

# Data protection declaration

## Art. 13 GDPR

### 1. Data protection at a glance

#### General notes

These notes give a straightforward overview of what is done with your personal data when you visit our website. The term personal data means all data by which you may be identified personally. Detailed information on the subject of data protection will be found in our data protection declaration which is set out below.

#### Data collection on this website

##### Who is responsible for data collection on this website?

Data processing on this website is effected by the website operator. You can find his contact data in the section of this data protection declaration entitled "Designation of the controller".

##### How do we collect your data?

Your data are obtained firstly when you notify them to us. This may involve data which you enter on a contact form.

Other data are collected automatically or with your consent by our IT systems when you visit the website. These are primarily technical data (e.g. Internet browser, operating system or time when the pages are visited). These data are collected automatically as soon as you access this website.

##### For what purpose do we use your data?

Some of the data are collected to ensure that the website is made available without errors. Other data may be used to analyse your user conduct.

##### What rights do you have in respect of your data?

You are entitled to obtain information free of charge at any time about the origin, recipient and purpose of your stored personal data. You are also entitled to rectify or erase such data. If you have given your consent to data processing, you may withdraw that consent at any time for the future. Under certain circumstances you are also entitled to require the processing of your personal data to be restricted. In addition, you have a right to lodge a complaint with the appropriate supervisory authority.

You may contact us at any time on this matter and if you have any other questions about data protection.

#### Analysis tools and tools of third-party providers

When you visit this website, your surfing may be evaluated statistically. That is done primarily using analysis programs. You will find detailed information about these analysis programs in the data protection declaration below.

### 2. Hosting and Content Delivery Networks (CDN)

#### External Hosting

This website is hosted by an external service provider (host). The personal data that are collected on this website are stored on the host's servers. This may be first and foremost IP addresses, contact enquiries, meta and communication data, contractual data, contact data, names, website accesses and other data that are generated via a website.

The host is used to perform the contract in relation to our potential and existing customers (Art. 6, para. 1, point b GDPR) and in the interest of secure, fast and efficient provision of our online offering by a professional provider (Art. 6, para 1, point f GDPR).

Our host will only process your data to the extent necessary to perform his service obligations and will follow our instructions about such data.

We use the following host:

CS2 AG  
Gerbegässlein 1  
CH-4450 Sissach

#### Completion of an order processing contract

To assure processing compliant with data protection, we have signed an order processing contract with our host.

### **3. General notes and mandatory information**

#### **Data protection**

The operators of these sites take protection of your personal data very seriously. We process your personal data confidentially and in compliance with the statutory data protection requirements and with this data protection declaration.

When you use this website, a range of personal data are collected. Personal data are data by which you can be personally identified. This data protection declaration explains which data we collect, and for which purpose we use them. It also explains how and why that is done.

We draw your attention to the fact that data transfer via the Internet (e.g. for email communication) may have security gaps. Complete protection of the data against access by third parties is impossible.

#### **Designation of the controller**

The controller responsible for data processing on this website is:

Girsberger Holding AG  
Bernstrasse 78  
CH-4922 Bützberg  
Tel +41 62 958 58 58  
Email: mail@girsberger.ch  
CEO Michael Girsberger  
Register of Commerce of the Canton of Bern CHE-103.528.019

The controller is the natural person or legal entity who or which, either alone or jointly with others, decides on the purposes and means of processing personal data (e.g. names, email addresses etc.).

#### **Storage period**

In cases where no special storage period is specified in this data protection declaration, your personal data are held by us until the purpose for which the data are processed lapses. If you make a justified request for erasure or withdraw your consent to data processing, your data will be erased unless we have any other lawful reasons to store your personal data (e.g. storage periods required by tax law or commercial law); in the latter case, the data will be erased when those reasons cease to exist.

#### **Data protection officer prescribed by law**

We have appointed a data protection officer for our business.

Herr Harald Helbig  
Helbig Datenschutz GmbH  
Bräunleinsberg 51  
91233 Neunkirchen a. S.  
Tel: +49 9123 70275-0  
Email: harald.helbig@helbig-datenenschutz.de

#### **Note on data transfer to the USA and other third countries**

Tools of companies based in the USA or other third countries that are not secure under data protection law are used on our website. If these tools are active, your personal data may be transferred to those third countries and processed there. We call your attention to the fact that no data protection standard comparable to that in the EU can be guaranteed in these countries. For example, US businesses are required to release your personal data to security authorities without you, as the data subject, having an opportunity to oppose such release in the courts of law. We therefore cannot rule out the possibility that US authorities (e.g. secret services) will process, evaluate and permanently store your data located on US servers for surveillance purposes. We have no influence on these processing activities.

#### **Withdrawal of your consent to data processing**

Many data processing operations can only be effected with your specific consent. You may withdraw consent that has already been given at any time. The lawful nature of data processing that takes place before such withdrawal is not affected by the withdrawal.

## **Right to object to data collection in special cases and also to direct marketing (Art. 21 GDPR)**

When data processing is effected on the basis of Art. 6, para. 1, points e or f GDPR, you are entitled at any time to object to processing of your personal data for reasons connected with your special situation. This applies likewise to profiling based on these provisions. The particular legal basis for processing will be found in this data protection declaration. If you object, we will no longer process your relevant personal data unless we can put forward binding reasons that warrant protection for such processing which override your own interests, rights and freedoms or else if the processing is used to enforce, exercise or defend legal claims (objection based on Art. 21, para. 1 GDPR).

If your personal data are processed for direct marketing purposes, you are entitled at any time to object to the processing of personal data about you for the purpose of such marketing. This likewise applies to profiling insofar as it is connected to such direct marketing. If you make an objection, your personal data will no longer be used for direct marketing purposes (objection based on Art. 21, para. 2 GDPR).

## **Right to lodge a complaint with the appropriate supervisory authority**

In the event of breaches of the GDPR, the data subject has a right of appeal to a supervisory authority, in particular in the Member State where he is habitually resident, has his workplace or where the presumed breach has taken place. The right to lodge a complaint is maintained regardless of other legal remedies in administrative law or in the courts of law.

## **Right to data transferability**

You are entitled to ask for data which we process automatically on the basis of your consent or in performance of a contract to be disclosed to yourself or to a third party in a current machine-readable format. If you require direct transfer of the data to a different controller, that will be done only to the extent that it is technically feasible.

## **SSL or TLS encryption**

This site uses SSL or TLS encryption for security reasons and to protect the transfer of confidential contents such as orders or enquiries that you send to us as the website operator. You can recognise an encrypted link in that the address line of the browser changes from HTTP:// to HTTPS:// and by the lock symbol on your browser line.

If SSL or TLS encryption is activated, the data that you transfer to us cannot be read by third parties.

## **Information, erasure and rectification**

Within the framework of the relevant statutory provisions, you are entitled at any time to obtain information free of charge about your stored personal data, their origin and recipients and the purpose of data processing and you may also have a right to rectification or erasure of such data where appropriate. You may consult us at any time on this and other questions about personal data.

## **Right to restrict processing**

You are entitled to ask for the processing of your personal data to be restricted. You may contact us at any time to that end. The right to restriction of processing exists in the following cases:

- If you contest the accuracy of your personal data stored by us, we generally require time to review the matter. For the duration of that review you are entitled to ask for the processing of your personal data to be restricted.
- If processing of your personal data was or is effected unlawfully, you may require restriction of data processing instead of erasure.
- If we no longer need your personal data but do require it to exercise, defend or enforce legal claims, you are entitled to ask for restriction of the processing of your personal data instead of erasure.
- If you have filed an objection based on Art. 21, para. 1 GDPR, we must weigh up the balance of your and our interests. Until it is clear which interests predominate, you are entitled to ask for the processing of your personal data to be restricted.

If you have restricted the processing of your personal data, such data – apart from their storage – may only be used with your consent or to enforce, exercise or defend legal claims or to protect the rights of another natural person or legal entity or because of an important public interest of the European Union or of a Member State.

## **Objection to marketing emails**

The use of your contact data, published in virtue of the obligation to disclose certain details, to send unsolicited marketing and information material is hereby opposed. The website operators specifically reserve the right to take legal action in the event of the unsolicited forwarding of marketing information, e.g. by spam emails etc.

## **4. Data collection on this website**

### **Server-log data files**

The website provider acquires and stores information automatically in server-log data files which are transferred to us automatically by your browser. This information is as follows:

- Browser type and browser release
- Operating system used
- Referrer URL
- Host name of the accessing computer
- Time of server request
- IP address

These data are not combined with other data sources.

Collection of these data is based on Art. 6, para. 1, point f GDPR. The website operator has a justified interest in the technically impeccable presentation and optimisation of his website – server-log files must be acquired for this purpose.

### **Contact form**

If you send enquiries to us using a contact form, your data will be stored by us from the enquiry form, including the contact data given by you on the form, for the purpose of processing the enquiry and in case follow-up questions are received by us. These data will not be disclosed by us without your consent.

Processing of these data is effected on the basis of Art. 6, para. 1, point b GDPR, to the extent that your enquiry concerns the performance of a contract or is needed to prepare a contract. In all other cases, the processing is based on our justified interest in the effective processing of enquiries addressed to us (Art. 6, para. 1, point f GDPR) or on your consent (Art. 6 para. 1 point a GDPR) if that was requested.

The data entered by you on the contact form are held by us until you ask us to erase them, withdraw your consent to storage or if the purpose for which the data are stored no longer exists (e.g. after your enquiry has been dealt with). Binding statutory provisions – in particular those relating to storage periods – remain unaffected.

### **Enquiry by email, telephone or fax**

If you contact us by email, telephone or fax, your enquiry, including all the accompanying personal data (name, enquiry) will be stored by us and processed to deal with your request. These data will not be disclosed by us without your consent.

These data are processed on the basis of Art. 6, para. 1, point b GDPR insofar as your enquiry concerns the performance of a contract or is needed to prepare a contract. In all other cases, processing is based on our justified interest in the effective processing of enquiries addressed to us (Art. 6, para. 1, point f GDPR) or on your consent (Art. 6, para. 1, point a GDPR) if that was requested.

The data sent to us via contact enquiries are held by us until you request their erasure, withdraw your consent to storage or if the purpose for which the data was stored no longer exists (e.g. once the processing of your request has been completed). Binding statutory provisions – in particular those relating to storage periods – remain unaffected.

## **5. Social media**

### **Social media plugins with Shariff**

Social media plugins are used on this website (e.g. Facebook, Twitter, Instagram, Pinterest, XING, LinkedIn, Tumblr).

You can as a rule detect the plugins on the basis of the particular social media logos. To ensure data protection on this website, we only use these plugins in conjunction with the “Shariff” solution. This application prevents the plugin data integrated into this website from being passed on to the particular provider when the site is first accessed.

Only when you activate the relevant plugin by clicking on the associated interface will a direct link be established with the provider’s server (consent). As soon as you activate the plugin, the particular provider is informed that you have visited this website with your IP address. If you are logged in at the same time to your social media account (e.g. Facebook), the relevant provider can associate the visit to this website with your user account.

Activation of the plugin constitutes consent within the meaning of Art. 6, para. 1, point a GDPR. You may withdraw that consent at any time with effect for the future.

## **6. Analysis tools and marketing**

### **Google Analytics**

This website uses functions of the Google Analytics web analysis service. The provider is Google Ireland Limited (“Google”), Gordon House, Barrow Street, Dublin 4, Ireland.

Google Analytics enables the website operator to analyse the website visitor’s conduct. For this purpose, the website operator receives certain data about use, e.g. pages retrieved, duration of the consultation, operating systems used and user’s origin. These data may be summarized by Google in a profile associated with the particular user or his terminal device.

Google Analytics uses technologies that enable the user to be recognised again for the purpose of user conduct analysis (e.g. cookies or device fingerprinting). The information collected by Google on the use of this website is generally transferred to a Google server in the USA and stored there.

This analysis tool is used on the basis of Art. 6, para. 1, point f GDPR. The website operator has a justified interest in analysis of the user conduct in order to optimise both his web offering and his marketing. If the necessary consent has been requested (e.g. consent to storage of cookies), processing is effected solely on the basis of Art. 6, para. 1, point a GDPR. Consent may be withdrawn at any time.

Data transfer to the USA is based on the EU Commission’s standard contractual clauses. For details go to: <https://privacy.google.com/businesses/controllerterms/mccs/>.

### **IP anonymisation**

We have activated the IP anonymisation function on this website. For this purpose, your IP address is abbreviated by Google within the Member States of the European Union or in other contracting States of the Convention on the European Economic Area before transfer to the USA. Only in exceptional cases is the full IP address transferred to a Google server in the USA and abbreviated there. On behalf of this website operator, Google will use this information to evaluate your website use, to compile reports on website activities and provide further services relating to website use and Internet use to the website operator. The IP address transferred by your browser to Google Analytics is not combined with other Google data.

### **Browser Plugin**

You may prevent the acquisition and processing of your data by Google by downloading and installing the browser plugin which is available at the following link: <https://tools.google.com/dlpage/gaoptout?hl=en>.

Further information about user data handled by Google Analytics will be found in the Google data protection declaration: <https://support.google.com/analytics/answer/6004245?hl=en>.

### **Order processing**

We have signed an order processing contract with Google and apply in full the stringent criteria of the German data protection authorities when Google Analytics is used.

### **Storage duration**

Data stored by Google at user and event level, linked to cookies, user characteristics (e.g. user ID) or marketing IDs (e.g. double click cookies, android marketing ID), will be anonymised or erased after 14 months. You will find details at the following link: <https://support.google.com/analytics/answer/7667196?hl=en>

## **7. Newsletter**

### **Newsletter data**

If you wish to receive the newsletter offered on the website, we need you to provide an email address, together with information which enables us to make sure that you are the owner of the indicated email address and agree to receive the newsletter. Further data will either not be collected or collected only on a voluntary basis. We use such data exclusively to dispatch the requested information and do not disclose that information to third parties.

Data entered on the newsletter registration form are processed solely on the basis of your consent (Art. 6, para. 1, point a GDPR). The consent granted to data storage, the email address and its use before dispatch of the newsletter can be withdrawn by you at any time, e.g. via the “Unsubscribe” link in the newsletter. The lawful nature of the data processing operations already effected before cancellation remains unaffected thereby.

The data stored by us to enable the newsletter to be sent will be retained by us or by the newsletter service provider until you unsubscribe from the newsletter and after you have ceased ordering the newsletter or after your deletion from the newsletter circulation list. We reserve the right to delete or block email addresses from our newsletter circulation list at our own discretion as part of our justified interest within the meaning of Art. 6, para. 1, point f GDPR.

After you have unsubscribed from the newsletter circulation list, your email address will be stored by us or by the newsletter service provider in a blacklist in order to prevent future mailings. Blacklist data will be used solely for that purpose and not combined with other data. This is intended to safeguard both your interest and our interest in compliance with the statutory requirements for the dispatch of newsletters (justified interest within the meaning of Art. 6, para. 1, point f GDPR). Storage on the blacklist is not time limited. You may oppose storage if your interests override our justified interest.

### **Evalanche**

This website uses Evalanche to dispatch newsletters. The provider is SC-Networks GmbH, Enzianstr. 2, 83219 Starnberg. Evalanche is a service which enables the dispatch of newsletters to be organised and analysed. The data entered by you for the purpose of procuring the newsletter will be stored on Evalanche servers in Germany.

If you wish to prevent Evalanche analysis, you must unsubscribe from the newsletter. For that purpose, each newsletter contains an appropriate link. In addition, you may also unsubscribe from the newsletter directly on the website.

### **Data analysis by Evalanche**

For the purpose of analysis, emails sent by Evalanche contain a tracking pixel which establishes a link to the Evalanche servers when the email is opened. This enables them to ascertain whether a newsletter message was opened. In addition, we can determine with the help of Evalanche whether and which links are opened in the newsletter message. All links in the email are tracking links with which your clicks can be counted.

### **Legal basis**

Data processing is effected on the basis of your consent (Art. 6, para.1, point a GDPR). You may withdraw that consent at any time. The lawful nature of data processing operations already effected is not affected by cancellation.

### **Completion of an order processing contract**

We have entered into a contract with SC Networks in virtue of which we require SC Networks to protect our customers' data and refrain from disclosing them to third parties.

## **8. Plugins and Tools**

### **Vimeo**

This website uses plugins of the Vimeo video portal. The provider is Vimeo Inc., 555 West 18th Street, New York, New York 10011, USA.

If you visit one of our pages equipped with a Vimeo video, a link is established to the Vimeo servers. The Vimeo server is informed which of our pages you have visited. In addition, Vimeo obtains your IP address. This applies even if you have not logged in to video or do not have an account with Vimeo. The information collected by Vimeo is transferred to the Vimeo server in the USA.

If you have logged on to your Vimeo account, you enable Vimeo to associate your surfing conduct directly with your personal profile. You can prevent this by logging out of your Vimeo account.

To recognise website visitors again, Vimeo uses cookies or comparable recognition technologies (e.g. device fingerprinting).

Vimeo is used to permit an attractive presentation of our online offerings. This constitutes a justified interest within the meaning of Art. 6, para. 1, point f GDPR. If appropriate consent was requested, processing is effected solely on the basis of Art. 6, para.1, point a GDPR; consent can be withdrawn at any time.

Data transfer to the USA is effected on the basis of the EU Commission's standard contractual clauses and, in Vimeo's own words, on the basis of "justified business interests". You will find further details at: <https://vimeo.com/privacy>.

Further information on the processing of user data will be found in the Vimeo data protection declaration at: <https://vimeo.com/privacy>.

### **Google Maps**

This site uses the Google Maps service. The provider is Google Ireland Limited ("Google"), Gordon House, Barrow Street, Dublin 4, Ireland.

Your IP address must be stored to enable the Google Maps functions to be used. That information is generally transferred to a Google server in the USA and stored there. The provider of this site has no influence on this data transfer. If Google Maps has been activated, Google may use Google Web Fonts for the purpose of uniform presentation. When Google Maps is retrieved, your browser loads the requisite web fonts in your browser cache in order to display texts and fonts correctly.

Google Maps is used in the interest of an attractive presentation of our online offerings and to enable the places indicated by us on the website to be found easily. This is a justified interest within the meaning of Art. 6, para. 1, point f GDPR. If appropriate consent was requested, processing is effected solely on the basis of Art. 6, para. 1, point a GDPR; consent may be withdrawn at any time.

Data transfer to the USA is based on the EU Commission's standard contractual clauses. You can find details at:

<https://privacy.google.com/businesses/gdprcontrollerterms/> and  
<https://privacy.google.com/businesses/gdprcontrollerterms/sccs/>.

Further information about the processing of user data can be found in the Google data protection declaration: <https://policies.google.com/privacy?hl=en>.

## 9. Own services

### Dealing with candidates' data

We give you an opportunity to make an application to us (e.g. by email, post or using the online application form). Thereafter, we inform you of the scope, purpose and use of your personal data collected in the course of the application procedure. We give an assurance that your data are collected, processed and used in compliance with data protection law and all other statutory provisions and treated in strict confidence.

### Scope and purpose of data collection

If you send us an application, we process your accompanying personal data (e.g. contact and communication data, application documents, notes concerning application interviews etc.) to the extent necessary to reach a decision on the justification of an employment relationship. The legal basis for this purpose is § 26 BDSG-New under German law (opening an employment relationship), Art. 6, para. 1, point b GDPR (general contract preparation) and – if you have given your consent – Art. 6, para. 1, point a GDPR. Consent may be withdrawn at any time. Your personal data will be disclosed within our business solely to persons who are involved in processing your application.

If the application is successful, the data submitted by you will be stored on the basis of § 26 BDSG-New and Art. 6, para. 1, point b, GDPR for implementation of the employment relationship in our data processing systems.

### Period for which data are stored

If we are unable to offer you a job opportunity, if you decline such an opportunity or withdraw your application, we reserve the right to store the data made available by you on the basis of our justified interests (Art. 6, para. 1, point f GDPR) for up to 6 months from the completion of the application procedure (rejection or withdrawal of the application). Thereafter, the data will be erased and the physical application documents destroyed. Storage is effected in particular as a means of providing evidence in the event of a legal dispute. To the extent that the data may still be needed after the 6 months period has expired (e.g. because of a threatened or pending legal dispute), erasure will not take place until the purpose of further storage ceases to apply.

The storage period may also be extended if you have granted the necessary consent (Art. 6, para. 1, letter a GDPR) or if statutory storage obligations prevent erasure.

### Inclusion in the pool of applicants

If we are unable to offer you a job, you may be placed in our applicants' pool. If you are so placed, all the documents and data from the application will be placed in the applicants' pool in order to contact you if suitable vacancies arise.

Inclusion in the applicants' pool takes place solely with your specific consent (Art. 6, para. 1, point a GDPR). Consent is given voluntarily and is not related to the current application procedure. The data subject may withdraw his or her consent at any time. In that case, the data will be irretrievably erased from the applicants' pool unless statutory reasons for storage exist.

Data from the applicants' pool will be irretrievably erased no later than two years after consent was granted.

Source: eRecht24