

Duty to inform Art. 13 and 14 Customer data and interested party data

We would like to inform you about how we handle your personal data and what rights you have according to the European Data Protection Regulation (DSGVO) and the Federal Data Protection Act (BDSG). The responsibility for data processing lies with the organization GRAPHITE MATERIALS GMBH (hereinafter referred to as "we" or "us").

Responsibilities

Responsible for the processing of your personal data is:

GRAPHITE MATERIALS GMBH
Dr.-Ing. Rolf Terjung
Rothenburger Str. 76
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Contact details of the data protection officer

Data protection Pöllinger GmbH
Gisela Pöllinger
Dresdner Street 38
92318 Neumarkt
E-Mail: kontakt@datenschutz-poellinger.de
Phone: 09181-2705770

General information on the legal basis for data processing.

"Personal data" is any information relating to a specific person. We process this data in accordance with the applicable data protection laws, in particular the DSGVO and the BDSG. We may only process personal data if we have legal permission to do so.

We process personal data only with your consent to enter into a contract with you or to respond to your inquiry in connection with a potential business relationship, to comply with legal obligations, or to protect our legitimate interests, provided that this does not adversely affect your interests or fundamental rights and freedoms that require the protection of personal data

Storage period of personal data

We store your data only for as long as is necessary to achieve the purpose of the processing or to fulfill our contractual or legal obligations, unless otherwise specified in the following notes. Legal storage obligations may result from commercial or tax regulations. After the end of the calendar year in which we collected the data, we will retain personal data contained in our accounting records for ten years and personal data contained in business letters and contracts for six years. Furthermore, we will retain data in connection with consents requiring proof as well as complaints and claims for the duration of the statutory limitation periods. Data stored for advertising purposes will be deleted if you object to processing for this purpose.

Processing when exercising your rights

If you wish to exercise your rights under Articles 15 to 22 of the GDPR, we will process the personal data you have provided in order to implement those rights and to be able to provide evidence thereof. We will process the data stored for the purpose of providing information and preparation exclusively for this purpose and for data protection control purposes and otherwise restrict the processing in accordance with Article 18 of the GDPR.

These processing operations are based on the legal basis of Article 6(1)(c) of the DSGVO in conjunction with Articles 15 to 22 of the DSGVO and Section 34(2) of the BDSG.

Rights of the data subject

The General Data Protection Regulation (GDPR) guarantees every data subject certain rights in relation to their personal data. These include:

- The right of access: every data subject has the right to obtain confirmation from us as to whether personal data are being processed and to obtain information about these data and further information and copies of these data.
- The right to rectification: Every data subject has the right to request that inaccurate personal data be corrected without delay.
- The right to erasure ("right to be forgotten"): Every data subject has the right to request the erasure of his or her personal data without undue delay.
- The right to restriction of processing: every data subject has the right to request the restriction of the processing of his or her personal data.
- The right to data portability: Every data subject has the right to receive the personal data concerning him or her that he or she has provided to us in a structured, commonly used and machine-readable format.
- The right to object: Every data subject has the right to object at any time, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her which is carried out on the basis of Article 6(1)(e) or (f) of the GDPR. If personal data concerning the data subject are processed by us for the purpose of direct marketing, the data subject may object to such processing in accordance with Article 21 (2) and (3) DSGVO.

The data subject also has the right to lodge a complaint with a supervisory authority if he or she believes that the processing of his or her personal data violates the GDPR.

The supervisory authority responsible for us is: Bavarian State Office for Data Protection Supervision

Information about the processing of personal data

Processing framework, purpose and legal basis for processing

Purpose of processing

We process your personal data to the extent necessary to fulfill the following purposes:

- Fulfillment of contractual obligations (order, order payment processing, invoicing).
- Collection, processing or use of personal data is carried out to fulfill the business purpose such as pre-contractual measures (e.g. to prepare offers, process inquiries)
- to maintain business contact and to inform the business partner about new products and service offers
- Carrying out satisfaction surveys
- Legal obligation to process (e.g. due to tax law requirements)
- Conducting telephone conferences, online meetings and video conferences

Legal basis

The legal basis for the processing of your personal data for the above-mentioned purposes is / are

- Consent (Art. 6 para. 1 lit. a DSGVO, Art. 7 DSGVO)
- Fulfillment of contract (Art. 6 para. 1 lit. b DSGVO)
- Legal obligations (Art. 6 para. 1 lit. c DSGVO)
- Legitimate interest (Art. 6 para. 1 lit. f DSGVO)

Sources of personal data

The stored data was collected in the context of our contractual relationship and for the initiation of contracts and individual orders, or it arose in the context of business relations and business initiation. The data is stored for the fulfillment and processing of the orders placed with us as well as the documentation and archiving obligations under commercial and tax law, e.g.: Capture from entries in the ERP system, signatures from e-mail and documents. In this respect, the processing of your data is based on Article 6 (1), lit. b, c, f EU-DS-GVO.

If personal data is not collected directly from the data subject, the controller is obliged to inform the data subject about the sources of this data.

- From the data subject
- Technical, automatic transfer

Categories of personal data

Unless personal data is collected directly from the data subject, the controller is obliged to inform the data subject about the categories of the data concerned.

- Contact data
- Billing and payment data
- Address
- Order and contract data
- Communication data
- Customer number
- Name
- Log data

Legitimate interests

The indication of the "legitimate interests" of the controller or the third party pursued with the processing of personal data refers to Art. 6 (1) p. 1 lit. f DSGVO.

- Company interest

Storage period

We will inform you about the duration for which the personal data will be stored or, if this is not possible, the criteria for determining this duration.

- 10 years: Annual financial statements, opening balances, commercial and business books, records, work instructions, organizational documents, invoices and accounting vouchers (HGB, AO, EStG, KStG, GewStG, UStG, AktG, GmbHG, GenG).
- 30 years: Enforceable titles
- 6 years: Commercial and business letters as well as other documents (HGB, BGB)

Possible consequences of non-provision

The provision of personal data by the data subject may be required on a legal or contractual basis or may be necessary for the conclusion of a contract. There may also be a legal obligation to provide the data.

Failure to provide the personal data could lead to the following consequences:

- The contract cannot be properly fulfilled. Legal obligations cannot be guaranteed.

Automated decision making and profiling

No automated procedures of decisions according to Art. 22 DSGVO or other profiling measures Art. 4 No. DSGVO are used

Data recipient

Recipients of personal data outside the organization

Article 4(9) of the General Data Protection Regulation (GDPR) defines the term "recipient" as "the natural or legal person, public authority, agency or any other body to whom personal data are disclosed, whether or not a third party".

- Website Provider
- IT service provider
- Software provider
- Waste management companies
- Banks
- Tax authorities
- Tax consultant
- Lawyer
- Insurance company
- Schufa

Transfer of data to a third country or international organization with standard contractual clauses

A transfer of personal data to an "international organization" (as defined in Article 4 No. 26 of the GDPR) or to controllers, processors or other recipients in a state outside the European Union (EU) and the European Economic Area (EEA) poses particular data protection risks from the perspective of the data subject.

We transfer personal data to the following recipients outside the European Union (EU) and the European Economic Area (EEA):

- Data transfer to a third country or to an international organization does not take place and is not planned.

Transfer of data to a third country or international organization with an adequacy decision by the EU Commission

A transfer of personal data to a country outside the European Union (EU) and the European Economic Area (EEA) or to an international organization is permitted if the European Commission has determined that the country, territory or one or more specific sectors within that country or the international organization in question ensures an adequate level of protection.

We transfer personal data to the following recipients outside the European Union (EU) and the European Economic Area (EEA) for which an adequacy decision exists:

- Data transfers to a third country or to an international organization for which an adequacy decision of the EU Commission exists do not take place and are not planned.

Up-to-dateness and change of this duty to inform according to Art. 13 and Art. 14 DSGVO

This data protection information obligation is currently valid and has the status 01.08.2023. Due to changes in legal or regulatory requirements, it may become necessary to amend this information.

[Legal notice](#)