

## Data Protection Declaration

### I Name and Address of Data Controller

The Data Controller, according to the EU General Data Protection Regulation (**GDPR**) and to other national data protection legislation of the member states including other laws implementing data protection, is:

Spühl GmbH

Albert Pfiffner

Grüntalstrasse 23

9300 Wittenbach

Switzerland

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E-Mail: [datenschutz@spuhl.com](mailto:datenschutz@spuhl.com)

Website: [www.spuhl.com](http://www.spuhl.com)

### II Name and Address of the Data Protection Coordinator

The Data Protection Officer of the Data Controller is:

Albert Pfiffner

### III General Information regarding Data Processing

#### 1 Scope of Processing Personal Data

In general, we are processing personal data of our users only to the extent it becomes necessary for providing a functional website and for providing our content and services. Processing of personal data of our users is carried out regularly and with the user's consent. One exception shall apply in cases, in which obtaining a prior consent is not possible due to actual reasons and whenever statutory provisions permit data processing.

#### 2 Legal Basis for Processing Personal Data

Art. 6 Para. 1, lit. a) of GDPR is the legal basis for us when seeking consent of data subjects for processing personal data.

Article 6 Para 1 lit. b) of GDPR is the legal basis for processing personal data, which is required to perform under a contract, in which the data subject is the contractual party. The same shall apply for processing required for fulfilling pre-contractual measures.

Article 6 Para. 1, lit. c) of GDPR is the legal basis for processing personal data that is required to fulfill a legal obligation that our Company is subject to.

Article 6 Para. 1, lit. d) of GDPR is the legal basis for processing personal data that is required due to vital interests of the data subject or any other natural person.

Article 6 Para. 1, lit. f) of GDPR is the legal basis for processing personal data when processing is necessary for protecting a legitimate interest of our company or of a third party and if the interests and fundamental right and freedoms of the data subject do not outweigh such interest.

#### 3 Date Erasure and Term of Storage

Personal data of the data subject are erased or blocked as soon as the purpose of storing data is cancelled. Data storage may continue in the event that it is provided by [European] Union rules, laws or other regula-

tions of European or national lawmakers that the controller is subject to. A blocking or erasure of data is provided also in the event that a storage deadline required by the mentioned standards expires unless a further storage of data is necessary for entering into a contract or for fulfillment of a contract.

## **IV Providing the Website and Creating Log Files**

### **1 Description and Scope of Data Processing**

Each time our website is accessed, our system automatically collects data and information of the computer system of the accessing computer.

The following data are collected here:

- (1) Information about the type of the browser and its version
- (2) Operation system of the user
- (3) The Internet Service Provider of the user
- (4) The IP Address of the user
- (5) Date and time of access
- (6) Websites from which the user's system accesses our Website
- (7) Websites that are accessed from the user's system through our Website

These data are stored also in the log files of our system. However, we do not store those data together with other personal data of the user.

### **2 Legal Basis for Data Processing**

Article 6 Para. 1, lit. f) of GDPR is the legal basis for a temporary storage of data and log files.

### **3 Purpose of Data Processing**

The temporary storage of the IP address by the system is required to allow the user's computer system to access the Website. Therefore, the IP address of the user must remain stored during the term of session. Storing of data in log files is carried out in order to ensure the functionality of the Website. In addition, the data serve for optimizing the Website and for securing safety of our information systems. In this regard, we do not evaluate these data for marketing purposes.

For these purposes, we also have a legitimate interest in data processing according to Article 6, Para. 1, lit. f) of GDPR.

### **4 Term of Storage**

Data are erased as soon as there is no further need for achieving the purpose of their collection. In case of the data collection for providing the Website, the data is erased as soon as the respective session is terminated.

In the event that data is stored in log files they will be erased after seven days at the latest. Storage beyond this period is possible and in this case the IP addresses of users are erased or alienated so that they cannot be allocated to the accessing user.

### **5 Possibility of Objection and Erasure**

Data collection for providing the Website and storage of the said data in log files is crucial for operating the Website. Consequently, in this case it is not possible for users to object.

## V Use of Cookies

### a) Description and Scope of Data Processing

Our Website uses cookies. Cookies are text files that are stored in the Internet browser and are stored by the Internet browser in the computer system of the user, respectively. In the event a user is accessing a Website, a cookie can be stored on the user's operating system. This cookie contains a specific character string, which allows unequivocal identification of the browser whenever the Website is accessed again. We are using cookies to make our Website user-friendlier. Some elements of our Website require that the accessing browser can be identified even after changing a page.

Thus, the following data are stored in and transmitted to the cookies:

- (1) Language settings
- (2) Articles in the shopping cart
- (3) Log in information

In addition, we are using cookies on our Website for analyzing the surf behavior of users. The following data can be transmitted by this method:

- (1) Search terms entered
- (2) Frequency of site accesses
- (3) Utilization of Website features

We apply technical measures to pseudonymize the user data collected with this method and the data can no longer be allocated to an accessing user. The data is not stored together with other personal data of users. When accessing our Website users will be informed via an information banner that cookies are used for analyzing purposes and referred to this data protection declaration. In this regard, a note appears explaining how to disable the storage of cookies in the browser settings.

### b) Legal Basis of Data Processing

Article 6 Para. 1, lit. f) of GDPR is the legal basis for processing personal data by using technically required cookies.

Article 6 Para. 1, lit. a) of GDPR is the legal basis for processing personal data by using cookies for analysis purposes when the consent of the data subject in this regard is obtained.

### c) Purpose of Data Processing

We are using technically necessary cookies for the purpose to simplify the use of our Websites for users. Some features of our websites cannot be offered without the application of cookies. To this end, it is required that the browser still be acknowledged after leaving a site.

We need cookies for the following applications:

- (1) Shopping cart
- (2) Adoption of language settings
- (3) Memorizing search terms

We are using analysis cookies for improving the quality of our Website and its content. With the help of analysis cookies we learn how the Website is used and this enables us to optimize our offers on a continuous basis.

This purpose also includes our legitimate interest in processing personal data pursuant to Article 6 Para. 1, lit. f) of GDPR .

#### **d) Term of Storage, Possibility of Objection and Erasure**

Cookies are stored in the user's computer system and from there are transmitted to our site. Therefore the user has full control over the usage of cookies. You can deactivate or limit transfer of cookies by adjusting your browser settings. Cookies that are already stored may be erased at any time and erasing can be done automatically as well. In the event that cookies are deactivated for our Website, not all features of our Website may be fully available for use.

### **VI Registration**

#### **1 Description and Scope of Data Processing**

On our Website we offer for users the option to register by entering personal data. Data are entered into an input screen and transferred to us for storage. We do not transfer any data to third parties. The following data is collected during the registration process:

- (1) First name, last name
- (2) Gender
- (3) Mailing address
- (4) Telephone number (landline and mobile)

In addition, the following data is collected during the registration process.

- (1) IP address of user
- (2) Date and time of registration

During the registration process we obtain the user's consent for processing these data.

#### **2 Legal Basis for Data Processing**

Article 6 Para. 1, lit. a) of GDPR is the legal basis for processing data with the user's consent . Article 6 Para. 1 lit. b) of GDPR is an additional legal basis in the event the registration is required to perform under a contract, to which the user is the contractual party or to perform pre-contractual measures.

#### **3 Purpose of Data Processing**

A user registration is required for providing certain content and services on our Website.

#### **4 Term of Storage**

Data are erased as soon as their collection is no longer required for achievement of the purpose. This applies to the cases of the data collected during registration whenever the registration on our Website was annulled or changed.

#### **5 Possibility of Objection and Erasure**

At any time a user can annul the registration or ask for the collected personal data to be changed.

### **VII Rights of Data Subjects**

You are a data subject pursuant to GDPR when you are subject to our processing of your personal data and the data controller must grant you the rights below.

#### **1 Right to Information**

You can request to obtain a confirmation from the controller as to whether we process personal data relating to you.

In the event of such data processing, you may request from the controller to obtain the following information:

- (1) Purposes for processing personal data;
- (2) Categories of personal data that are processed;
- (3) Recipients or categories of recipients the personal data relating to you have been disclosed to or will be disclosed as of April 2018
- (4) The scheduled term of storage of personal data relating to you and in the event that no specific information can be obtained the criteria for determining the term of storage;
- (5) Existence of a right of correction or erasure of personal data relating to you, the right to have the controller limit the processing and the right to objection against the data processing;
- (6) Existence of a right of appeal with a regulatory authority;
- (7) All available information as to the origin of data in the event the personal data was not collected from the data subject;
- (8) Existence of an automated decision making including profiling pursuant to Article 22 Par. 1 and 4 of GDPR and, at least in these cases, meaningful information about the rationale involved, as well as the scope and desired effects of such processing for the data subject.

You have the right to request the information as to whether the personal data relating to you are transferred to a third country or to an international organization. You may demand to obtain information regarding the appropriate warranties pursuant to Article 46 GDPR in connection with such a transfer.

## **2 Right to Correction**

You have the right to request a correction and/or completion from the controller in the event the processed personal data relating to you are incorrect or incomplete. The controller has to carry out the correction immediately.

## **3 Right to Limitation of Processing**

You may request a limitation of processing the personal data relating to you when the following conditions are present:

- (1) You dispute the accuracy of personal data relating to you for a certain time allowing the controller to verify the accuracy of personal data;
- (2) The data processing is unlawful and you demand a limitation of use of personal data instead of erasing personal data;
- (3) The controller does no longer need the personal data for processing purposes, however you may need the personal data for enforcing, exercising and defending your rights; or
- (4) you filed an objection to the processing pursuant to Article 21 Para. 1 GDPR and it is not yet established whether the justified reasons of the controller prevail your reasoning.

In the event that the processing of personal data relating to you are limited, these data may, besides being stored, only be processed upon obtaining your consent or for enforcing, exercising and defending any claims or for the protection of rights of any other natural or legal person or because of an important official interest of the [European] Union or one of its member states.

In the event that the processing was limited according the above named requirements, the controller will inform you before the limitation is lifted.

## **4 Right to Erasure**

### **a) Erasure Obligation**

You may demand that the controller erase the personal data relating to you immediately, and the controller is obligated to do so when one of the following reasons apply:

- (1) The personal data relating to you are no longer necessary for the purposes of their collecting or otherwise processing.

- (2) You revoke your consent, which rectified the processing pursuant to Article 6 Para. 1 lit. a) of GDPR or Article 9 Para. 2 lit. a) of GDPR and there is no other legal basis for processing.
- (3) You object pursuant to Article 21 Para. 1 of GDPR to the processing and there are no prevailing reasons for processing, or you object pursuant to Article 21 Para. 2 GDPR to the processing.
- (4) The personal data relating to you was unlawfully processed.
- (5) The erasure of personal data relating to you is required for fulfilling an obligation according to the [European] Union Law or the Law of one of its member States, which the controller is a subject to.
- (6) The personal data relating to you was collected in connection with services offered by the information society pursuant to Article 8 Para. 1 GDPR.

## b) Information for third Parties

In the event the controller has made public the personal data relating to you and he is obligated to erase the data pursuant to Article 17 Par. 1 of GDPR, he will implement all appropriate measures, including of technical nature, also by taking available technology and implementation cost into consideration to inform the individuals responsible for the data processing that you as the data subject request erasing of all links to the personal data and copies or replicas of such personal data.

## c) Exceptions

The right to erasure does not exist whenever the data processing is required:

- (1) for exercising the right of freedom of expression and information;
- (2) for compliance of a legal obligation, which requires processing according to the regulations of the [European] Union or of its member states, to which the controller is subject to, or for fulfilling a task according to the public interest or is part of exercising public power, which has been assigned to the controller;
- (3) for reasons of public interest regarding public health pursuant to Article 9 Para. 2 lit. h) and i) and also Article 9 Par. 3 GDPR;
- (4) for achieving purposes in the public interest, for scientific or historical research purposes pursuant to Article 89 Para. 1 GDPR, in as much as the right mentioned in section a) most likely make the realization of these processing goals impossible or affects them significantly, or
- (5) for enforcing, exercising and defending any legal claims.

## 5 Right to Notification

In the event that you have exercised your right to correction, erasure or limitation of processing and asserted it to the controller, the controller is obligated to notify all recipients of personal data relating to you of your right to correction, erasure of data or limitation of processing unless this proves to be impossible or it is connected with disproportionate expenses.

You have the right to be notified by the controller about these recipients.

## 6 Right to Data Portability

You have the right to obtain all personal data relating to you, which you had provided to the controller in a structured, conventional and machine-readable format. In addition, you have the right to transfer those data to another controller without being obstructed by the controller, you have provided with the personal data, when the following applies:

- (1) Data processing is based on the consent pursuant to Article 6 Sec. 1, Para. a GDPR or Article 9 Para. 2, lit. A) of GDPR or on an agreement pursuant to Article 6 Para. 1, lit. B) GDPR, and.
- (2) Data processing is done in automated processes.

By exercising this right, you have further the right to enforce that the personal data relating to you is transferred directly by one controller to another controller in as far as this is technically feasible. This shall not affect the liberties and rights of other parties.

The right to data portability shall not be effective for personal data processing, which is necessary for fulfilling a task according to the public interest or for exercising public power assigned to the controller.

## **7 Right of Objection**

You have the right to object at any time the processing of personal data relating to you based on Article 6 Para. 1, lit. e) or f) of GDPR for reasons that may be arising due to your special situation.

The controller will no longer process personal data relating to you unless he can prove compelling reasons worthy of protection for processing which will outweigh your interests, rights and liberties, or the processing serves for enforcing, exercising and defending any legal claims.

In the event the personal data relating to you is processed for direct advertising you have the right to object at any time the processing of personal data relating to you for those advertising purposes.

If you object to the processing for direct advertising purposes, the personal data relating to you will no longer be processed for these purposes.

You have the possibility to exercise your right of objection in connection with services offered by the information society, notwithstanding the regulation 2002/58/EU, via automated proceedings using technical specifications.

## **8 Right to revoke Consent based on the Data Protection Regulations**

You have the right to revoke at any time your consent based on data protection regulations. The revocation of consent does not affect the legality of processing based on consent until that revocation was made.

## **9 Automated Decision in individual cases including Profiling**

You have the right not to become subject to a decision exclusively based on an automated processing including profiling, which could become enforceable against you or otherwise significantly affects you in similar way. This shall not apply, in the event that the decision:

- (1) is required for the entering into or the servicing under an agreement between you and the controller,
- (2) is lawful according to [European] Union regulations or the regulations of its member states, to which the controller is a subject to and these regulations provide appropriate measures for protecting your rights and liberties as well as your interests to which you are entitled to or
- (3) was done with your explicit consent.

However, these decision may not be based on special categories of personal data pursuant to Article 9 Para. 1 of GDPR, unless Article 9 Para. 1 lit. a) or g) of GDPR is applicable and appropriate measures for protecting your rights and liberties as well as your interests to which you are entitled to.

The controller will apply appropriate measures regarding the cases mentioned in sections (1) and (3) for protecting your rights and liberties as well as your interests to which you are entitled to, including at least the right to enforce an intervention of an individual on behalf of the controller, to present a personal view and to object to the decision.

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