

According to Art. 13 General Data Protection Regulation/ GDPR

In the following we would like to inform you in a comprehensible and compact form about the collection and processing of personal data by our company as well as about your rights in this respect. Please note that in the case of some data processing additional instructions on data protection may apply. We will point this out in suitable form and at the appropriate location.

Who is responsible for data processing and who can I turn to?

Ofa Bamberg GmbH
Laubanger 20
96052 Bamberg
Telephone: +49 (0) 951 6047 267
Fax: +49 (0) 951 6047 186
Email: export@ofa.de

In the case of questions on the subject of data protection you may contact our data protection representative at any time:

Ofa Bamberg GmbH
Data protection representative
Laubanger 20
96052 Bamberg
Telephone: +49 (0) 951 6047 0
Fax: +49 (0) 951 6047 180
Email: datenschutz@ofa.de

For which purposes do we process personal data?

The object of the company is the manufacture and the sale of medical products and the resulting execution of customer and production orders.

Personal data is processed in order to carry out our business activities, to maintain customer relations as well as to provide our suppliers and other interested parties with support.

Should we additionally process your personal data for any purpose other than for the initial collection of data, we will inform you accordingly.

On which legal grounds do we process personal data? We process personal data in compliance with the provisions contained in the General Data Protection Regulation and the new German Privacy Act (BDSG-Neu):

a) to fulfill contract obligations (Art.6 Par 1 b GDPR)

Personal data is processed in order to carry out customer orders or to perform pre-contract measures that result from enquiries. Orders are placed by customers by mail, fax, email, telephone, online platform or through in-house customer service.

b) weighing up different interests (Art. 6 Par 1 f GDPR)

In as far as it is necessary we process your data beyond the basic requirements to maintain justifiable interests on our part or on the part of third parties, eg:

- In order to ensure the security of our IT systems and the operation of our IT systems within the company.
- Measures to manage business activity and to continue the further development of products and services.
- To assert legal claims and for defense in legal disputes.
- To prevent criminal acts
- Risk management within the group
- Advertising measures for our products and services for which no consent is required
- We use Microsoft Teams. The provider is Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-6399, USA. For details on data processing, please refer to the Microsoft Teams privacy policy: <https://privacy.microsoft.com/de-de/privacystatement>.

c) on the basis of your consent (Art. 6 Par 1 a GDPR)

In as far as you have consented to having personal data processed for certain purposes, the legitimacy of processing this data is based either on the consent of the customers of the specialist retailers or of end users.

- Advertising measures for our products and services for which consent is a requirement
- Processing to support the further development of our products and services.

Who may be the recipient of such data?

Within the company those units have access to data collected which need them to perform our contractual and legal obligations.

- Internal departments that are involved in carrying out individual business processes (personnel management, bookkeeping, accountancy, general management, production, dispatch, purchasing, marketing, sales, customer service, telecommunications and IT services).

Similarly, service providers and vicarious agents deployed by us may receive data for the purpose of completing their task if they assure us they will observe the relevant legal secrecy regulations (eg professional secrecy, banking secrecy, privacy of telecommunications and postal correspondence etc) relating to the task or where this is legally prescribed for their line of work. These service providers work, where legally required, as processors in accordance with Art. 28 GDPR on our behalf or are bound to confidentiality:

- Companies in the categories information technology, logistics, printing, telecommunication, debt collection, advisory and consulting services as well as sales & marketing, credit institutions, auditing services.

- For internal and external communication, we use, among other things, tools from companies based in the USA or other third countries that are not secure under data protection law. If these tools are active, your personal data may be transferred to these third countries and may be processed there. We would like to point out that no level of data protection comparable to that in the EU can be guaranteed in these countries. For example, US companies are obliged to hand over personal data to security authorities without you as a data subject being able to take legal action against this. It can therefore not be ruled out that US authorities (e.g. intelligence services) process, evaluate and permanently store your data located on US servers for monitoring purposes. We have no influence on these processing activities.

Public authorities that receive data on the basis of legal provisions or regulatory obligations:

- eg social insurance agencies, tax authorities, customs authorities,...

Further external groups, such as eg credit institutions, affiliated companies or other external groups for the purpose of carrying out the above-mentioned aims in as far as data subjects have given their consent, it is required to perform the contract or the transfer of data is permissible out of predominantly justifiable interest.

Are data transferred to third countries?

Any transfer of data to countries outside the EU or the EEA (so-called third countries) only takes place insofar as this is necessary to carry out export orders, is legally required (eg tax / customs reporting obligations), you have given us your consent or is necessary to process an order. Should service providers be deployed in third countries, we will commit the latter in addition to written instructions due to agreements of EU standard contractual clauses to maintaining the data protection level that exists in Europe.

How long are personal data saved within our company?

We process and save your personal data as long as this is necessary to meet our contractual and legal obligations.

Should the data to meet contractual and legal obligations no longer be required, the data will be erased unless it is necessary to continue processing the data for the following purposes:

- To meet statutory retention periods (German Commercial Code, German Fiscal Code) as they relate to commercial and fiscal law. The periods prescribed therein for retention or documentation cover 6 to 10 years.
- Other retention periods in accordance with laws and regulations in the field of medical products.
- Patent-protected retention periods
- There exists proof of consent by the data subject

Which data rights exist for data subjects?

Every data subject has the following rights:

- Right of access to be granted by controller in accordance with Art. 15 GDPR
- Right to rectification in accordance with Art. 16 GDPR
- Right to erasure in accordance with Art. 17 GDPR
- Right to restriction of processing in accordance with Art. 18 GDPR
- Right to object in accordance with Art 21 GDPR and
- Right to data portability in accordance with Art.20 GDPR.

In the case of right to information and erasure the restrictions in accordance to §§ 34 and 35 of the new German Privacy Act apply.

In addition, there exists the right to lodge a complaint with a supervisory authority (Art. 77 GDPR in conjunction with §19 of the new German Privacy Act).

Consent given to process personal data and to use data for promotional aims may be revoked at any time. This also applies to the revocation of any consent given to us before the GDPR took effect, ie before 25.05.2018. Please note that revocation can only take effect at some time in the future. Data processing that took place before revocation is not affected.

Any objection to the processing of data for promotional aims can be addressed to:

export@ofa.de and duetsch.anja@ofa.de.

Is there a legal obligation on the part data subjects or specialist retailers to make personal data available?

In the context of our business relations those data must be provided by specialist retailers or data subjects that are essential for the order to be acknowledged and carried out. Without this data we cannot complete and deliver any orders.

In how far is there automatic decision making (including profiling)?

We do not use any automatic decision making/profiling systems to justify the acceptance and to carry out an order placed with us.