

Information about the processing of your personal data

Care and transparency are the basis for trust-based collaboration with our customers. For this reason, we are informing you in this document as to how we will process your data and how you can exercise the rights you are entitled to under the General Data Protection Regulation. What personal data we process and for what purpose will depend on the specific contractual relationship.

1 Who is responsible for data processing?

Data Controller:

Tokai COBEX GmbH

Gustav-Stresemann-Ring 12-16
65189 Wiesbaden
Germany

Email: data.protection@tokaicobex.com

Telephone: +49 611 450435-10

Legal representatives:

Managing Directors:

Andrzej Hotlos
Dennis Boettjer

2 How can you contact the Data Protection Officer?

We have appointed an external Data Protection Officer for our company:

intersoft consulting services AG

Team Datenschutz
Beim Strohhaus 17
20097 Hamburg

Email: data.protection@tokaicobex.com

Telephone: +49 40 790235-402

3 Which of your personal data do we use?

If you have an enquiry, or if you ask us to prepare an offer or enter into a contract with us, we will process your personal data. In addition, we also process your personal data *inter alia* to comply with legal obligations, to safeguard a legitimate interest or on the basis of the consent given by you.

Depending on the legal basis, this will involve the following categories of personal data:

- First name, surname
- Communication data (telephone, e-mail address)
- Internal customer number

When initiating a contract, we also make use of data provided to us by third parties. Depending on the type of contract, this will involve the following categories of personal data:

- First name, surname
- Communication data (telephone, e-mail address)

4 What are the sources of the data?

We process personal data we receive from our customers, service providers and suppliers.

We also receive personal data from the following:

- Analysts from the following specialisations: Aluminium, steel, silicon, iron, chemicals, other metallurgical applications, automotive
- Industry associations

5 For what purposes do we process your data and on what legal basis?

We process your personal data specifically in compliance with the General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (German acronym: BDSG) as well as all further applicable laws.

We have received your personal data in the course of our joint business contact, e.g. in the context of a trade fair or at a meeting, *inter alia* when your business card was handed over to us or in the course of conversations, etc.

5.1 Based on consent given by you (Art. 6 (1) (a) GDPR)

If you have given us your voluntary consent to the collection, processing or transmission of certain personal data, then that consent will form the legal basis for our processing of such data.

In the following cases, we will process your personal data based on the consent given by you:

- Business contact including mutual dialogue

5.2 For the performance of a contract (Art. 6 (1) (b) GDPR)

We use your personal data to establish, execute, perform and terminate the order/sales contract.

Within our contractual relationship, we will process your data, in particular, in order to perform the following activities:

- initiation of contact with a view to forming a contract,
- Contract management,
- Ongoing customer support,
- Service centre,
- Warranty claims,
- Accounts receivable management,
- Management of contract termination.

More detailed information on the purposes of data processing may be found in the relevant contract documents and in our General Terms and Conditions.

5.3 Based on a legitimate interest (Art. 6 (1) (f) GDPR)

In certain cases, we will process your data to safeguard our own legitimate interest or that of a third party.

- Initiating business contact including conducting mutual dialogue with you
- Inclusion in central customer data management

6 To whom is the data forwarded?

To comply with our contractual obligations, your personal data will be disclosed to various internal bodies as well as external service providers.

Companies within the Group:

Tokai COBEX Group maintains a central customer data management system that can be accessed by employees of all of our affiliated companies in order to provide you with a full range of our services as a “one-stop shop”.

The following companies have access to our central customer data management:

- Tokai COBEX GmbH
- Tokai COBEX Polska sp. z o. o.
- Tokai COBEX Savoie SAS
- Tokai COBEX (Beijing) Ltd.

External service providers:

We work with selected external service providers to perform our contractual obligations:

- IT service provider
- CRM service provider
- Microsoft (including Outlook, Office programmes)

7 Is your data transferred to countries outside the EU (so-called third countries)?

Countries outside the European Union (and the European Economic Area “EEA”) handle the protection of personal data differently than countries within the EU do. We also use service providers located in third countries outside the EU to process your data. There is currently no decision by the EU Commission that these third countries generally offer an adequate level of protection.

In the case of third countries, there is also the risk that you may not be able to effectively exercise your rights, in particular your rights to information and erasure.

We have thus taken special measures to ensure that your data is processed in third countries as securely as within the European Union.

We conclude standard data protection clauses provided by the Commission of the European Union with service providers in third countries. These clauses provide appropriate safeguards for protecting your data with third-country service providers.

If you wish to review the existing guarantees and safeguards, you may contact us at data.protection@tokaicobex.com.

8 How long will my data be stored?

We will store your personal data for as long as necessary in order to comply with our legal and contractual obligations.

If storage of the data is no longer required in order to comply with contractual or legal obligations, your data will be erased unless its further processing is required for the following purposes:

- Compliance with retention obligations under commercial and tax law. These include retention periods under the German Commercial Code (German acronym: HGB) or the German Tax Code (German acronym: AO):

These retention periods may be up to 10 years.

- Preservation of evidence in connection with the statute of limitations. Pursuant to the statute of limitations. Under the German Civil Code (BGB) these limitations periods may be up to 30 years in some cases; the general limitations period is three years.

9 What rights do you have in connection with the processing of your data?

Every data subject has the right of access to information under Article 15 GDPR, the right to rectification under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing under Article 18 GDPR, the right to object under Article 21 GDPR and the right to data portability under Article 20 GDPR.

With regard to the right of information and the right to erasure, the restrictions pursuant to secs. 34 and 35 BDSG apply.

9.1 Right of objections

You may object at any time to the use of your data for advertising by e-mail.

What right do you have in the event of data processing based on your legitimate interest or the public interest?

Pursuant to Art. 21 (1) GDPR, you have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data relating to you which is carried out on the basis of Art. 6 (1) (e) GDPR (data processing in the public interest) or on the basis of Art. 6 (1) (f) (data processing for the purposes of safeguarding a legitimate interest; this also applies to profiling based on this provision).

In the event of your objection, we will no longer process your personal data unless we can demonstrate compelling legitimate reasons for the processing which override your interests, rights and freedoms, or that the processing serves to assert, exercise or defend against legal claims.

What right do you have in the event of data processing for direct marketing purposes?

If we process your personal data for purposes of direct marketing, then, pursuant to Art. 21 (2) GDPR, you have the right at any time to object to the processing of personal data concerning you for the purposes of such advertising; this also applies to profiling to the extent that it is associated with such direct advertising.

If you object to processing for purposes of direct marketing, we will no longer process your personal data for these purposes.

9.2 Withdrawal of consent

You may withdraw your consent to the processing of personal data at any time. Please note that your withdrawal of consent will only be effective as to the future.

9.3 Right of information

You have the right to request information regarding whether we have stored personal data about you. If you wish, we will tell you what data is involved, for what purposes the data has been processed, to whom this data has been disclosed, how long the data is to be stored and what other rights you have in relation to the data.

9.4 Further rights

You also have the right to have incorrect data rectified or to have your data erased. If there is no reason for us to continue storing your data, we will erase it, otherwise we will restrict the processing thereof. You may also request that we provide any personal data you have provided to us in a structured, commonly used and machine-readable format, either to you or to a person or company of your choice.

In addition, you have the right to lodge a complaint with the competent data protection supervisory authority (Art. 77 GDPR in conjunction with sec. 19 BDSG).

9.5 Exercising your rights

To exercise your rights, you may contact the Data Controller or the Data Protection Officer, using the contact details provided. We will process your requests promptly and in accordance with the legal requirements and we will inform you of the measures we have taken.

10 Is there an obligation to provide your personal data?

To conclude a business relationship with us, you must provide us with the personal data required for performance of the contractual relationship or that we are obliged to collect due to legal requirements. If you do not provide us with such data, it will not be possible for us to carry out and to perform the contractual relationship.

11 Changes to this information

Should the purpose or manner of processing your personal data change significantly, we will update this information in good time and inform you of the changes in good time.