



**Declaration on data processing (pursuant to the General Data Protection Regulation) for Optitek GmbH (2018 version)**

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**- Client -**

and

Optitek GmbH  
Kiersperhagen 11  
58566 Kierspe

**- Contractor -**

**1. Preamble**

Data protection is important to us: this is why we collect and process your data in accordance with the legal provisions, in particular the EU General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (*Bundesdatenschutzgesetz*, BDSG) as well as other legal bases. We are providing this declaration to meet the requirements for information and transparency regarding the collection and processing of your personal data.

**2. Responsible entity/data controller**

The data controller responsible for processing your personal data is Optitek GmbH, Kiersperhagen 11, 58566 Kierspe, telephone +49(0)2359/2975903, fax: +49(0)2359/2975904, email: [datenschutz@optitek.de](mailto:datenschutz@optitek.de).

The company is represented by its managing director: Mr. Hermann Geers

If you have any questions about data protection or require further information, please contact us via the contact details provided above.

**3. Type, scope and origin of data collected**

OPTITEK GmbH collects personal data directly from you. We only collect the personal data required to enable us to fulfil the purpose of the respective contract (principle of data economy). The provision of further information is purely voluntary on your behalf. OPTITEK GmbH collects and processes:



- ☐ Customer master data such as name, address, place of residence
- ☐ Data for delivery slip and invoicing (different invoice address, delivery address)
- ☐ Bank details for payment processing
- ☐ In online traffic, data for entering into and maintaining a contractual relationship via electronic communication channels, e.g. email address, mobile phone number
- ☐ Information provided voluntarily by you for special service requests
- ☐ Information on consent to advertising, information on consent to the use of your email address or telephone number by OPTITEK GmbH for advertising purposes, and information to create profiles and presentations.

As a rule, you provide us with this data by making an enquiry. In certain cases, however, we may receive personal data from third parties.

#### **4. Purposes of processing your personal data, legitimation**

We collect and process your data for the following purposes:

- ☐ To submit offers and disclose the necessary information required to prepare offers
- ☐ To conclude and fulfil contracts and provide customer support
- ☐ To carry out credit checks before entering into a customer contract
- ☐ To provide information about OPTITEK GmbH's products and services
- ☐ To carry out statistical evaluation of (marketing) measures based on KPIs and to analyse existing contractual relationships to determine their improvement or termination
- ☐ To fulfil legal obligations and official requirements.

Processing is carried out pursuant to the statutory provisions, including the GDPR, the BDSG and the TMG (*Telemediengesetz*, German Telemedia Act)

#### **5. Types of data processing**

OPTITEK GmbH ensures that your personal data is processed in such a way that its protection is ensured. Data is processed using electronic means and in paper form. We maintain security standards to protect your privacy and to prevent unauthorised persons from accessing your data.

We have taken extensive technological and organisational precautions to protect your data from loss, manipulation, destruction and unauthorised access. Our security measures are continuously being improved to reflect advances in technology and changing legal requirements.

#### **6. Data recipients**

Optitek GmbH acts as the data controller. It stores all the data necessary for contract fulfilment and customer care in its IT systems. As part of our customer acquisition and retention campaigns, your data is collected by commercial agents, as well as by sales personnel we have commissioned.

In order to provide our contractual services, Optitek GmbH uses selected service providers who are given access to your data only to the extent necessary, and who may only use your data to fulfil orders placed by us.



Data recipients can therefore include:

- ☐ IT service providers and consulting companies
- ☐ Financial institutions
- ☐ Commercial agents
- ☐ External service providers
- ☐ Management consultancies and auditing/tax auditing companies
- ☐ Authorities, including fiscal authorities

Insofar as is necessary and legally permissible, your data may be sent to credit rating agencies before concluding a contract, and if necessary during the course of the business relationship, for credit assessment purposes or to obtain information relevant to your request/order. In the event of late payment, we reserve the right to transmit your data to collection agencies or lawyers for the purpose of recovery.

Before commissioning third-party service providers or placing orders with them, we check their data protection standards to ensure that they are compliant with the legal data protection requirements.

There is no further disclosure of data to third parties, unless we are legally entitled or obliged to do so or you have given us your prior consent.

#### **7. Duration of data storage**

OPTITEK GmbH stores your customer data for the period of performance of the contract, or beyond the duration of the contract if a legitimate interest exists (e.g. outstanding payments). The storage period is based on statutory limitation periods, e.g. pursuant to §§ 195 ff BGB (*Bürgerliches Gesetzbuch*, German Civil Code), this can be up to 30 years, with the regular limitation period being three years.

In addition, we are subject to various retention and documentation obligations on the basis of the German Commercial Code (*Handelsgesetzbuch*, HGB) and the German Tax Code (*Abgabenordnung*, AO). The periods for storage and documentation specified therein range from six to ten years.

#### **8. Rights of data subjects**

OPTITEK GmbH maintains and protects your rights pursuant to the GDPR. In particular, you have the right:

- ☐ To receive information from us as to whether we are processing personal data relating to you. If this is the case, you can also request information about this personal data as well as how it is being processed and for what purposes.
- ☐ To request the correction, deletion or restriction of processing of your personal data, provided that there are no legal requirements to prevent this. OPTITEK GmbH has an appropriate deletion policy that, among other things, protects your rights.
- ☐ To request your data in a structured, common, and machine-readable format.
- ☐ To withdraw your consent to the use of data you provided voluntarily e.g. your phone number
- ☐ To object to the use of your data by OPTITEK GmbH for direct marketing.
- ☐ In individual cases, to object to the use of your data which we are processing based on our legitimate interest (pursuant to Art. 6 para. 1 f GDPR) due to particular personal circumstances.



To assert your rights, please apply in writing, providing your business partner details, to Optitek GmbH, Kiersperhagen 11, 58566 Kierspe, telephone +49(0)2359/2975903, fax: +49(0)2359/2975904, email: [datenschutz@optitek.de](mailto:datenschutz@optitek.de).

If you believe that the processing of your personal data violates the GDPR, you have the right to file a complaint with a supervisory authority, in particular, in the Member State of your habitual residence, place of work or place of the alleged infringement.

### **Declaration of consent to data processing**

I hereby consent to the above-mentioned personal data being collected, processed and used by OPTITEK GmbH for the purposes of fulfilling the relevant contractual purpose. I have been informed that I can withdraw this consent without detriment at any time. OPTITEK has assured me that my data protection concerns can be guaranteed without restriction.

\_\_\_\_\_, Signed: \_\_\_\_\_, dated \_\_\_\_\_  
Town Date

- Client -

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### **Revocation of consent to data processing**

I hereby object to the future use of my data. This objection applies immediately.

\_\_\_\_\_, Signed: \_\_\_\_\_, dated \_\_\_\_\_  
Town Date

- Client -