

## **NicLen GmbH data protection policy**

### **A. Name and address of the party responsible**

The party responsible within the meaning of the General Data Protection Regulation, other national data protection laws of the member states as well as other data protection regulations is:

**NicLen Gesellschaft für Elektronik, Handel und Vermietung mbH**

Steinbrinkstraße 61

44319 Dortmund

Tel.: 00 49 231 999 61 0

E-mail: [dispo@niclen.de](mailto:dispo@niclen.de)

Web: [www.niclen.de](http://www.niclen.de)

### **B. Name and address of the data protection officer**

The data protection officer of the party responsible is:

NicLen GmbH

Data Protection Officer

Mrs Eleonore Martens

Steinbrinkstraße 61

44319 Dortmund

[e.martens@niclen.de](mailto:e.martens@niclen.de)

### **C. General information concerning data processing**

#### ***1. Definition – personal data***

Personal information is information that is used to establish identity. This includes information such as a name, an address, a postal address and a telephone number. Information that is not directly linked to the real identity is not covered.

#### ***2. Scope of the processing of personal data***

In principle, we only process the personal data of our customers and users to the extent that is necessary to provide our services or a functioning website. The processing of personal data takes place regularly only after consent is provided. An exception applies to cases in which

prior consent cannot be obtained for actual reasons and the processing of the data is permitted by law.

### ***3. Legal basis for processing personal data***

Insofar as we obtain the consent of the data subject for processing personal data, Art. 6 para. 1a EU General Data Protection Regulation (GDPR) serves as legal basis.

In the processing of personal data which is necessary for the performance of a contract to which the data subject is a party, Art. 6 para. 1b GDPR serves as a legal basis. This also applies to processing operations required to carry out pre-contractual measures.

Insofar as processing of personal data is required to fulfil a legal obligation that our company is subject to, Art. 6 para. 1c GDPR serves as legal basis.

In the event that vital interests of the data subject or another natural person make the processing of personal data necessary, Art. 6 para. 1d GDPR serves as a legal basis.

If processing is necessary to safeguard the legitimate interests of our company or a third party, and if the interests, fundamental rights and freedoms of the data subject do not prevail over the first interest mentioned above, Art. 6 para. 1f GDPR serves as legal basis for processing.

### ***4. Transferring personal data to third parties***

We only store and use the data provided to us for internal use. We do not sell this data or allow it to be obtained by third parties. This does not apply if we are required to disclose and transmit the data by law or as a result of a court judgment. A transfer of data takes place only to service partners, wherein we transfer data for the processing of orders (for example, forwarding agencies). In such cases, the amount of data which is transmitted is limited to the minimum which is required.

### ***5. Information, correction, deletion and duration of storage***

You have the right to receive information about your personal data stored by us. In addition, in accordance with the statutory provisions, you have the right to correct, block and delete your personal data, provided that statutory provisions do not conflict with this. You may also object to the use of your data at any time in the future. Please send your objection to our data protection officer.

The personal data of the data subject will be deleted or blocked as soon as the purpose of the storage no longer applies. In addition, such storage may be provided for by the European or national legislator in EU orders, laws or other regulations which the party responsible is subject to. The blocking or deletion of the data also takes place when a storage period prescribed by

the standards mentioned above expires, unless there is a need for further storage of the data in order to conclude the contract or fulfil the contract.

## **D. Provision of the website**

### ***1. Description and scope of data processing***

Each time our website is accessed, our system automatically collects data and information from the computer system of the computer which is making access.

In connection with this, the following data is collected:

- Information about the browser type and the version which is used
- The user's operating system
- The user's Internet service provider
- The user's IP address
- Date and time of access
- Websites from which the user's system accesses our website
- Websites accessed by the user's system through our website

The data is also stored in the log files of our system. No storage of this data takes place together with other personal data belonging to the user.

### ***2. Legal basis for data processing***

The legal basis for the temporary storage of data and log files is Art. 6 para. 1f GDPR.

### ***3. Purpose of data processing***

The temporary storage of the IP address by the system is necessary in order to allow the delivery of the website to the user's computer. To do this, the user's IP address must be kept for the duration of the session.

The storage takes place in log files in order to ensure the functionality of the website. In addition, the data is used to optimise the website and to ensure the security of our IT systems. In this context, no evaluation of the data takes place for marketing purposes.

For these purposes, we have a legitimate interest in the processing of data in accordance with Art. 6 para. 1f GDPR.

#### ***4. Duration of storage***

The data will be deleted as soon as it is no longer necessary for the purpose it was collected for. In the case of collecting data for providing the website, this is the case when the respective session is completed.

In the case of storing the data in log files, this is the case after no more than seven days. Additional storage is possible. In this case, the IP addresses of the users are deleted or distorted, so that an assignment of the accessing client is no longer possible.

#### ***5. The opportunity to oppose and do away with the collection of data***

The collection of data for the provision of the website and the storage of the data in log files is essential for the operation of the website. As a result, there is no possibility to oppose it on the part of the user.

### **E. Newsletter**

#### ***1. Description and scope of data processing***

You can subscribe to a free newsletter on our website. The data from the input box are transmitted to us when registering for the newsletter.

- E-mail address, name and company

In addition, the following data is collected upon registration:

- IP address of the accessing computer
- Date and time of registration

In order to process the data, your consent is obtained during the registration process and reference is made to this data protection policy.

In connection with the data processing in order to send the newsletter, there is no disclosure of the data to third parties. The data will be exclusively used to send the newsletter.

#### ***2. Legal basis for data processing***

After the user has registered for the newsletter, the legal basis for processing the data is the consent of the user Art. 6 para. 1a GDPR.

### ***3. Purpose of data processing***

The collection of the user's e-mail address serves to deliver the newsletter.

The collection of other personal data within the context of the registration process serves to prevent misuse of the services or the e-mail address that are used.

### ***4. Duration of storage***

The data will be deleted as soon as it is no longer necessary for the purpose it was collected for. The e-mail address of the user is therefore stored as long as the subscription to the newsletter is active.

### ***5. The opportunity to oppose and do away with the collection of data***

Subscription to the newsletter may be terminated at any time by the user concerned. There is a corresponding link in each newsletter for this purpose.

## **F. Contact form and e-mail contact**

### ***1. Description and scope of data processing***

There is a contact form on our website which can be used for making contact electronically. If a user makes use of this option, the data entered in the input box will be transmitted to us and saved. These data are:

- Company name, legal form, first name, surname, address, telephone, e-mail address

The following data is also stored at the time of sending the message:

- The IP address of the user
- Date and time of registration

By submitting the data you give your consent to the processing of the data and are informed of this data protection policy.

Alternatively, contact is possible via the e-mail address which is provided. In this case, the user's personal data transmitted by e-mail will be stored.

In this context, there is no disclosure of the data to third parties. The data is used exclusively for processing the conversation.

### ***2. Legal basis for data processing***

The legal basis for processing the data is the consent of the user Art. 6 para. 1a GDPR.

The legal basis for processing the data transmitted in the course of sending an e-mail is Article 6 para. 6f GDPR. If the contact by e-mail aims to conclude a contract, then an additional legal basis for processing is Art. 6 para. 1b GDPR.

### ***3. Purpose of data processing***

The processing of the personal data from the input box only serves to enable us to process the contact. In the case of contact via e-mail, this also includes the required legitimate interest in processing of the data.

The other personal data processed during the sending process serve to prevent misuse of the contact form and to ensure the security of our IT systems.

### ***4. Duration of storage***

The data will be deleted as soon as it is no longer necessary for the purpose it was collected for and there is no legal retention period which contradicts the deletion.

At the latest, the additional personal data collected during the sending process will be deleted after a period of seven days.

### ***5. The opportunity to oppose and do away with the collection of data***

The user has the possibility to revoke his consent to the processing of the personal data at any time. If the user contacts us by e-mail, he may object to the storage of his personal data at any time. In such a case, the conversation cannot continue.

Please direct your objection by e-mail to [dispo@niclen.de](mailto:dispo@niclen.de), to any other known e-mail address, or by post to the postal address indicated in A.

In this case, all personal data stored in the course of making contact will be deleted.

## **G. Use of cookies**

### ***1. Description and scope of data processing***

Our website uses cookies. Cookies are text files that are stored in the Internet browser or the Internet browser on the user's computer system. When a user visits a website, a cookie may be stored on the user's operating system. This cookie contains a characteristic string that allows the browser to be uniquely identified when the website is reopened.

On our website, we use cookies that allow an analysis of users' surfing behaviour.

When accessing our website, users are informed about the use of cookies for analysis purposes by an information banner and reference is made to this data protection policy. In this context, there is also an indication of how the storage of cookies in the browser settings can be prevented.

## ***2. Legal basis for data processing***

The legal basis for the processing of personal data using cookies for analysis purposes is the consent of the user Art. 6 para. 1a GDPR.

## ***3. Purpose of data processing***

The use of the analysis cookies is for the purpose of improving the quality of our website and its contents. Through the analysis cookies, we learn how the website is used and in doing so, we are constantly able to optimise our online presence.

These purposes represent our legitimate interest in the processing of personal data in accordance with Art. 6 para. 1f GDPR.

## ***4. The opportunity to oppose and do away with the collection of data***

Cookies are stored on the user's computer and are transmitted by this computer to us. Therefore, as a user, you have full control over the use of cookies. By changing the settings in your internet browser, you can disable or restrict the transmission of cookies. Cookies that have already been saved can be deleted at any time. This can also be done automatically. If cookies are disabled for our website, it may not be possible to use all the functions of the website to the fullest extent.

## **H. Web analysis by Google Analytics**

### ***1. Scope of the processing of personal data***

We use Google Analytics on our website, a web analytics service provided by Google Inc. ("Google"). The software sets a cookie on the user's computer (concerning cookies, see the information above). The following data is stored if individual pages of our website are accessed:

- Anonymised IP address of the user's accessing system
- The website which is accessed
- The website from which the user came in order to get to the accessed website (referrer)
- The subpages that are accessed from the accessed page

- The length of stay on the page
- The frequency the page has been accessed

The software is set in such a way that the IP addresses are not completely stored but 2 bytes of the IP address are masked (e.g. 192.168.xxx.xxx). In this way, assignment of the shortened IP address to the accessing computer is no longer possible.

## ***2. Legal basis for processing personal data***

The legal basis for processing a users' personal data is Article 6 para. 1f GDPR.

## ***3. Purpose of data processing***

The processing of users' personal data enables us to analyse the surfing behaviour of our users. By analysing the data which is obtained, we are able to compile information about the use of the individual components of our website. This helps us to constantly improve our website and its user-friendliness. For these purposes, our legitimate interest lies in the processing of the data in accordance with Art. 6 para. 1f GDPR. The anonymisation of the IP address sufficiently takes into account the interest of users, in their protection of personal data.

## ***4. Duration of storage***

The data will be deleted as soon as it is no longer necessary for the purpose it was collected for

You will find further information at: <https://policies.google.com/privacy?gl=DE&hl=de>

## ***5. The opportunity to oppose and do away with the collection of data***

Cookies are stored on the user's computer and are transmitted by this computer to us. Therefore, as a user, you have full control over the use of cookies. By changing the settings in your internet browser, you can disable or restrict the transmission of cookies. Cookies which have already been saved can be deleted at any time. This can also be done automatically. If cookies are disabled for our website, it may not be possible to use all the functions of the website to the fullest extent.

In addition, you can prevent the collection of the data generated by the cookie and related to your use of the website (including your IP address) by Google as well as the processing of this data by Google by using the following link (<http://tools.google.com/dlpage/gaoptout?hl=de>) Download and install the available browser plugin. Further information can be found at <http://tools.google.com/dlpage/gaoptout?hl=de> or at



<http://www.google.com/intl/de/analytics/privacyoverview.html> (for general information about Google Analytics and data protection).

## **I. Rights of the data subject**

If personal data is processed about you, you are a 'data subject' as defined by GDPR and you have the following rights with regard to the party responsible:

### ***1. Right to information***

As the party responsible, you may ask us for confirmation as to whether we process personal data concerning you.

If such processing takes place, you can request information from the party responsible about the following:

- (1) the purposes for which the personal data are processed;
- (2) the categories of personal data which are processed;
- (3) the recipients and/or categories of recipients to whom the personal data relating to you have been disclosed or are still being disclosed;
- (4) the planned duration of the storage of your personal data or, if specific information is not available, criteria for determining the duration of storage;
- (5) the existence of a right to correct or delete personal data concerning you, a right to restrict processing by the party responsible or a right to object to such processing;
- (6) the existence of a right of appeal to a supervisory authority.

You have the right to request information as to whether your personal data are transmitted to a third country or an international organisation. In connection with this, you can request the appropriate guarantees in accordance with Art. 46 GDPR in connection with the transfer.

### ***2. Right to correction***

You have a right to the correction of data and/or the completion of data with regard to the party responsible, if the personal data that is processed is incorrect or incomplete. The party responsible must make the correction without delay.

### ***3. Right to restrict the processing***

You may request a restriction of the processing of your personal data under the following conditions:

- (1) if you contest the accuracy of your personal data for a period of time that enables the controller to verify the accuracy of your personal information;
- (2) the processing is unlawful and you refuse the deletion of the personal data and instead demand a restriction in the use of the personal data;
- (3) the party responsible no longer needs the personal data for the purposes of processing, but you need it to assert, exercise or defend legal claims; or
- (4) if you objected to the processing in accordance with Art. 21 para. 1 GDPR and it is not yet certain whether the legitimate reasons of the party responsible prevail over your reasons.

If the processing of personal data concerning you has been restricted, this data may only be processed with your consent or for the purpose of asserting, exercising or defending legal claims or protecting the rights of another natural or legal person or for reasons of important public interest relating to the European Union or of a Member State.

If the restriction to the processing has been enacted in accordance with the conditions mentioned above, you will be informed by the party responsible before the restriction is lifted.

#### ***4. Right to deletion***

##### **a) Duty of deletion**

You may require the party responsible to delete your personal information without delay. The party responsible is obliged to delete this data immediately, if one of the following reasons applies:

- (1) Personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed.
- (2) You revoke your consent to the processing based on Art. 6 para. 1a or Art. 9 para. 2a GDPR and there is no other legal basis for the processing.
- (3) You object to the processing in accordance with Art. 21 para. 1 GDPR and there are no prior justifiable reasons for the processing, or you object to the processing in accordance with Art. 21 para. 2 GDPR.
- (4) Your personal data have been processed unlawfully.
- (5) The deletion of personal data concerning you is required in order to fulfil a legal obligation under EU law or the law of the Member States to which the party responsible is subject.
- (6) The personal data concerning you were collected in relation to the services offered by the IT company in accordance with Art. 8 para. 1 GDPR.

##### **b) Information to third parties**

If the party responsible has made the personal data concerning you public and he is obliged to delete this data in accordance with Article 17 para. 1 GDPR, he shall take appropriate measures, including technical means, to inform the party responsible who processes the personal data that you as a data subject have requested the deletion of all links to such personal data or of copies or replications of such personal data, taking available technology and implementation costs into account.

## c) Exceptions to the right to deletion

The right to deletion does not exist if the processing is necessary in order

- (1) to exercise the right to freedom of expression and information;
- (2) to fulfil a legal obligation required by the law of the European Union or of the Member States to which the party responsible is subject, or to carry out a task which is in the public interest or in exercising official authority which has been conferred to the party responsible;
- (3) for reasons of public interest in the field of public health in accordance with Art. 9 para. 2h and i and Art. 9 para. 3 GDPR;
- (4) for archiving purposes in the public interest, scientific or historical research purposes or for statistical purposes in accordance with Article 89 para. 1 GDPR, if the law referred to in section (a) is likely to render the achievement of the objectives of this processing impossible or seriously limit them, or
- (5) to assert, exercise or defend legal claims.

## ***5. Right to information***

If you have asserted the right of correction, deletion or to have processing restricted with regard to the party responsible, he/she is obliged to notify all recipients to whom your personal data has been disclosed of this correction (to data), deletion (of data) or restriction of processing, unless: this proves to be impossible or involves a disproportionate cost.

With regard to the party responsible, you have a right to be informed about these recipients.

## ***6. Right to data portability***

You have the right to receive personally identifiable information you provide to the party responsible in a structured, usual and machine-readable format. In addition, you have the right to transfer this data to another person without hindrance by the party responsible for providing the personal data, provided that

- (1) the processing is based on consent in accordance with Art. 6 para. 1a GDPR or Art. 9 para. 2a GDPR or on a contract in accordance with Art. 6 para. 1b GDPR and
- (2) the processing is performed by automated means.

In exercising this right, you also have the right to have your personal data (relating to you) transmitted directly from one person to another, insofar as this is technically feasible. The freedoms and rights of other persons may not be affected.

The right to data portability does not apply to the processing of personal data which is necessary for the performance of a task which is in the public interest or which takes place in exercising official authority which has been delegated to the party responsible.

## ***7. The right to object***

At any time, and for reasons that arise from your particular situation, you have the right, to object to the processing of your personal data which takes place in accordance with Art. 6 para. 1e or f GDPR; this also applies to profiling based on these provisions.

The party responsible will no longer process the personal data concerning you unless he can demonstrate compelling legitimate grounds for processing it that outweigh your interests, rights and freedoms, or the processing is for the purpose of enforcing, exercising or defending legal claims.

If personal data relating to you are processed for direct marketing purposes, you have the right to object at any time to the processing of your personal data for the purpose of such marketing; this also applies to profiling insofar as it is associated with such direct mail.

If you object to processing for direct marketing purposes, your personal data will no longer be processed for these purposes.

Regardless of Directive 2002/58/EC, you have the option, within the context of the use of services provided by the IT company, to exercise your right to opt-out by means of automated procedures using technical specifications.

Right to revoke the data protection consent form

You have the right to revoke your data protection declaration at any time. The revocation of consent does not affect the legality of the processing carried out on the basis of the consent until the revocation.

## ***8. Right to appeal to a supervisory authority***

Without prejudice to any other administrative or judicial remedy, you have the right to appeal to a supervisory authority, especially in the Member State of your place of residence, place of work or the place of the alleged infringement, if you believe that the processing of the personal data concerning you violates GDPR.

The supervisory authority in which the complaint is filed

The supervisory authority in which the complaint is filed shall inform the complainant about the status and outcome of the complaint der including the option for a judicial remedy in accordance with Art. 78 GDPR.

The following data protection authority is the competent body for the party responsible:

**Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen**

Kavalleriestr. 2-4

40213 Düsseldorf

Telephone: 0211/38424-0

Fax: 0211/38424-10

E-mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)