

# DATA PROTECTION INFORMATION FOR EMPLOYEES AND OTHER SIMILARLY AFFECTED PERSONS IN ACCORDANCE WITH GENERAL DATA PROTECTION REGULATION (GDPR)



With the following information we would like to give you an overview of the processing of your personal data by us and your rights under data protection law. Which data are processed in detail and how they are used depends largely on the requested or agreed components of your employment or other contractual relationship.

## Who is responsible for data processing and to whom can I contact?

You will find important information on **the responsible authority for processing your data**, on our **data protection officer** and on **contact details** in our imprint:

<https://www.territory-influence.com/en/imprint/>

## What sources and data do we use?

We process personal data that we receive from our employees and other similarly affected persons in the context of their employment relationship. In addition, we process personal data that we have received from you - to the extent necessary for the purposes of hiring, fulfilling the employment contract and terminating the employment relationship.

Personal data includes in particular:

- Personal details (e.g. name and address and contact details and birthday as well as place and nationality and gender and bank details)
- Family data (e.g. marital status and information on children)
- religious affiliation
- Health data (if relevant for the employment relationship, e.g. in the case of a severe disability)
- tax identification number
- tax bracket
- Information on qualifications and employee development (e.g. education and work experience and language skills and training)

and other data comparable to those categories.

Other relevant personal data may include:

- Information on the employment relationship (for example, entry date and name of the activity and title)

- Wage tax-relevant data from the fulfilment of contractual obligations (e.g. salary payment)
- Information on the financial situation of employees (e.g. loan liabilities and salary garnishments)
- social insurance data
- Data on retirement benefits and pension fund
- Information on working time (e.g. working time recording and leave and illness and data relating to business trips)
- Authorization data (e.g. access rights)
- Employee evaluation data

and other data comparable to those categories.

## **What do we process your data for (purpose of processing) and on what legal basis?**

We process personal data in accordance with the provisions of the European Data Protection Ordinance (GDPR) and the Federal Data Protection Act (BDSG):

### **For the fulfilment of contractual obligations (§ 26 BDSG)**

The processing of data takes place for the establishment, implementation or termination of the employment relationship within the framework of the existing contract with you or for the implementation of pre-contractual measures which take place on request. If you make use of additional services (e.g. childcare allowance), your data will be processed to fulfil these additional services, insofar as this is necessary.

### **Within the framework of the balancing of interests (Art. 6 para. 1 f GDPR)**

If necessary, we process your data beyond the actual performance of the contract to protect the legitimate interests of us or third parties.

Examples of such cases are:

- Measures to protect employees and customers and to protect the company's property
- Publication of business contact data on the intranet and internal telephone book and on the website
- Records of performance reviews (e.g. documentation of defined goals and achievement of goals)

### **On the basis of your consent (Art. 6 para. 1 a GDPR in conjunction with Art. 88 GDPR and § 26 para. 2 BDSG)**

If you have given us your consent to process your personal data, processing will only take place in accordance with the purposes and to the extent agreed in the declaration of

consent. A given consent can be revoked at any time with effect for the future. This also applies to the revocation of declarations of consent issued to us prior to the validity of the GDPR, i.e. before 25 May 2018. The revocation of consent is only effective for the future and does not affect the legality of the data processed until revocation.

## **Due to legal requirements (Art. 6 Para. 1 c GDPR as well as Art. 88 GDPR and § 26 BDSG)**

As a company we are subject to various legal obligations, i.e. legal requirements (e.g. social security law, occupational safety, possibly professional law of lawyers, tax laws) as well as regulatory requirements (e.g. the bar associations). The purposes of the processing include, among other things, the verification of identity, the fulfilment of social security and tax control, reporting or documentation obligations as well as the control of risks in the company.

Insofar as special categories of personal data pursuant to Art. 9 para. 1 GDPR are processed, this serves to exercise rights or fulfil legal obligations arising from labour law, social security law and social protection within the framework of the employment relationship (e.g. disclosure of health data to the health insurance fund, recording of severe disability due to additional leave and determination of the severely disabled person's contribution). This is done on the basis of Art. 9 Para. 2 b) GDPR in conjunction with Section 26 (3) BDSG new. In addition, the processing of health data may be used for the assessment of their ability to work in accordance with Art. 9 (2) h) in conjunction with 22 (1) (b) BDSG must now be required. In addition, the processing of special categories of personal data may be subject to consent pursuant to Art. 9 para. 2 a) GDPR in connection with the processing of personal data. 26 (2) BDSG (e.g. company integration management).

## **Who gets my data?**

Within the company, those departments that require your data to fulfil contractual, legal and supervisory obligations and to safeguard legitimate interests, e.g. personnel department, representation of severely disabled persons, have access to it. Service providers and vicarious agents used by us may also receive data for these purposes, insofar as they require the data to fulfil their respective services. These are, for example, companies in the categories of training providers and IT services. All service providers are contractually obliged to treat your data confidentially.

With regard to the transfer of data to recipients outside our companies, it should first be noted that as an employer we only pass on necessary personal data in compliance with the applicable data protection regulations. We may only disclose information about our employees if required to do so by law, if you have given your consent or if we are otherwise authorized to disclose it.

Under these conditions, recipients of personal data can be, for example:

- social insurance carriers
- health insurance companies
- pension schemes
- tax authorities

- professional bodies
- Public bodies and institutions (e.g. tax authorities and law enforcement authorities) in the event of a statutory or official obligation
- Other companies for processing salary payments,
- Travel expense reports or comparable institutions to which we transfer personal data for the execution of the contractual relationship (e.g. for salary payments)
- Accountants and payroll tax auditors
- Service provider in the context of order processing relationships
- those jointly responsible with us

Other recipients of data may be those bodies for which you have given us your consent to the transfer of data or to which we are authorized to transfer personal data on the basis of a weighing of interests.

## **Is data transferred to a third country or to an international organization?**

Data is transmitted to offices in countries outside the European Economic Area (so-called third countries) if

- it is required by law (e.g. tax reporting obligations)
- you have given us your consent or
- this is legitimized by the legitimate interest in data protection law and no higher interests worthy of protection of the person concerned conflict with this.

In addition, we do not transfer any personal data to bodies in third countries or international organizations.

However, we use service providers for certain tasks, most of whom also use service providers who may have their company headquarters, parent company or data centers in a third country. A transfer is permitted if the European Commission has decided that an adequate level of protection exists in a third country (Art. 45 GDPR). If the Commission has not taken such a decision, companies or the service provider may only transfer personal data to service providers in a third country if appropriate safeguards are provided (standard data protection clauses adopted by the EU Commission or the supervisory authority in a specific procedure) and enforceable rights and effective remedies are available.

We have also contractually agreed with our service providers that guarantees for data protection must always exist with their contractual partners in compliance with the European data protection level. Upon request, we will provide you with a copy of these warranties.

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

We process and store your personal data as long as this is necessary for the fulfilment of our contractual and legal obligations. It should be noted that the employment relationship is a long-term debt relationship designed for a longer period of time.

If the data are no longer required for the fulfilment of contractual or legal obligations, they are regularly deleted, unless their - limited - further processing is necessary for the following purposes:

- Fulfilment of legal storage obligations, which may arise, for example, from: Social Code (SGB IV), Commercial Code (HGB) and Tax Code (AO). The periods for storage and documentation specified there are generally six to ten years.
- Preservation of evidence within the framework of the statutory statute of limitations. According to §§ 195 ff of the German Civil Code (BGB), these limitation periods can be up to 30 years, whereby the regular limitation period is 3 years.

If the data processing is carried out in the legitimate interest of us or a third party, the personal data will be deleted as soon as this interest no longer exists. The exceptions mentioned above apply here. The same applies to the processing of data on the basis of a given consent. As soon as you revoke this consent for the future, your personal data will be deleted, unless one of the above-mentioned exceptions applies. If the data is stored on the basis of a works agreement, the storage period is regulated there.

## **What data protection rights do I have?**

Any data subject shall have the right of access under Article 15 GDPR, the right to correction under Article 16 GDPR, the right to cancellation under Article 17 GDPR, the right to limitation of processing under Article 18 GDPR, the right of opposition under Article 21 GDPR and the right to data transfer under Article 20 GDPR. The restrictions according to §§ 34 and 35 BDSG apply to the right to information and the right of cancellation. In addition, there is a right of appeal to a competent data protection supervisory authority (Article 77 GDPR). You can revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent given to us prior to the validity of the basic data protection regulation, i.e. before 25 May 2018. Please note that the revocation will only take effect in the future. Processing that took place before the revocation is not affected by this.

## **Is there an obligation to provide data?**

In the context of the employment relationship, you must provide the personal data required for the commencement, execution and termination of an employment relationship and for the fulfilment of the associated contractual obligations or which we are legally obliged to collect. Without this information we will usually not be able to conclude or execute the contract with you.

## **To what extent is there automated decision making?**

We do not use fully automated automatic decision making according to Article 22 GDPR for the establishment, implementation and termination of the working relationship. If we use these procedures in individual cases, we will inform you separately about this and about your rights in this regard, insofar as this is prescribed by law.

## **Is profiling taking place?**

We do not process your data with the aim of automatically evaluating certain personal aspects.

## **Information on your right of objection under Article 21 of the Basic Data Protection Regulation (GDPR)**

### **Right of objection on a case-by-case basis**

You have the right to object at any time, for reasons arising from your particular situation, to the processing of personal data concerning you under Article 6(1)(f) GDPR (data processing on the basis of a balance of interests), including profiling within the meaning of Article 4(4) GDPR based on this provision.

If you object, we will no longer process your personal data, unless we can prove compelling reasons worthy of protection for the processing, which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

### **Recipient of an appeal**

The objection can be made form-free with the subject "objection" stating your name, your address and your date of birth and should be addressed to:

trnd International GmbH  
To the data protection officer  
Winzererstr. 47d-e  
80797 Munich, Germany

[dataprotection@trnd.com](mailto:dataprotection@trnd.com)