

**Data Protection Declaration (information on the processing of your data in accordance with Art. 13, 14 and 21 of the General Data Protection Regulation)**

We take data protection seriously. The purpose of this document is to inform you about the processing of your data and the rights which you hold under applicable data protection legislation.

**1. Identity and contact details of the “controller” (the body responsible for the processing of your data) as defined in the General Data Protection Regulation**

Atlas Copco Tools Central Europe GmbH  
Langemarckstr. 35  
45141 Essen  
Germany  
Phone: +49 201 - 21 77 0

**Contact details of our national offices:**

National office in Austria:  
Atlas Copco Tools Central Europe GmbH  
Office Park 1, Top B02  
A-1300 Vienna Airport  
Austria  
Phone: +43 (01) 76012-310

National office in Belgium  
Atlas Copco Belgium NV  
Industrielaan 44  
B-3730 Hoeselt  
Belgium  
Phone: +32 (0)2 689 05 11

National office in the Netherlands  
Atlas Copco Tools Nederland  
Merwedeweg 7  
3336-LG-Zwijndrecht  
The Netherlands  
Phone: +31 (0)78 6230230

**Contact details of our data protection officer:**

Silvia C. Bauer  
Luther Rechtsanwaltsgesellschaft mbH  
Anna-Schneider-Steig 22 (Rheinauhafen)

50678 Cologne  
Germany  
Email: [datenschutz@luther-lawfirm.com](mailto:datenschutz@luther-lawfirm.com)

**2. Purpose and legal basis of the processing of your data**

We process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) the German Federal Data Protection Act (BDSG) and other applicable data protection legislation. Details of the processing of personal data are given below:

**2.1 Processing of data for the performance of the contract or prior to entering into a contract (Art. 6 (1b) GDPR)**

In the event that you make data available to us in connection with the conclusion of a contract and such data are necessary for the conclusion of the contract and for the sale etc of our products and services, these data will be processed for the establishment, performance and, if applicable, termination of our contracts with you and for the performance of your orders. We also process any data received in connection with a complaint or similar matter with a view to reviewing and processing the matter.

We also use the data of our customers for the collection of amounts owed to us by our customers. The data concerned include (data provided on a voluntary basis are indicated by “possibly”) your contact details (such as name, title, address, telephone numbers, email addresses), details of your company (such as name, legal organization form, invoicing address and bank account details), possibly your date of birth, details of the contract or order for order processing and payment, tax data and also data concerning complaints or similar matters (such as the grounds and description of the matter.)

In connection with our customer relationship, we may make the app ALTURE, operated by Atlas Copco AB, available to you to provide support for our products and services. Among other functions, this app evaluates tightening data

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| Central Europe GmbH | 3336 LG Zwijndrecht         | www.atlascopco.nl            | Olaf Sommer                |
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using artificial intelligence. In connection with this app, we make the mail addresses of our customers available to Atlas Copco AB, so that Atlas Copco AB can contact customers for the purpose of registration. The “controller” responsible for the processing of your data in connection with the app is Atlas Copco AB. Further details are given in the data protection declaration provided to customers in connection with registration for the app.

## 2.2 Processing in connection with our legitimate interests or those of third parties (Art. 6 (1 f) GDPR)

In addition to the performance of contracts or in connection with the conclusion of contracts, we may also process your data where this is necessary for the purpose of pursuing our legitimate interests or those of third parties, except where such interests are overridden by your interests or fundamental rights and freedoms. Among other interests, such legitimate interests may include our economic interests, our legal interests, or our interest in maintaining and safeguarding compliance or IT security.

For example, such legitimate interests may include:

- Transfer to service providers performing services for you on behalf of Atlas Copco. Atlas Copco will only transfer your personal data to service providers who are under a contractual obligation to Atlas Copco not to process or transfer such data except for the purpose of performing services on our behalf or compliance with statutory requirements;
- Processing and transfer of data for the investigation of alleged or actual illegal acts;
- Processing and transfer in connection with insurance claims or the investigation and processing of loss or damage and the minimization of financial losses
- Processing in support of the sale or transfer of part of our company or

the entire company or our assets (also in the event of insolvency);

- Obtaining creditworthiness assessments from credit agencies
- Provision of e-learning or other training materials, performance of product training or other measures to ensure compliance and provide information on our products;
- Quality control and review and optimization of procedures for demand analysis and for communications with you;
- Concession procedures;
- Analysis of business figures for the performance of internal sales analyses, calculation and analysis of cost structures or remuneration;
- Coordination and control by affiliated companies (e.g. parent company) or appropriate supervisory or control bodies (e.g. auditing) and risk management within the group;
- Measures for business coordination and the further development of services and products;
- Collection of amounts outstanding via debt collection agencies;
- Performance of statutory obligations including, but not limited to, the performance of lawful requests by prosecution authorities or other state regulatory authorities;
- Enforcement of legal claims and defense by counsel in litigation;
- Ensuring data and information security;
- Video monitoring for protection against trespassing and for the collection of evidence in the event of unlawful acts;
- Measures to ensure building and plant security (e.g. access control) and to prevent trespassing;
- Recording of telephone conversations for the documentation of contracts, enquiries, etc and other

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agreements as well as for quality control and training purposes;

### **2.3 Use of data for marketing purposes such as newsletters, customer magazines, surveys, etc. and your right to object (Art. 6 (1 a, f) GDPR, Section 7 (3) UWG (German Unfair Competition Act))**

With your consent, we will also use your data for marketing purposes, e.g. for the distribution of our newsletter or customer magazine, for surveys for promotion purposes, for inviting you to events which could be interesting for you or will use your data for the purposes of market research. In this connection, we collect mandatory data such as your email address and data which you can provide on a voluntary basis. We use such data provided on a voluntary basis for the continuous improvement of our customer relations.

If you have provided your email address in connection with the purchase of goods or services, your email address may then be used by us for the distribution of a newsletter, for electronic marketing surveys and for other similar marketing contacts. In such cases, you will only be contacted in connection with the promotion of our own goods or services which are similar to those which you have purchased.

We process your data for the dispatch of newsletters, surveys, etc. and for addressing you personally on the following legal basis:

- If you have given consent for the processing of your data in this way, on the basis of Art. 6 (1 a) GDPR;
- If you have provided your email address in connection with the purchase of goods or services or we have sent personalized promotional material to you, for the pursuit of our legitimate interests in accordance with Art. 6 (1 f) GDPR, in conjunction with Section 7 (3) UWG (German Unfair Competition Act); our legitimate interest is based on our economic interest in the

performance of marketing measures and the implementation of target-group-oriented promotion and optimized, personalized contacts with and support for our customers.

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### **Right to object to the use of data collected in connection with the conclusion of a contract**

If we have you received your email address in connection with the conclusion of a contract and the supply of our products and you have not objected to such use, we reserve the right to send you regular offers or surveys concerning similar products by email. You may object to this use of your email address at any time by sending a message to the contacts listed below or using the appropriate link in our email without incurring any further cost apart from transmission costs at the applicable basic tariff.

### **Analysis of reactions to marketing communications**

If we send marketing information to you, we also analyze when and how you open the information using the Marketo software package offered by the service provider Adobe (Adobe Systems Software Ireland Limited, 4-6 Riverwalk, Citywest Business Campus, Dublin 24, Republic of Ireland). In such cases, the following data concerning you will normally be stored:

- Open/not opened with date and time of first opening and number of opening operations
- Clicks on links (number of clicks and date and time of the first click)
- Country where the communication was opened and service used
- Log-offs
- Bounces (an indication that the communication could not be delivered).

By evaluating and analyzing the data provided by Marketo, we can avoid sending you indiscriminate marketing material. On the contrary, we will send you promotional material such as newsletters, surveys or product recommendations which are in line with your areas of interest. In this context, we will analyze which of our advertising emails you have opened in order to avoid sending you unnecessary emails. In addition, we would also like to send you appropriate information. By

tracking opening and click rates, we can identify more effectively what content is interesting for you. We will also process your feedback in connection with our surveys with a view to identifying your needs so that we can optimize our services and provide you with targeted advice.

The legal basis for analyzing your reactions to our newsletter is your consent in accordance with Art. 6 (1 a) GDPR. If we send you personalized and/or targeted advertising, collect information on your preferences, conduct surveys and process and evaluate the results, the legal basis is also Art. (1 f) GDPR (weighing up of legitimate interests against your interests). In this case, our legitimate interest is our economic interest in the performance of promotion measures, target-group oriented advertising and updating our customer database, optimized, personalized address forms based on your interests and support for customers..

You will find further information on conditions of use and data protection with respect to Marketo at <https://www.adobe.com/privacy.html>

### **2.4 Processing for compliance with legal obligations (Art. 6 (1 c) GDPR)**

Like any person or company involved in business, we are subject to a wide variety of legal requirements. These mainly include statutory requirements (such as laws concerning trading and taxation, for example) as well as the requirements of regulatory or other authorities. The purposes of processing for compliance with legal obligations include, where applicable, checking identities and ages, the prevention of fraud and money-laundering, the prevention, combating and investigation of terrorism financing and financial crime, compliance with monitoring and reporting obligations under tax law and the archiving of data for data protection and data security purposes as well as auditing by tax and other authorities. Furthermore, the disclosure of personal data may be required in connection with the collection of evidence by authorities and courts, prosecution or the enforcement of rights under civil law.

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## 2.5 Processing for creditworthiness verification and transfer of data to credit agencies

We also use the data you have provided (company, name, address, date of birth and, possibly, sex or gender) in connection with initiating, conducting and terminating business relations for enquiries to credit agencies concerning the assessment of your creditworthiness on the basis of mathematical and statistical procedures with a view to verifying your creditworthiness prior to the conclusion of a contract. We may also transfer data concerning behavior in breach of contract or fraudulent behavior during a contractual relationship to a credit agency. Data are also exchanged with a credit agency for the purpose of identity verification. On the basis of the agreement figures provided by the credit agency, we can determine whether a person is stored in its database at the address given by the customer.

The legal basis for the use of your data for enquiries to credit agencies is Art. 6 (1 b) GDPR. The legal basis for the transfer of information concerning behavior in breach of contract or fraudulent behavior to a credit agency is Art. 6 (1 f) GDPR and such information is transferred for the purpose of the legitimate interests pursued by us or a third party, except where such interests are overridden by your interests or your fundamental rights and freedoms which require the protection of personal data. In this case, our legitimate interest is that the credit agency informs third parties about negative payment experience and protects them against detrimental impact.

## 3. Categories and sources of personal data processed by us where personal data have not been obtained directly

We mainly receive the personal data which we process in connection with our business relations with you.

To the extent this is necessary for the performance of our services within the framework of our business relations or for the

purposes stated above, we also process personal data lawfully received from other companies or other third parties (e.g. credit agencies or address publishers), such as contact details, key company data, creditworthiness data etc. We also process personal data which we have received or acquired from publicly accessible sources such as telephone directories, registers of companies, associations, residences and debtors, land registries, and the press, Internet and other media) and are entitled to process.

## 4. Recipients or categories of recipients of your data

Initially, only our employees have access to your personal data.

As a general principle, your data are only transferred to third parties where this is permitted or required by law or you have given your consent for such transfer. We also share your data with our service providers to the extent required for the performance of our services. In this context, the data transferred are limited to those required for the performance of our services for you. In some cases, our service providers receive your data as data processors; in such cases, the service providers concerned are required to comply strictly with our instructions in the processing of your data. In other cases, service providers act independently with the data we have transmitted to them. The categories of recipients of your data are indicated below:

- Affiliated companies within the Atlas Copco Group to the extent that such companies act as data processors for us and, for example, perform IT services or to the extent that such transfer is necessary for the performance of our services. This also includes the transfer of email addresses to Atlas Copco AB for the purpose of the provision of the ALTURE app.
- Payment service providers and banks for the purpose of collecting amounts outstanding from accounts or effecting repayments.

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- Agencies, printers and mail distribution agencies providing support to us for the implementation of marketing measures (Marketo), competitions, campaigns, etc.
- Training providers, for the purpose of making appropriate e-learning programs available
- IT service providers, for services including data storage, system administration and maintenance, as well as document archiving and disposal contractors.
- Logistics service providers for the delivery of goods etc.
- Credit agencies for obtaining creditworthiness assessments.
- Debt collection agencies and legal advisers for the enforcement of our claims.
- Public bodies and institutions, to the extent that we are under a legal obligation to provide data.

In addition to these recipients, we may exchange your personal data within our globally active group of companies, e.g. to subsidiaries which require these data for the performance of their contractual and legal obligations or on the basis of our legitimate interests. In this context, data may be transferred for economic, administrative or other internal business purposes. This applies only to the extent that these legitimate interests are not overridden by your interests or your fundamental rights and freedoms which require protection of your personal data. Except as stated above, we do not provide your personal data to third parties..

## 5. Transfer to “third countries”

Your data are transferred to countries outside the EU or the EEA (“third countries”) only to the extent that such transfer is necessary for the processing of our contractual relationship or required by law (e.g. reporting obligations under tax law), you have granted consent for such transfer or such data are transferred to a processor. In the event that service providers in third countries are used, such service providers are under an obligation, under written

instructions, to comply with the level of data protection in Europe by the agreement of standard EU data protection provisions. Alternatively, we may transfer data on the basis of our Binding Corporate Rules. Further information may be obtained from our data protection officer. Except as stated above, we do not transfer your personal data to countries outside the EU or the EEA or to international organizations.

## 6. Duration of storage of your data

We process your data for the duration of our business relationship or of your receipt of our newsletter or customer magazine or until you revoke your consent to the receipt of our newsletter or customer magazine. This also includes our relationship prior to the conclusion of a contract (pre-contractual relationship) and the winding up of a contract. The data concerning the analysis of your reaction to marketing communications will be stored for the duration of the marketing campaign concerned (between one and 24 months depending on the campaign) and deleted within two months following the end of the campaign or upon the receipt of a justified objection from you. Furthermore, we are subject to various document retention and documentation obligations defined by legislation including, but not limited to the German Commercial Code (HGB) and the German Tax Ordinance (AO). The document retention periods provided for in such documents may extend up to 10 years after the end of the business relationship or pre-contractual legal relationship.

In addition, specific statutory requirements may call for longer retention periods, as in the case of the retention of evidence in connection with statutory limitation periods. Under Section 195 ff. of the German Civil Code (BGB), the normal period of limitations is three years but periods of up to 30 years may be applicable in certain cases.

Where data are no longer required for the performance of contractual or legal obligations, they are regularly deleted, except where the further processing of such data for a limited period is required in individual cases for the

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purposes stated in Section 2 above. In such cases, we may store and, if applicable, use your data for such period as may be required for these purposes following the end of our business relationship or pre-contractual legal relationship.

## 7. Your data protection rights

under certain circumstances, you are entitled to assert your data protection rights against us:

- Right of access: under Art. 15 GDPR, you are entitled at any time to request confirmation from us as to whether we process personal data concerning you. If this is the case, you are also entitled, under Art. 15 GDPR, to further information concerning such personal data and certain additional information (including, among other items, the purpose of processing, the categories of personal data concerned, categories of recipients, the envisaged period of storage, your rights, the source of data, the existence of automated decision-making and, in the case of the transfer of your data to a third country, the appropriate safeguards relating to the transfer), and to request a copy of your data.
- Right to rectification: under Art. 16 GDPR, you are entitled to request us to correct your personal data stored by us if they are incorrect or inaccurate.
- Right to erasure: subject to the requirements stated in Art. 17 GDPR, you are entitled to obtain from us the erasure of personal data concerning you without undue delay. Among other conditions, you are not entitled to request us to erase your data if the processing of your data is necessary (i) for exercising the right of freedom of expression and information, or (ii) for compliance with the legal obligation to which we are subject (e.g. statutory documentation obligations) or (iii) for the establishment, exercise or defense of legal claims.
- Right to restriction of processing: subject to the requirements stated in Art. 18 GDPR, you are entitled to obtain from us the restriction of the processing of your personal data.
- Right to data portability: subject to the requirements stated in Art. 20 GDPR, you are entitled to receive from us the personal data concerning you which you have provided to us in a structured, commonly used and machine-readable format.
- Right to object: subject to the requirements stated in Art. 21 GDPR, you are entitled to object to the processing of your personal data, in which case we must cease to process your personal data. You hold a right to object only within the limits stated in Art. 21 GDPR. In addition, where we have legitimate grounds to continue the processing of your personal data, we will remain entitled to process your personal data despite your objection.
- Right of revocation: you are entitled to revoke the consent which you have given for the processing of your personal data at any time with effect for the future.
- Right to lodge a complaint with a supervisory authority: subject to the requirements stated in Art. 77 GDPR, you are entitled to lodge a complaint with a supervisory authority, in particular in the member state of your habitual residence, place of work or the place of the alleged infringement if you are of the opinion that the processing of personal data relating to you infringes the GDPR. This right exists irrespective of any other administrative or judicial remedies which you may have.

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- However, we recommend that you should always complain to our data protection officer in the first instance.

Where possible, requests concerning the exercise of your rights should be addressed in writing to the address given in Section 1 above or direct to our data protection officer.

#### **8. Scope of your obligations to provide your data to us**

You only need to provide the data which are necessary for the establishment and conduct of a business relationship with us or for pre-contractual business relations with us. Without this data, we will not normally be in a position to conclude or perform a contract. This may also refer to further data which may become necessary in the course of our business relations. If we request any data from you going beyond these requirements, we will inform you that the provision of such data is voluntary.

#### **9. Existence of automated decision-making in individual cases (including profiling)**

We do not use any purely automated decision-making procedures in accordance with Art. 22 GDPR. Under statutory provisions, we are obligated to combat money laundering and fraud. For this purpose, we also carry out data evaluations (in areas including payment transactions). These measures are also intended for your protection.

In the event that we intend to use further procedures in individual cases in the future, we will provide you with separate information to this effect.

#### **Information on your right to object under Art. 21 GDPR**

- 1. You are entitled to object at any time to the processing of your data on the basis of Art. 6 (1 f) (data processing for the purposes of legitimate interests, weighed up against your interests or fundamental rights and freedoms) on grounds relating to your particular situation.**

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

- 2. In individual cases, we may process your personal data for direct marketing purposes. Should you not wish to receive any advertising, you have the right to object at any time to the processing of your data for this purpose. We will then comply with your objection in the future.**

**We will no longer process your data for direct marketing purposes if you inform us of your objection to such processing.**

**No special form is required for objections. Where possible, objections should be sent to the address given in Section 1 above.**

Last revised in November 2022

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