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## Data privacy policy

Our treatment of your data and your rights

– information in accordance with articles 13, 14 and 21 of the General Data Protection Regulation (GDPR) –

Dear Customer,

The following contains information about how we process your personal data and about your rights and entitlements in accordance with the data protection regulations.

The scope and manner of data processing depends to a large extent on the requested or agreed-upon services.

### 1. Who is responsible for the data processing and whom can I contact?

**The responsible party is:**

FTCAP GmbH  
Managing Directors Stefan Hartge and Massimo Neri  
Carl-Benz-Str. 1  
25813 Husum  
Phone: 49 (0) 4841 89 57 0  
Fax: 49 (0) 4841 89 57 45  
E-Mail: info(at)ftcap.de

**Our company data protection officer:**

Thomas Holst  
E-mail: info@datensicherheit-nord.de

### 2. Which sources and data do we use?

We process personal data that we receive from you within the framework of our business relationship. If necessary for providing our services, we also process personal data that we have legally received from other enterprises (e.g. SCHUFA, Creditreform) for the execution of orders, fulfilment of contracts or on the basis of your consent. We also process personal data that we have legally obtained from publicly accessible sources (e.g. registers of outstanding debts, land registers, registers of businesses and associations, the press, media) and are allowed to process.

Relevant personal data includes, for example, particulars (name, address and other contact data). It can also include order data (e.g. payment orders, purchase contracts, service contracts), data from fulfilment of our contractual obligations (e.g. sales data in the flow of commodities, credit limits, product data), information about your financial situation (e.g. credit standing, scoring/rating data, information from credit agencies), advertising and marketing data (including advertising scores), documentation data (e.g. consultation records, production records), data about your use of telemedia offered by us (e.g. time of accessing our websites, apps or newsletters, pages clicked or entries made), as well as other data that is comparable with these categories.

### **3. For what purpose do we process your data (purpose of processing) and on what legal basis?**

We process personal data in compliance with the stipulations of the European General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG-New):

#### **3.1. For fulfilment of contractual obligations (Article 6 Para. 1b GDPR)**

The processing of personal data (Article 4 No. 2 GDPR) takes place for the purpose of providing and procuring commercial transactions, print orders, labelling, trade fair equipment especially for execution of our contracts with you and the processing of your orders, as well as all activities required for the operation and administration of our enterprise.

The purposes of the data processing depend primarily on the specific contract or product and can also include demand analyses, advice, contract management and support, as well as the execution of transactions.

Other details concerning the purpose of the data processing can be found in the respective contract documents and general terms and conditions.

#### **3.2. In the weighing of interests (Article 6 Para. 1f GDPR)**

If necessary, we process your data beyond the actual fulfilment of the contract to protect the legitimate interests of our company or third parties, as for example in the following cases:

- Measures for business control and continued development of services and products;
- Testing and optimization of processes for direct customer targeting;
- Advertising or market and opinion research, if you have not objected to the use of your data;
- Ensuring IT security and operation of the enterprise;
- Assertion of legal claims and defence in case of legal disputes;
- Prevention and investigation of criminal offences;
- Video surveillance is used to collect evidence of criminal offences. It therefore serves to protect customers and employees and to exercise domiciliary rights;
- Measures for building and installation security (e.g. access controls);
- Measures to secure the domiciliary rights;
- Consultation and data exchange with credit agencies (e.g. SCHUFA, Creditreform) to determine credit risks and default risks.

#### **3.3. On the basis of your consent (Article 6 Para. 1a GDPR)**

If you have granted us consent (e.g. exchange of contact data/business cards) to process personal data for particular purposes (e.g. inclusion in our customer database, sending of marketing information, forwarding of data within the corporation/group), the legality of this processing is given on the basis of your consent. Once consent has been granted, it can be revoked at any time. This also applies to the revocation of declarations of consent that were granted to us before the GDPR took effect, i.e. before 25 May 2018.

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Please note that the revocation will be effective only for the future. Data processing that took place prior the revocation is not affected.

### **3.4. On the basis of statutory requirements (Article 6 Para. 1c GDPR) or in the public interest (Article 6 Para. 1e GDPR)**

As an enterprise, we are also subject to various legal obligations, i.e. statutory requirements (such as tax laws). The purposes of processing include, for example, creditworthiness evaluation, prevention of fraud, compliance with tax control and reporting obligations, as well as the assessment and control of risks.

## **4. Who receives my data?**

Within the enterprise, your data is accessed only by personnel who need it to fulfil our contractual and statutory obligations. Order processors employed by us (Article 28 GDPR) can also receive data for the aforementioned purposes. These are companies in the categories of accounting services, IT services, logistics, printing services, telecommunications, debt collection, advisory services and consulting, as well as sales and marketing.

With respect to the forwarding of data to recipients outside the enterprise, it should first be noted that, in accordance with the General Terms and Conditions agreed upon for our business relationship, we are obligated to maintain secrecy concerning all customer-related facts and assessments of which we become aware (business secrets). We may only communicate information about you if this is required by statutory regulations, if you have consented, or if we are authorised to provide information. Subject to these conditions, recipients of personal data are, for example:

- public offices and institutions (such as tax authorities) in the case of a statutory or official obligation;
- other enterprises or similar institutions to which we communicate personal data in order to conduct the business relationship with you (depending on the contract: e.g. enterprises of our suppliers or credit agencies);

other parties who can receive the data if you have given us your consent for communication of the data to them.

## **5. How long will my data be stored?**

To the extent necessary, we process and store your personal data for the duration of our business relationship, which for example comprises the preparation and processing of a contract. It should be noted that our business relationship is a continuous obligation that can last years.

In addition, we are subject to various archiving and documentation obligations, for example on the basis of the German Commercial Code (HGB), the German Fiscal Code (AO) and tax laws. The time limits for archiving and documentation specified therein are between two and ten years.

Finally, the duration of storage is also assessed on the basis of the statutory limitation period, which for example pursuant to §§ 195 ff. of the German Civil Code (BGB), is generally three years, but in certain cases also up to thirty years.

## 6. Do non-member country or international organisations receive the data?

Communication of data to non-member states (outside of the European Economic Area - EEA) takes place only if necessary for the execution of your orders (e.g. payments, orders etc.), if it is required by law, or if you have granted us your consent. The data will be communicated only if the non-member country has been confirmed by the EU Commission to have an adequate level of data protection or if other appropriate data protection guarantees (e.g. binding in-house data protection regulations or EU standard contract clauses) exist. We will inform you separately about the details, to the extent required by law.

## 7. What data protection rights do I have?

Pursuant to Art. 15-22, 34 GDPR, every affected individual has the right to receive information from the enterprise about the processing of their personal data by the enterprise.

- **Information** about the stored data and its processing (Art. 15 GDPR),
- **Correction** of incorrect personal data (Art. 16 GDPR),
- **Deletion** of stored data (Art. 17 GDPR),
- **Restriction of data processing**, if data may not yet be deleted on the basis of statutory obligations (Art. 18 GDPR),
- **Objection** to processing of data (Art. 21 GDPR) and
- **Data transferability**, if consent was given for processing of the data or a contract was concluded (Art. 20 GDPR).
- **Consents to processing**, which have been granted, can be revoked at any time with effect for the future.

The right to **deletion** is limited if the processing is necessary for the following reasons:

- to fulfil a legal obligation that requires processing in accordance with the laws of the Union or Member States that apply to us;
- to assert, exercise or defend legal claims.

In addition, one has the **right to appeal** to a data protection supervisory authority (Article 77 GDPR in combination with § 19 BDSG).

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

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Within the framework of our business relationship, you must provide only personal data that is required for the establishment, performance and termination of a business relationship or which we are obligated to collect by law. Without this data we will normally have to refuse to conclude the contract or execute the order, or we will no longer be able to execute an existing contract and may have to terminate it.

## **9. To what extent is there an automatic decision-making system for individual cases?**

For establishing and executing the business relationship we never use fully automated decision-making systems pursuant to Article 22 GDPR. If we use these procedures in individual cases, we will inform you of this separately, if required by law.

## **10. To what extent is my data used for creating a profile (scoring)?**

In some cases we process your data in automated processes with the aim of evaluating certain personal aspects (profiling). We use profiling in the following cases, for example:

- We use evaluation tools so that we can provide you with specific information and advice about products. They enable on-demand communication and advertising, including market and opinion research.
- We use scoring (e.g. Schufa) to assess your creditworthiness. This is used to calculate the probability with which a customer will meet payment obligations in accordance with the contract. The score values help us to make decisions in the context of product sales and are included in regular risk management processes.

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## Your right of objection

pursuant to article 21 of the General Data Protection Regulation (GDPR)

1. You have the right, on grounds arising from your particular situation, to object at any time to the processing of your personal data that takes place on the basis of Article 6, Paragraph 1e GDPR (data processing in the public interest) and Article 6, Paragraph 1f GDPR (data processing on the basis of weighing of interests); this also applies to profiling on the basis of this regulation pursuant to Article 4, No. 4 GDPR, which we use for credit evaluation or for advertising purposes.

If you file an objection, we will no longer process your personal data unless we can prove compelling reasons meriting protection to do so that outweigh your interests, rights and privileges, or the purpose of processing the data is to assert, exercise or defend legal claims.

2. In individual cases we process your personal data for the purpose of direct advertising. You have the right to object at any time to the processing of your personal data for the purpose of such advertising; this also applies to profiling in connection with such direct advertising.

If you object to the processing of your data for purposes of direct marketing, we will no longer process your personal data for these purposes.

The objection can be made informally and should be addressed to:

FTCAP GmbH  
Carl-Benz-Str. 1  
25813 Husum