HERRENKNECHT
FORMWORK

INFORMATION ON PROCESSING EMPLOYEE DATA

EMPLOYEE INFORMATION ON DATA PRIVACY

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EMPLOYEE INFORMATION ON DATA PRIVACY

Dear Sir/Madam,

As of May 25, 2018, the legal specifications of the new EU Basic Data Privacy Regulation (DSGVO) must be observed. This will standardize data protection laws throughout Europe in order to enable individuals to retain more control over their personal data. Accordingly, the same data privacy standards are to apply in all EU states.

We hereby provide you with information on processing your personal data and your rights in accordance with the data protection law. This sees us complying with the specifications of the Basic Data Privacy Regulation (DSGVO) for creating transparency in processing your personal data.

1. Who is responsible for data processing and who is your Data Privacy Officer?

Your employer is responsible for processing data:

Herrenknecht Formwork Technology GmbH
Schlehenweg 2
D-77963 Schwanau
Tel. +49 (0)7824 302 - 2891
Fax +49 (0)7824 302 - 1083
Contact: Datenschutz@herrenknecht.de

Contact our **Data Privacy Officer** Gustav Müller at datenschutz@emetz.de.

2. What data categories do we use as an employer and where do they come from?

Depending on whether they are collected within the framework of a possible justification (application phase), implementation or termination of your employment relationship or within the framework of employee leasing, personal data categories to be processed include, in particular, your master data (such as your first name, last name, supplementary name data, nationality and personnel number), contact data (such as your home address, (cell) phone number, email address), protocol data incurred when using the IT systems as well as other data pertaining to the employment relationship (e.g. time logging data, vacation, periods of incapacity to work, qualification data, poss. criminal record, social data, bank details, social security number, pension insurance number, salary data and the tax ID number). These can also include special categories of personal data such as health data.

Your personal data are generally collected from you directly within the framework of the hiring process or during your employment relationship. In certain situations, your personal data are also collected from other locations on account of statutory specifications. These include, in particular, queries as warranted of tax-related information directed to the responsible tax authorities as well as information on periods of incapacity to work obtained from the respective health insurance

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company. We may also have received data from third parties (e.g. employment agency).

3. For what purposes and on what legal basis are your data processed?

We process your personal data taking consideration of the specifications of the EU Basic Data Privacy Regulation (DSGVO), the Federal Data Protection Act (BDSG) – as amended – and all other relevant laws (e.g. BetrVG, ArbZG etc.).

Data processing primarily serves justification, implementation and termination of the employment relationship. The primary legal basis for this is Article 6, para. 1 b) DSGVO in conjunction with § 26, para. 1 BDSG.

Collective agreements (Group, overall and plant agreements as well as collective regulations) as per Article 88, para. 1 DSGVO in conjunction with § 26, para. 4 BDSG as well as your separate approvals in accordance with Article 6, para. 1 a), 7 DSGVO in conjunction with § 26, para. 2 BDSG (e.g. for video recordings) can be applied as legal data protection permissions.

When utilizing our information and communication systems during your employment with us, we log personal data within the framework of necessary security measures for maintaining protected business operations and while observing statutory guidelines based on permission provided by you. These concern, in particular, the personal use of our information and communication systems by you.

We also process your data in an effort to comply with our legal obligations as an employer, especially in the area of tax and social security law. This is based on Article 6, para. 1 c) DSGVO in conjunction with § 26 BDSG.

Where necessary, we also process your data on the basis of Article 6, para. 1 f) DSGVO in an effort to maintain our own legitimate interests or those of third parties (e.g. authorities). This applies in particular in investigating crimes (legal basis: § 26, para. 1 S. 2 BDSG) or within the Group for the purpose of corporate control, internal communication and other administrative purposes.

Insofar as other categories of personal data are processed in accordance with Article 9, para. 1 DSGVO, this serves toward exercising rights within the framework of the employment relationship or complying with legal obligations based on labor law, the law of social security and social protection (e.g. provision of health data to the health insurance company, determining severe disability for additional vacation and calculating the surcharge for disability contributions). This is based on Article 9, para. 2 b) DSGVO in conjunction with § 26, para. 3 BDSG. Additionally, processing health data can be necessary for assessing your ability to work in accordance with Article 9, para. 2 h) in conjunction with § 22, para. 1 b) BDSG.

Processing special categories of personal data can also be based on approval in accordance with Article 9, para. 2 a) DSGVO in conjunction with § 26, para. 2 BDSG (e.g. operational health management).

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If we wish to process your personal data for any reason not stated above, we will inform you beforehand.

4. Who receives your data?

Within our company, only those people and areas (e.g. divisions, works council, representative body for severely disabled employees) receive your personal data who require them to fulfil our contractual and statutory obligations.

Within the Herrenknecht Group, your data are made available when we perceive these data processing tasks centrally for the companies associated with the Group (e.g. payroll accounting, IT centralization).

In addition to this, we use various service-providers within the framework of job processing in order to comply with our contractual and statutory obligations (e.g. external paper disposal company).

Furthermore, we can also supply your personal data to other recipients outside the company insofar as this is necessary for fulfilment of our contractual and statutory obligations as an employer. These can be, for example:

- Authorities (e.g. pension insurance companies, occupational benefit schemes, social insurance companies, financial authorities, courts)
- Employee's bank (SEPA payment medium)
- Receiving offices of health insurance companies
- Authorities for guaranteeing claims from the company pension scheme
- Authorities for paying out capital-forming benefits
- Third-party declarations to creditors in the event of wage and salary seizures
- Insolvency administrators in the event of private insolvency

5. What data privacy rights can you assert as the person concerned?

You can request information on personal data saved on you from the address indicated below. Furthermore, you can request the revision or deletion of your data under certain conditions. You may also continue to have the right to limit processing of your data as well as a right to surrender of data supplied to you in a structured, conventional and machine-readable format.

For legal reasons, we are informing you of your right of appeal as follows. Direct marketing with your personal data is not, however, carried out by us.

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Right of appeal:
If we process your data to maintain justified interests, you can object to such processing for reasons relating to your particular situation. Then we will no longer process your personal data unless we are able to provide evidence of compelling legitimate grounds for processing which override your interests, rights and freedoms or processing serves toward asserting, exercising or defending legal claims. You have the right to object to processing of your personal data for the purpose of direct marketing and without giving reasons.

6. Where can you file a complaint?

If you wish to make a complaint, you can contact the Data Protection Officer referred to above or a data protection supervisory authority. The data protection supervisory authority for your jurisdiction is:

The State Data Protection and Freedom-of-Information Officer,
Baden-Württemberg
Königstraße 10a, 70173 Stuttgart
Tel.: +49 (0)711 6155 41-0, Fax: +49 (0)711 6155 41-15
Email: poststelle@lfdi.bwl.de

7. How long will your data be stored?

We will delete your personal data as soon as they are no longer required for the reasons outlined above. On termination of the employment relationship, your personal data will be saved for as long as we are obliged to do so by law. This is regularly determined by legal obligations to provide evidence and retention requirements which are regulated in the Commercial Code and the Tax Code, for example. The storage terms are up to ten years. Furthermore, it is possible that personal data are stored for the period in which claims can be asserted against us (statutory limitation period of three or up to thirty years).

8. Will your data be transferred to a third country?

We only supply employee data to countries outside a member state of the European Union or another signatory state to the EEA Treaty taking consideration of the existing legal specifications and only for previously clearly specified and specific purposes within the framework of your employment relationship or initiation thereof.

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9. Are you obliged to supply your data?

Within the framework of your employment, you are obliged to supply the personal data required for justifying, implementing and terminating the employment relationship and for complying with the associated contractual obligations or which we are bound by law to collect. Without these data, we will not be in a position to implement the employment contract with you.

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