches our website, the sub-pages of the website which are accessed on our website via an accessing system, the date and time of any access to the website, an Internet protocol address (IP address), the Internet Service Provider of the accessing system and any other similar data and information which serves to fend off risk in the event of our IT systems being attacked may be gathered.

When using such general data and information, our company does not draw any conclusions concerning the person concerned. Rather, such information is needed to deliver the content of our website correctly, optimize the content of our website, as well as the advertising for it, guarantee the ongoing functionality of our IT systems and the technology of our website, and provide law enforcement agencies with the information necessary for prosecution in the event of a cyber-attack. Such data and information gathered anonymously is therefore evaluated by our company on the one hand statistically, and with the aim of increasing data privacy and data security at our company, in order to ultimately ensure an optimum level of protection for the personal data processed by us. The anonymous data of the server log files is stored separately from any personal data given by a person concerned.

6 Registration on our website

The data subject may register on the website of the controller, providing personal data. The personal data transferred to the controller is determined by the respective input mask used for registration. The personal data entered by the data subject are collected and stored exclusively for internal use by the controller and for the data subject's own purposes. The controller may arrange for the data to be transferred to one or more processors, such as a packaging service provider, who also uses the personal data exclusively for internal use attributable to the controller.

Furthermore, the IP address assigned by the Internet Service Provider (ISP) of the data subject, the date and time of registration are stored by registration on the website of the data controller. This data is stored to prevent misuse of our services and, if necessary, to enable us to investigate criminal offences committed. In this respect, the storage of this data is necessary to protect the data controller. This data will not be passed on to third parties unless required to do so by law or for criminal prosecution.

Registration of the data subject with the voluntary provision of personal data serves the controller to offer the data subject content or services which, by their nature, can only be offered to registered users. Registered persons are free to modify the personal data provided during registration at any time or to have them completely deleted from the database of the data controller.

The controller shall always, and upon request, inform each data subject of the personal data relating to that data subject. Furthermore, the controller shall correct or delete per-

sonal data at the request or notice of the data subject, provided that there is no legal obligation to keep such data in safekeeping.

7 Subscription to our Newsletter

On our website of the Berner Group, users are given the opportunity to subscribe to the company's newsletter. Which personal data are transmitted to the person responsible for processing when ordering the newsletter is determined by the input mask used for this purpose.

The Berner Group informs its customers and business partners at regular intervals about company offers by means of a newsletter. The newsletter of our company can only be received by the person concerned if the person concerned has a valid e-mail address and the person concerned registers for the newsletter dispatch. For legal reasons, a confirmation e-mail in the double opt-in procedure is sent to the e-mail address entered by the person concerned for the first time for sending the newsletter. This confirmation e-mail serves to check whether the owner of the e-mail address has authorized the receipt of the newsletter as the person concerned.

When registering for the newsletter, the IP address of the computer system used by the person concerned at the time of registration assigned by the Internet Service Provider (ISP) is also stored as well as the date and time of registration. The collection of this data is necessary and enables us to trace the (possible) misuse of the e-mail address of a data subject at a later point in time and therefore serves the legal protection of the person responsible for the processing.

The personal data collected when registering for the newsletter will be used exclusively for sending our newsletter. Furthermore, subscribers to the newsletter may be informed by e-mail if this is necessary for the operation of the newsletter service or for registration, as could be the case in the event of changes to the newsletter offer or changes in the technical conditions. The personal data collected in the context of the newsletter service will not be passed on to third parties. The subscription to our newsletter can be cancelled by the person concerned at any time. The consent to the storage of personal data, which the person in question has given us for the newsletter dispatch, can be revoked at any time. For the purpose of revoking consent, every newsletter contains a corresponding link to do so. Furthermore, it is possible at any time to unsubscribe directly from the newsletter dispatch on the website of the controller or to inform the controller in any other way.

8 Newsletter-Tracking

The Berner Group newsletters being sent primary with Inxmail software contain so-called tracking pixels. A tracking pixel is a miniature graphic embedded in e-mails sent in HTML format to enable log file recording and analysis. This allows a statistical evaluation of the success or failure of online marketing campaigns to be carried out. By means of the embedded pixel-code, the Berner Group can recognize whether and when an e-mail was opened by an affected person and which links in the e-mail were called up.

Personal data collected via the tracking pixels contained in the newsletters are stored and evaluated by the data controller to optimize the dispatch of the newsletter and to adapt the content of future newsletters even better to the interests of the person concerned. This personal data will not be passed on to third parties. Affected persons are entitled at any time to revoke the respective separate declaration of objection submitted via the double opt-in procedure. After revocation, this personal data will be deleted by the data



controller. If you unsubscribe from receiving the newsletter, the Berner Group automatically interprets this as a revocation.

9 Tracking Services

9.1 Privacy policy regarding the use of Facebook

The person responsible for the processing has integrated components of the company Facebook on our website or offers company-related information pages directly in Facebook. Facebook is a social network. A social network is an Internet-based social meeting place, an online community that usually enables users to communicate with each other and interact in virtual space. A social network can serve as a platform for the exchange of opinions and experiences or enables the Internet community to provide personal or company-related information. Facebook enables social network users to create private profiles, upload photos and network via friendship requests, among other things.

Facebook is operated by Facebook, Inc, 1 Hacker Way, Menlo Park, CA 94025, USA. The person responsible for the processing of personal data if a data subject lives outside the USA or Canada is Facebook Ireland Ltd, 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland.

Each time one of the web pages operated by the controller and on which a Facebook component (Facebook plug-in) has been integrated, the Internet browser on the person's IT system is automatically prompted by the respective Facebook component to download a representation of the corresponding Facebook component from Facebook.

An overview of all Facebook plug-ins can be found at https://developers.facebook.com/docs/plugins/?locale=en_DE. As part of this technical process, Facebook is informed about which specific subpage of our website is visited by the person concerned.

If a person is logged on to Facebook at the same time, Facebook recognizes which specific subpage of our website the person visits each time the person visits our website and for the entire duration of the respective stay on our website. This information is collected by the Facebook component and assigned by Facebook to the respective Facebook account of the person concerned. If the person presses one of the Facebook buttons integrated on our website, for example the "Like" button, or if the person makes a comment, Facebook assigns this information to the personal Facebook user account of the person concerned and stores this personal data.

Facebook receives information via the Facebook component that the person concerned has visited our website whenever the person concerned is logged on to Facebook at the same time as accessing our website; this happens regardless of whether the person concerned clicks on the Facebook component or not. If the person concerned does not want this information to be transmitted to Facebook, they can prevent it from being transmitted by logging out of their Facebook account before visiting our website.

The data policy published by Facebook, which is available at <https://www.facebook.com/about/privacy/>, provides information about the collection, processing and use of personal data by Facebook. It also explains what setting options Facebook offers to protect the privacy of the person concerned.

In addition, various applications are available that make it possible to suppress data transmission to Facebook, for example the Facebook blocker of the provider Web graph, which can be obtained at <http://webgraph.com/resources/facebookblocker/>. Such applications can be used by the person concerned to suppress data transmission to Facebook.

9.2 Data privacy provisions on the deployment and use



of Google Analytics

The party responsible for the processing has integrated the Google Analytics component into this website (along with an anonymization function). Google Analytics is a web analysis service. Web analysis means the recording, gathering and evaluation of data on the conduct of website visitors. A web analysis service covers, among other data about from which website a person concerned arrived at a webpage (the "referring site"), what sub-pages of the website were accessed, or how often, and the time spent viewing a particular subpage. Web analysis is predominantly deployed to optimize a website and perform a cost/benefit analysis of web advertising.

The Google Analytics component is operated by Google, Inc., 1600 Amphitheatre, Parkway, Mountain View, CA 94043 1351, USA.

Our company uses the suffix "_gat._anonymizeIp" for the web analysis via Google Analytics. Using this suffix, the IP address of the affected person's Internet connection is truncated and anonymised by Google if our web pages are accessed from within any member state of the European Union or another contracting state of the treaty on the European economic area.

The purpose of the Google Analytics component is to analyze the flow of visitors to our website. Google uses the data and information obtained, among other things, to evaluate the use of our website, to compile online reports for us that highlight the activities on our web pages, and to provide us with further services connected with the use of our website.

Google Analytics places a cookie on the IT system of the person concerned. By placing a cookie, Google is enabled to analyze the use of our website. Each time the individual pages of this website, which is operated by the party responsible for the processing of the data, and into which a Google Analytics component has been integrated, are accessed, the web browser on the IT system of the person concerned automatically transmits data to Google, due to the Google Analytics component, for the purpose of the online analysis. Within the context of this technical procedure, Google becomes aware of personal data, such as the IP address of the person concerned, which, among other things, enables Google to comprehend the origin of the visitor and clicks, and, subsequently, issue commission statements.

Personal information, such as the time of access, the location from which such access originated and the frequency of the visits to our website by the person concerned, is saved using the cookie. At each visit to our web pages this personal data, including the IP address of the Internet connection used by the person concerned, is transmitted to Google in the USA. The personal data is saved by Google in the USA. In certain circumstances, Google passes this personal data, gathered via the specific technical procedure, on to a third party.

The person concerned can, at any time, prevent cookies from being placed by our website, as explained above, by adjusting the setting of the web browser used accordingly, and thus permanently reject to the placement of cookies. Such a setting of the web browser would also prevent Google from placing a cookie on the IT system of the person concerned. In addition, any cookie already placed by Google Analytics can be deleted via the web browser or any other software program.

Furthermore, the person has the opportunity to oppose any recording of the data generated by Google Analytics relating to use of this website, as well as the processing of such data by Google. To do so, the person needs to download and install a browser add-on at the link <https://tools.google.com/dlpage/gaoptout>. Such browser add-on informs Google Analytics via JavaScript that no data or information on the visits to web pages may be transmitted to Google Analytics. Installing the browser add-on is understood by Google to mean such a denial. Should the IT system of the person concerned be deleted, format-



ted or re-installed at a later date, the browser add-on will need to be re-installed by the person concerned to disable Google Analytics. Should the browser add-on be uninstalled or disabled by the person concerned or another person attributable to the latter's sphere of influence, there will be an opportunity to re-install or re-enable the browser add-on.

Further information and the applicable data privacy provisions of Google can be accessed at <https://www.google.de/intl/de/policies/privacy/> and www.google.com/analytics/terms/de.html. Google Analytics is explained in more detail at this link: https://www.google.com/intl/de_de/analytics/.

9.3 Google Tag Manager

Google Tag Manager is a system by which marketers can administer website tags using an interface. The Tool Tag Manager, which implements the tags, is a cookie-free domain and collects no personal data itself. The tool enables the release of other tags that may be able to collect data on their own. Google Tag Manager does not access these data. If a deactivation is undertaken at the domain or cookie level, it remains in force for all the tracking tags that have been implemented with the Google Tag Manager.

<http://www.google.com/tagmanager/use-policy.html>

9.4

9.5 Dynatrace

This website also uses Dynatrace software collecting and storing data for performance and user experience purposes what requires collection of up to last eight digits shortened IP address. As well this website will store the full IP address with the usage of Elastic-search software for a limited period of time to prevent hacker attacks.

9.6 Userlike

This website uses Userlike, a live chat software of the company Userlike UG (limited liability). Userlike uses "cookies", which are text files that are stored on your computer and that allow personalized conversation in form of a real-time chat. Additionally, the chat protocol will be stored. The data contained therein is not used for personal identification of the website visitor or for other purpose.

9.7 Data protection regulations on the use and application of LinkedIn

The controller has integrated components of LinkedIn Corporation on this website. LinkedIn is an Internet-based social network that enables users to connect to existing business contacts and make new business contacts. Over 400 million registered users in more than 200 countries use LinkedIn. This makes it currently the largest platform for business contacts and one of the most visited websites in the world.

LinkedIn is operated by LinkedIn Corporation, 2029 Stierlin Court Mountain View, CA 94043, USA. Privacy matters outside the USA are the responsibility of LinkedIn Ireland, Privacy Policy Issues, Wilton Plaza, Wilton Place, Dublin 2, Ireland.

Every time a LinkedIn component (LinkedIn Plug-In) is installed on our website, this component causes the browser used by the person concerned to download a corresponding representation of the LinkedIn component. Further information on the LinkedIn Plug-



Ins can be found at <https://developer.linkedin.com/plugins>. During this technical procedure, LinkedIn is informed about which specific subpage of our website is visited by the person concerned.

If the person concerned is simultaneously logged in to LinkedIn, LinkedIn recognizes which specific subpage of the website the person visits each time they visit the website and for the entire duration of the respective stay on the website. This information is collected by the LinkedIn component and assigned by LinkedIn to the respective LinkedIn account of the person concerned. If the person clicks a LinkedIn button integrated on the website, LinkedIn assigns this information to the personal LinkedIn user account of the person concerned and stores this personal data.

LinkedIn receives information via the component that the person has visited the website whenever the person concerned is logged in to LinkedIn at the same time as accessing our website; this takes place regardless of whether the person concerned clicks on the LinkedIn component or not. If such a transmission of this information to LinkedIn is not desired, the person can prevent the transmission by logging out of his or her LinkedIn account before going on our website.

LinkedIn offers the possibility to unsubscribe e-mail messages, text messages and targeted ads as well as to manage ad settings at <https://www.linkedin.com/psettings/guest-controls>. LinkedIn also uses partners such as Quantcast, Google Analytics, BlueKai, DoubleClick, Nielsen, Comscore, Eloqua and Lotame, who can set cookies. Such cookies can be rejected at <https://www.linkedin.com/legal/cookie-policy>. LinkedIn's current privacy policy is available at <https://www.linkedin.com/legal/privacy-policy>. LinkedIn's cookie policy is available at <https://www.linkedin.com/legal/cookie-policy>.

9.8 Privacy policy for the use and application of WiredMinds

The person responsible for processing integrated components of WiredMinds on this website. WiredMinds components automatically identify and qualify companies visiting a Web site. The WiredMinds component enables the operator of a website using the component to generate leads, i.e. to qualify potential new customers.

The operating company of WiredMinds is WiredMinds GmbH, Lindenspürstraße 32, 70176 Stuttgart, Germany.

We use a WiredMinds pixel-code. A tracking pixel is a miniature graphic embedded in a website to enable log file recording and analysis for subsequent statistical analysis.

WiredMinds also places a cookie on the person's IT system. By setting the cookie, we are enabled to analyze the use of our website.

Pseudonymized user profiles are created using the data obtained. The pseudonymized user profiles are used for the purpose of analyzing visitor behavior and enable us to improve our Internet offering. Data collected through the WiredMinds component will not be used to identify the data subject without the prior, separate and explicit consent of the data subject. This data is not combined with personal data or with other data containing the same pseudonym.

Each time the individual pages of this website are called up, the WiredMinds component automatically triggers the Internet browser on the person's IT system to transmit data for online analysis. During this process, WiredMinds receives information about personal data, such as the IP address, which is used, among other things, to trace the origin of visitors and clicks.

Cookies are used to store personal information, such as access time, the location from which the access originated and the frequency of visits to our website. Whenever you



visit our website, this personal data, including the IP address of the Internet connection used, is transmitted to the WiredMinds server. These personal data are stored by WiredMinds, but not passed on to third parties.

The person concerned can prevent the setting of cookies by our website at any time, as already described above, by means of an appropriate setting of the Internet browser used and thus permanently object to the setting of cookies. Such a setting of the Internet browser used would also prevent WiredMinds from placing a cookie on the IT system of the person concerned. In addition, a cookie already set by WiredMinds can be deleted at any time via an Internet browser or other software programs.

Furthermore, the data subject has the possibility to object to the collection of data generated by WiredMinds regarding the use of the website and to prevent such collection. The person concerned must click the Don't-Track-My-Visits button under the link https://wm.wiredminds.de/track/cookie_mgr.php?mode=dont_track_ask&website=el. If the person's IT system is deleted, formatted or reinstalled at a later date, the person concerned must set an opt-out cookie again.

Further information and WiredMinds' current privacy policy can be found at <https://www.wiredminds.de/en/privacy-statement/>

9.9 Privacy policy for the use and application of Xing

The person responsible for processing integrated Xing components on this website. Xing is an Internet-based social network that enables users to connect to existing business contacts and make new business contacts. Individual users can create a personal profile of themselves at Xing. For example, companies can create company profiles or publish job offers on Xing.

Xing is operated by XING AG, Dammtorstraße 30, 20354 Hamburg, Germany.

Each time one of the pages of this website is visited, which is operated by the controller and on which a Xing component (Xing plug-in) has been integrated, the Internet browser on the IT system of the person concerned is automatically prompted by the respective Xing component to download a representation of the corresponding Xing component from Xing. More information about the Xing plug-ins can be found at <https://dev.xing.com/plugins>. During this technical process, Xing is informed about which specific subpage of our website is visited by the person.

If the person concerned is logged in to Xing at the same time, Xing recognizes every visit to our website by the person and for the entire duration of the stay on our website which specific subpage is visited. This information is collected by the Xing component and assigned to the respective Xing account of the person concerned by Xing. If the person clicks one of the Xing buttons integrated on our website, for example the "Share" button, Xing assigns this information to the personal Xing user account of the person concerned and stores this personal data.

Xing receives information via the Xing component that the person has visited our website whenever the person concerned is logged in to Xing at the same time as accessing our website; this takes place regardless of whether the person clicks on the Xing component or not. If such a transmission of this information to Xing is not desired, the person can prevent the transmission by logging out of his or her Xing account before calling up our website.

The data protection regulations published by Xing, which can be accessed at <https://www.xing.com/privacy>, provides information on the collection, processing and use of personal data by Xing. Xing has also published privacy notice for the XING share button at https://www.xing.com/app/share?op=data_protection.



9.10 Privacy policy for the use and application of YouTube

The person responsible for processing has integrated YouTube components on this website. YouTube is an Internet video portal that allows video publishers to post video clips and other users to view, rate and comment on them free of charge. YouTube allows the publication of all kinds of videos, which is why complete film and television programs, but also music videos, trailers or videos produced by users themselves can be called up via the Internet portal.

YouTube is operated by YouTube, LLC, 901 Cherry Ave, San Bruno, CA 94066, USA. YouTube, LLC is a subsidiary of Google Inc, 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351, USA.

Each time a YouTube component (YouTube video) is integrated into one of the individual pages of this website operated by the data controller, the Internet browser on the person's IT system is automatically prompted by the respective YouTube component to download a representation of the corresponding YouTube component from YouTube. More information about YouTube can be found at <https://www.youtube.com/yt/about/>. During this technical procedure, YouTube and Google are informed which specific subpage of our website is visited by the person concerned.

If the person concerned is simultaneously logged in to YouTube, YouTube recognizes which specific subpage of our website the person is visiting when calling up a subpage containing a YouTube video. This information is collected by YouTube and Google and assigned to the respective YouTube account of the person concerned.

YouTube and Google receive information via the YouTube component that the person concerned has visited our website whenever the person concerned is logged on to YouTube at the same time as accessing our website; this happens regardless of whether the person concerned clicks on a YouTube video or not. If such a transmission of this information to YouTube and Google is not wanted, the person can prevent the transmission by logging out of his or her YouTube account before accessing our website.

The data protection regulations published by YouTube, which can be accessed at <https://www.google.de/intl/de/policies/privacy/>, provide information about the collection, processing and use of personal data by YouTube and Google.

10 The option to make contact via the website

Based on statutory regulations, our company's website contains details which make it possible to make fast contact with our company electronically, as well as enable direct communication with us, which likewise comprises a general e-mail address. Should a person concerned take up contact with the party responsible for the processing via a contact form, the personal data transmitted by the person concerned will automatically be saved. Such personal data transmitted to the person responsible for the processing by a person concerned on a voluntary basis is saved for the purposes of processing the request or taking up contact with the person concerned. Such personal data is not passed on to third parties.

11 Routine deletion and blocking of personal data

The party responsible for the processing only processes and stores personal data of the person concerned for the period of time which is necessary in order to achieve the pur-



pose of the processing, or in so far as the latter has been stipulated in laws or regulations forming the basis for the processing by the party responsible by the legislative authority. Should the purpose of such storage lapse, or should a storage period prescribed by the legislative authority expire, the personal data is routinely blocked or deleted, in line with the statutory regulations.

12 Rights of the person concerned

12.1 The right to receive confirmation

Every person concerned is entitled to request from the person responsible for the processing a confirmation on whether personal details concerning him or her are processed. Should a person concerned wish to lay claim to this right of confirmation, he or she may contact our Data Privacy Officer or any other employee of the party responsible for the processing for that purpose.

12.2 Right to information

Any person affected by the processing of personal data is entitled to receive the information on the personal data stored on his or her person from the party responsible for the processing, free of charge, and be given a copy of such information along with the information cited here:

- The purposes of processing the personal data
- the categories of personal data that is being processed
- the recipient or categories of recipients to whom the personal data has been disclosed or is yet to be disclosed, in particular in the case of recipients in non-EU countries or at international organizations
- if possible, the scheduled duration for which the personal data will be saved, or, if this is not possible, the criteria for laying down such duration
- the existence of a right to correction or deletion of the personal data concerning him or her or to restricting the processing by the party responsible or of a right of opposition against such processing
- the existence of a right to appeal to a regulatory authority
- if the personal data is not gathered from the person concerned: any information available on the origin of the data
- the existence of automated decision making, including profiling pursuant to Article 22(1) and (4) General Data Privacy Regulation (GDPR), and — at least in such cases — meaningful information on the logic involved, as well as the reach, and the effects of such processing aimed for, for the person concerned.

The person concerned moreover has a right to information on whether personal data has been transmitted to a non-EU country or an international organization. Should this be the case, the person concerned shall also be entitled to receive information on the appropriate warranties regarding the transmission.

Should a person concerned wish to lay claim to such a right to information, he or she may contact our Data Privacy Officer for this purpose at any time.

12.3 Right to correction



Any person affected by the processing of personal data has the right to demand immediate correction of any incorrect personal data concerning him or her. The person concerned is, furthermore, entitled, considering the purpose of the processing, to demand that incomplete personal data is completed - also by way of a supplementary statement.

Should a person concerned wish to lay claim to such a right to information, he or she may contact our Data Privacy Officer for this purpose at any time.

12.4 The right to deletion (the right to be forgotten)

Any person affected by the processing of personal data has the right to demand of the party responsible that the personal data concerning him or her is deleted immediately, if one of the following grounds applies and if the processing is not necessary:

- The personal data has been gathered for such purposes, or processed in another way, for which it is no longer needed.
- The person concerned revokes his or her consent, on which he or she based the processing pursuant to Art. 6(1)(a) General Data Privacy Regulation (GDPR) or Art. 9(2)(a) General Data Privacy Regulation (GDPR), and there is no other legal basis for the processing.
- Pursuant to Art. 21(1) General Data Privacy Regulation (GDPR), the person concerned is filing an opposition to the processing, and there is no overriding justified grounds for the processing, or the person concerned is filing an opposition against the processing pursuant to Art. 21(2) General Data Privacy Regulation (GDPR).
- The personal data has been processed illegitimately.
- The deletion of the personal data is necessary in order to fulfil a legal obligation in accordance with EU law or the law of the Member States to which the party responsible is subject.
- The personal data has been gathered in regard to services offered in the information society pursuant to Art. 8(1) General Data Privacy Regulation (GDPR).

Should one of the above-mentioned grounds apply and an affected person wish to arrange for the deletion of personal data that is stored with our company, he or she may contact our Data Privacy Officer for this purpose at any time. Our Data Privacy Officer will arrange for the request for deletion to be complied with without delay.

Should the personal data have been published by our company, and should our company, as the party responsible pursuant to Art. 17(1) General Data Privacy Regulation (GDPR), be obliged to delete said personal data, our company shall, taking into account the available technology and the implementation costs, take appropriate steps, also of a technical nature, to inform other parties responsible for the data processing, who process the published personal data, that the person concerned has requested from such other parties responsible for processing the data that all links to said personal data or copies or replications of such personal data be deleted, provided that the processing is not necessary. The Data Privacy Officer will arrange for whatever is necessary in the individual case.

12.5 Right to limit the processing

Any person affected by the processing of personal data has the right, granted by the Legislator of the respective European Directives and Regulations, to require the party responsible to limit the processing of the data if one of the following prerequisites exists:

- The accuracy of the personal data is disputed by the person concerned, and in fact for a period of time which enables the party responsible to check the accuracy of the personal data.



- The processing is illegitimate, and the person concerned refuses to have the personal data deleted, and instead demands that the use of the personal data be restricted.
- The party responsible no longer requires the personal data for the purposes of the processing, the person concerned does, however, require it to assert, exercise or defend legal claims.
- The person affected has filed an opposition against the processing of the data pursuant to Art. 21(1) General Data Privacy Regulation (GDPR), and it has not yet been established whether the justified grounds of the party responsible outweigh those of the affected person.

Should any of the above-mentioned prerequisites apply and an affected person wish to request that the personal data that is stored with our company be limited, he or she may contact our Data Privacy Officer for this purpose at any time. The Data Privacy Officer will arrange for the processing of the data to be limited.

12.6 The right to data portability

Any person affected by the processing of personal data is entitled to receive the personal data concerning him or her, which has been provided to a party responsible by the affected person, in a structured, up-to-date and machine-readable format. He or she additionally has the right to transmit such data to a different party responsible, without being hindered by the party responsible, to which or whom the personal data has been provided, as long as the processing is based on the consent pursuant to Art. 6(1)(a) General Data Privacy Regulation (GDPR) or Art. 9(2)(a) General Data Privacy Regulation (GDPR) or an agreement pursuant to Art. 6(1)(b) General Data Privacy Regulation (GDPR), and the processing is undertaken with the aid of automated procedures, as long as the processing is not necessary in order to complete a task that is in the public interest or completed to exercise official authority that has been conferred upon the party responsible.

When exercising his or her right to data portability pursuant to Art. 20(1) General Data Privacy Regulation (GDPR), the person concerned is, moreover, entitled to cause the personal data to be transmitted directly from one party responsible to another party responsible, if the latter is technically feasible, and as long as the rights and freedoms of other persons are not thereby impaired.

In order to assert the right to data portability, the person concerned may contact the Data Privacy Officer appointed by us at any time.

12.7 Right to object

Any person affected by the processing of personal data has the right, for reasons which arise from his or her particular situation, to object against the processing of personal data concerning him or her that is being undertaken based on Art. 6(1)(e) or (f) General Data Privacy Regulation (GDPR), at any time. This also applies to any profiling based on these provisions.

In the event of a objection, our company no longer processes the personal data, unless we can provide evidence of mandatory grounds for the processing, worthy of protection, which outweigh the interests, rights and freedoms of the person concerned, or the processing serves the purpose of asserting, exercising or defending legal claims.

Should our company process personal data in order to carry out direct marketing, the person concerned is entitled to file an objection against the processing of the personal data for the purposes of such marketing, at any time. This also applies to profiling, in so far as it is connected with such direct marketing. Should the person concerned oppose



the data being processed for the purposes of direct marketing, vis-à-vis our company, we will no longer process the personal data for such purposes.

In addition, the person concerned is entitled, for reasons arising from his or her particular situation, to file an objection against the processing of personal data concerning him or her that is performed by our company for scientific or historic research purposes or for statistical purposes pursuant to Art. 89(1) General Data Privacy Regulation (GDPR), unless such processing is necessary in order to complete a task that falls within the scope of the public interest.

In order to exercise the right of an objection, the person concerned may contact the Data Privacy Officer directly.

12.8 Automated decisions in the individual case, including profiling

Any person affected by the processing of personal data has the right not to be subjected to a decision based exclusively on automated processing - including profiling - which develops legal validity in regard to him or her or affects him or her considerably in a similar way, as long as the decision is not required for concluding or fulfilling an agreement between the person concerned and the party responsible, or admissible based on legislation of the Union or the Member States, to which the party responsible is subject, with such legislation containing appropriate steps to preserve the rights and freedoms, as well as the justified interests of the person concerned, or effected with the express consent of the person concerned.

Should the decision regarding the conclusion or fulfilment of an agreement between the person concerned and the party responsible be required, or should it be taken with the express consent of the person concerned, our company will take appropriate steps to preserve the rights and freedoms of the person concerned, as well as his or her justified interests, which at least includes the right to arrange for the intervention of a person on the part of the party responsible, the right to explain one's own position and the right to contest the decision.

Should the person concerned wish to assert rights in regard to automated decisions, he or she may, for this purpose, contact our Data Privacy Officer at any time.

12.9 The right to revocation of any consent under data privacy law

Any person affected by the processing of personal data has the right to revoke any consent given to the processing of personal data at any time. Should the person concerned wish to assert his or her right to revoke any consent granted, he or she may contact our Data Privacy Officer for this purpose at any time.

13 Data privacy in the case of applications and in the application process

The party responsible for the processing gathers and processes the personal data of applicants for the purpose of executing the application procedure. The processing may also be carried out electronically. This is the case if an applicant transmits corresponding application documents to our company electronically, for example by e-mail or via a web form to be found on the website. Should our company conclude an employment contract with an applicant, the data transmitted will be saved for the purpose of handling the employment relationship, adhering to the statutory regulations. Should no employment con-



tract with the applicant be concluded by our company, the application documents will automatically be deleted six months after announcing the decision to turn down the application, unless such deletion is in conflict with any justified interests on the part of the party responsible for the processing. A justified interest, in this sense, may, for example, be an obligation to provide evidence in any proceedings under the German General Equal Treatment Act (AGG).

14 Corresponding regulatory authority for data privacy

Since this data privacy statement is valid for several companies of the Berner Group, the data protection authority within the meaning of the General Data Privacy Regulation (GDPR) is - for reasons of simplicity - listed in the following file:

<https://www.trafalgardirect.co.uk/media/gdpr/european-data-protection-authorities.pdf>

Amendments to the data privacy provisions

We reserve the right to alter our security and data privacy provisions, should it be necessary due to technological developments. We will, in such cases, also adapt our data privacy statement accordingly. Please note the respective current version of our data privacy statement.

August 2018 – The Berner Group