

Privacy policy for prospective customers, customers, and suppliers

1 Scope of this privacy policy

The Techem Group is subject to compliance with applicable data protection laws and takes the protection of data protection rights very seriously as the basis for a trusting business relationship.

This privacy policy applies to Techem Energy Service GmbH, Techem Solutions GmbH, Techem X, and bautech Energiemanagement GmbH, each with its registered office at Hauptstraße 89, 65760 Eschborn, Germany.

If there are different data protection agreements for processing, these privacy policies will be made available to you when the data is collected.

The following statement informs prospective customers, customers, and suppliers as data subjects (Art. 4 1. GDPR) about the processing of their personal data and their rights in connection with data processing under this statement. The privacy policy also covers persons who are authorized to perform legal transactions for these parties within the scope of the business relationship (e.g., legal representatives, persons with written power of attorney). Hereinafter referred to collectively as "data subject."

This privacy policy does not apply to personal data processed within the scope of order processing (e.g., employee data of customers, technical contacts, e.g., caretakers).

2 Responsibility

Depending on the contract and the type of data processing, the following are responsible, either individually or jointly:

- Techem Energy Services GmbH, Matthias Hartmann, Hauptstraße 89, 65760 Eschborn
- Techem Solutions GmbH, Holger Suschowk, Hauptstraße 89, 65760 Eschborn
- Bautech Energiemanagement GmbH, Dr. Reinhold Völkert, Hauptstraße 89, 65760 Eschborn
- Techem X, Hauptstraße 89, 65760 Eschborn, Christian Klöppel

3 The Group Data Protection Officer

The data protection officers of the aforementioned companies can be reached at:

Heiner Salz, Hauptstraße 89, 65760 Eschborn or via groupdpo@techem.de

4 Categories, purposes, and legal bases of data processing

4.1 Categories of data

As the responsible authority, we process personal data to the extent necessary for the initiation, conclusion, and performance of a contract. This includes the following categories of data in particular:

- Title, first name and surname
- Address (company, street, house number, postal code, city, country, P.O. box)
- Data for electronic communication (e.g., telephone number, email address, social media)
- Records of the time, nature, and content of mutual contact
- Contract details, preferences
- Bank details

- Conversation records (in particular audio recordings of telephone calls)

4.2 The data will be processed for the following purposes

- To prepare, conclude, and execute a contract (including, in particular, the provision of services within the scope of the respective agreements)
- for identification (e.g., when accessing electronic services, apps, when contacting us by email or telephone)
- to assert any legal claims and defend ourselves in legal disputes
- for troubleshooting, quality assurance, and to improve internal processes and processing
- on the basis of legal requirements

If consent is required in accordance with Art. 6 lit. a GDPR and you have given your separate consent, the data will also be processed for the following purposes:

- to introduce and offer you our products and services
- to compile statistical evaluations
- to conduct surveys
- to send newsletters

4.3 Data processing is based on the following legal grounds

4.4 Data processing for a contractual relationship (Art. 6 (1) lit b) GDPR)

Personal data of the data subject may be processed for the preparation, conclusion, execution, and termination of a contract. This also includes the support of the contractual partner, provided that this is related to the purpose of the contract. During execution, the data is used in particular in the context of the contractual provision of services and all necessary processing. Prior to a contract – i.e., in the contract negotiation phase – the processing of personal data is permitted for the purpose of preparing offers, preparing purchase orders, or fulfilling other requests made by the interested party with a view to concluding a contract. Interested parties may be contacted during the contract negotiation phase using the data they have provided.

4.5 Request for information by the data subject (Art. 6 (1) lit b) and f) GDPR)

If the data subject contacts a company of the Techem Group with a request for information (e.g., a request for information material on a product), data processing is permitted for the purpose of fulfilling this request.

4.6 Consent to data processing / marketing (Art. 6 (1) lit a) GDPR)

In certain cases, data processing is only possible with the voluntary consent of the data subject. This applies in particular to processing for marketing purposes. In these cases, we will ask you separately for the necessary consent to processing.

4.7 Data processing based on legal permission (Art. 6 (1) lit c) GDPR)

The processing of personal data is also permitted if corresponding legal provisions require, presuppose, or permit data processing. The type and scope of data processing must be necessary for the legally permissible data processing and are based on these legal provisions.

4.8 Data processing based on legitimate interest (Art. 6 (1) lit f) GDPR)

Personal data may also be processed if this is permissible in the legitimate interests of the controller. Legitimate interests are usually legal (e.g., enforcement of outstanding claims) or economic (e.g., avoidance of contract breaches). Personal data may not be processed on the basis of a legitimate interest if there are indications in individual cases that the interests of the data subject that require protection outweigh the interests in processing.

5 Categories of recipients of personal data

The personal data will be passed on to service providers that we use within the scope of order processing relationships and to third parties in compliance with data protection regulations, in particular to:

- internal and external employees entrusted with processing, e.g., internal and external employees, human resources department, works council, if applicable
- banks
- Meter reading and installation partners
- IT service providers
- Lawyers/tax advisors
- Debt collection agencies
- Auditors
- Residents (e.g., for meter reading, installation, or drinking water analysis)
- Health authorities (e.g., as part of drinking water analysis)
- Network operators
- Service companies (e.g. for conducting surveys, sending documents, processing incoming communications)
- Authorities and other bodies (if we are required to disclose the data by law)

6 Transfer to third countries

We strive to process your data within the EU. However, when processing data, it may be necessary to also process data in so-called third countries. If data is processed in countries outside the EU, we use standard contractual clauses, including appropriate technical and organizational measures to ensure that your personal data is processed in accordance with European data protection standards. The EU has already determined that some countries outside the EU, such as Canada and Switzerland, have a comparable level of data protection. Due to the comparable level of data protection, no special approval or agreement is required for data transfers to these countries.

Furthermore, we may transfer your personal data to companies affiliated with us, insofar as this is permissible within the scope of the purposes and legal bases set out above. In addition, personal data may be processed on our behalf on the basis of contracts in accordance with Art. 28 GDPR. Standard contractual clauses have been concluded with these external service providers, unless they are based in countries with an adequacy decision pursuant to Art. 45 GDPR.

7 Storage period

We only store your data for as long as we need it for the respective processing purpose. If the data is no longer required for the processing purposes stated in this privacy policy, it will be deleted unless its storage is still necessary to fulfill commercial or tax-related retention obligations. As a rule, we delete your data after these periods or determine the deletion period according to these criteria. An overview of the relevant retention periods can be found at the end under point 13.

8 Your rights as a data subject

Any data subject (Art. 4 GDPR) whose data is processed by Techem as the responsible authority may exercise the following rights:

- 1) The data subject may request information about which personal data is stored, its origin, and the purpose for which it is stored. (Art. 15 GDPR)
- 2) If personal data is transferred to third parties, information must also be provided about the identity of the recipient or the categories of recipients. (Art. 13 GDPR)
- 3) If personal data is incorrect or incomplete, the data subject may request that it be corrected or supplemented. (Art. 16 GDPR)
- 4) The data subject is also entitled to request the transfer of their personal data. (Art. 20 GDPR)
- 5) The data subject may object to the processing of their personal data. (Art. 21 GDPR)
- 6) The data subject is entitled to request the erasure or restriction of their data if the legal basis for the processing of the data is lacking or has ceased to exist. The same applies if the purpose of the data processing has ceased to exist due to the passage of time or for other reasons. Existing storage obligations and legitimate interests that prevent erasure must be observed. (Art. 17 GDPR)
- 7) The data subject has a fundamental right to object to the processing of their data, which must be taken into account if their legitimate interest outweighs the interest in processing due to a particular personal situation. This does not apply if a legal provision requires the processing to be carried out. (Art. 21 GDPR)

To exercise your rights as a data subject, please contact us by email at service@techem.de or by post at:

Techem Energy Services GmbH, Hauptstraße 89, 65760 Eschborn

9 Withdrawal of consent

You have the right to revoke your consent to the processing of your data at any time. To do so, send your revocation by email to service@techem.de with the subject line "Data protection" or write to us at the above contact address. The withdrawal of consent does not affect the lawfulness of the processing of your data carried out until the withdrawal.

10 Right to lodge a complaint with a supervisory authority

You have the right to lodge a complaint with the competent supervisory authority. The supervisory authority responsible for Techem GmbH and its subsidiaries or affiliated companies is:

The Hessian Data Protection Officer

Gustav-Stresemann-Ring 1

65189 Wiesbaden

Phone: 0611-1408 0

Fax: 0611-1408 611 poststelle@datenschutz.hessen.de

11 Obligation to provide

Within the scope of our business relationship, you must provide us with the personal data that is necessary for the establishment, execution, and termination of the service relationship and for the fulfillment of the associated contractual obligations, or that we are legally obliged to collect. Without this data, we are unable to conclude, execute, or terminate the contract with you.

12 Note on the processing of data from order processing (Art. 28 GDPR)

Techem is exclusively a processor with regard to resident data (e.g., meter readings, resident master data, etc.). The owner of the property in question or the community of owners (represented by an authorized representative, e.g., the property management company) is responsible for this data.

The processing of resident data is based on the respective contract for order processing in accordance with Art. 28 (3) GDPR.

If we collect data directly from residents on the basis of contractual processing or through the provision of services and devices, this is done on the basis of a separate agreement including the relevant data protection provisions. Data collected via the website is an exception to this.

13 Overview of the relevant retention periods

Data category	Start date(s) of retention period	Retention period	Basis
Commercial or business letters			
Any correspondence with customers that serves to prepare, execute, or reverse a transaction, e.g., complaints, seizures, insolvency safeguards, expert opinions, certificates, calculations, guarantee/loan documents, order and contract documents, invoices, and other documents.	End of a process (completion), conclusion of a contract, fulfillment of a contract, termination, end of a contract	6 years	§§ 238, 257 HGB; § 147 AO

Data from the contractual relationship

e.g. last name, first name, address, telephone, fax, mobile, bank details

End of a process (conclusion), conclusion of contract, fulfillment of contract, termination, end of contract

10 years

**§§ 238, 257
HGB; § 147 AO**

Contract

Contractual partners, terms and conditions, payment terms, terms, service descriptions

Expiration of the contract

10 years

**§§ 238, 257
HGB; § 147 AO**

Tax retention obligations

e.g., accounting documents, closing entries, closing accounts, asset inventories, outgoing invoices, payment vouchers, bank statements, booking instructions, booking vouchers, receipts, accounts receivable, deposit slips, sales journals, receipts, payment carriers, payment instructions

End of a transaction (closure)
Expiration

**10 years, or 11
years after the end
of the fiscal year in
which the entry was
included in the
balance sheet.**

**Principles of
proper
computer-
based
accounting
systems
(GoBS)**

Correspondence and communication data for other inquiries

Communication and the communication data contained therein that does not fall under the other categories. E.g., complaints, appointment arrangements for installation or meter reading.

Conclusion of the underlying business transaction

3 years

**§ 195
Regular
limitation
period BGB**