

PRIVACY STATEMENT

dated 2018-05-25

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1 About us

We, the

PAM PROJEKT-ADMINISTRATION + MANAGEMENT GMBH,

referred to in the following as ‚PAM‘,

and having the registered office at

Beerenkamp 4, 21259 Otter / Germany, E-Mail: info@pam-gmbh.de,

represented by Mr. Helmut Hermanns, Managing Director,

are the ‘Controller’ in respect of Art. 4 of the General Data Protection Regulation as per ‘Regulation (EU) 2016/679’ of the European Parliament and the European Council for the privacy of the collection, processing and storage of your personal data – in the following referred to as ‘GDPR’.

By us, the correct handling of your personal data enjoys highest priority. By processing your personal data, we comply fully with all legal directives, in particular, the GDPR as well as the related laws, by-laws and/or directives of the Federal Republic of Germany.

This PRIVACY STATEMENT is valid for all websites operated under our domains ‚pam-gmbh.eu‘ and/or ‚pam-gmbh.de‘ as well as for all your further personal data, having received from you or any third party by legal means and being electronically stored on our servers. In addition, this PRIVACY STATEMENT is valid for all companies majority-owned by PAM.

For a comprehensive survey of the processing of your personal data by PAM, in the following, please, find the descriptions of our services, being subject to the collection, processing and/or storage of personal data.

As far as for special services separate and/or additional conditions will be applicable and/or your consent to such service will be required, we will inform you accordingly prior to the execution of such service.

In addition, we have established various security provisions for the safety of your personal data during the transmittal as well as during the storage on our servers.

2 Definitions

For the purposes of this PRIVACY STATEMENT:

2.1 Personal Data

means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or

indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

2.2 Processing

means any operation or set of operations which is performed upon personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

2.3 Profiling

means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements;

2.4 Pseudonymization

means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

2.5 Filing System

means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis;

2.6 Controller

means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

2.7 Processor

means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

2.8 Recipient

means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

2.9 Third Party

means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorized to process personal data;

2.10 Consent

of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

2.11 Personal Data Breach

means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed;

2.12 Genetic Data

means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;

2.13 Biometric Data

means personal data resulting from specific technical processing relating to the physical, physiological or behavioral characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

2.14 Health Data

means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status.

3 Purpose and legal Basis

The purpose for collection, processing and storage of your personal data is the provision of our services within the range of our business activities as defined on our website. Such services are provided solely under respective contracts.

The collection, processing and storage of your personal data will be carried out for the following purposes under the respective legal basis, which we herewith communicate to you as per Art. 13, GDPR:

- Initiation of contracts as per Art. 6, cl. 1, pt. a) and b), GDPR;
- Execution of contracts as per Art. 6, cl. 1, pt. b), GDPR;
- Stakeholder-Management as per Art. 6, cl. 1, pt. b) and c), GDPR;
- Communication and Data Exchange as per Art. 6, cl. 1, pt. a), b), c), f), GDPR;
- Public presentation and advertisement as per Art. 6, cl. 1, pt. f), GDPR;
- Collection and implementation of consent declarations as per Art. 6, cl. 1, pt. a), and Art. 7, GDPR;
- Securing a correct operation of a data processing system as per Art. 6, cl. 1, pt. c) and f), GDPR.

4 Data Collection

4.1 Use of our website

In principle, you may make use of our website without disclosure of your identity. In doing so, PAM will not directly collect any personal data. Indirectly, data may be temporarily collected as per clause 4.5 here below.

4.2 Establishment of Contact

4.2.1 We have excluded any electronical establishment of contact via our website.

For a first contact, we ask you to send us an e-mail including your name and the purpose of such contact as well as a phone number under which we may reach you, without provision of any further personal data. Optionally and upon your free will, you may provide us within such first e-mail with further personal data, extending our needs for a first contact.

4.2.2 If you would like to enter into a business relation with us, we will send you a questionnaire asking for personal data and other information. Data, we would need mandatorily for the execution of our services, will be marked with an asterisk. It will be subject to your decision, to provide us with further data and/or information extending the mandatory ones. For the case, you would not agree to provide us with the mandatory data, a processing of your request for such business relation will be impossible and, finally, the business relation itself will be excluded.

4.2.3 Contacts with Minors

Our website is not addressed to minors and we do not consciously collect personal data from minors.

As soon as we realize that minors below the age of 16 years did transmit personal data to us, we will delete such data from our servers immediately.

4.3 Categories of Personal Data

Personal data, we collect from you, will be of different categories:

4.3.1 Statistical information, being unable to link to your person directly or indirectly, as, for example, the number of our website users, shall not prevail as personal data.

4.3.2 We differentiate between directly and indirectly collected data. In both cases, we collect data only to the necessary extend and the data will be processed exclusively for the purposes named in clause 3 here above. Whether you provide us with data optimizing our services for you, but not inevitable to execute such services, is subject to your own decision.

Collection, processing and/or storage of your data for the purpose of direct advertising are excluded by us.

4.4 Directly collected Data

Such data will be:

- Title and name, for example, for the personalization of your contact request;
- E-Mail address and, eventually, a password selected by you for the purpose of further communication;
- Address data, for example, for the purpose of further communication in printed form;
- Data, you did actively and consciously provide to us during the use of our services, for example, organization sheets, etc.;
- Further data, you voluntarily transmit to us, for example, non-mandatory data you did fill into the questionnaire mentioned above.

4.5 Indirectly collected Data

Based upon our legitimate interest in the sense of Art. 6, cl. 1, pt. f), GDPR, our Webhosting provider collects data about each access to the server hosting our website (so called ‚Log files‘). Log files comprise the name of the host and/or the IP-address of the device as well as the browser you are using to access our website and the Referrer-URL of the website you have visited prior to the access to our website, including calendar dates and time information.

As far as it may be identified and except for the name of the domain, the host name will be recorded anonymized. For reasons of the identification and defense vs. attacks to our website, your IP-address during the visit of our website will be stored for

a maximum of 7 days, after which the IP-address will be anonymized. The format of all other entries will not be changed.

4.6 Availability of Log file data

Data of Log files, including anonymized host data and/or IP-addresses, will be available for a maximum of 6 calendar weeks.

4.7 Cookies

4.7.1 In addition and for reasons of better functionality, our website places a permanent cookie. This cookie exclusively stores the selected language during a visit of our website. Further data will neither be collected nor stored by this cookie.

4.7.2 'Cookies' are small programs being placed on the computer of a user. Within such cookie, different information may be stored. Primarily, a cookie shall serve to store information regarding a user during and/or after its visit to a website, for example, the device on which the cookie is stored.

4.7.3 At any time, you may prevent the placing of cookies by a respective modulation of the internet browser you are using and, hereby, object permanently to a placement of cookies. Furthermore and at any time, already placed cookies may be deleted via any internet browser or other software programs. In principle, a deactivation of the cookie placed by our website will not affect the functionality of our website.

5 Processing of Personal Data

5.1 Establishment of Contact

In case of contacting us, for example by e-mail, telephone or telefax, the data and information provided by the user will be processed in accordance with Art. 6, cl. 1, pt. b), GDPR. The data and information may be stored in a Customer-Relationship-Management System ("CRM System") or similar inquiry organization. As far as they are not anymore required, we delete all such inquiries from our servers. The necessity of storage of such data and information is verified in intervals of 2 years.

5.2 Job Applications

5.2.1 In accordance with the legal requirements, we only process the data of job applicants for reasons of and limited to the application process. During the application process and as far as data processing will be required, for example during legal proceedings, the processing of applicants data is carried out in fulfillment of our (pre-) contractual obligations as per Art. 6, cl. 1, pt. b), GDPR, and Art. 6, cl. 1, pt. f), GDPR. In Germany, additionally § 26 BDSG applies.

5.2.2 The application process presumes that applicants provide us with their personal data. Mandatory applicant's data are either marked in a respective questionnaire or result from related job specifications. Basically, also the details regarding the applicant his/her mail- and contact address as well as the supporting documents, like covering letter, curriculum vitae and relevant credentials shall form part of applicant's mandatory data. Apart from this, applicants may provide us with additional information.

5.2.3 With the transmittal of a job application to us and for reasons of the application process, the applicant agrees to the processing of his/her personal data in manner and extends as described here above.

5.2.4 As far as during the application process the applicant voluntarily provides us with particular categories of personal data as per Art. 9, cl. 1, GDPR, the processing will be additionally executed following Art. 9, cl. 2, pt. b), GDPR, like health data regarding severe disability or ethnic provenience.

As far as during the application process PAM would request particular categories of personal data as per Art. 9, cl. 1, GDPR, from the applicant, the processing will be additionally executed following Art. 9, cl. 2, pt. a), GDPR, like health data if necessary for the execution of the job, the applicant did apply for.

Genetic and biometric data will not be collected by us. Genetic and/or biometric data, voluntarily transmitted to us by an applicant, will neither be processed nor stored on our servers.

5.2.5 In case of a successful job application, PAM may further process the data provided by the applicant during the period and for reasons of an employment relationship. Otherwise, if a job application will not be successful, the applicant's data will be deleted from our servers. Applicant's data will also be deleted, if a job application will be withdrawn, for what the applicants are entitled to at any time, as well as after termination of an employment relationship.

5.2.6 To allow us the reply on subsequent questions regarding the job application and/or the employment relation as well as to comply with the burden of proof regarding the 'Equal Opportunity Law' and subject to a legitimate revocation by the applicant, such deletion will be carried out after a course of 6 months. Invoices regarding reimbursement of travel expenses will be stored in compliance with the fiscal requirements.

5.3 Talent-Pool

In the course of a job application, PAM offers to the applicants the opportunity to enter our 'Talent Pool' for a period of 2 years. Such attendance in our 'Talent Pool' requires a declaration of consent by the applicant as per Art. 6, cl. 1, pt. b), GRPD, and Art. 7, GDPR.

In the Talent Pool, the processing of application documents will be limited to future job advertisements and the search for employees. Such documents will be deleted from our servers after elapse of the agreed term. Herewith, the applicants are informed that their consent to enter the Talent Pool shall be voluntarily and will not have any influence on the actual application procedure. Such consent may be withdrawn and/or an objection as per Art. 21, GDPR, may be declared by the applicant at any time.

5.4 Hosting

Based upon our legitimate interest in the sense of Art. 6, cl. 1, pt. f), GDPR, the hosting services enlisted by us shall serve for the provision of following efforts: Infrastructure- and platform services, computing capacities, storage space and data base services as well as security and maintenance services, which we have implemented for the purposes of website operation and in preparation and/or execution of our business purposes. In this connection and on the basis of Art. 6, cl. 1, pt. f), GDPR, and in conjunction with Art. 28, GDPR, we (respectively our hosting provider on the basis of a respective processing agreement) process stock data, contact data, content data, contract data, usage data, meta- and communication data of clients, interested persons and/or visitors of our website.

6 Privacy of your Data

6.1 Provisions

6.1.1 In accordance with Art. 32, GDPR, and under consideration of the state of the art, the implementation costs and the type, the extent, the circumstances and the intentions of the processing as well as the different probabilities of occurrence and the severity of risks for the rights and liberties of natural persons, we take appropriate technical and organizational provisions, to ensure an adequate protection level regarding such risks mentioned above.

6.1.2 Particular parts of the provisions are the protection of privacy, integrity and availability of data through control of physical access to the data, as well as the respective direct access, data input, data transfer, the assurance of availability and its cutoff. In addition, we have implemented processes to ensure the perception of personal rights, deletion of data and reaction to endangered data. Furthermore, we are considering the privacy of personal data already during the development and/or selection of hard- and software as well as procedures by following the principles of data protection through technical design and data protection like presettings pursuant to Art. 25, GDPR.

For example, all data on our servers and/or hosted in our cloud, including all personal data, are stored in encrypted form. The data transfer and storage is exe-

cuted end-to-end encrypted. This applies also to all personal data we are collecting in accordance with clause 4 of this Privacy Statement or which we receive through electronic data communication.

6.2 Access to stored Data

6.2.1 The access to your personal data stored by us is limited to our staff members and/or the processors engaged by us, processing personal data by fulfilling their tasks assigned by us and/or getting access to the system, like, for example, during computer maintenance, server administration as well as the web- and cloud-hosting.

6.2.2 Our employees are using your personal data only for the purpose of data processing as per clause 3 here above. Such employees are committed to secrecy. Profiling as per above clause 2.3 is not carried out.

6.2.3 As far as third parties receive access rights to your data from us, a respective legal basis is existing or we have obtained from you the permit to do so.

Service providers will process data only they are receiving access to and upon our order documented in a respective Order Processing Agreements (OPA) as per Art. 28, GDPR, committing them to comply with the valid data protection regulations. To provide their services, all service providers are thoroughly selected and receive only access to your data in the extent and in time limits, necessary to provide such services.

6.2.4 As per security provisions as per clause 6.1 here above, service providers, getting access to your data without any obligation to process such data, will receive access only to encrypted data.

6.2.5 In case that other third party is forcing its unauthorized access to our servers, for example, by any hacking attack, such party may only grab encrypted data.

7 Transfer of personal Data

7.1 Data Exchange within the PAM-Group of Companies

A data exchange within our group of companies will happen only within the EU/EEA and serves exclusively for internal administration reasons. As group of companies, we understand a group of undertakings pursuant to Art. 4, no. 19, GDPR.

7.2 Transfer of Personal Data to Processors

The electronic transfer of personal data to processors is executed only in encrypted manner.

In addition, to specific processors, like tax consultants, the transfer of personal data is executed in hardcopy and by mail.

7.3 Transfer of Personal Data to Clients

7.3.1 During the initiation of contracts phase, personal data will only be transferred to clients in anonymized form.

7.3.2 In case of a necessary disclosure of a person prior or during execution to any assignment (in writing and/or interview), we will obtain your prior agreement.

7.4 Location of Servers and Transfer of Data into Third Countries

The servers of the processors engaged by us are located in Germany, the EU and/or the EEA and, therefore, are subject to the restrictions of the EU privacy regulations. Your personal data on such servers are protected by end-to-end encryption.

A transfer of data into third countries does not occur, unless you explicitly did provide us with a respective permit.

7.5 Transfer of Personal Data to Public Authorities

In exceptional cases, we transfer personal data to public authorities for criminal detection and criminal prosecution. Such transfers are made based upon legal obligations, for example, the Code of Criminal Procedure, the General Tax Code, the Money Laundering Act or other German laws, by-laws and regulations.

8 Transmission of Personal Data

8.1 Protected Transmission

As far as we would need personal data from you, on our part the transmission of respective requests and/or a query catalogue will be made via

8.1.1 an internet based and password protected secured e-mail system, like, for example, 'Protonmail', which access-link will be sent by us by an e-mail message, while we will communicate the necessary password by phone or SMS.

For an end-to-end encrypted transmission of your personal data, you may use the reply-function of the secured e-mail system and attach your personal data.

8.1.2 one of our password protected transfer-directories on our cloud server. The address of such transfer-directory, we would send to you by e-mail, while the necessary password would be communicated personally by phone or SMS.

8.2 E-Mail Communication

8.2.1 Subject to your discretion, you may transmit your personal data also via regular e-mail. In such case you should take into account that the encryption of your personal data, either in the e-mail or in any attachment, will be your responsibility. Here, we would not be in the position to take over any responsibility for your data on the transmission route of your e-mail between your transmitter and our receiving server. Therefore, we propose the use of the transmission path as described

under clause 8.1 here above or the postal dispatch as per following clause 8.3.

- 8.2.2 Via e-mail, we communicate with you only for reasons to transmit addresses of transfer-directories on our cloud-server and/or for the case that as well the e-mail text itself as any attachment to such e-mail will not contain any personal data.
- 8.2.3 For e-mails addressed to you and to other addressees in parallel, such e-mail will be send to a PAM-internal address, while the address data of the external recipients will be suppressed and the e-mail distributed under ‚Bcc‘.
- 8.2.4 The forwarding of your e-mail-address data will only take place after your respective authorization. Otherwise, we will delete your address data from the e-mail prior to any forwarding of such e-mail.

8.3 Mail Communication

Of course, you have furthermore the possibility to send your personal data in hard-copy by mail.

9 Storage Periods / Deletion

9.1 Time Limits of Data Storage

We store personal data in compliance to the legal regulation or your consent.

To determine a concrete storage period, we use following criteria:

- 9.1.1 Legal storage obligations, for example, the German Tax Code and the German Commercial Code;
- 9.1.2 Availability of consents, for example your agreement and/or revocation;
- 9.1.3 Contractual storage obligations;
- 9.1.4 Existence of a contractual relation, for example, the last activity, if a continuing obligation does not exist;
- 9.1.5 Ending of the purpose for the data collection and/or data storage;
- 9.1.6 Technological and/or forensic requirements, for example, for the defense and prosecution of *attacks*.

9.2 Deletion

The deletion of stored personal data as agreed with you, but latest within 6 months after expiration of the storage period.

10 Your Rights

For enforcement of your privacy you are entitled to several rights, we want to introduce to you in the following. In addition, our Controller will be available to you under

the contact address mentioned in clause 1 here above for all questions around your personal data collected, processed and/or stored on our servers.

10.1 Right of Information

As per Art. 15, GDPR, you are entitled to request a confirmation, whether respective data will be processed and/or information about such data with regard to the purpose, the categories of data, the envisaged storage period, the recipients or categories of recipient to whom the personal data have been or will be disclosed and, if such data have not been collected from you personally, the source of such data.

You are entitled to receive from us a copy of such personal data, provided that would not adversely affect the rights and/or freedoms of others.

10.2 Right of Correction / Limitation / Deletion

Pursuant to Art. 16 till 18, GDPR, you are entitled to request from us the correction, limitation (blocking) or deletion of your personal data, if your data have been wrongly processed, a valid reason exists for a limitation of the further data processing or the data processing has become illegal for various reasons or if, for other legal reasons, the storage has become inadmissible. Herewith, we refer to the case that the deletion of such data may be limited by legal safekeeping periods.

10.3 Right to Data Portability

10.3.1 You have the right to receive the personal data concerning you, which you have provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

a) the processing is based on consent pursuant to [Art. 6](#), cl. (1), pt. (a), GDPR, or [Art. 9](#), cl. (2), pt. (a), GDPR, or on a contract pursuant to [Art. 6](#), cl. (1), pt. (b), GDPR; and

b) the processing is carried out by automated means.

10.3.2 In exercising your right to data portability pursuant to clause 10.3.1 here above, you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

10.4 Right to Object

10.4.1 You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on point (e) or (f) of [Art. 6, cl. \(1\)](#), GDPR, including profiling based on those provisions, if any.

10.4.2 We will no longer process the personal data unless our controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of you or for the establishment, exercise or defense of legal claims.

10.5 Right to Revoke

With effect to the future, at any time you have the right to revoke any consent you have granted to us pursuant to [Art. 7, cl. 3](#), GDPR.

10.6 Right to Complain

Without prejudice to any other administrative or judicial remedy and pursuant to [Art. 77, cl. 1](#), GRPD, you have the right to lodge a complaint with a supervisory authority, if you consider that the processing of your personal data infringes this Regulation.

The appropriate supervisory authority is:

Die Landesbeauftragte für den Datenschutz Niedersachsen
Prinzenstraße 5, 30159 Hannover
Telefon 0511-120 4500 / Fax 0511-120 4599

For exercising your rights, please, send us a formless message, addressed to our controller. Similar applies to the execution of your right to revoke as per clause 10.5 here above, but with indication of the consent you want to revoke.

This Privacy Statement has been established by the PAM PROJEKT-ADMINISTRATION + MANAGEMENT GMBH under partial use of the 'Datenschutz-Generator.de' established by RA Dr. Thomas Schwenke.