



Tengelmann

# Data protection for business partners

Translated from German to English by AI Tool

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## List of abbreviations

BDSG	Federal Data Protection Act
GDPR	European General Data Protection Regulation
T21	Tengelmann Twenty-One KG
TW	Tengelmann Warenhandelsgesellschaft KG



## What does this data protection information apply to?

We, Tengelmann Twenty-One KG (T21) or Tengelmann Warenhandelsgesellschaft KG (TW), are in a business relationship with you, your employer or your client, which includes both the initiation and execution of contractual relationships within the scope of our business activities.

As part of the aforementioned activities and the corresponding communication, we regularly process different personal data, as otherwise a business exchange could not take place. Against this background, we inform you below in accordance with Art. 13 GDPR, or Art. 14 GDPR if there is no direct collection, about the processing of personal data in the course of our respective general business activities. For certain activities and the processing of personal data in this context, we also communicate separate data protection declarations (e.g. regarding our website or the application process at T21).

Which data can be processed in detail and how it can be used depends on the type of business relationship, service or respective activity. Therefore, not all parts of this information will apply to you in full

## Responsible body and data protection officer

The controller within the meaning of Art. 4 No. 7 GDPR for business partners of T21 is

**Tengelmann Twenty-One KG**  
Mies-van-der-Rohe-Strasse 6  
80807 Munich  
Contact:  
E-mail: [info@tengelmann21.de](mailto:info@tengelmann21.de)

The responsible body within the meaning of Art. 4 No. 7 GDPR for TW's business partners are in joint responsibility pursuant to Art. 26 GDPR:

**Tengelmann Twenty-One KG**  
Mies-van-der-Rohe-Strasse 6  
80807 Munich

**Tengelmann Warenhandelsgesellschaft KG**  
Mies-van-der-Rohe-Str. 6  
80807 Munich

Contact:  
E-mail: [info@tengelmann21.de](mailto:info@tengelmann21.de)

as T21 acts for TW in this respect. We provide you with the essential information on joint responsibility below at the end of this data protection information in accordance with Art. 26 para. 2 sentence 2 GDPR.

You can contact the (external) data protection officer of T21 and TW as follows:

Tengelmann Audit GmbH  
Data  
An der Pönt 45  
40885 Ratingen  
e-mail: [datenschutz@t-audit.de](mailto:datenschutz@t-audit.de)

Protection

Officer

## Categories of personal data that are processed

According to Art. 4 No. 1 GDPR, personal data means any information relating to a natural person ("data subject") and which can be directly or indirectly attributed to that person.

As part of our business activities, it is generally necessary to process various personal data.



Depending on the activity and case constellation, these may fall into different categories of personal data if the information allows conclusions to be drawn about a natural person, e.g:

- General master data (e.g. name and salutation, title, job title)
- Contact details (such as telephone number, e-mail, address)
- Data on the business relationship (such as history of the business relationship, payment information, status, other master data)
- Invoice data
- Communication content (e.g. from personal, telephone or written/electronic communication)
- Information about agreed appointments with us (participants, location, date, etc.)
- additional information that may be required by law (e.g. in accordance with Section 11 of the German Money Laundering Act).

### Where do we obtain the personal data that we process?

If we process personal data from you, we have generally received this directly from you (e.g. through e-mail signatures, conversations/phone calls, business cards, etc.), from your employer, client (e.g. in the course of the contractual relationship) or other business contacts (e.g. in the course of recommendations).

However, we may also legitimately obtain personal data from other sources. These may include various publicly accessible sources, such as company websites, commercial registers, company directories or social media specialising in business contacts.

### Purposes and legal bases of processing

We always process personal data as part of our business activities in compliance with the provisions of the GDPR and all other relevant data protection laws and regulations. The processing is generally based on one or more of the following purposes and legal bases:

#### a) **Fulfilment of (pre- or post) contractual obligations in the context business relationships**

If we have a direct contractual relationship with you as a person or we are in the process of negotiating a contract (e.g. for the provision or use of a service), we will process your personal data on the basis of Art. 6 para. 1 lit. b GDPR (fulfilment of (pre-)contractual obligations).

If you are not a contractual partner yourself, but e.g. an employee of a (potential/current/former) business partner, personal data will be processed - if necessary - to initiate, fulfil or terminate a business relationship on the basis of the legitimate interest Art. 6 para. 1 lit. f GDPR. The economic fulfilment of our business purpose and the mutual fulfilment of contractual obligations arising from business or corporate relationships represent both our legitimate interest and - at least in part - the legitimate interest of our business partners.

#### b) **Fulfilment of legal obligations**

We are subject to various legal obligations, such as various tax laws, commercial law requirements or the Money Laundering Act. Personal data may also be processed in the context of the fulfilment of the various obligations, e.g. in the course of the fulfilment of statutory retention or reporting obligations. If we have to process personal data in the course of fulfilling legal obligations, Art. 6 para. 1 lit. c GDPR (in conjunction with the respective legal standard for the specific obligation) serves as the legal basis for the processing of personal data. Insofar as the processing of personal data is not expressly prescribed in the respective legal standard, but processing is necessary to fulfil the respective legal obligations, we base the processing on our legitimate interest pursuant to Art. 6 para. 1 lit. f GDPR in the fulfilment of the legal requirements.



**c) Other operational purposes and legitimate interests**

In addition to the above-mentioned purposes, there may be other legitimate reasons for processing personal data, each of which is based on the corresponding legitimate interest (pursuant to Art. 6 para. 1 lit. f GDPR) on our part or on the part of a third party, provided that the interests of the data subjects worthy of protection do not prevail. This may include the following processing purposes:

- Intra-group administrative purposes based on division of labour
- Assertion of legal claims and defence in legal disputes
- Ensuring the security and stable operation of our IT systems and further developing these measures
- Optimisation of our processes
- Exercising our domiciliary rights, visitor management and access controls
- Fraud prevention, prevention and investigation of criminal offences
- Measures to reduce business risks and for quality assurance
- Implementation of due diligence measures
- Anonymisation of information in order to be able to carry out extended evaluations without a possible personal reference.

For some of the above-mentioned processing purposes, legal obligations may also be the legal basis for processing (e.g. to ensure IT security, fraud prevention, prevention and investigation of criminal offences, see again the above information under point b)).

**d) Processing on the basis of consent**

If we process personal data on the basis of consent in accordance with Art. 6 para. 1 lit. a GDPR, we will obtain this separately from you and inform you in this context, among other things, about the purposes of the processing. If you have given your consent, you have the right to withdraw your consent at any time without giving reasons. To do so, please use the contact details provided in the consent process or contact the controller using the general contact details provided above.

**Categories of recipients of personal data**

Access to personal data within T21 is granted to the departments and employees who are entrusted with the execution of the respective business processes to fulfil the above-mentioned purposes.

As is usual in general business operations, we also make use of external or internal resources or may have to transmit information to public bodies in order to fulfil our contractual and/or legal obligations. In this context, we only transfer personal data to third parties if this is necessary and legally permitted for the above-mentioned purposes or if we have been given prior consent. Depending on the individual case, external or group-internal partners may be considered either as processors on our behalf in accordance with Art. 4 No. 8 GDPR, as a separate controller in accordance with Art. 4 No. 7 GDPR or as joint controllers with us in accordance with Art. 4 No. 7 in conjunction with Art. 26 GDPR.

We select and utilise external service providers in accordance with internal data protection standards and the corresponding legal requirements (e.g. the conclusion of corresponding contracts in accordance with Art. 28 GDPR for processors).

Personal data may be transmitted to the following categories of recipients, among others:

- Affiliated companies
- IT and telecommunications service provider
- Logistics and postal service provider



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- Auditors, accountants and auditors
- Credit institutions and providers of payment services
- Service provider for file and data carrier disposal
- if necessary, depending on the individual case, collection service providers, lawyers, notaries, insolvency administrators, authorities, courts or other public bodies.

## Data transfer to recipients outside the European Economic Area

The transfer of personal data to so-called third countries (countries outside the European Economic Area in which the GDPR does not apply) or an international organisation is generally not intended. Should such transfers nevertheless be necessary, they will be kept restrictive and will only take place in exceptional cases if an adequate level of data protection can be ensured or if this is permitted in exceptional cases in accordance with Art. 49 GDPR. An adequate level of data protection can be ensured, for example, by the existence of a valid adequacy decision by the European Commission in accordance with Art. 45 GDPR or suitable guarantees in accordance with Art. 46 et seq. GDPR (e.g. EU standard contractual clauses and supplementary safeguards).

## Storage duration

We process and store personal data for as long as it is necessary for the above-mentioned purposes and/or for compliance with legal obligations and until all mutual claims have been fulfilled. Legal obligations regularly arise from legal obligations to provide evidence and retain data, e.g. from the German Commercial Code or the German Fiscal Code. Retention periods can be up to ten or more years. It may also be necessary to retain personal data for the period during which claims can be asserted against us (statutory limitation periods of up to 30 years may apply in certain cases).

## Do I have to provide personal data?

In some cases, we may be obliged to collect certain personal data due to legal provisions for the conclusion, implementation and/or termination of our business relationships. Apart from any statutory provisions, there are no fundamental obligations to collect personal data. You can therefore refrain from providing personal data at any time. However, if you do not provide us with personal data, we may not be able to carry out the respective pre- or post-contractual measures or the contractual relationship with you or your employer/client or process your request.

## Rights of the data subjects

If we process your personal data, you have the following rights in relation to the processing of your personal data, which you can assert against us at any time:

### Right to information, erasure and rectification

Within the framework of the applicable legal provisions, you have the right to free information (Art. 15 GDPR) about your processed personal data and to further information in accordance with Art. 15 para. 1 lit. a to h GDPR at any time. Please note any relevant restrictions according to § 34 BDSG. Furthermore, you may have a right to rectification (Art. 16 GDPR) or erasure (Art. 17 GDPR) of this data. The right to erasure may be restricted in cases pursuant to Art. 17 (3) GDPR (e.g. if the data is required for the establishment, exercise or defence of legal claims). Furthermore, reasons according to § 35 BDSG may prevent an obligation to erase.

### Right to restriction of processing

You have the right to request the restriction (or blocking) of the processing (Art. 18 GDPR) of your personal data. The right to restriction of processing exists in cases of Art. 18 para. 1 lit. a to d GDPR.

If the processing of your personal data has been restricted, this data - apart from its storage - may only be processed with your consent or for the establishment, exercise or defence of legal claims or for the



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protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of a Member State.

### Right to data portability

You have the right to have the personal data concerning you, which we process automatically on the basis of your consent or in fulfilment of a contract, handed over to you or to a third party in a common, machine-readable format (Art. 20 GDPR). If you request the direct transfer of the data to another controller, this will only be done insofar as it is technically feasible.

### Right to object to the processing

If we process your personal data on the basis of legitimate interests (Art. 6 para. 1 lit. f GDPR) (including any profiling), you have the right to object to the processing of your personal data at any time for reasons arising from your particular situation (Art. 21 GDPR). We will then no longer process your data for this/these purpose(s), unless our legitimate interests prevail or the processing serves the establishment, exercise or defence of legal claims. Notwithstanding the above, you can object to the processing of your personal data for direct marketing purposes at any time without giving reasons. This also applies to any profiling associated with such direct advertising.

### Right to withdraw consent

If consent serves as the legal basis for processing, consent can be withdrawn at any time without giving reasons (Art. 7 para. 3 GDPR). Withdrawal only applies to the future. This means that the withdrawal of consent does not render the previous processing unlawful until the withdrawal of consent is received.

### Right to lodge a complaint with a supervisory authority

If you believe that there has been a breach of the GDPR, you have the right to lodge 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 (Art. 77 GDPR). The right to lodge a complaint is without prejudice to any other administrative or judicial remedy. The supervisory authority responsible for us is the Bavarian State Office for Data Protection Supervision (BayLDA), Ansbach.

To exercise your rights, please contact us, the contact details can be found under the information on the responsible body and data protection officer.

If rights of data subjects are asserted, personal data will also be processed in this context in order to respond to the enquiry. The processing of personal data is carried out to fulfil a legal obligation on the basis of Art. 6 para. 1 lit. c GDPR.

## Is automated decision-making or profiling carried out?

No, automated decision-making based on personal data - including profiling - does not take place. Should this be different in exceptional cases, we will inform you separately.

## Changes to the data protection information

As our business activities and processes are subject to change, we may also have to amend our data protection information accordingly. If the purposes of the processing for which we originally collected your personal data change, we will inform you accordingly.

You can also find the latest version of this data protection information at <https://tengelmänn21.com/datenschutzbestimmungen/>.



### Information on joint responsibility pursuant to Art. 26 para. 2 sentence 2

As part of TW's operations, TW and T21 work together in a division of labour and are responsible for the processing of personal data with different functions and tasks. The companies are therefore jointly responsible for the protection of your personal data within the corresponding functional and task areas (Art. 26 GDPR).

#### What does this mean for you and other data subjects within the meaning of the GDPR?

Even if there is joint responsibility, we fulfil the data protection obligations in accordance with our respective responsibilities for the individual relevant functional and task areas. In addition, the following has been agreed:

- T21 ensures that the information required under Art. 13 and 14 GDPR is provided to data subjects free of charge in a concise, transparent, intelligible and easily accessible form, using clear and plain language, including through this Privacy Policy.
- Pursuant to Art. 26 (3) GDPR, data subjects may in principle assert their data subject rights against each of the controllers. The parties have also agreed that the above-mentioned contact details of T21 and the Data Protection Officer will serve as the primary point of contact for asserting the rights of data subjects. T21 is also responsible for processing the corresponding enquiries within the scope of joint responsibility.

If you require further information on joint responsibility, you can contact any of the companies involved or the data protection officer. The contact details can be found at the beginning of this privacy policy under the details of the controller and the data protection officer.