

Information on Processing of Personal Data

in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)

(hereinafter also referred to as "**GDPR**")

The Controller shall notify the following to the person of the supplier/customer (hereinafter referred to as the "**Contractual Partner**") with whom it enters into a contract in which the Controller acts as a customer/supplier (hereinafter also referred to as the "**contract**") and to persons who are employees of the contractual partner, act on its behalf or whose personal data are included in the contract or in documents issued on the basis of the contract (hereinafter also collectively referred to as "**other data subjects**"):

1. identification data of the operator: the company Messer Tatragas, spol. s r.o., with registered office: Chalupkova 9, 819 44 Bratislava, ID No: 00 685 852, registered in the Commercial Register of the Municipal Court Bratislava III, Sec: Sro, Insert No. 278/B
2. **contact details** of the Controller:
tel. +421 2 502 54 111, e-mail: *michaela.lisa@messergroup.com*
contact person responsible: *zodpovednaosoba.sk@messergroup.com*
3. **scope of personal data**: personal data contained in the contract concluded between the Controller and the contractual partner and/or on accounting and other documents within the framework of supplier-customer relationships (orders, acceptance reports, etc.) and personal data necessary for the conclusion and performance of a contract and the management of the business relationship with the contractual partner (*e.g. name, surname, title, business name under which the natural person operates, permanent residence/place of business, email address, telephone number, bank account number and billing details, signature, details of the goods/service, method of delivery of the goods/service, job position/function and link to the contractual partner of which the data subject is a statutory body or an employee*)
4. **Details of other data subjects**:
We obtain data about the employees of our contractual partners from the data subject or from the contractual partner or potential contractual partner (as the employer of the data subject). We obtain the personal data of persons who are the statutory body (or its member) of the contractual partner directly from the data subject or from the commercial or other register (part of the personal data of the person(s) who is/are the statutory body or its member is/are published in publicly accessible registers). We obtain the personal data of the contractual partner or potential contractual partner – a natural person directly from the data subject or from a publicly accessible register (e.g. a natural person doing business on the basis of a trade license).
5. The data subject is obliged to provide his or her personal data if the processing of the personal data is necessary in connection with the performance of a legal obligation of the Controller. The provision of personal data within the framework of pre-contractual and contractual relations is necessary, otherwise their non-provision would prevent the conclusion and/or performance of the contract, i.e. the provision of personal data is necessary for the purpose of the conclusion of the contract and its implementation.

6. purposes of processing personal data:

- **conducting activities and measures leading to the conclusion of the contractual relationship, including the registration of the customer**

We process the personal data of a potential contractual partner (natural person) with whom we conclude a contract within the framework of pre-contractual relations, i.e. the processing is necessary in order to carry out pre-contractual measures at the request of the data subject. If the data subject does not provide his or her personal data, it is not possible to enter into a contractual relationship with him or her.

- **the exercise of rights and obligations under the contractual relationship**

We process the personal data of contractual partners (natural persons) because it is necessary for the performance of the contract concluded with the data subject.

- **the valid conclusion and performance of contractual relations**

We process the personal data of other data subjects (employees, persons authorized to act on behalf of the contractual partner, etc.) on the legal basis of the legitimate interest pursued by us to *ensure the valid conclusion of contracts and their effective performance*. Should the data subject refuse to provide his/her data, this could prevent the conclusion and/or performance of the contractual relationship with the contractual partner.

- **bookkeeping, processing of accounting and tax documents, invoicing and cash register**

For this purpose, we process the data of the data subjects because it is necessary for the fulfilment of the legal obligation of the Controller, in particular pursuant to Act No. 431/2002 Coll. on Accounting, as amended, and Act No. 595/2003 Coll. on income tax, as amended.

- **audit and certification in accordance with generally binding legislation (Act on Medicines)**

For this purpose, we process the personal data of the data subjects because it is necessary for the fulfilment of the legal obligation of the Controller, in particular pursuant to Act No. 362/2011 Coll. on Medicinal Products and Medical Devices and on Amendments and Additions to Certain Acts, as amended.

- **increasing the functionality and quality of the management system by introducing ISO international standards (quality management system, environmental management system, food safety management system)**

We process the data of data subjects on the basis of our pursued legitimate interest in *improving the functionality and quality of the operator's management system by implementing a quality management system, an environmental management system and a food management system*.

- **registration of debtors and resolution of overdue debts**

We have a legitimate interest in *protecting our rights by keeping records of debtors and resolving outstanding money owed to us through individual communication with debtors and/or using the services of a debt collection company*. If we process the personal data of the data subjects for this purpose, the data may be provided to a collection company.

- **registry purposes, including records of mail sent and received**

The documentation containing personal data is subsequently stored (and the data in it are processed for this purpose) by us as the originator of the registry in order to fulfil the obligations under Act No. 395/2002 Coll. on archives and registers and on the amendment of certain acts, as amended, for the period of time determined by the Registry Plan.

7. retention period of personal data:

We will retain personal data for as long as necessary to achieve the purpose for which the personal data is processed. Where personal data are processed in the performance of the legal obligations of the Controller and a legal regulation specifies a retention period, we will retain the personal data and related documentation for the period required by the relevant legal regulation. The retention periods are set out in more detail later in this section.

In the context of pre-contractual relationships, we store the data of the data subjects until the conclusion of a contract with the contractual partner (however, for a maximum of 1 year if no contract is concluded).

We keep personal data for the duration of the contractual relationship with the contractual partner until the settlement of all rights and obligations under the contract; subsequently, we keep customer registration lists (together with attachments), delivery notes and contracts in accordance with the Registration Plan for 10 years (from the end of the calendar year in which the file was closed).

For the purpose of bookkeeping, processing of accounting and tax documents, invoicing and cash register, we keep personal data for 10 years (in accordance with the Accounting Act).

We keep data in the records of sent and received postal items for up to 5 years (from the end of the calendar year in which the postal item was sent/received).

We keep the debtor's (natural person's) data in the debtors' register until the settlement of the outstanding debts that we register against the data subject. According to the Registration Plan, we keep collection files for 5 years (from the end of the file).

8. **recipients** to whom the personal data of the data subject will be disclosed or are likely to be disclosed/accessed: (i) Messer SE & Co. KGaA with registered office: Messer Platz 1, 658 12 Bad Soden am Taunus, Germany, which operates the server on which the data is stored, (ii) the person who performs the digitization/scanning of delivery notes, (iii) the person who enforces the rights or performs the obligations of the Controller under the contractual cooperation with the contractual partner, (iv) the persons who carry out the sale of goods and provision of services in the name and on behalf of the Controller (agents), (v) the auditor, (vi) provider of electronic signature service (DocuSign), and (vi) provider of server hosting service (operation of a dedicated server at the premises of the service provider and related technical support), (vii) provider of communication services, (viii) person who carries out the transport of goods or other things to or from the contractual partner, (ix) person to whom the claim of the Controller against the contractual partner could be assigned in the future.

In connection with the use of the electronic signature service (DocuSign), data is transferred to the USA and other third countries to companies in the DocuSign group. The service provider uses approved binding internal rules for the transfer, which can be found here:

<https://www.docusign.com/trust/privacy/bcrp-privacy-code>

In connection with the provision of communication services and software products by Microsoft Corporation, data is transferred to third countries (USA), data is transferred to the United States of America (USA) in accordance with European Commission Decision 2000/518/EC of 10 July 2003 on the adequate protection of personal data relating to the EU-US Privacy Shield Framework on the basis of Article 2(1)(b) of the EU-US Privacy Shield Framework, and in accordance with Article 2(1) of the EU-US Privacy Shield Framework. 45 of the General Data Protection Regulation (the EU-US legal framework for the protection of personal data). Microsoft Corporation has certified to participate in the Privacy Shield Framework.

9. Personal data will not be used for automated individual decision-making or profiling.
10. If you wish to exercise your rights in relation to the processing of your personal data, please contact the responsible person or the Controller in person or in writing via the contact email or by delivery to the address of the Controller's registered office.

If we process your personal data for *the legal basis of the legitimate interests pursued by us* (Art. 6, Par. 1 (f) GDPR, you have the right **to object at any time** on grounds relating to your particular situation to the processing of your personal data. You may object to processing in person or in writing to the address of the Controller's registered office or to the following e-mail address michaela.lisa@messergroup.com or by email to the person responsible.

11. Data subjects have the following rights:

- **The right of access to personal data pursuant to Art. 15 of the GDPR:**

The data subject shall have the right to obtain confirmation that the Controller processes personal data concerning him or her. The data subject has the right to obtain access to his or her personal data (the right to be provided with a copy of the personal data held by the Controller about the data subject) and information about how the Controller processes it, to the extent provided for in Article 15 of the GDPR.

- **The right to rectification of personal data pursuant to Art. 16 of the GDPR:**

The data subject shall have the right to have personal data concerning him or her rectified if it is incorrect or to have it completed if it is incomplete. The Controller must comply with the request for rectification or completion of the personal data without undue delay.

- **The right to erasure (the right to be "forgotten") under Art. 17 of the GDPR:**

The data subject shall have the right to obtain from the Controller, without undue delay, the erasure of personal data concerning him or her, under the conditions set out in Art. 17 of the GDPR (*e.g. where the personal data obtained about him or her by the Controller are no longer necessary for the purposes for which they were obtained or otherwise processed, or the personal data have been unlawfully processed*). This right of the data subject shall be assessed by the Controller in the light of all the relevant circumstances in accordance with Art. 17 of the GDPR (*the Controller will not comply with the request, e.g. if the processing is necessary, e.g. for compliance with a legal obligation of the Controller or for the establishment, exercise or defense of legal claims*).

- **The right to restriction of the processing of personal data pursuant to Art. 18 of the GDPR:**

The data subject shall have the right to have the Controller restrict the processing of his or her personal data if one of the cases referred to in Art. 18 of the GDPR (*e.g. where the data subject contests the accuracy of the personal data during the period for verifying their accuracy or where the Controller no longer needs the personal data for the purposes of the processing but the data subject needs them to establish, exercise or defend his or her legal claims*).

Where processing has been restricted in accordance with Art. 18, Par. 1 of the GDPR, such personal data shall, except for retention, be processed: a) only with the consent of the data subject; or b) for the establishment, exercise or defence of legal claims; or c) for the protection of the rights of another natural or legal person; or d) for reasons of important public interest of the Union or of a Member State.

- **The right to the portability of personal data pursuant to Art. 20 of the GDPR:**

Where the processing is based *on consent or on a contract and is carried out by automated means*, the data subject shall have the right to obtain his or her personal data which he or she has provided to the Controller in a structured, commonly used and machine-readable format and shall have the right to transmit those data to another Controller. As far as technically feasible, he or she shall have the right to have the data transmitted directly from one Controller to another.

- **The right to object according to Art. 21 of the GDPR:**

If the processing is based on *legitimate interests* (Art. 6, Par. 1 (f) GDPR), the data subject shall have the right to object at any time, on grounds relating to his or her particular situation, to processing of personal data concerning him or her. In such a case, the Controller may no longer process the personal data unless the Controller demonstrates compelling legitimate grounds which override the interests, rights and freedoms of the data subject or the establishment, exercise or defense of legal claims.

- **Right to file a petition to initiate a data protection action**

The data subject may at any time submit a petition regarding the processing of personal data to the supervisory authority, i.e. the Office for Personal Data Protection of the Slovak Republic, Hraničná 12, 820 07 Bratislava, tel.: +421 2 3231 3214, www.dataprotection.gov.sk