

# Data Privacy Statement Communication

## Contents

<b>1</b>	<b>Controller .....</b>	<b>3</b>
<b>2</b>	<b>Data Protection Officer .....</b>	<b>3</b>
<b>3</b>	<b>Situations in which we process your Personal Data .....</b>	<b>3</b>
<b>4</b>	<b>Tools &amp; Programmes.....</b>	<b>6</b>
<b>5</b>	<b>Method of Data Processing .....</b>	<b>8</b>
<b>6</b>	<b>Legal Basis for Data Processing.....</b>	<b>9</b>
<b>7</b>	<b>Storage Duration .....</b>	<b>10</b>
<b>8</b>	<b>Data processing outside the EU or the EEA .....</b>	<b>10</b>
<b>9</b>	<b>Removal options and data subject rights .....</b>	<b>11</b>

Short title	Data Privacy Statement Communication
Version of the contract template	1.1.1 dated 2023-06-19

# Information on data processing during communication by e-mail, fax, telephone, etc. with interested parties, new and existing customers

(in accordance with Art. 12 and Art. 13 of the General Data Protection Regulation, GDPR)

This Data Privacy Statement relates to data processing in connection with electronic communication (by e-mail, fax, telephone, etc.) between employees of PTV GmbH and interested parties, new or existing customers. In addition to support cases and reseller constellations, proactive inquiries about our services and products via such contact channels are also covered.

The Data Privacy Statement concerning data processing in connection with electronic communication in the case of applications and application processes can be found in the [Data Privacy Statement PTV Planung Transport Verkehr GmbH](#).

## 1 Controller

Responsible in the sense of data protection law for the collection and use of personal data is

PTV Planung Transport Verkehr GmbH  
Haid-und-Neu-Str. 15  
76131 Karlsruhe, Deutschland  
Mail: [info@ptvgroup.com](mailto:info@ptvgroup.com)

## 2 Data Protection Officer

Our external data protection officer can be contacted at [datenschutz@ptvgroup.com](mailto:datenschutz@ptvgroup.com).

## 3 Situations in which we process your Personal Data

### 3.1 Data processing when you contact us by e-mail, fax, telephone

When you write us an e-mail, call us or send us a fax, we inevitably process personal data from you. This is because at least the personal data transmitted with the e-mail, fax or your telephone will be stored by us or our systems.

The processing of personal data when transmitted by e-mail, fax or telephone, serves us to deal with your contact inquiry and your request. We absolutely need your e-mail address, your fax number or your telephone number in order to be able to reply at all. This is also the legitimate interest in processing the data.

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected. For personal data sent by e-mail, this is the case when the respective

conversation with you has ended, and we have then waited a grace period of up to 3 months to see whether we may need to refer to your request or the details of the communication again. The conversation is terminated when it is clear from the circumstances that the matter in question has been conclusively clarified.

Fax data is stored separately from print data in the device memory of the fax machine. After the fax has been printed out, the occupied memory space is released again so that the next fax can be received and stored there. Parts of the fax can remain temporarily in the device memory after printing until they are overwritten by the next received fax. Normally this leads to an automatic deletion of the data after approx. 1-2 weeks. If it is a computer fax, we receive your fax as an e-mail and the explanations for e-mail apply accordingly.

In the case of incoming and outgoing calls to us, your telephone number or your name/company name stored with your telephone provider as well as the date and time of the call are stored in our telephone system in a so-called ring buffer, which overwrites the oldest data with new data. In general, this leads to an automatic deletion of the data in the telephone system after approx. 3-4 months.

The communication may be subject to a retention obligation under commercial or tax law, which then takes precedence over the deletion (cf. the explanations above on "Data deletion and storage period").

### **3.2 Data processing in the context of further communication**

If further communication with you takes place after you have contacted us, further data processing may follow on the basis of the knowledge gained about you, depending on whether you are communicating with us as an interested party, as a new customer, as an existing customer, as a service provider, business contact or similar.

### **3.3 Data processing regarding interested parties and new customers for the purpose of contacting, advertising, and ordering**

We collect and process personal data from interested parties and potential new customers for the purpose of contacting them and presenting our products and services to them.

We process the data that you transmit to us voluntarily in connection with the communication in view of the respective means of communication or the data that is mandatory to enable communication.

### **3.4 Data Processing regarding existing customers for the purpose of contract fulfillment (especially in support cases) and customer retention**

We collect and process personal data from our customers for the purpose of fulfilling our contractual obligations, in particular to provide support services in the event of problems, defects or errors (support cases).

In addition, we process customer data to offer customers further, similar services in addition to the services they have already received, as well as in order to be able to provide service offers for our customers and to carry out corresponding measures.

The data collection and data processing are carried out, for example, by the department responsible for contract and order processing, by the support department or by our existing customer service.

### **3.5 Data processing regarding service providers and other business contacts for the purpose of cooperation or business exchange**

We collect and process personal data from service providers and business contacts for the purpose of communicating about future or existing cooperation or other business issues.

We process the data that is transmitted to us voluntarily by you in connection with your approach or the communication in view of the respective means of communication or the data that is compulsory to enable the communication.

### **3.6 Data processing for the purpose of statistics, internal reporting and controlling**

In addition, we process your personal data for our own purposes; for keeping internal statistics and for our internal reporting and controlling. By evaluating this data, we want to gain insights that help us to further improve ourselves and our offers and to keep them relevant for interested parties and customers.

### **3.7 Data processing in the case of reseller activities of PTV GmbH**

We act as resellers (brokers) for various companies and broker business between them and their customers as an interface.

For example, if you are interested in Microsoft's Bing Maps service from Switzerland or Germany, Microsoft will ask you to contact us. In the event of an order, we will then order the desired Microsoft services for Bing Maps from Grey Matter Ltd, The Old Maltings, Prigg Meadow, Ashburton, Devon, TQ13 7DF, England (<https://greymatter.com/corporate/>) as a Microsoft Gold Partner on your behalf.

The transfer of your data to Gray Matter Ltd. in England is permitted on the basis of an existing adequacy decision regarding the level of data protection in the UK being equivalent to that in the EU (Art. 45 Sect.1 GDPR).

In the context of this reseller activity, we conclude an agency agreement with you, which includes the billing by us for the services provided directly by the service provider (e.g. Microsoft).

The legal basis for this data processing is the brokerage contract concluded between us respectively the preparatory actions for its conclusion (Art. 6 Sect. 1 let. b GDPR).

Based on this contract, we store your data for the duration of the contractual relationship and delete it at the latest when the contract is finally terminated and claims arising from it can no longer be asserted (statute of limitations), which is regularly three years after the end of the contract, starting on December 31 of the year in question.

It may be that we also perform such reseller activities for other providers and services. In that case, the procedure described here for Bing Maps will apply there in a comparable manner. Since you are referred to us by the respective provider to initiate a contract, you are also already aware of our reseller activities when you contact us.

## 4 Tools & Programmes

### 4.1 Data processing through the use of Microsoft 365

We use Outlook for e-mail communication as part of the Microsoft 365 package from Microsoft Inc, USA. We use Outlook to process incoming e-mails quickly and clearly via this standard solution, and to distribute and answer them internally.

For planning and conducting meetings and related actions, we use the Teams software from Microsoft, which enables us to effectively handle meetings by linking them to the other applications of the Microsoft 365 package.

We have entered into a Data Processing Addendum (DPA) with Microsoft. In this agreement, Microsoft undertakes to take measures that meet the requirements of the GDPR for data security and data protection. You can view the content of this agreement here: <https://www.microsoft.com/licensing/docs/view/Professional-Services-Data-Protection-Addendum-DPA> .

The data processing may be based on your consent (Art. 6 Sect. 1 Sent. 1 let. b GDPR), on a contract concluded or to be concluded between you and us (Art. 6 Sect. 1 Sent. 1 let. b GDPR) or on an overriding legitimate interest in data processing on our part (Art. 6 Sect. 1 Sent. 1 let. f GDPR).

E-mail communication with you may be routed via Microsoft servers. Microsoft promises that all personal data processed via Microsoft 365 products for EU-based enterprise customers will be processed and stored exclusively within the EU. This promise applies to all of Microsoft's core cloud services - Azure, Microsoft 365 and Dynamics 365, see Microsoft's statement: <https://news.microsoft.com/de-de/unsere-antwort-an-europa-microsoft-ermoeglicht-speicherung-und-verarbeitung-von-daten-ausschliesslich-in-der-eu/>).

This means that, in principle, there is no data transfer outside the EU or the EEA ("third country transfer"). Should a third country transfer nevertheless take place, we have concluded the EU standard contractual clauses with Microsoft. In this agreement, Microsoft undertakes to take and comply with measures that enable a level of data protection that is almost equivalent to that in the EU. The agreement of the EU Standard Contractual Clauses constitutes appropriate safeguards for carrying out a third country transfer (Art. 46 Sect. 1 in conjunction with Sect. 2 let. c GDPR).

Frequently asked questions about Microsoft and data protection are answered here: <https://www.microsoft.com/de-de/trust-center/privacy/gdpr-faqs?market=de> .

### 4.2 Use of the Eloqua marketing tool from Oracle

We use the Eloqua marketing system from Oracle Corporation, Redwood City, CA, USA ("Eloqua") for all automated e-mails sent. The data required for this (regularly your e-mail address, if applicable your first and last name to be able to address you personally) is passed on to the Eloqua system for this purpose.

We have concluded the EU standard contractual clauses with Oracle. In these, Oracle undertakes to take and comply with measures that enable a level of data protection that is almost equivalent to the EU data protection level. In addition, we have agreed with Oracle

on the additions to these standard contractual clauses recommended by the German data protection authorities for Oracle to take additional measures to further increase the level of data protection. The agreement of the EU standard contractual clauses with these additional measures constitutes appropriate safeguards to be able to carry out a third country transfer (Art. 46 Sect. 1 in conjunction with Sect. 2 let. c GDPR).

Data processing may be carried out based on your consent (Art. 6 Sect. 1 Sent. 1 let. a GDPR), on the basis of a contract concluded or to be concluded between you and us (Art. 6 Sect. 1 Sent. 1 let. b GDPR) or based on an overriding legitimate interest in data processing on our part (Art. 6 Sect. 1 Sent. 1 let. f GDPR).

Under the laws of Germany, you will only receive advertising by e-mail if you have given your consent to receive advertising by e-mail (cf. § 7 Sect. 2 No. 3 UWG) or if the exceptions to the consent requirement in § 7 Sect. 3 UWG apply.

The e-mails sent automatically via Eloqua contain so-called web beacons or tracking pixels (e.g. one-pixel image files that are stored on our website). This makes it possible to determine whether an e-mail message has been opened and which links, if any, have been clicked on. In addition, technical information is stored (e.g. time of retrieval, IP address, browser type and operating system). This data is collected exclusively in pseudonymised form and is not linked to other personal data. The possibility of a direct reference to a person is excluded. This data is used exclusively for the statistical analysis of email campaigns. The evaluations serve us to recognise reading habits and to adapt our content to them or to send different content according to the interests of the readers.

Information on data protection at Eloqua can be found at: [www.oracle.com/legal/privacy/privacy-policy.html](http://www.oracle.com/legal/privacy/privacy-policy.html).

Please note that your data is usually transferred to a server in the USA and stored there. The USA is assessed by the European Court of Justice as a country with an insufficient level of data protection according to EU standards. There is a risk that your data may be processed by US authorities, for control and monitoring purposes, possibly also without any legal remedy.

#### **4.3 Data processing in our CRM system Microsoft Dynamics 365**

We work with the customer relationship management (CRM) tool Dynamics from Microsoft. All data of our contacts and customers are stored and processed there, as far as we have a legal basis for the data processing. The CRM system is used for the purpose of making all contacts available to the relevant employees throughout the company and thus enabling fast and satisfactory communication with you.

Data processing in our CRM system may be based on consent given by you (Art. 6 Sect. 1 Sent. 1 let. a GDPR), on a contract concluded or to be concluded between you and us (Art. 6 Sect. 1 Sent. 1 let. b GDPR) or on an overriding legitimate interest in data processing on our part (Art. 6 Sect. 1 Sent. 1 let. f GDPR).

Microsoft makes every effort to comply with all European data protection requirements, in particular the General Data Protection Regulation (GDPR). The data processed by and with Microsoft when using Dynamics is adequately secured according to the state of the art.

Regarding the transfer of data to third countries, the information provided above on the use of Microsoft 365 applies in the same way.

Information on data protection in connection with Dynamics, including a white paper to download, a FAQ list, etc. from Microsoft, can be found here:

<https://docs.microsoft.com/de-de/dynamics365/get-started/gdpr/>

#### 4.4 Use of DocuSign for the purpose of concluding contracts

We use the services of DocuSign by the company DocuSign Germany GmbH, Neue Rothofstrasse 13-19, D-60313 Frankfurt (or the US parent company DocuSign, Inc., USA) for the creation and transmission of digital signatures for the purpose of concluding contracts.

DocuSign's services support us and you in setting up transactions digitally or electronically, carrying them out and/or proving their validity - for example, by signing a contract electronically.

We generally use DocuSign to conclude contracts. For this purpose, DocuSign processes, in the course of providing its services, those data that enable the parties to prove the validity of the transactions they have entered into. This data also includes the persons involved in the business transactions and the end devices used by these persons.

The data collected via DocuSign is stored on DocuSign servers.

Your use of DocuSign is purely voluntary in that you conclude a contract with us via DocuSign. The legal basis is therefore your consent (Art. 6 Sect.1 let. a GDPR). If you wish to conclude the contract by other means, you can inform us so that we can conclude the contract with you in a conventional manner.

In principle, the data is processed within the EU or the EEA, so that no third country transfer takes place. Should a third country transfer nevertheless take place, we have concluded the EU standard contractual clauses with DocuSign. In this agreement, DocuSign undertakes to take measures and comply with measures that enable a level of data protection that is almost equivalent to that in the EU. The agreement of the EU Standard Contractual Clauses constitutes appropriate safeguards to carry out a third country transfer (Art. 46 Sect.1 in conjunction with Sect. 2 let. c GDPR).

Further information on the handling of user data can be found in the DocuSign privacy policy at:

<https://www.docusign.de/unternehmen/datenschutz>

## 5 Method of Data Processing

Your data will be stored, processed, and managed in a database in compliance with our [technical and organisational measures](#) on our internal IT systems or in data protection-compliant online services used by us for this purpose.

The data is protected against access by unauthorised persons and against deletion and destruction in accordance with the state of the art. The data protection measures are regularly evaluated and adapted to the state of the art.



## 6 Legal Basis for Data Processing

### 6.1 Data processing based on consent (Art. 6 Sect. 1 Sent. 1 let. a GDPR)

If you proactively send us an e-mail or fax or call us without prior contact, the legal basis for the processing of the data is Art. 6 Sect.1 let. a GDPR, as you have given your consent to the associated data processing by actively contacting us. This applies at least to the usual scope of such data processing, which is necessary to answer your enquiry and is therefore also expected by you.

For any further data processing, one of the other legal bases described below is relevant.

Consent is also the correct legal basis if and insofar as you voluntarily make use of services or tools that we have described above, e.g. conclude a contract with us via DocuSign, in the knowledge of the associated data processing.

### 6.2 Data processing due to contract performance (Art. 6 Sect. 1 Sent. 1 let. b GDPR)

The data processing of interested parties or our customers (new and existing customers) is carried out in accordance with Art. 6 Sect. 1 Sent. 1 let. b GDPR.

The processing of the data is necessary for the performance of a contract to which you are a party (customer support, warranty, service provision, etc.) or for the implementation of pre-contractual measures (contacting, preparation of offers, contract negotiations, etc.), which are carried out at your request.

In addition to the processing of support cases or general communication for contract initiation and contract processing, this is particularly the case with our reseller activities. Here, we conclude at least a free brokerage contract with you, for the fulfilment of which data processing is necessary.

### 6.3 Data processing due to legitimate interests (Article 6 Sect. 1 Sent. 1 let. f GDPR)

Furthermore, data processing is carried out based on our legitimate interest pursuant to Art. 6 Sect.1 Sent. 1 let. f GDPR.

This applies, for example, to data processing via Eloqua for automated e-mail transmission. This transmission can take place if we want to inform you about the receipt of your e-mail without further examination of your e-mail or if you send us an automatically readable or standardisable enquiry with your e-mail enquiry, which we answer by means of automated answer control via Eloqua. Our legitimate interest in these cases lies in the need to be able to answer the enquiries to us as efficiently and quickly as possible and to be able to move forward with the communication with you as quickly as possible to the point you have requested.

Data processing in connection with evaluation for the purpose of statistics also falls under legitimate interest. Our legitimate interest here is specifically that the collection and processing of the data supports our advertising and marketing interests. Furthermore, a

legitimate interest is to check and, if necessary, improve the future orientation of our services and products regarding the evaluated information of our interested parties and customers.

Your interests and fundamental freedoms worthy of protection do not outweigh our interests in this case after we have weighed them. We would like to point out the special right of objection that you have with this legal basis (see the note at the end of this information).

## **7 Storage Duration**

### **7.1 Data processing by way of consent**

If you have effectively consented to one of the data processing operations described here, we will store the data until you informally send us a revocation concerning this data processing, which you can do at any time with effect for the future.

### **7.2 Data processing for the performance of a contract**

The personal data collected by us for the purpose of initiating or fulfilling the contract will be stored until the end of the contract negotiations or until the expiry of the contract.

We also store the data until claims can no longer be asserted under the contract, i.e. until the statute of limitations has expired.

The general limitation period according to § 195 BGB is three (3) years. However, certain claims, such as claims for damages, only become time-barred after 30 years (cf. § 197 BGB). If there is reasonable cause to assume that this is relevant in an individual case, we store the personal data for this period. The aforementioned limitation periods begin at the end of the year (i.e. 31 December) in which the claim arose and the creditor becomes aware of the circumstances giving rise to the claim and the debtor or should have become aware without gross negligence.

### **7.3 Data Protection based on legitimate interests**

We store the data collected on the basis of a legitimate interest until the legitimate interest no longer exists, or in case the weighing comes to a different result or you have effectively objected in accordance with Art. 21 GDPR (cf. the note on the special right of objection at the end of this information) and we otherwise have no other authorisation to continue the data processing, which may be possible despite such an objection.

### **7.4 Reference to retention and storage obligations**

If we are obliged to store data for a longer period of time in accordance with Art. 6 Sect.1 Sent. 1 let. c GDPR due to obligations to store and document certain data under tax and commercial law, we will store this data for the duration of the statutory periods.

## **8 Data processing outside the EU or the EEA**

As described above in the description of the tools used, it is possible that data processing takes place outside the EU or the EEA (i.e. in a so-called third country). This may in particular concern data processing in the USA.

We have concluded a Data Processing Addendum with the respective providers, which guarantee us the right to issue instructions and in which the providers ensure compliance with the statutory data protection regulations. In addition, we have agreed to the EU standard contractual clauses on data protection adopted by the European Commission to regulate the transfer of data outside the EU or the EEA with the respective providers.

In individual cases, it may also be the case that instead of using the EU standard contractual clauses or in addition to these, we carry out the data transfer with the data recipient in the third country based on its Binding Corporate Rules (BCR). These are internal binding data protection rules of the data recipient that have been previously reviewed and approved by the competent data protection authority. These BCR are also appropriate safeguards for such a data transfer (cf. Art. 46 Sect. 2 let. b in conjunction with Art. 47 GDPR).

No other transfer of the collected data to external recipients takes place.

## 9 Removal options and data subject rights

You have the possibility to revoke a given consent to the processing of your personal data at any time or to object to further data processing on the grounds of legitimate interest (cf. the reference to the special right of objection further below in this text). In such a case, the conversation with you cannot be continued.

The revocation of consent or the objection to further data processing is possible via informal communication to us (e.g. by e-mail). All personal data stored during the communication with us will be deleted in this case.

Overall, you have the following rights:

- as per Art. 7 Sect. 3 GDPR, to revoke consent you have given to us at any time. This means that we may no longer process the data based on this consent in the future;
- to request information about your personal data processed by us in accordance with Art. 15 GDPR. In particular, you may request information about the processing purposes, the category of personal data, the categories of recipients to whom your data have been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, restriction of processing or objection, the existence of a right of complaint, the origin of your data if it has not been collected by us, as well as the existence of automated decision-making including profiling and, if applicable, meaningful information about its details;
- in accordance with Art. 16 GDPR, to demand the correction of incorrect or complete personal data stored by us;
- to request the erasure of your personal data stored by us in accordance with Art. 17 GDPR, unless the processing is necessary for the exercise of the right to freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the assertion or exercise or defence of legal claims;
- in accordance with Art. 18 GDPR, to request the restriction of the processing of your personal data, insofar as the accuracy of the data is contested by you, the processing is

unlawful, but you oppose its erasure and we no longer need the data, but you need it for the establishment, exercise or defence of legal claims or you have objected to the processing in accordance with Art. 21 GDPR;

- in accordance with Art. 20 GDPR, to receive your personal data that you have provided to us in a structured, common and machine-readable format or to request the transfer to another controller and
- to complain to a supervisory authority in accordance with Art. 77 GDPR. As a rule, you can contact the supervisory authority of your usual place of residence or workplace or our company headquarters for this purpose.

**Right to object to processing on the grounds of legitimate interest, as well as the right to object to direct advertising**

Insofar as we process personal data on the basis of Art. 6(1)(f) GDPR (i.e. because of overriding legitimate interests), you have the right to object to the processing of personal data relating to you by us at any time on grounds relating to your particular situation. If we cannot demonstrate compelling legitimate grounds for further processing that override your interests, rights and freedoms, or if we process the data concerned from you for the purpose of direct marketing, we will end to process your data (cf. Art. 21 GDPR).

You can contact us for this purpose by post or by e-mail.

If personal data are processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data concerning you for the purpose of such marketing; this also applies to profiling insofar as it is related to such direct marketing.

To exercise the aforementioned rights, simply send an e-mail to [datenschutz@ptvgroup.com](mailto:datenschutz@ptvgroup.com).