

INFORMATION ACCORDING TO ART. 13 GDPR

The protection of your personal data is important to us. We therefore process your personal data (in short "data") exclusively according to EU legal regulations. With this privacy policy we would like to inform you about the processing of your data in our company and the data protection claims and rights to which you are entitled to in accordance with Art. 13 of the European General Data Protection Regulation (GDPR).

1. Who is responsible for data processing and who can you contact?

Data Controller:

AuE Kassel GmbH
Heinrich-Hertz-Str. 52
D-34123 Kassel
Telefon: +49 561 5895-0
Telefax: +49 561 5895-100

E-Mail: info@ae-kassel.de

The company's data protection officer is:

E-Mail: datenschutz@ae-kassel.de

2. What data is processed and from which sources does this data originate?

We process the data that we have received from you in the context of whistleblowing.

Personal data includes:

- Personal data of all categories (including special categories of personal data), which the whistleblower uploads including name, email address, uploaded files and audio recordings.
- Personal data of all categories (including special categories of personal data), which the HINWEISPRÜFER considers relevant for the investigation.

Server log files:

The provider of the pages automatically collects and stores information in so-called server log files, which your browser automatically transmits to us. These are:

- Name of the requested file
- Page from which the file was requested
- Date and time of the request
- Used protocol
- Date and time of the request
- Time zone difference to Greenwich Mean Time (GMT)
- Access status (file transferred, file not found, etc.)

This data is not merged with other data sources. Processing is carried out in accordance with Art. 6 para. 1 lit. f GDPR on the basis of our legitimate interest in improving the stability and functionality of our website.

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For technical reasons, this information is stored for 7 days. The protocol does not contain information about which user sent which request.

3. For which purposes and on which legal basis are the data processed?

We process your data in accordance with the provisions of the Basic Data Protection Ordinance (GDPR) and the Federal Data Protection Act 2018 in the currently valid version:

- **to meet legal obligations (Art. 6 Para. 1 lit. c GDPR):**
A processing of your data is necessary for the purpose of fulfilling different legal obligations, e.g. from the German Whistleblower Protection Act (Hinweisgeberschutzgesetz / HinSchG) or German Supply Chain Act (Lieferkettensorgfaltspflichtengesetz / LkSG).
- **within the scope of your consent (Art 6 para. 1 lit. a GDPR):**
If you have given us your consent to process your data.
- **to safeguard legitimate interests (Art. 6 para. 1 lit. f GDPR):**
Due to a balancing of interests, data processing may be carried out to protect the legitimate interests of us or third parties.

4. Who receives my data?

If we use a service provider for the purpose of order processing, we will still remain responsible for the protection of your data. All processors are contractually obliged to treat your data confidentially and to process it only within the scope of the service provision. The processors commissioned by us will receive your data if they need the data to perform their respective services. These are e.g. IT service providers, which we need for the operation and security of our IT system or modern communication and data storage providers (e.g. cloud services).

Your data is processed in our whistleblowing system. The identity of whistleblowers may only be disclosed to persons responsible for the receipt of reports or implementation of counter measures as well as persons supporting these activities.

In case of a legal obligation and in the context of legal action, authorities and courts as well as external auditors may be recipients of your data.

5. How long will my data be stored?

We process your data as long as is required to investigate the report. Deletion of your data in accordance with the Whistleblower Protection Act (HinSchG) generally occurs three years after the case is closed. Deletion of your data in accordance with the the Supply Chain Act (LkSG) generally occurs seven years after the case is closed. In some cases it may be necessary to store data beyond these deadlines to comply with HinSchG, LkSG or other legal requirements, including awaiting the closing of cases of legal action in which the data may be required as evidence.

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6. Is personal data transferred to a third country?

In principle, we do not transfer any data to a third country. In individual cases, a transfer will only take place on the basis of an adequacy decision by the European Commission, standard contractual clauses, appropriate safeguards or your explicit consent. To any other transfer Art. 49 GDPR applies.

7. Data safety

We have taken technical and organizational security measures to protect your personal data against loss, destruction, manipulation and unauthorized access. All our employees as well as service providers working for us are bound to the valid data protection laws.

Whenever we collect and process personal data, it is encrypted before it is transmitted. This means that data misuse by third parties is impeded. Our security precautions are subject to a continuous improvement process and our privacy policy is constantly being revised. Please make sure that you have the latest version.

8. User Account

To be able to check the status of investigations, to provide further information or to respond to questions from the investigator, the whistleblower is provided with a login code after submitting a report.

The operator assumes no liability for password misuse unless this was caused by the operator itself. The processing of your data is based on Art. 6 para. 1 lit. a GDPR and Art. 6 para. 1 lit. b GDPR.

9. Cookies

When you visit our website, we may store information on your computer in the form of cookies. Cookies are small files that are transferred from an internet server to your browser and stored there. Only the internet protocol address is stored - no personal data. This information, which is stored in the cookies, allows us to automatically recognize you the next time you visit our website, which makes it easier for you to use our website.

Of course, you can also visit our website without accepting cookies. If you do not want your computer to be recognized on your next visit, you can also refuse the use of cookies by changing the settings in your browser to "refuse cookies". You will find the respective procedure in the operating instructions of your browser. If you refuse the use of cookies, however, the use of some areas of our website may be restricted.

10. Third-party services

We use the whistleblowing software provided by Vispat GmbH (Hansaallee 299, 40549 Düsseldorf). A data processing agreement has been signed with the provider.

11. What data protection rights do I have?

You have the right to information, correction, deletion or restriction of the processing of your stored data, a right to object to the processing as well as a right to data transferability and to complain in accordance with the requirements of data protection law at any time.

Right of access:

You can request information from us as to whether and to what extent we process your data.

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Right of rectification:

If we process your data that are incomplete or incorrect, you can demand that we correct or complete them at any time.

Right to be forgotten:

You can demand the deletion of your data from us if we process them illegally or if the processing interferes disproportionately with your legitimate protection interests. Please note that there may be reasons that prevent immediate deletion, e.g. in the case of legally regulated storage obligations. Irrespective of the exercise of your right to deletion, we will delete your data immediately and completely, provided that there is no legal obligation to retain them.

Right to restriction of processing:

You can demand that we limit the processing of your data if

- you dispute the accuracy of the data, for a period of time that allows us to verify the accuracy of the data.
- the processing of the data is unlawful, but you refuse to have it deleted and instead demand a restriction on the use of the data,
- we no longer need the data for the intended purpose, but you still need the data to assert or defend legal claims, or
- you have objected to the processing of the data.

Right to data portability:

You may require us to provide you with your data that you have provided to us in a structured, common, machine-readable format and that you may transfer such data to another responsible party without hindrance from us, provided that

we process this data on the basis of a revocable consent given by you or for the fulfilment of a contract between us, and

this processing is done using automated procedures.

If technically feasible, you can request us to transfer your data directly to another responsible person.

Right to object:

If we process your data out of a legitimate interest, you can object to this data processing at any time; this would also apply to profiling based on these provisions. We will then no longer process your data unless we can prove compelling reasons for processing worthy of protection that outweigh your interests, rights and freedoms or the processing serves to assert, exercise or defend legal claims. You may object to the processing of your data for the purpose of direct marketing at any time without giving reasons.

Right to lodge a complaint with a supervisory authority:

If you are of the opinion that we are processing your data in violation of German or European data protection law, please contact us so that we can clarify any questions. Of course you also have the right to contact the supervisory authority responsible for you, the respective state office for data protection supervision.

If you wish to assert any of the above rights against us, please contact our data protection officer. In case of doubt, we may request additional information to confirm your identity.

Right to withdraw consent

If we process your data based on consent, you can withdraw this consent at any time without affecting the lawfulness of processing based on consent before its withdrawal.

Automated individual decision-making, including profiling

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You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. Exceptions to this only apply under the conditions of Art. 22 para. 2 GDPR.