

## **Data Privacy Statement**

We appreciate your interest in our company. Data protection is particularly important to the management of LUNOS Lüftungstechnik GmbH für Raumlufsysteme.

Basically, the website of LUNOS Lüftungstechnik GmbH für Raumlufsysteme can be used without providing any personal data. However, if a data subject wishes to make use of special services of our company via our website, it may be necessary to process personal data. If the processing of personal data is necessary and there is no legal basis for such processing, we generally obtain the data subject's consent.

The processing of personal data, such as the name, address, e-mail address or telephone number of a data subject, is always carried out in accordance with the General Data Protection Regulation and in accordance with the country-specific data protection regulations applicable to LUNOS Lüftungstechnik GmbH für Raumlufsysteme. By means of this data privacy statement, our company intends to inform the public about the type, scope and purpose of the personal data collected, used and processed by us. Furthermore, data subjects are informed of their rights by means of this data privacy statement.

Acting as data controller, LUNOS Lüftungstechnik GmbH für Raumlufsysteme GmbH has implemented numerous technical and organisational measures to ensure that the personal data processed via this website is protected as comprehensively as possible. Nevertheless, internet-based data transmissions may have security gaps, so that absolute protection cannot be guaranteed. For this reason, every data subject is free to transfer personal data to us by alternative means, for example by telephone.

### **1. Definitions**

The data privacy statement of LUNOS Lüftungstechnik GmbH für Raumlufsysteme is based on the terms used by the European legislator when the General Data Protection Regulation (GDPR) was issued. Our data privacy statement should be easy to read and understand both for the public and for our customers and business partners. To ensure this, we would like to explain in advance the terminology used.

We use the following terms, among others, in this data protection declaration:

- **a) Personal data**

Personal data means any information relating to an identified or identifiable natural person (hereinafter called "data subject"). A natural person is considered identifiable if he or she can be identified directly or indirectly, in particular by assignment to an identifier such as a name, an identification number, location data, an online identifier or one or more special characteristics that express the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person.

- **b) Data subject**

A data subject is any identified or identifiable natural person whose personal data are processed by the data controller.

- **c) Processing**

Processing means any operation or series of operations carried out with or without the aid of automated procedures in relation to personal data, such as the gathering, collection, organisation, sorting, storage, adaptation or alteration, reading, retrieval, use, disclosure by transmission, dissemination or any other form of provision, reconciliation or linking, restriction, erasure or destruction.

- **d) Restriction of processing**

Restriction of processing is the marking of stored personal data with the aim of restricting their future processing.

- **e) Profiling**

Profiling is any form of automated personal data processing that consists in the use of such personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects relating to the performance of work, economic situation, health, personal preferences, interests, reliability, behaviour, location or relocation of that natural person.

- **f) Pseudonymisation**

Pseudonymisation is the processing of personal data in such a way that the personal data can no longer be assigned to a specific data subject without the use of additional information, provided that this additional information is kept separately and is subject to technical and organisational measures which ensure that the personal data are not assigned to an identified or identifiable natural person.

- **g) Data controller or controller**

The data controller or controller is the natural or legal person, public authority, institution or other body which alone or jointly with others decides on the purposes and means of processing personal data. Where the purposes and means of such processing are determined by European Union law or by the law of the Member States, the controller or the specific criteria for his or her appointment may be stipulated in accordance with European Union law or the law of the Member States.

- **h) Data processor**

Data processor is a natural or legal person, authority, institution or other body that processes personal data on behalf of the data controller.

- **i) Recipient**

Recipient is a natural or legal person, authority, institution or other body to whom or which personal data are disclosed, regardless of whether it is a third party or not. However, authorities which may receive personal data under European Union law or the law of the Member States within the framework of a particular investigation mandate shall not be regarded as recipients.

- **j) Third party**

A third party is a natural or legal person, authority, institution or other body other than the data subject, the data controller, the data processor and the persons authorised to process the personal data under the direct responsibility of the data controller or the data processor.

- **k) Consent**

Consent means any informed and unequivocal expression of will voluntarily given by the data subject in a particular case in the form of a statement or other clear affirmative act by which the data subject declares his or her consent to the processing of personal data concerning him or her.

## **2. Name and address of the controller**

The party responsible within the meaning of the General Data Protection Regulation, other data protection laws in force in the Member States of the European Union and other provisions of a data protection nature is:

LUNOS Lüftungstechnik GmbH für Raumlufsysteme

Wilhelmstraße 31

13593 Berlin

Germany

Phone: 030/362001-0

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

Website: [www.lunos.de](http://www.lunos.de)

## **3. Cookies**

The website of LUNOS Lüftungstechnik GmbH für Raumlufsysteme uses cookies. Cookies are text files which are placed and stored on a computer system via an internet browser.

Numerous websites and servers use cookies. Many cookies contain a so-called cookie ID. A cookie ID is a unique identifier of the cookie. It consists of a string of characters through which websites and servers can be assigned to the specific internet browser in which the cookie was stored. This enables the visited websites and servers to distinguish the data subject's individual browser from other internet browsers that contain other cookies. A particular internet browser can be recognised and identified by its unique cookie ID.

By using cookies, LUNOS Lüftungstechnik GmbH für Raumlufsysteme can provide users of this website with more user-friendly services that would not be possible without the setting of cookies.

By means of a cookie, the information and offers on our website can be optimised in the user's interest. Cookies enable us, as already mentioned, to recognise the users of our website. The purpose of this recognition is to make it easier for users to use our website. For example, the user of a website that uses cookies does not have to re-enter his access data each time he visits the website because this is done by the website and the cookie stored on the user's computer system. Another example is the cookie of a shopping basket in an online shop. The online shop remembers the items that a customer has placed in the virtual shopping basket via a cookie.

The data subject can prevent the setting of cookies via our website at any time by means of an appropriate setting of the internet browser used and thus permanently object to the setting of cookies. Furthermore, cookies that have already been set can be deleted at any time via an internet browser or other software programs. This is possible in all common internet browsers. If the data subject deactivates the setting of cookies in the internet browser used, not all functions of our website may be fully usable.

#### **4. Collection of general data and information**

The website of LUNOS Lüftungstechnik GmbH für Raumlufsysteme collects a series of general data and information each time a person or an automated system accesses the website. This general data and information is stored in the log files of the server. We may record (1) the browser types and versions used, (2) the operating system used by the accessing system, (3) the website from which an accessing system reaches our website (so-called referrer), (4) the sub-websites which are accessed via an accessing system on our website, (5) the date and time of access to the website, (6) an Internet Protocol address (IP address), (7) the internet service providers of the accessing system, and (8) other similar data and information used for security purposes in the event of attacks on our information technology systems.

When using this general data and information, LUNOS Lüftungstechnik GmbH für Raumlufsysteme does not draw any conclusions about the data subject. Rather, this information is required to (1) correctly deliver the contents of our website, (2) optimise the contents of our website and the advertising for it, (3) ensure the permanent functionality of our information technology systems and the technology of our

website, and (4) provide law enforcement authorities with the information necessary for criminal prosecution in the event of a cyber attack. These anonymously collected data and information are therefore evaluated statistically by LUNOS Lüftungstechnik GmbH für Raumlufsysteme GmbH with the aim of increasing data protection and data security in our company in order to ultimately ensure an optimal level of protection for the personal data processed by us. The anonymous data of the server log files are stored separately from all personal data provided by a data subject.

## **5. Registration on our website**

The data subject may register on the website of the controller by providing personal data. The personal data transferred to the controller is determined by the respective input mask used for registration. The personal data entered by the data subject are collected and stored exclusively for internal use with the controller and for own purposes. The controller may arrange for the data to be transferred to one or more processors, such as a parcel service, who also uses the personal data exclusively for internal use attributable to the controller.

Furthermore, the IP address assigned to the data subject by the Internet Service Provider (ISP) and the date and time of registration are stored when the data subject registers on the data controller's website. This data is stored against the background that this is the only way to prevent misuse of our services and, if necessary, to enable us to investigate criminal offences committed. In this respect, the storage of this data is necessary to protect the data controller. As a matter of principle, the controller shall not pass on this data to third parties unless required to do so by law or for the purpose of criminal prosecution.

The data subject's registration and voluntary provision of personal data enables the controller to offer the data subject contents or services which, by their nature, can only be offered to registered users. Registered persons are free to modify the personal data provided during registration at any time or to have them completely erased from the controller's database.

The controller shall at all times, upon request, provide each data subject with information on the personal data relating to that data subject. Furthermore, the controller shall rectify or erase personal data at the request or notice of the data subject, provided that this does not conflict with any statutory storage obligations. In this context, all the employees of the controller shall be available to the data subject as contact persons.

## **6. Subscription to our newsletter**

On the website of LUNOS Lüftungstechnik GmbH für Raumlufsysteme users are given the opportunity to subscribe to our company's newsletter. Which personal data are transmitted to the data controller when ordering the newsletter is determined by the input mask used for this purpose.

LUNOS Lüftungstechnik GmbH für Raumluftsysteme informs its customers and business partners at regular intervals about company offers by means of a newsletter. As a matter of principle, the data subject can only receive the newsletter of our company if (1) the data subject has a valid e-mail address and if (2) the data subject registers for the newsletter dispatch. For legal reasons, a confirmation e-mail (double opt-in procedure) will be sent to the e-mail address first entered by the data subject for the newsletter dispatch. This confirmation e-mail is used to check whether the owner of the e-mail address as the data subject has authorized the receipt of the newsletter.

When registering for the newsletter, we also store the IP address - assigned by the Internet Service Provider (ISP) - of the computer system used by the data subject at the time of registration as well as the date and time of registration. The collection of this data is necessary in order to trace a (possible) misuse of a data subject's e-mail address at a later point in time and therefore serves the legal protection of the data controller.

The personal data collected when registering for the newsletter will be used solely for sending our newsletter. Subscribers to the newsletter may also be notified by e-mail if this is necessary for the operation of the newsletter service or for registration, as might be the case in the event of changes to the newsletter or changes in the technical conditions. The personal data collected in the context of the newsletter service shall not be passed on to third parties. The data subject can cancel the subscription to our newsletter at any time. The consent to the storage of personal data, which the data subject has given us for the newsletter dispatch, can be revoked at any time. An appropriate link for the purpose of revoking consent can be found in every newsletter. It is also possible at any time to unsubscribe from the newsletter directly on the controller's website or to inform the controller in any other way.

## **7. Newsletter tracking**

The newsletters of LUNOS Lüftungstechnik GmbH für Raumluftsysteme contain so-called tracking pixels. A tracking pixel is a miniature graphic embedded in e-mails sent in HTML format to enable log file recording and log file analysis. This allows a statistical evaluation of the success or failure of online marketing campaigns to be carried out. By means of the embedded tracking pixels, LUNOS Lüftungstechnik GmbH für Raumluftsysteme can determine whether and when an e-mail was opened by a data subject and which of the links contained in the e-mail were used by the data subject.

Such personal data collected via the tracking pixels contained in the newsletters are stored and evaluated by the data controller in order to optimise the newsletter dispatch and to adapt the contents of future newsletters even better to the data subject's interests. This personal data shall not be passed on to third parties. Data subjects shall be entitled at any time to revoke the separate declaration of consent given via the double opt-in procedure. After revocation, this personal data will be

erased by the data controller. LUNOS Lüftungstechnik GmbH für Raumlufsysteme shall automatically interpret a deregistration from the receipt of the newsletter as a revocation.

## **8. Contact via the website**

Due to legal regulations, the website of LUNOS Lüftungstechnik GmbH für Raumlufsysteme contains information that enables quick electronic contact to our company as well as direct communication with us, which also includes a general address of the so-called electronic mail (e-mail address). If a data subject contacts the data controller via e-mail or a contact form, the personal data provided by the data subject will be stored automatically. Such personal data voluntarily transmitted by a data subject to the controller will be stored for the purpose of processing or contacting the data subject. This personal data shall not be passed on to third parties.

## **9. Routine erasure and blocking of personal data**

The controller shall process and store the personal data of the data subject only for the period of time necessary to achieve the purpose of the storage or, as the case may be, to the extent provided for by the European legislator or other legislators in laws or regulations to which the controller is subject.

If the storage purpose ceases to apply or if a storage period prescribed by the European legislator or any other relevant legislator expires, the personal data is routinely blocked or erased in accordance with the statutory provisions.

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

- **a) Right to confirmation**

Every data subject shall have the right granted by the European legislator to require the controller to confirm whether personal data concerning him or her are being processed. If a data subject wishes to exercise this right to confirmation, he or she may contact an employee of the controller at any time.

- **b) Right to be informed**

Any data subject shall have the right granted by the European legislator to obtain from the controller, at any time and free of charge, information concerning the stored personal data relating to him or her and a copy of that information. Furthermore, the European legislator has granted the data subject the right to be informed on the following:

- the processing purposes
- the categories of personal data being processed

- the recipients or categories of recipients to whom the personal data have been or are still being disclosed, in particular recipients in third countries or international organisations
- if possible, the planned duration for which the personal data will be stored or, if this is not possible, the criteria for determining this duration
- the existence of a right to rectification or erasure of personal data relating to him or her or of a right to restriction of processing by the controller or of a right to object to such processing
- the existence of a right to appeal to a supervisory authority
- if the personal data are not collected from the data subject: All available information about the origin of the data
- the existence of automated decision-making, including profiling in accordance with Article 22 (1) and (4) GDPR and - at least in these cases - meaningful information on the logic involved as well as the scope and intended effects of such processing for the data subject

Furthermore, the data subject shall have a right to be informed as to whether personal data have been transferred to a third country or to an international organisation. If this is the case, the data subject shall also have the right to obtain information on the appropriate guarantees in connection with the transfer.

If a data subject wishes to exercise this right to be informed, he or she may contact an employee of the controller at any time.

- **c) Right to rectification**

Any data subject affected by the processing of personal data shall have the right granted by the European legislator to request the immediate rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall also have the right to request the completion of incomplete personal data, including by means of a supplementary declaration.

If a data subject wishes to exercise this right to rectification, he or she may contact an employee of the controller at any time.

- **d) Right to erasure (right to be forgotten)**

Any data subject shall have the right granted by the European legislator to require the controller to immediately erase the personal data concerning him or her, provided that one of the following reasons is satisfied and insofar as the processing is not required:

- The personal data have been collected or otherwise processed for such purposes for which they are no longer necessary.

- The data subject withdraws his or her consent on which the processing was based pursuant to Article 6 (1) lit. a) GDPR or Article 9 (2) lit. a) GDPR, and there is no other legal basis for the processing.
- The data subject objects to processing under Article 21 (1) GDPR and there are no overriding legitimate grounds for processing, or the data subject objects to processing under Article 21 (2) GDPR.
- The personal data have been processed unlawfully.
- The erasure of personal data is necessary to fulfil a legal obligation under European Union law or the law of the Member States to which the data controller is subject.
- The personal data was collected in relation to information society services offered in accordance with Article 8 (1) GDPR.

If one of the above-mentioned reasons applies and a data subject wishes to have personal data stored at LUNOS Lüftungstechnik GmbH für Raumlufsysteme erased, he or she can contact an employee of the data controller at any time. The employee of LUNOS Lüftungstechnik GmbH für Raumlufsysteme will arrange for the request for erasure to be complied with immediately.

If the personal data has been made public by LUNOS Lüftungstechnik GmbH für Raumlufsysteme and if our company as the data controller is responsible for the erasure of personal data in accordance with Article 17 (1) GDPR, LUNOS Lüftungstechnik GmbH für Raumlufsysteme, taking into account the available technology and the implementation costs, shall take the appropriate measures including those of a technical nature, to inform other data controllers processing the published personal data that the data subject has required these other data controllers to erase all links to such personal data or copies or replications of this personal data, as far as the processing is not required. The employee of LUNOS Lüftungstechnik GmbH für Raumlufsysteme will arrange for the necessary steps in individual cases.

- **e) Right to restriction of processing**

Any data subject shall have the right granted by the European legislator to require the controller to restrict the processing if one of the following conditions is met:

- The accuracy of the personal data is disputed by the data subject for a period that enables the data controller to verify the accuracy of the personal data.
- The processing is unlawful; the data subject rejects the erasure of the personal data and instead requests the restriction of the use of the personal data.

- The data controller no longer needs the personal data for the purposes of the processing, but the data subject needs them to assert, exercise or defend legal claims.
- The data subject has lodged an objection against the processing pursuant to Article 21 (1) GDPR and it has not yet been determined whether the legitimate grounds of the data controller outweigh those of the data subject.

If one of the above conditions is fulfilled and a data subject wishes to request the restriction of personal data stored by LUNOS Lüftungstechnik GmbH für Raumlufsysteme GmbH, he or she may contact an employee of the controller at any time. The employee of LUNOS Lüftungstechnik GmbH für Raumlufsysteme will arrange for the restriction of processing.

- **f) Right to data portability**

Any data subject shall have the right granted by the European legislator to obtain personal data concerning him or her, which the data subject has made available to a data controller, in a structured, commonly used and machine-readable format. The data subject shall also have the right to transmit such data to another data controller without obstruction by the controller to whom the personal data have been made available, provided that the processing is based on the consent provided for in Article 6 (1) lit. a) GDPR or Article 9 (2) lit. a) GDPR or on a contract in accordance with Article 6 (1) lit. b) GDPR and that the processing is carried out using automated procedures, unless the processing is necessary for the performance of a task of public interest or in the exercise of public authority, which has been assigned to the data controller.

Furthermore, in exercising his or her right to data portability pursuant to Article 20 (1) GDPR, the data subject shall have the right to demand that the personal data be transferred directly by one data controller to another data controller, provided that this is technically feasible and insofar as this does not affect the rights and freedoms of others.

To assert the right to data portability, the data subject may contact an employee of LUNOS Lüftungstechnik GmbH für Raumlufsysteme at any time.

- **g) Right to object**

Any data subject shall have the right granted by the European legislator to object at any time, on grounds relating to his or her particular situation, to processing of personal data concerning him or her that is carried out in accordance with Article 6 (1) lit. e) or f) GDPR. This also applies to profiling based on these provisions.

In the event of an objection LUNOS Lüftungstechnik GmbH für Raumlufsysteme GmbH will no longer process that personal data, unless we can demonstrate compelling legitimate grounds for the processing that are worthy of protection and override the data subject's interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

If LUNOS Lüftungstechnik GmbH für Raumlufsysteme processes personal data for direct marketing purposes, the data subject shall have the right to object to processing of personal data for the purpose of such marketing at any time. This also applies to profiling to the extent that it is related to such direct marketing. If the data subject objects to processing for direct marketing purposes with LUNOS Lüftungstechnik GmbH für Raumlufsysteme GmbH, LUNOS Lüftungstechnik GmbH für Raumlufsysteme will no longer process the personal data for such purposes.

In addition, the data subject shall have the right, on grounds relating to his or her particular situation, to object to processing of personal data relating to him or her that is carried out at LUNOS Lüftungstechnik GmbH für Raumlufsysteme for scientific or historical research purposes or for statistical purposes pursuant to Article 89 (1) GDPR, unless such processing is necessary for the performance of a task carried out for reasons of public interest.

In order to exercise the right to object, the data subject may directly contact any employee of LUNOS Lüftungstechnik GmbH für Raumlufsysteme. The data subject shall also be free, in the context of the use of information society services, and notwithstanding Directive 2002/58/EC, to exercise his or her right to object by means of automated procedures using technical specifications.

- **h) Automated decisions in individual cases including profiling**

Any data subject shall have the right granted by the European legislator not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or significantly affects him or her in a similar manner, unless that decision (1) is necessary for the conclusion or performance of a contract between the data subject and a data controller, or (2) is authorised by European Union or Member State legislation to which the data controller is subject and that such legislation provides for suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, or (3) is based on the data subject's express consent.

If the decision (1) is required for the conclusion or performance of a contract between the data subject and the data controller or (2) if it is made with the

express consent of the data subject, LUNOS Lüftungstechnik GmbH für Raumlufsysteme GmbH shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including at least the right to obtain the intervention of a person on the part of the data controller, to state his or her own position and to contest the decision.

If the data subject wishes to assert his or her rights relating to automated decisions, he or she may contact an employee of the controller at any time.

- **i) Right to withdraw consent under data protection law**

Any data subject shall have the right granted by the European legislator to withdraw his or her consent to the processing of personal data at any time.

If the data subject wishes to exercise his or her right to withdraw his or her consent, he or she may contact an employee of the controller at any time.

## **11. Data protection for applications and in the application procedure**

The controller collects and processes the personal data of applicants for the purpose of carrying out the application procedure. Processing may also be done electronically. This will particularly be the case if an applicant sends his or her relevant application documents to the controller by electronic means, for example by e-mail or via a web form on the website. If the controller concludes an employment contract with an applicant, the data transmitted will be stored for the purpose of processing the employment relationship in compliance with the statutory provisions. If the controller does not conclude an employment contract with the applicant, the application documents shall be automatically erased two months after notification of the rejection decision, provided that the erasure does not conflict with other legitimate interests of the controller. Other legitimate interests within this meaning shall include, for example, a burden of proof in proceedings under the Allgemeines Gleichbehandlungsgesetz/AGG (general equal treatment act).

## **12. Legal basis for processing**

Article 6 (1) lit. a) GDPR serves our company as a legal basis for processing operations for which we obtain consent for a specific processing purpose. If the processing of personal data is necessary for the performance of a contract to which the data subject is a party, as is the case for example with processing operations necessary for the delivery of goods or the provision of other services or return services, the processing is based on Article 6 (1) lit. b) GDPR. The same applies to such processing operations that are necessary to carry out pre-contractual measures, for example in cases of enquiries about our products or services. If our company is subject to a legal obligation which requires the processing of personal data, for example to meet tax obligations, the processing is based on Article 6 (1) lit. c) GDPR. In rare cases, the processing of personal data may become necessary to

protect the vital interests of the data subject or another natural person. This would be the case, for example, if a visitor were injured in our company and his name, age, health insurance data or other vital information had to be passed on to a doctor, a hospital or other third parties. The processing would then be based on Article 6 (1) lit. d) GDPR. Lastly, processing operations could be based on Article 6 (1) lit. f) GDPR. Processing operations which are not covered by any of the aforementioned legal bases are based on that latter legal basis if processing is necessary to safeguard a legitimate interest of our company or a third party, provided that the data subject's interests, fundamental rights and freedoms do not prevail. We are entitled to carry out such processing operations in particular because they have been specifically mentioned by the European legislator who, in this respect, took the view that a legitimate interest could be assumed if the data subject is a customer of the controller (Recital 47 Sentence 2, GDPR).

### **13. Legitimate interests in processing pursued by the controller or a third party**

If the processing of personal data is based on Article 6 (1) lit. f) GDPR, it is in our legitimate interest to conduct our business for the good of all our employees and our shareholders.

### **14. Duration for which the personal data is stored**

The criterion for the duration of the storage of personal data is the respective legal retention period. After the expiry of this period, the relevant data will be routinely erased, provided that it is no longer required for the fulfilment or initiation of the contract.

### **15. Legal or contractual regulations for the provision of personal data; Necessity for the conclusion of contract; The data subject's obligation to provide personal data; Possible consequences of non-provision**

We inform you that the provision of personal data is partly required by law (e.g. tax regulations) or may also result from contractual regulations (e.g. information on the contractual partner). In some cases, it may be necessary for a contract to be concluded that a data subject provides us with personal data which must subsequently be processed by us. For example, the data subject is obliged to provide us with personal data if our company enters into a contract with him or her. Failure to provide personal data would mean that the contract with the data subject could not be concluded. Prior to the data subject's provision of personal data, the data subject must contact one of our employees. Our employee will provide the data subject on a case-by-case basis with information as to whether the provision of personal data is required by law or contract or required for the conclusion of the contract and whether there is an obligation to provide the personal data, and instruct the data subject about the consequences of a failure to provide personal data.

## **16. Existence of automated decision-making**

As a company that acts responsibly, we refrain from automatic decision-making or profiling.

This data privacy statement was compiled by the data privacy statement generator of the datenschutz hinweis in co-operation with the company RC GmbH, which recycles used notebooks and the Filesharing Rechtsanwälte of WBS-LAW.