

Privacy policy of GEHWOL tester club GTCapp as well as information to data subjects in accordance with Article 13 and Article 14 of the GDPR.

I. General, data controller, data protection officers

Preamble

Eduard Gerlach GmbH (hereinafter also referred to as "GEHWOL", "we", "us", "our") provides services in which data and in particular personal data are processed. This applies in particular to this application (hereinafter also referred to as "App") and all related actions.

You can access this privacy notice at any time under the menu item "Home" and then "Privacy notice" within the App.

Note on the data controller

The data controller pursuant to Art. 4 (7) of the General Data Protection Regulation (hereinafter "GDPR") and other national data protection laws of the member states as well as other data protection provisions is:

EDUARD GERLACH GmbH

Chemische Fabrik
Bäckerstraße 4 - 8
32312 Lübbecke | Germany

Telephone: +49 (0) 57 41 330 0

Fax: +49 (0) 57 41 330 400

Email: info(at)gehwol.de

Data protection officer

We have appointed a data protection officer for our company:

Thorsten Schröers | SAFE-PORT Consulting GmbH
Hülshoff-Straße 7
59469 Ense | Germany

Telephone: +49 (0) 2938 977 978

Email: datenschutz(at)gehwol.de

Scope of the processing of personal data

In principle, we only process personal data of our users as far as this is necessary for the provision of a functioning App and of our content and services. The processing of personal data of our users is regularly only carried out with the consent of the user. An exception applies in those cases where obtaining prior consent is not possible for factual reasons and the processing of the data is permitted by legal regulations.

Legal basis for the processing of personal data

As far as we obtain the consent of the data subject for processing operations of personal data, Art. 6 (1) lit. a GDPR serves as the legal basis for the processing of personal data.

For the processing of personal data that is necessary for the performance of a contract to which the data subject is a party, Art. 6 (1) lit. b GDPR serves as the legal basis. This also applies to processing operations that are necessary for the performance of pre-contractual measures.

Insofar as the processing of personal data is necessary for the fulfilment of a legal obligation to which our company is subject, Art. 6 para. 1 lit. c GDPR serves as the legal basis.

In the event that vital interests of the data subject or another natural person make it necessary to process personal data, Art. 6 (1) lit. d GDPR serves as the legal basis.

If the processing is necessary to protect a legitimate interest of our company or a third party and the interests, fundamental rights and freedoms of the data subject do not outweigh the first-mentioned interest, Art. 6 (1) lit. f GDPR serves as the legal basis for the processing.

Data deletion and storage period

The personal data of the data subject will be deleted or blocked as soon as the purpose of the storage ends. In addition, storage may take place if this has been provided for by the European or national legislator in Union regulations, laws or other provisions to which the data controller is subject. The data will also be blocked or deleted if a storage period prescribed by the aforementioned provisions expires, unless there is a need to continue storing the data for the conclusion or fulfilment of a contract.

Note on data transfer to the USA and other third countries

Tools from companies based in the USA or other third countries that are not secure from a data protection perspective may be integrated into our App. When these tools are active, your personal data may be transferred to the respective companies in the third countries. 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 surveillance purposes. We have no influence on these processing activities. We have concluded valid appropriate guarantees with the service providers for the transfer to these third countries in accordance with Art. 46 (2) GDPR. If you have any further questions, please do not hesitate to contact our data protection officers.

A data transfer to the USA takes place exclusively on the basis of a consent by the data subject (Art. 6 para. 1 lit. a GDPR). You can revoke a consent you have already given at any time. The legality of the data processing carried out until the revocation remains unaffected by the revocation.

II. Use of our application and offers

Creation of log files and provision of the App

Description and scope of data processing

As part of your use of the App, we automatically collect certain data that is required for the use of the App. This includes: internal device ID, version of your operating system, time of access and other metadata.

This data is automatically transmitted to us, but is not stored, in order to provide you with the service and related features, to improve the functions and features of the App and to prevent and remedy misuse and malfunction. This data processing is justified by the fact that the processing is necessary for the performance of the contract between you as the data subject and us pursuant to Art. 6 (1) lit. b GDPR for the use of the App. In addition, we have a legitimate interest in ensuring the functionality and error-free operation of the App and in being able to offer a service that is in line with the market and interests, which here outweighs your rights and interests in the protection of your personal data within the meaning of Art. 6 (1) lit. f GDPR.

Purpose

We collect and use this data during an informational visit exclusively in non-personal form. This is done in order to allow you to use the content you have accessed, for statistical purposes and to improve our offer. The temporary storage of the IP address by the system is necessary to permit delivery of the content to the user's terminal device. For this purpose, the user's IP address must remain stored for the duration of the session.

Legal basis for the data processing

The legal basis for the temporary storage of the data and the log files is Art. 6 para. 1 lit. f GDPR.

Duration of storage

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected. In the case of collection of the data for the provision of the website, this is the case when the respective session has ended. In the case of storage of the data in log files, this is the case after fourteen days at the latest; storage beyond this is possible. In this case, the IP addresses of the users are deleted or alienated so that an assignment of the accessing user is no longer possible. Access to the log data is only possible directly and exclusively for administrators.

Possibility of objection and removal

The collection of the data for the provision of the services and the storage of the data in log files are absolutely necessary for the operation of the services offered. Consequently, there is no possibility for the user to object.

Hosting of the application

The personal data collected in the App is stored on the servers of our hoster (GoodBarber SAS, CampusPlex, 12 Rue Général Fiorella, France). This may include contact and address data, user name, profile picture, communication data (chat histories, form data, postings), etc..

Our hoster will only process your data to the extent that this is necessary for the fulfilment of its service obligations and will follow our instructions with regard to this data.

If we commission service providers with the processing of data, this is always done in accordance with Art. 28 GDPR on the basis of a so-called contract for commissioned processing. In order to ensure data protection-compliant processing, we have concluded a contract for commissioned processing with our hoster.

You can find more information about our hoster here: <https://de.goodbarber.com/privacy/>.

Legal basis for the data processing

The legal basis for the processing and storage of the data is Art. 6 para. 1 lit. b GDPR.

Duration of storage

The data is deleted as soon as it is no longer required to achieve the purpose for which it was collected. In addition, storage may take place if this has been provided for by European or national laws or other regulations to which the data controller is subject.

Registration

You can register in the App to access additional content. We use the data provided by you only for the purpose of using the respective offer or service for which you have registered. The mandatory details requested during registration (user name and e-mail address) must be provided. Otherwise, the registration cannot be completed. For important changes, for example in the scope of the offer or in the case of technically necessary changes, we use the e-mail address provided during registration to inform you in this way. The data entered during registration is processed for the purpose of implementing the user relationship established by the registration and, if necessary, for initiating further contracts (Art. 6 para. 1 lit. b GDPR). The data collected during

registration will be stored by us for as long as you are registered on this App and will then be deleted. Statutory retention periods remain unaffected.

Access rights

Push services

In order for us to be able to send you so-called push notifications to inform you about new content and promotions, we need your consent. This is obtained within the scope of using the App by means of a pop-up notification. You can revoke this consent at any time in the device manager of your terminal device.

Photos / camera access

In order to read QR codes, create posts with photos or customise your profile photo, the application needs access to the camera and/or photo directory of your terminal device. The consent is obtained via pop-up notification if required, you can revoke this consent at any time in the device manager of your terminal device.

Sharing function

In order to be able to share our content on social networks, we provide you with corresponding buttons. Only when the functionality is actively used is the information transmitted to the corresponding social network. This avoids an unwanted or automatic transmission to these networks as soon as the App is used. The legal basis for the provision is Art. 6 para. 1 lit. a GDPR. The use of this function is voluntary (Art. 6 para. 1 lit. a GDPR and § 25 para. 1 TTDSG (Telecommunications Telemedia Data Protection Act)).

Plugins and tools

YouTube

On our web-based version of our application, plugins from www.youtube.com are integrated, which is operated by Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, United States ("Google"). When you call up a page of our application that is provided with such a plugin, a connection is established to the YouTube servers, and the plugin is displayed on the website by notification to your browser. This transmits to the YouTube server which of our Internet pages you have visited (see also the section "Note on data transfer to the USA"). If you are logged in as a member of YouTube, YouTube assigns this information to your personal user accounts on these platforms. When using these plugins, such as clicking/starting a video or sending a comment, this information is assigned to your e.g. YouTube user account, which you can only prevent by logging out before using the plugin. Further information on the collection and use of the data by the platform or plugins can be found in YouTube's privacy policy under the following link: <http://www.google.com/intl/de/policies/privacy/>.

The provider of this site has no influence on this data transmission.

YouTube Maps is used in the interest of an appealing presentation of our online offers. This constitutes a legitimate interest within the meaning of Art. 6 para. 1 lit. f of the GDPR. If a corresponding consent has been requested, the processing is carried out exclusively on the basis of Art. 6 para. 1 lit. a GDPR and § 25 para. 1 TTDSG; the consent can be revoked at any time.

The data transfer to the USA is based on the standard contractual clauses of the EU Commission. Details can be found here:

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

You can find more information on the handling of user data in Google's privacy policy:

<https://policies.google.com/privacy?hl=de>.

III. Use of offers

Email contact

Description and scope of data processing

Our contact details are stored in our App and can be used to contact us. In principle, it is possible to contact us via the email address provided. In this case, the transmitted personal data (name, contact details and enquiry) of the user will be stored and processed by us for the purpose of processing your request.

In this context, no data will be passed on to third parties without your consent. The data is used exclusively for processing the conversation.

Legal basis for the data processing

Contacting us by providing an email address is only possible from the age of 16 or with the consent of a parent or guardian. By using this function, you confirm that you are over 16 years of age or have the consent of a parent or guardian.

The legal basis for the processing of the data is Art. 6 para. 1 lit. a GDPR if the user has given his or her consent.

The legal basis for the processing of the data transmitted in the course of sending an enquiry is Art. 6 (1) lit. f GDPR. The legitimate interest consists in an efficient and fast processing of user requests. If the email contact aims at the conclusion of a contract, the additional legal basis for the processing is Art. 6 (1) lit. b GDPR.

Purpose of the data processing

The processing of the transmitted personal data serves us to process the contact, the user enquiries or the appointment requests. In the case of contact by email, this also constitutes the necessary legitimate interest in processing the data.

The other personal data processed during the operation serve to ensure the security of our information technology systems.

Duration of storage

The data will be deleted as soon as they are no longer required to achieve the purpose for which they were collected. For the personal data sent by email, this is the case when the respective conversation with the user has ended. The conversation is ended when it is clear from the circumstances that the matter in question has been conclusively clarified.

Possibility of objection and removal

The user has the possibility to revoke his/her consent to the processing of the personal data at any time. If the user contacts us by email, he or she can object to the storage of his or her personal data at any time. In such a case, the conversation cannot be continued. To withdraw your consent, you can contact our data protection officer at any time using the contact details above.

All personal data stored in the course of contacting us will be deleted in this case.

Enquiries by telephone or fax

Description and scope of data processing

If you contact us by telephone or fax, your enquiry including all personal data resulting from it (name, enquiry) will be stored and processed by us for the purpose of processing your request. We will not forward this data to any third parties without your consent.

Legal basis for the data processing

The processing of this data is based on Art. 6 (1) lit. b GDPR, insofar as your request is related to the fulfilment of a contract or is necessary for the implementation of pre-contractual measures. In all other cases, the processing is based on our legitimate interest in the effective handling of the enquiries addressed to us (Art. 6 para. 1 lit. f GDPR) or on your consent (Art. 6 para. 1 lit. a GDPR) if this has been requested.

Purpose of the data processing

The processing of the personal data serves us solely to process your enquiry.

Duration of storage

The data you send to us via enquiries will remain with us until you request us to delete it, you revoke your consent to store it or the purpose for storing the data no longer applies (e.g. after we have completed processing your request).

Possibility of objection and removal

The user has the possibility to revoke the processing of his/her personal data at any time. You can exercise your right to object by contacting us using the contact details above.

All personal data stored in the course of contacting us will be deleted in this case. Mandatory statutory provisions - in particular statutory retention periods - remain unaffected.

VI. Your rights as a data subject

If your personal data is processed, you are a data subject within the meaning of the GDPR, and you have the following rights vis-à-vis the data controller:

Right to information

- You may request confirmation from the data controller as to whether personal data relating to you is being processed by us.
- If there is such processing, you can request information from the data controller about the following:
 - the purposes for which the personal data are processed;
 - the categories of personal data which are processed;
 - the recipients or categories of recipients to whom the personal data concerning you have been or will be disclosed;
 - the planned duration of the storage of the personal data relating to you or, if specific information on this is not possible, criteria for determining the storage duration;
 - the existence of a right to rectify or erase the personal data concerning you, a right to restrict processing by the data controller or a right to object to such processing;
 - the existence of a right of appeal to a supervisory authority;
 - any available information on the origin of the data if the personal data are not collected from the data subject;
 - the existence of automated decision-making, including profiling, pursuant to Article 22(1) and (4) of the GDPR and, at least in these cases, meaningful information about the logic involved and the scope and intended effects of such processing for the data subject.
- You have the right to request information on whether the personal data concerning you is transferred to a third country or to an international organisation. In this context, you may request to be informed about the appropriate guarantees pursuant to Art. 46 of the GDPR in connection with the transfer.

Right of rectification

You have a right of rectification and/or completion vis-à-vis the data controller if the processed personal data concerning you are inaccurate or incomplete. The data controller must make the correction without delay.

Right to restrict the processing

You may request the restriction of the processing of the personal data concerning you under the following conditions:

- if you contest the accuracy of the personal data concerning you for a period enabling the data controller to verify the accuracy of the personal data;
- the processing is unlawful, and you refuse the erasure of the personal data and instead request the restriction of the use of the personal data;
- the data controller no longer needs the personal data for the purposes of processing, but you need it for the assertion, exercise or defence of legal claims, or
- if you have objected to the processing pursuant to Art. 21 (1) GDPR and it has not yet been determined whether the legitimate grounds of the data controller outweigh your grounds.

If the processing of the personal data concerning you has been restricted, those data may - apart from being stored - only be processed with your consent or for the assertion, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or a member state.

If the processing has been restricted in accordance with the above conditions, you will be informed by the data controller before the restriction is lifted.

Right to erasure

Obligation to erasure

You may request the data controller to delete the personal data concerning you without delay, and the data controller is obliged to delete such data without delay if one of the following reasons applies:

- the personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed;
- you revoke your consent on which the processing was based pursuant to Art. 6 (1) a or Art. 9 (2) a GDPR, and there is no other legal basis for the processing;
- you object to the processing pursuant to Art. 21 (1) GDPR, and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to Art. 21 (2) GDPR;
- the personal data concerning you has been processed unlawfully;
- the deletion of the personal data concerning you is necessary for compliance with a legal obligation under Union or member state law to which the data controller is subject;
- the personal data concerning you was collected in relation to information society services offered pursuant to Art. 8(1) GDPR.

Information to third parties

If the data controller has made the personal data concerning you public and is obliged to erase it pursuant to Article 17(1) of the GDPR, it shall take reasonable steps, including technical measures, having regard to the available technology and the cost of implementation, to inform data controllers which process the personal data that you, as the data subject, have requested that they erase all links to, or copies or replications of, that personal data.

Exceptions

- The right to erasure does not exist insofar as the processing is necessary:
- to exercise the right to freedom of expression and information;
- for compliance with a legal obligation which requires processing under Union or member state law to which the data controller is subject, or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller;
- for reasons of public interest in the area of public health pursuant to Art. 9(2)(h) and (i) and Art. 9(3) GDPR;

- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes pursuant to Article 89(1) of the GDPR, as far as the right referred to in section a) is likely to render impossible or seriously prejudice the achievement of the purposes of such processing, or
- for the assertion, exercise or defence of legal claims.

Right to notification

- If you have asserted the right to rectification, erasure or restriction of processing against the data controller, the latter shall be obliged to communicate this rectification or erasure of the data or restriction of processing to all recipients to whom the personal data concerning you have been disclosed, unless this proves impossible or involves a disproportionate effort.
- You have the right to be notified of these recipients by the data controller.

Right to data portability

You have the right to receive the personal data concerning you that you have provided to the data controller in a structured, commonly used and machine-readable format. You also have the right to transmit this data to another data controller without hindrance from the data controller to whom the personal data was provided, provided that

- the processing is based on consent pursuant to Art. 6 para. 1 lit. a GDPR or Art. 9 para. 2 lit. a GDPR or on a contract pursuant to Art. 6 para. 1 lit. b GDPR and
- the processing is carried out with the aid of automated procedures.
- In exercising this right, you also have the right to have the personal data concerning you transferred directly from one data controller to another, insofar as this is technically feasible. This must not affect the freedoms and rights of other persons.

The right to data portability shall not apply to processing of personal data necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller.

Right of objection

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data relating to you which is carried out on the basis of Article 6(1)(e) or (f) GDPR; this also applies to profiling based on these provisions.

The data controller shall no longer process the personal data concerning you unless it can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the assertion, exercise or defence of legal claims.

If the personal data concerning you is processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data concerning you for the purpose of such marketing; this also applies to profiling, insofar as it is related to such direct marketing.

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

You have the possibility, in connection with the use of information society services, notwithstanding Directive 2002/58/EC, to exercise your right of objection by means of automated procedures using technical specifications.

Right to revoke the declaration of consent under data protection law

You have the right to revoke your declaration of consent under data protection law at any time. The revocation of the consent shall not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

Automated decision in individual cases including profiling

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or significantly affects you in a similar way. This shall not apply if the decision

- is necessary for the conclusion or performance of a contract between you and the data controller;
- is authorised by legislation of the Union or the member states to which the data controller is subject and that legislation contains appropriate measures to safeguard your rights and freedoms and your legitimate interests; or
- is taken with your express consent.

However, these decisions must not be based on special categories of personal data pursuant to Article 9(1) of the GDPR, unless Article 9(2)(a) or (g) of the GDPR applies and appropriate measures have been taken to protect the rights and freedoms and your legitimate interests.

With regard to contract performance and consent, the data controller shall take reasonable steps to safeguard the rights and freedoms and your legitimate interests, including at least the right to obtain the intervention of a person on the part of the data controller, to express one's point of view and to contest the decision.

Right to complain to a supervisory authority

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the member state of your residence, place of work or place of the alleged infringement, if you consider that the processing of personal data concerning you infringes the GDPR.

The supervisory authority to which the complaint has been lodged shall inform the complainant of the status and outcome of the complaint, including the possibility of a judicial remedy under Article 78 GDPR.

VII. Data security, third-party websites, changes

Data security

Unfortunately, the transmission of information over the Internet is not completely secure, therefore we cannot guarantee the security of any data transmitted over the Internet to our services. However, we secure our services and other systems by technical and organisational measures against loss, destruction, access, modification or distribution of your data by unauthorised persons. In particular, your personal data is transmitted in encrypted form by us. For this, we use the SSL (Secure Socket Layer) [or TLS (Transport Layer Security)] coding system.

We also use technical and organisational security measures to protect personal data that is generated or collected, in particular against accidental or intentional manipulation, loss, destruction or against attack by unauthorised persons. Our security measures are continuously improved in line with technological developments.

Data protection and third-party websites

The website may contain hyperlinks to and from third-party websites. If you follow a hyperlink to one of these websites, please note that we cannot accept any responsibility or warranty for third-party content or data protection conditions. Please check the applicable privacy policy before submitting personal data to these websites.

Changes to this privacy policy

We reserve the right to change this privacy policy at any time with effect for the future. An up-to-date version is available on the website. Please visit the website regularly and inform yourself about the applicable data protection regulations.