

Privacy Statement

It is very important to us that the protection of your privacy is strictly observed when processing personal data.

In the following we would like to inform you about the handling of your personal data when you use our Microsoft 365 platform (hereinafter: "**M365**").

1. Controller

Controller in terms of data protection law is:

PHOENIX International Beteiligungs GmbH
Pfungstweidstraße 10-12
68199 Mannheim
Telephone: +49 621 8505-0

2. Data Protection Officer

For all concerns regarding data protection, our Data Protection Officer is at your disposal:

– Data Protection Officer –
PHOENIX International Beteiligungs GmbH
Pfungstweidstraße 10-12
68199 Mannheim
Telephone: +49 621 8505-0
E-mail: dataprotection@phoenixgroup.eu

3. Personal Data

Personal data refers to all information relating to an identified or identifiable natural person ("**data subject**"). An identifiable natural person is a data subject who can be identified, directly or indirectly, in particular by association with an identifier. An identifier may be, for example, a name, an identification number, location data, an online identifier, the IP address or other specific features that are the expression of the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (hereinafter collectively referred to as "**data**").

4. Data processing by us

In general, we process your data in accordance with the provisions of the General Data Protection Regulation (GDPR), the Federal Data Protection Act (BDSG) and other applicable data protection regulations. Processing only takes place to the extent necessary and that is permitted according to data protection law, for example for the fulfilment of contractual

purposes, for the protection of our legitimate interests, for the fulfilment of legal requirements or insofar as you consent to the data processing.

4.1 Scope and purpose of the processing

We use M365 to enable collaboration both internally within the company and between us and external stakeholders (e.g. business partners, customers, etc.).

In this context, we process information such as your first name, last name, IP address, browser information, interaction data (generated by your activities in our M365 tenant), telemetry and diagnostic data (i.e., data that Microsoft collects or receives in connection with online services), content data (e.g., documents, messages, etc. that you share with us), as well as voice and video data.

With regard to telemetry data, we have limited the collection to the necessary data. An evaluation beyond ensuring operation does not take place. Microsoft itself is responsible for diagnostic data. Information on this can be found in [Microsoft's privacy policy](#).

If a meeting is recorded as part of the use of Microsoft Teams, this is only done by mutual agreement. For this purpose, information about the purpose and duration of the recording is provided before the recording and the consent of the meeting participants is obtained. If a participant does not consent, no recording will be started.

We process your data in the context of M365 platform use on the basis of the following legal bases:

- to fulfil a contract or to carry out pre-contractual measures in accordance with Article 6 Para. 1 lit. b GDPR, insofar as you use our M365 platform, to inform yourself about our product range or our services;
- to ensure the proper operation of the M365 platform, in particular for the implementation of appropriate technical and organisational measures and the fulfilment of a legal obligation to which we are subject, Article 6 Para. 1 lit. c GDPR;
- to safeguard our legitimate interests in accordance with Article 6 Para. 1 lit. f GDPR. Our legitimate interest is to interact with you via our M365 platform;
- within the scope of the employment relationship pursuant to Section 26 (1) BDSG and
- if you have granted your consent for data processing, in accordance with Article 6 Para. 1 lit. a GDPR. This applies in particular to recordings of Teams meetings, unless there is another legal basis.

4.2 Data deletion and storage duration

We do not store your personal data longer than necessary for the respective purpose.

In addition, we will always store your personal data until the expiration of the limitation period of any legal claims arising from the relationship with you, if necessary, in order to use it as means of evidence. The limitation period is usually between 12 and 36 months. Once the limitation period has expired, we will delete your personal data, unless there is a statutory storage obligation, for example, deriving from the German Commercial Code (Sections 238, 257 Para. 4 HGB) or from the Tax Code (Section 147 Para. 3, 4 AO). These storage requirements can last between two and ten years.

5. Data recipients

In general, internal departments or organisational units as well as other companies affiliated with us shall only receive your data, insofar as this is necessary for the fulfilment of our contractual and legal obligations or if said data is required in the course of processing and implementing our legitimate interests.

Your data may be transferred to external recipients in connection with contract processing, provided that we are obliged to fulfil legal requirements for information, notification or disclosure of data, you have granted us your consent for the transfer to third parties or to external service providers that render services on behalf of us as data processors or assume functions for us on behalf of us (for example IT service providers).

For our M365 platform, we use Microsoft Corporation, One Microsoft Way, Redmond, Washington 98052, USA as a data processor. Microsoft also collects personal data of platform users for its own purposes. For more information about Microsoft's processing of personal data, please visit <https://privacy.microsoft.com/de-de/privacystatement>.

6. Third country transfer

In the course of the matrix structure of our Group, your data will also be processed within our Group companies that are based in third countries, meaning in countries outside the European Economic Area. These data transfers are covered by an adequacy decision of the European Commission (Article 45 GDPR). Where this is not the case, e.g. when it comes to transfers to the USA, the data transfers are especially based on standard data protection clauses/standard contractual clauses in line with the templates adopted by the European Commission (Article 46 Para. 2 lit. c, Para. 5 S. 2 GDPR) or by an exemption according to Article 49 GDPR.

The same applies to external service providers who work on behalf of us (for example IT service providers) or third parties, insofar as they come into contact with your personal data and are based in third countries. For example, when using the M365 platform, we transfer data to countries outside the European Union, beside others the USA.

Otherwise, we do not transfer your personal data to countries outside the EU or the EEA or to international organisations.

Upon request, we will gladly provide you with appropriate detailed information.

7. Your rights as a data subject

You may exercise your rights listed hereafter at any time, towards the body that is designated under Section 1.

7.1 Right to information

Within the framework of Article 15 GDPR, you are entitled to request information free of charge and at any time regarding the data that is processed by us, the processing purposes, the categories of recipients, the planned storage period or, in the case of third-country transfers, the appropriate guarantees. You are also entitled to receive a copy of your data.

7.2 Right to rectification, deletion, restriction of processing

If your data processed by us is incorrect, incomplete or their processing is inadmissible, you may ask us to correct your data, to supplement it, restrict processing or to delete the data to the extent permitted by law, according to Article 16, 17 and 18 GDPR.

The right to deletion does not exist, among other reasons, if the processing of personal data is required for (i) the exercise of the right to freedom of expression and information, (ii) the fulfilment of a legal obligation to which we are subject (for example statutory storage obligations) or (iii) enforcement, exercise or defence of legal claims.

7.3 Right to data portability

If you provide us with your data based on your consent or contractual relationship with us, upon request we will provide you with that data in a structured, current and machine-readable format or, if technically possible, submit the data to a third party that you have appointed.

7.4 Right of objection

If we process your data on the basis of a legitimate interest, you can object to this processing for reasons that arise from your particular situation, according to Article 21 GDPR. The right of objection only exists within the limits provided for in Article 21 GDPR. In addition, our interests may preclude termination of processing, so we may, despite your opposition, still be entitled to process your personal data.

7.5 Right of appeal

If you have any questions, suggestions or criticism, please feel free to contact our Data Protection Officer (see Section 2).

You are also entitled, under the provisions of Article 77 GDPR, to lodge a complaint with a supervisory authority, in particular in the member state of your place of residence, your place of work or the place of the alleged breach, if you believe that the processing of data concerning you violates the GDPR. The right of appeal is without prejudice to any other administrative or judicial remedy.

The competent supervisory authority for us is:

The State Commissioner for Data Protection and Freedom of Information
PO box 10 29 32, 70025 Stuttgart, Germany
Tel.: +49 (0) 711/615541-0
Fax: +49 (0) 711/615541-15
E-mail: poststelle@lfdi.bwl.de

However, we recommend that you always lodge a complaint with our Data Protection Officer first.

8. Obligation to provide data

In principle, you are not obliged to provide us with your data. However, if you do not do so, we will not be able to make our website available to you, we cannot guarantee the active use of the website and we cannot process requests outside the website. Personal data that we do not necessarily need for the aforementioned processing purposes, are identified as voluntary information by "optional" or some other indication. In principle, you are not obliged to provide us with your data.

9. Automated decision making/profiling

We do not use an automated decision making process.

10. Consent/withdrawal rights

In the event that you give or have granted us consent for the collection, processing or use of your data, you may withdraw this consent at any time, with future effect, by notifying the body appointed in Section 1. An e-mail is sufficient.

You also have the right, for reasons arising from your particular situation, to object at any time to the processing of data concerning you by us, pursuant to Article 6 Para. 1 lit. e GDPR (exercise of a task in the public interest) or Article 6 Para. 1 lit. f GDPR (legitimate interest of the person in charge); this also applies to profiling based on these provisions. In this case, we no longer process data about you, unless we can demonstrate compelling legitimate grounds for processing the data that outweigh your interests, rights and freedoms, or the processing is intended to assert, exercise or defend legal claims.

If the data about you is processed for direct marketing purposes, you have the right to object at any time to the processing of this data for the purpose of such advertising. If you object to processing for direct marketing purposes, that data will no longer be processed for these purposes.

Any withdrawal should be directed to the address indicated in Section 1.

11. Amendments

We reserve the right to change this Privacy Statement at any time. Any amendments will be announced by means of publication of the amended Privacy Statement on our website. Unless otherwise specified, such amendments will take effect immediately. Therefore, please check this Privacy Statement regularly to view the latest version.

Last updated July 2023