

# Data protection information for customers, suppliers and business partners

**Status: September 2024**

The Endress+Hauser Group ("Endress+Hauser", "we" or "us") attaches great importance to the protection of personal data, in particular of customers (including potential customers), suppliers and business partners (hereinafter collectively referred to as "contact persons"). With the following data protection information, we inform you about the type and scope of the processing of your personal data, purposes and legal bases, disclosure to third parties and deletion periods as well as your rights as a data subject.

The data protection information applies to all affiliated Endress+Hauser companies. They apply in addition to the general data protection declaration, which can be accessed under the "Data protection" tab at the bottom of [www.endress.com](http://www.endress.com) or the corresponding country website, and take precedence over this in the event of conflict. The applicability of further data protection notices for specific circumstances remains reserved.

## A. General provisions

### 1 Responsibility

Details of the Endress+Hauser company responsible in each case and further information on the responsible supervisory authority can be found on our website.

You can contact the internal data protection officer or, if available, the data protection officer of the respective company by post at the address given on the website with the addition of "data protection officer" or at the e-mail address listed.

### 2 Categories of data subjects, data processed and data sources

Categories of data subjects processed include:

- Employees
- Employees of affiliated companies
- Customers, suppliers, business partners
- Consultants
- External service providers
- Personnel of Tax and auditing services
- Data protection officer, security officer

- Representatives of authorities, social insurance institutions

The categories of personal data processed include:

- Master data (e.g. first and last name, address, function, department);
- Contact information (e.g. telephone number, e-mail address);
- necessary data for the processing and handling of an enquiry (incl. support requests), including creditworthiness data, if applicable;
- Contractual data, in particular in connection with supply contracts, service contracts, etc.;
- CRM data, especially customer history, customer statistics;
- Advertising and sales data and other data from comparable categories;
- Customer satisfaction surveys;
- Data including audio and/or video data, recordings and transcriptions of participants in audio or video conferences, this includes information about communications such as the time and duration of usage, source and destination identifiers, from/to phone numbers, completion status, location, IP address, and amount of usage.
- Communications content, this includes, for example, voicemails, messages and call recordings recorded via our services.
- contact lists and address book.
- Your permission to access the camera, microphone, and photos, to make and receive voice and video calls and messages and to send photos to others maybe requested.
- geo location information. If your mobile device is equipped with GPS, then your mobile device is able to determine its precise geographic location.
- Participation in further training, customer events, courses and certifications

We process personal data which we have obtained from business relationships or enquiries. As a rule, we receive this data directly from the contractual partner or a person making an enquiry. However, personal data may also originate from public sources (e.g. commercial register), provided that the processing of this data is permitted. Data may also have been legitimately transmitted to us by other companies, such as affiliated companies. Depending on the individual case, we also store our own information on this data (e.g. as part of an ongoing business relationship).

### **3 Purpose of the processing, legal basis**

#### **a. For the fulfilment of contractual obligations**

We process personal data primarily for the fulfilment of contractual obligations and the provision of related services or in the context of a corresponding contract initiation (e.g. contract negotiations (also by means of audio and video conferences), preparation of offers, etc.). Furthermore, we process

your data in the processing of the services provided, in particular invoicing, accounts receivable management, dunning and debt collection.

The data processing serves the following purposes in particular:

- Contract initiation, fulfilment and execution
- Communication with our contacts on products, services and promotions
- Support, in particular answering queries from our contact persons
- Planning, implementation and management of the business relationship with our contacts

#### **b. To safeguard legitimate interests within the framework of the balancing of interests**

To the extent necessary, we process your data beyond the actual performance of the contract to protect legitimate interests of us or third parties, namely:

- Direct marketing to existing customers, insofar as you have not objected to the use of your data
- Customer satisfaction surveys to existing customers for the purpose of quality assurance, unless you have objected to their use.
- Settling legal disputes, enforcing existing contracts and asserting, exercising and defending legal claims
- Securing for evidentiary purposes and audit-proof archiving of correspondence, especially email
- Data processing for security, quality assurance and process optimisation: for (data) security purposes (e.g. for the purpose of detecting criminal offences or misuse), for compiling statistics and for quality assurance, process optimisation and planning security. For this processing, there is a legitimate interest on the part of the data controller with regard to ensuring a smooth process as well as the continuous improvement of the respective products and services. In the opinion of the data controller, there is no predominantly legitimate interest of the data subjects, as the intensity of the processing is kept as low as possible, e.g. by using pseudonyms.
- Maintaining and protecting the security of our systems and the IT operations of the Company
- Building and facility security measures (e.g. access control or video surveillance)
- Exchange of control and planning data, controlling and treasury with affiliated Endress+Hauser companies
- Credit check

#### **c. Based on your consent**

Insofar as you have given us consent in individual cases to process personal data for specific purposes (e.g. film and photo recordings, newsletter subscription, recording or transmission of audio or video conferences), the lawfulness of this processing is based on your consent. Consent given can be revoked at any time.

#### d. Due to legal requirements or in the public interest

In addition, we are subject to various legal obligations arising from national laws, international conventions, etc. (e.g. comparison with anti-terror lists, money laundering law). The purposes of the processing include, among others, identity verification, the fulfilment of control and reporting obligations under tax and social law, fraud and money laundering prevention, as well as the assessment and management of risks in the Endress+Hauser Group.

## 4 Who gets my data?

Within the responsible Endress+Hauser company, access to your data is granted to those departments that need it to fulfil our contractual and legal obligations or to protect legitimate interests. Furthermore, service providers, vicarious agents or authorities employed by us may receive data for these purposes.

We may only disclose information about you if required or permitted to do so by law, if you have consented to it, or if we have commissioned processors to equally guarantee compliance with confidentiality and the requirements of the applicable data protection regulations.

Under these conditions, the following recipients may receive data by name

- Affiliated Endress+Hauser companies, in particular for the processing of customer orders or insofar as they act as processors for us,
  - in the context of mutual data transmission and exchange of electronic messages and the use of data exchange and collaboration services
  - for the exchange of management and planning data (financial and controlling data) between the affiliated companies, insofar as this is necessary to safeguard our legitimate interests
  - Contact person within the framework of the exchange of data from joint training courses, events, webinars for the purpose of sales, support and marketing
- Processors, especially cloud providers
- Subcontractors for order fulfilment, especially transport and logistics
- Contact person within the scope of business correspondence and order documentation
- Financial service providers, banks and insurance companies
- External advisors (e.g. lawyers, tax advisors and auditors)
- External service providers (e.g. for remote maintenance of IT systems, credit assessment, data destruction, debt collection, payment processing, telephony)
- Insurances
- Public bodies for the fulfilment of statutory notification obligations (e.g. tax authorities, social insurance institutions, law enforcement, supervisory authorities).
- Public bodies for the fulfilment of statutory notification obligations e.g. tax authorities, competent bodies in A1 proceedings

## 5 Will data be transferred to a third country?

Data is only transferred abroad within the scope of the applicable data protection regulations. In particular, insofar as this is necessary for the execution of your orders, is required by law (e.g. reporting obligations under tax law), you have given us your consent or within the scope of commissioned data processing. Furthermore, we transmit data to affiliated companies for the protection of legitimate interests. In the case of the transfer of personal data to third countries, we ensure an appropriate level of data protection.

When providing services and posting employees (A1 procedure), it may be that we transmit personal data on our customers and/or clients or the place of work to the competent authorities in accordance with the statutory reporting obligations.

Within the scope of the EU General Data Protection Regulation (**GDPR**), the following also applies:

Data transfer to countries outside the EU or the EEA (so-called third countries) only takes place within the framework of the applicable data protection regulations. In the event of the transfer of personal data to third countries, we ensure an appropriate level of data protection, e.g. through special guarantees, such as the officially recognised determination of a level of data protection corresponding to the EU (e.g. for Switzerland) or compliance with recognised special contractual obligations (so-called "EU standard contractual clauses").

## 6 How long will my data be stored?

We process and store your personal data as long as it is necessary for the fulfilment of our contractual and legal obligations. We delete your personal data as soon as it is no longer required for the abovementioned purposes. In this context, personal data may be retained for the period during which claims can be asserted against affiliated Endress+Hauser companies (statutory limitation periods). We also store your personal data insofar as we are legally obliged to do so. Corresponding obligations to provide proof and to store data result from commercial, tax and social security regulations. Furthermore, we store business-relevant documents and e-mails for the purpose of legally secure archiving for tax purposes and documentation for the defence against unjustified claims and the enforcement of claims.

## 7 Obligation to provide data

We process your personal data insofar as it is necessary for the fulfilment of our contractual and legal obligations as well as for the protection of our legitimate interests or you have given us your consent. In the context of the performance or initiation of a contract, you must provide those personal data that are necessary for the performance of the contract or the performance of pre-contractual measures and the associated obligations. Furthermore, you must provide those personal data that we

are legally obliged to collect. Without providing this data, we will not be able to conclude or fulfil a contract with you.

In cases of data collection based on consent, the provision of data by you is voluntary and not mandatory.

## 8 Does automated decision-making (including profiling) take place?

We process your data partly automatically with the aim of evaluating certain personal aspects (Profiling). For example, we use Profiling in the following cases:

- Due to legal requirements, we are obliged to check against anti-terror lists.
- In order to be able to inform and advise you about products in a targeted manner, we use evaluation tools. These enable needs-based communication and advertising (customer segmentation). Further information on this can be found in the data protection declaration on our website.

## B. Special provisions

### 9 Vonage

(1) We use communication solutions and services provided by Vonage Holdings Corp., including its corporate affiliates (“Vonage”), 101 Crawfords Corner Road, Suite 2416 Holmdel, NJ 07733 USA. Vonage offers a complete and fully-configured unified communications solution for the delivery of end-to-end communications via voice, video, text, mobile applications, and collaboration tools.

(2) The categories of personal data processed and the data subjects are described in Section A.2.

(3) The Endress+Hauser meeting organizer can choose who has access to Vonage meeting’s recording and transcript. Either everyone with the meeting link, only organizer and co-organizers or specific people in addition to the organizer(s).

(4) The legal basis for the aforementioned data processing is the performance of the contract. The responsible Endress+Hauser entity using Vonage processes Content as a data controller for the performance of the contract with its business partners (in the EU, Art. 6 para. 1 lit. b) GDPR). If the processing is not necessary for the performance of the contract, the legal basis is your consent (Art. 6 para. 1 lit. a) GDPR).

(5) Vonage Contact Centre stores Vonage CC services’ personal data, such as call recordings, in AWS data centres. These are divided into three regions: EMEA region (AWS data centre locations are London and Frankfurt), US region (AWS data centre locations are Virginia, California, and Oregon) and APAC region (AWS data centre locations are Sydney and Singapore).

(6) We have entered into a written Data Processing Agreement (DPA) with Vonage which contains data protection and data security obligations, as well as technical and organizational security measures appropriate to the processing activities and in line with the GDPR, including Standard Contractual Clauses (SCC).

(7) Further information can be found in the Vonage Privacy Policy:  
<https://www.vonage.com/legal/privacy-policy/>

## **10 MS Teams**

(1) We use Microsoft Teams Basic and Microsoft Teams Premium, unless otherwise stated hereinafter collectively “Microsoft Teams” or “Teams”.

(2) Microsoft Teams services are provided by Microsoft Ireland Operations, Ltd based in Ireland (One Microsoft Place, South County Business Park, Leopardstown, Dublin 18, D18 P521).

(3) The categories of personal data processed and the data subjects are described in Section A.2.

(4) Teams Premium is a offering that builds on the current Teams Basic solution and offers additional functions that make Teams meetings particularly personalized, intelligent and secure. Microsoft Teams Premium offers features such as live translations and recaps, which are powered by AI technology. “Intelligent Recap” works like a virtual assistant that takes notes. It complements your meeting notes by using AI to interpret meeting minutes. The premium version of Teams utilizes advanced AI capabilities to provide live captions in real time during online meetings. These captions are translated into 40 different languages.

(5) The responsible Endress+Hauser entity using Teams processes content as data controller for the performance of contract with its business partners (in the EU Art. 6 para. 1 lit. b) GDPR). Insofar as the processing is not necessary for the performance of contract legal basis are legitimate interest of Endress+Hauser and its business partners to document and support processes and tasks (in the EU Art. 6 para 1 lit. f) GDPR). In so far as meeting are recorded and/or transcribed the legal basis for the aforementioned data processing is your consent, in accordance with the EU Art. 6 para. 1 lit. a) GDPR.

(6) MS Teams data is processed by Microsoft as processor according to the underlying DPA (Data Processing Agreement) with Endress+Hauser InfoServe GmbH & Co. KG as contractual partner acting as Endress+Hauser group sub processor.

(7) For more information on how Microsoft Teams Premium handles data privacy, please refer to Microsoft's privacy policy: <https://privacy.microsoft.com/en-us/privacystatement>

## **C. Your rights as a data subject**

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

To the extent that the processing of your personal data by the controller falls under the scope of the EU General Data Protection Regulation (**GDPR**), you have the following rights, otherwise the local legal provisions applicable to the processing by the controller apply.

**a. Rights according to Art. 15 ff. DSGVO**

The data subject has the right to obtain confirmation from the controller as to whether personal data concerning him or her are being processed. If this is the case, he or she has the right to be informed about these personal data defined in Art. 15 GDPR.

Under certain legal conditions, you have the right to rectification according to Art. 16 GDPR, the right to restriction of processing according to Art. 18 GDPR and the right to erasure ("right to be forgotten") according to Art. 17 GDPR. In addition, you have the right to have the data provided by you in a structured, common and machine-readable format ("right to data portability") in accordance with Art. 20 DSGVO, provided that the processing is carried out in an automated procedure and is based on consent in accordance with Art. 6 para. 1 lit. a) or Art. 9 para. 2 lit. a) or on a contract in accordance with Art. 6 para. 1 lit. b) DSGVO.

**b. Withdrawal of consent pursuant to Art. 7 (3) DSGVO**

If the processing is based on consent, you can revoke your consent to the processing of personal data at any time. The revocation of consent does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

**c. Right of appeal according to Art. 77 DSGVO**

You have the option of contacting the company responsible or a data protection supervisory authority with a complaint. Information about the company responsible for processing your data and, if applicable, the data protection officer as well as the competent supervisory authority can be found on the Endress+Hauser website.

**d. Right of objection according to Art. 21 DSGVO**

**Individual right of objection:** You have the right to object at any time, on grounds relating to your particular situation, to the processing of your personal data carried out on the basis of Art. 6, para. 1 lit. f) DSGVO (data processing on the basis of a balance of interests); this also applies to a profiling based on this provision within the meaning of Art. 4 para. 4 DSGVO, where applicable.

If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.



**Right to object to processing of data for advertising purposes:** In individual cases, we process your personal data to carry out direct advertising. You have the right to object at any time to the processing of personal data concerning you for the purposes of such advertising; this also applies to profiling insofar as it is related to such direct advertising. If you object to processing for direct marketing purposes, we will no longer process your personal data for these purposes.

The objection can be made without formalities to the office indicated under point 1.