

Data Protection Notice for Business Customers and Suppliers

The following information provides an overview of how we process your personal data and explains your rights under the General Data Protection Regulation (Regulation (EU) 2016/679 – “GDPR”) and the German Federal Data Protection Act (“BDSG”).

This Data Protection Notice applies to personal data of persons with whom we enter into contractual or business relationships. It also applies to the personal data of corporate directors or officers, managing directors, key account managers or other employees of our contractual or business partners, which we process within the scope of existing or prospective contractual and business relationships. This includes, among others, existing or potential suppliers, service providers, customers or advisers as well as existing or potential cooperation partners or other partner organisations.

1. Responsible Legal Entity and Data Protection Officer (DPO)

The controller responsible for the data processing set out in this Data Protection Notice according to the GDPR is

bayernets GmbH, Poccistr. 7, 80336 München; datenschutz@bayernets.de

Our Data Protection Officer can be reached at:

Dr. Axel von Walter, GvW Graf von Westphalen GmbH, Nymphenburger Str. 64, 80335 München;
A.Walter@gvw.com

2. Sources and Types of Personal Data

Primarily, we process personal data provided by data subjects themselves within the scope of contractual and business relationships or when received from the respective contractual and business partners (e.g. from colleagues we are already in contact with). This could be, for example, in the context of processing an enquiry or order. We also process personal data we collect from publicly accessible sources (such as commercial registers, press or internet) or that we receive from third parties (e.g. credit rating agencies, business partners). Information is provided separately on any personal data collected from third parties.

Relevant personal data comprises, in particular, identification data (such as name, first name, address), and other contact details (such as telephone number, email address). In addition, personal data can also include contractual or order data, data related to billing (e.g. bank account details, invoice address, tax number/VAT ID), data collected when performing our contractual obligations, information on your payment behaviour (e.g. data concerning creditworthiness), personal data (e.g. business interests, profession, industry, position, tasks and authorisations) as well as data comparable with the categories mentioned above.

The scope of personal data processed can vary depending on an individual’s role in their relationship to us, for example which position they hold with the respective business partner.

3. Legal Basis, Purposes of Processing and Legitimate Interests

3.1. We process personal data for the following purposes or to pursue the legitimate interests set out below, each on the following legal basis:

Purpose	Processing/Legitimate Interest	Legal Basis
Advertising	Selection of advertising and direct marketing via email (including newsletters) and/or telephone	Article 6(1)(a) GDPR; Article 6 (1)(f) GDPR in conjunction with Section 7 (3) of the German Act Against Unfair Competition (UWG)
Preparation, performance and administration of contracts with you or your company	<ul style="list-style-type: none"> • Purchase and supply contracts (e.g. processing purchase and sales enquiries, verifying contract partners, preparing and signing contract documents, executing purchase and sales transactions, billing and effecting purchase price payments; • Contracts for work and services as well as other contractual relations between principal and agent (e.g. processing and reviewing corresponding offers and enquiries; verifying contract partners, preparing and signing contract documents, effecting payments; sending information correspondence); 	Article 6(1)(b) and (f) GDPR
Customer support	Best possible customer support/customer relationship management, also with regard to employees of our business partners;	Article 6(1)(f) GDPR
Our own business purposes, including optimising business processes	<ul style="list-style-type: none"> • Optimising our business processes, for example by maintaining a supplier or prospect database, also as part of a Customer Relationship Management (CRM) system“; • Centralising or outsourcing company tasks; • Mitigating non-payment risks in our business processes by consulting rating agencies (such as Creditreform, Bürgel) as well as calculating score values (profiling) based on recognised mathematical and statistical procedures that support us in assessing probabilities that contract partners will fulfil payment obligations according to their contract; 	Article 6(1)(f) GDPR

3.2. We also process your data to safeguard our legitimate interests (Article 6(1)(f) GDPR) when asserting and defending legal claims and when conducting market research.

3.3. Further data processing arises as a result of legal stipulations (Article 6(1)(c) GDPR): for example, for compliance with tax law and other statutory monitoring and reporting obligations as well as for audits conducted by tax or other authorities and to comply with statutory retention periods.

4. Recipients of Personal Data

Under certain circumstances (beyond the cases already set out above), your personal data may be disclosed for the purposes mentioned above; in particular:

4.1. If required to clarify or pursue unlawful or improper incidents, personal data will be disclosed to our legal advisers, law enforcement authorities as well as, if applicable, to affected third parties. This will only occur, however, if there are specific indications of unlawful or improper behaviour. Personal data may also be disclosed if this serves to enforce contractual provisions between us and our contract or business partners.

4.2. We are additionally legally obliged, on request, to provide information to certain public authorities. These are above all law enforcement authorities, authorities who pursue administrative offences and tax authorities.

4.3. If required to process your enquiry or conclude or execute a contractual or business relationship with you, as well as in the case of centralised or outsourced corporate tasks, your data may be disclosed to affiliated companies to fulfil the purposes set out above.

4.4. In order to fulfil the purposes set out in this Data Protection Notice or to provide our services, we are sometimes dependent on contractually bound third-party companies or other cooperation partners as well as external service providers that may be located outside the EU or EEA, such as IT service providers, business consultants and financial institutions. In such cases, information is disclosed to these companies or individuals to enable them to continue the required processing. If these companies or individuals are located outside EU or EEA, we ensure an appropriate level of data protection, for example by concluding corresponding contracts with the data recipients.

4.5. As part of developing our business, it is possible that the structure of our company will change, for example by changing the legal form or when founding, selling or acquiring subsidiaries, parts of the company or assets. In the course of such transactions, customer information is transferred along with the relevant part of the company to be transferred. We ensure that any transfer of personal data to third parties within the scope described above occurs in line with this Data Protection Notice and the relevant data protection laws.

5. Retention Periods

We process your personal data for as long as you are employed at one of our business partners, no longer however than until the final termination of the respective business relationship between us and your employer. We delete transaction-based information (such as information related to a specific contract or order) after completing the respective transaction, e.g. fulfilling a supply contract, within a period of three years after the end of the respective calendar year unless longer statutory retention obligations apply (such as the six- or ten-year retention periods according to Section 257 of the German Commercial Code (HGB)); the affected data is blocked from any further processing in such cases.

6. Data Subject Rights

6.1. You have the right to obtain information about any data stored concerning you at any time. Subject to the respective requirements, you also have the following rights:

- Right to rectification: You have the right to have any inaccurate personal data concerning you rectified.
- Right to erasure (“right to be forgotten”): You may also demand that your personal data be deleted if, for example, your data are no longer required in relation to the purposes for which they were collected or otherwise processed.
- Right to restriction of processing: You also have the right to demand restriction of processing your personal data; in such cases, the data will be restricted from any processing. This right applies in particular if the accuracy of the personal data is contested between you and us.
- Right to data portability: If we process your personal data to perform a contract with you or based on your consent, you also have the right to receive your personal data in a structured, commonly-used and machine-readable format if and to the extent that you provided the data to us.
- Right to withdraw consent: If you have granted us consent to process your personal data, you may withdraw this consent at any time. Withdrawing consent does not affect the lawfulness of the processing performed on the basis of the consent up to its withdrawal.
- Right to object: Additionally, you may object to data processing on grounds relating to your particular situation. This only applies, however, in cases where we process your data to fulfil a legitimate interest. If you are able to provide such a reason and we cannot demonstrate a compelling, legitimate interest in continued processing, we will refrain from processing these data for the respective purpose.

6.2. Should you wish to have information about data stored concerning you, exercise any of your other rights or if you have questions relating to data protection in our company, you may contact us via the contact details provided above.

6.3. You also have the right to lodge a complaint with the supervisory authority at any time, in particular with a supervisory authority in the member state of your place of residence, your place of work or the place of the alleged infringement if you are of the opinion that the processing of your personal data infringes data protection regulations.

7. Version and Amendments of this Data Protection Notice

Effective date of this Data Protection Notice: 11.02.2025.

The further development of our company may affect how we manage personal data. We reserve the right therefore to amend this Data Protection Notice in the future in line with applicable data protection laws and, if required, to adapt it to changes in data protection practices. We will notify you separately of any material, substantive amendments.