

Data protection notice for apps

A. Preface

We, K + G Tectronic GmbH (hereinafter referred to as "K + G", "the company", "we" or "us") take the protection of your personal data seriously and would like to take this opportunity to inform you about data protection in our company.

As part of our responsibility under data protection law, the entry into force of the EU General Data Protection Regulation (Regulation (EU) 2016/679; hereinafter referred to as "GDPR") has imposed additional obligations on us to ensure the protection of personal data of the person affected by processing (we also refer to you as the data subject hereinafter as "customer", "user", "you", "you" or "data subject").

Insofar as we decide on the purposes and means of data processing either alone or jointly with others, this includes above all the obligation to inform you transparently about the type, scope, purpose, duration and legal basis of the processing (cf. Art. 13 and Art. 14 GDPR). With this declaration (hereinafter: "Data Protection Notice"), we inform you about the way in which your personal data is processed by us.

B. General

1. Definition of terms

Following the model of Art. 4 GDPR, this data protection notice is based on the following definitions:

- "Personal data" (Art. 4 No. 1 GDPR) means any information relating to an identified or identifiable natural person ("data subject"). A person is identifiable if they can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, an online identifier, location data or information relating to their physical, physiological, genetic, mental, economic, cultural or social identity. The identifiability can also be provided by linking such information or other additional knowledge. The origin, form or embodiment of the information is irrelevant (photos, video or audio recordings may also contain personal data).
- "Processing" (Art. 4 No. 2 GDPR) means any operation which is performed on personal data, whether or not by automated means (i.e. using technical specifications). This includes, in particular, the collection (i.e. acquisition), recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure

by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of personal data, or alteration of the purposes for which they were originally processed.

- "Controller" (Art. 4 No. 7 GDPR) means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
- "Third party" (Art. 4 No. 10 GDPR) means any natural or legal person, public authority, agency or body other than the data subject, the controller, the processor and the persons who, under the direct authority of the controller or processor, are authorised to process the personal data; this also includes other legal entities belonging to the group.
- "Processor" (Art. 4 No. 8 GDPR) is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller, in particular in accordance with the controller's instructions (e.g. IT service provider). In terms of data protection law, a processor is in particular not a third party.
- "Consent" (Art. 4 No. 11 GDPR) of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

2. Amendment of the data protection notice

(1) As part of the further development of data protection law and technological or organisational changes, our data protection information is regularly reviewed to determine whether it needs to be adapted or supplemented. You will be informed of any changes.

(2) This data protection notice is valid as of September 2024.

3. No obligation to provide personal data

We do not make the conclusion of contracts with us dependent on you providing us with personal data beforehand. As a customer, you are under no legal or contractual obligation to provide us with your personal data; however, we may only be able to provide certain services to a limited extent or not at all if you do not provide the necessary data. If this should exceptionally be the case in the context of the products presented below and offered by us, you will be informed of this separately.

C. Information on the processing of your data

1. The collection of personal data concerning you

(1) When you use our app, we collect personal data about you.

(2) Personal data is all data that relates to you personally (see above under General). For example, your name, your location data, your IP address, the device ID, the SIM card number, your address and e-mail address are personal data, your fingerprint, images, films, audio recordings, but also your user behaviour falls into this category.

2. Legal basis for data processing

(1) In principle, any processing of personal data is prohibited by law and is only permitted if the data processing falls under one of the following justifications:

- Art. 6 para. 1 sentence 1 lit. a GDPR ("consent"): Where the data subject has voluntarily, in an informed and unambiguous manner, indicated by a statement or other unambiguous affirmative act that he or she consents to the processing of personal data relating to him or her for one or more specific purposes;
- Art. 6 para. 1 sentence 1 lit. b GDPR: If the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- Art. 6 para. 1 sentence 1 lit. c GDPR: If processing is necessary for compliance with a legal obligation to which the controller is subject (e.g. a legal obligation to retain data);
- Art. 5 para. 1 sentence 1 lit. d GDPR: Where processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- Art. 6 para. 1 sentence 1 lit. e GDPR: If processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; or
- Art. 6 para. 1 sentence 1 lit. f GDPR ("Legitimate interests"): Where processing is necessary for the purposes of the legitimate (in particular legal or economic) interests pursued by the controller or by a third party, except where such interests are overridden by the interests or rights of the data subject which require protection of personal data (in particular where the data subject is a minor).

The storage of information in the end user's terminal equipment or access to information that is already stored in the terminal equipment is only permitted if it is covered by a justification.

(2) For the processing operations carried out by us, we indicate the applicable legal basis in each case below. Processing may also be based on several legal bases.

3. Data collected during the download

(1) When you download this app, certain personal data required for this purpose will be transmitted to the relevant app store (e.g. Apple App Store or Google Play).

(2) In particular, the e-mail address, user name, customer number of the downloading account, individual device identification number, payment information and the time of the download are transmitted to the app store when the app is downloaded.

(3) We have no influence on the collection and processing of this data, which is carried out exclusively by the app store you have selected. Accordingly, we are not responsible for this collection and processing; the app store is solely responsible for this.

4. Data collected during use

(1) Inevitably, we can only provide you with the benefits of our app if we collect certain personal data required for the operation of the app when you use it.

(2) We only collect this data if this is necessary for the fulfilment of the contract between you and us (Art. 6 para. 1 lit. b GDPR). Furthermore, we collect this data if this is necessary for the functionality of the app and your interest in the protection of your personal data does not outweigh this (Art. 6 para. 1 lit. f GDPR) or if you consent to the collection and processing (Art. 6 para. 1 lit. a GDPR).

(3) We collect and process the following data from you:

- Device information: Access data includes the IP address, device ID, device type, device-specific settings and app settings as well as app properties, the date and time of retrieval, device usage data, error logs, time zone, the amount of data transferred and the message whether the data exchange was complete, app crash and operating system. This access data is processed to technically enable the operation of the app.
- Data that you make available to us: A user account must be created in order to use the app. To do this, you must enter at least your login name.
- Information with your consent: We process other information (e.g. GPS location data) if you allow us to do so. This data is required to connect the device.
- Contact form data: When contact forms are used, the data transmitted through them is processed (e.g. gender, surname and first name, address, company, e-mail address and the time of transmission).

5. Use of cookies

(1) We use cookies when operating our app. Cookies are small text files that are stored on the device memory of your mobile device and assigned to the mobile app you are using and through which certain information flows to the location that sets the cookie. Cookies cannot execute programmes or transfer viruses to your computer and therefore cannot cause any damage. They serve to make our app more user-friendly and effective overall, i.e. more convenient for you.

(2) Cookies may contain data that makes it possible to recognise the device used. In some cases, however, cookies only contain information on certain settings that are not personally identifiable. However, cookies cannot directly identify a user.

(3) A distinction is made between session cookies, which are deleted as soon as you close your browser, and permanent cookies, which are stored beyond the individual session. In terms of their function, a distinction is made between cookies:

- Technical cookies: These are absolutely necessary to move within the app, use basic functions and ensure the security of the app; they do not collect information about you for marketing purposes, nor do they store which websites you have visited;
- Performance cookies: These collect information about how you use our app, which pages you visit and, for example, whether errors occur when using the app; they do not collect any information that could identify you – all information collected is anonymous and is only used to improve our app and find out what interests our users;
- Advertising cookies, targeting cookies: These are used to offer the app user needs-based advertising within the app or offers from third parties and to measure the effectiveness of these offers; advertising and targeting cookies are stored for a maximum of 13 months;
- Sharing cookies: These are used to improve the interactivity of our app with other services (e.g. social networks); sharing cookies are stored for a maximum of 13 months.

6. Cookie policy

For more information about which cookies we use and how you can manage your cookie settings and disable certain types of tracking, please see our Cookie Policy [Privacy Policy - K + G Tectronic GmbH \(kg-tectronic.de\)](#).

7. Period of data storage

(1) We delete your personal data as soon as it is no longer required for the purposes for which we collected or used it (see C. 4., 5., 6.). As a rule, we store your personal data for the duration of the usage or contractual relationship via the app. Your data will generally only be stored on our servers in Germany, subject to any disclosure in accordance with the provisions in F. 1., 2. and 3.

(2) However, your data may be stored beyond the specified period in the event of an (impending) legal dispute with you or other legal proceedings.

(3) Third parties engaged by us (see F. 1.) will store your data on their system for as long as is necessary in connection with the provision of the service for us in accordance with the respective order.

(4) Legal requirements for the storage and deletion of personal data remain unaffected by the above (e.g. § 257 HGB or § 147 AO). If the storage period prescribed by the statutory provisions expires, the personal data will be blocked or deleted unless further storage by us is necessary and there is a legal basis for this.

8. Data security

(1) We use suitable technical and organisational security measures to protect your data against accidental or intentional manipulation, partial or complete loss, destruction or against unauthorised access by third parties, taking into account the state of the art, the implementation costs and the nature, scope, context and purpose of the processing as well as the existing risks of a data breach (including its probability and effects) for the data subject. Our security measures are continuously improved in line with technological developments.

(2) We will be happy to provide you with more detailed information on request. Please contact our data protection officer.

9. No automated decision-making (including profiling)

We do not intend to use personal data collected from you for automated decision-making (including profiling).

10. Change of purpose

(1) Your personal data will only be processed for purposes other than those described if this is permitted by law or if you have consented to the changed purpose of the data processing.

(2) In the event of further processing for purposes other than those for which the data was originally collected, we will inform you of these other purposes prior to further processing and provide you with all other relevant information.

D. Responsibility for your data and contacts

1. Controller and contact details

(1) We, K + G Tectronic GmbH, In der Krause 48, 52249 Eschweiler, Germany, are responsible for the processing of your personal data within the meaning of Art. 4 No. 7 GDPR.

(2) Our company data protection officer is always available to answer any questions you may have and to act as your contact person on the subject of data protection. His contact details are

Stefan Theissen, 02403/995045, st@kg-tectronic.de

(3) Please contact this contact point in particular if you wish to assert the rights to which you are entitled, which are explained in section G, against us.

(4) If you have any further questions or comments regarding the collection and processing of your personal data, please also contact the aforementioned contacts.

2. Data collection when contacting us

(1) If you contact us by e-mail or via a contact form, we will store your e-mail address, your name and all other personal data that you have provided in the course of contacting us so that we can contact you to answer your question.

(2) We will delete this data as soon as it is no longer required. If there are statutory retention periods, the data will remain stored, but we will restrict the processing.

F. Data processing by third parties

1. Contract data processing

(1) We may use contracted service providers for individual functions of our app. As with any large company, we also use external domestic and foreign service providers to process our business transactions (e.g. for IT, logistics, telecommunications, sales and marketing). These service providers only act on our instructions and are contractually obliged to comply with data protection regulations in accordance with Art. 28 GDPR.

(2) The following categories of recipients, which are generally processors, may have access to your personal data:

- Service providers for the operation of our app and the processing of data stored or transmitted by the systems (e.g. for data centre services, payment processing, IT security). The legal basis for the transfer is then Art. 6 para. 1 sentence 1 lit. b or lit. f GDPR, unless they are processors;
- Government bodies/authorities, insofar as this is necessary to fulfil a legal obligation. The legal basis for the disclosure is then Art. 6 para. 1 sentence 1 lit. c GDPR;
- Persons engaged to conduct our business operations (e.g. auditors, banks, insurance companies, legal advisors, supervisory authorities, parties involved in company acquisitions or the establishment of joint ventures). The legal basis for the disclosure is then Art. 6 para. 1 sentence 1 lit. b or lit. f GDPR.

(3) In addition, we will only pass on your personal data to third parties if you have given your express consent in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR.

(4) If your personal data is passed on by us to our subsidiaries or is passed on to us by our subsidiaries (e.g. for advertising purposes), this is done on the basis of existing order processing relationships.

2. Requirements for the transfer of personal data to third countries

(1) As part of our business relationships, your personal data may be passed on or disclosed to third-party companies. These may also be located outside the European Economic Area

(EEA), i.e. in third countries. Such processing takes place exclusively to fulfil contractual and business obligations and to maintain your business relationship with us (legal basis is Art. 6 para. 1 lit. b or lit. f in each case in conjunction with Art. 44 et seq. GDPR). We will inform you about the respective details of the transfer at the relevant points below.

(2) The European Commission certifies that some third countries have a level of data protection comparable to the EEA standard by means of so-called adequacy decisions. However, in other third countries to which personal data may be transferred, there may not be a consistently high level of data protection due to a lack of legal provisions. If this is the case, we ensure that data protection is adequately guaranteed. This is possible via binding corporate rules, standard contractual clauses of the European Commission for the protection of personal data pursuant to Art. 46 para. 1, 2 lit. c GDPR, certificates or recognised codes of conduct. Please contact our data protection officer if you would like more information on this.

3. Legal obligation to transfer certain data

Under certain circumstances, we may be subject to a specific legal or statutory obligation to provide the lawfully processed personal data to third parties, in particular public authorities (Art. 6 para. 1 sentence 1 lit. c GDPR).

G. Your rights

1. Right to information

(1) You have the right to obtain information from us about the personal data concerning you within the scope of Art. 15 GDPR.

(2) This requires a request from you, which must be sent either by e-mail or by post to the addresses given above (see D. 1.).

2. Right to object to data processing and to withdraw consent

(1) In accordance with Art. 21 GDPR, you have the right to object at any time to the processing of personal data concerning you. We will stop processing your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing serves the establishment, exercise or defence of legal claims.

(2) Pursuant to Art. 7 para. 3 GDPR, you have the right to withdraw your consent (i.e. your voluntary, informed and unambiguous expression of your consent to the processing of the personal data concerned for one or more specific purposes by means of a declaration or other unambiguous confirmatory act) at any time, even if that consent was given before the GDPR came into force, i.e. before 25 May 2018. As a result, we may no longer continue the data processing that was based on this consent in the future.

(3) In this regard, please contact the contact point specified above (see D. 1.).

3. Right to rectification and erasure

(1) Insofar as personal data concerning you is incorrect, you have the right under Art. 16 GDPR to demand that we correct it immediately. To make a request in this regard, please contact the contact point specified above (see D. 1.).

(2) Under the conditions specified in Art. 17 GDPR, you have the right to request the erasure of personal data concerning you. To make a request in this regard, please contact the contact point specified above (see D. 1.). In particular, you have the right to erasure if the data in

question is no longer necessary for the purposes of collection or processing, if the data retention period (see C. 7.) has expired, if there is an objection (see G. 2.), or if the processing is unlawful.

4. Right to restriction of processing

(1) In accordance with Art. 18 GDPR, you have the right to demand that we restrict the processing of your personal data.

(2) To make a request in this regard, please contact the contact point specified above (see D. 1.).

(3) You have the right to restriction of processing in particular if the accuracy of the personal data is disputed between you and us; in this case, you have this right for the period of time required to verify the accuracy. The same applies if the successful exercise of a right to object (see G. 2.) is still disputed between you and us. You also have this right in particular if you have a right to erasure (see G. 3.) and you request restricted processing instead of erasure.

5. Right to data portability

(1) In accordance with Art. 20 GDPR, you have the right to receive from us the personal data concerning you that you have provided to us in a structured, commonly used and machine-readable format in accordance with the requirements.

(2) To make a request in this regard, please contact the contact point specified above (see D. 1.).

6. Right to lodge a complaint with the supervisory authority

(1) In accordance with Art. 77 GDPR, you have the right to lodge a complaint with the competent supervisory authority about the collection and processing of your personal data.

(2) You can reach the competent supervisory authority using the following contact details:

State Commissioner for Data Protection and Freedom of Information North Rhine-Westphalia

P.O. Box 20 04 44

40102 Düsseldorf

Telephone exchange: +49 (0)211 / 38424 - 0