

**DATA PROTECTION AGREEMENT  
BETWEEN B + M AND THEIR CUSTOMERS AND OTHER CONTRACTUAL BUSINESS  
PARTNERS, AND  
THE CONSENT OF THE CUSTOMER / CONTRACTUAL BUSINESS PARTNER AND EMPLOYEES  
ACTING ON THEIR BEHALF  
TO RECEIVE E-MAILS AND RECEIVE PROFESSIONAL INFORMATION, OFFERS,  
ADVERTISEMENTS, NEWSLETTERS, INVITATIONS AND CHRISTMAS GREETINGS**

Within the framework of this document, the term "customer" refers to the signatory / undersigned customer of B + M Hungária Kft.

Within the framework of this document, the term "contractual business partner" / "other contractual business partner" refers to the signatory / undersigned contractual business partner / other contractual business partner of B + M Hungária Kft.

**1.**

B + M Hungária Kft, hereinafter referred to as B + M, manages data that is legally available to B + M from customers and contractors, credit registers, creditors' associations (e.g. KSV) and publicly available sources (e.g. company statement, company register, general ledger, media). B + M processes personal data in accordance with legal regulations, in particular the General Data Protection Regulation and the new Data Protection Act.

**2.**

B + M processes personal data solely for the purpose of performing the contract, in order to carry out pre-contractual measures, in order to enforce the legitimate interests (claim, prosecution and / or refusal) of B + M and in order to fulfil the legal obligations of B + M, including in the case of consent pursuant to Article 6 (1) (a) of the General Data Protection Regulation within the agreed objectives.

No automatic decision, in particular, no profiling takes place.

B + M deletes personal data if it is no longer necessary to process / store the data in order to fulfil the purpose for which they were processed.

**3.**

B + M will only grant access to personal data to employees who need access within the framework of the purposes outlined above and who have made a commitment to confidentiality under Section 6 of the new Data Protection Act.

If necessary for the purposes outlined above, B + M will transfer personal data to companies within the B + M Group, order processors, suppliers, or freelance agents.

This is subject to compliance with and liability for the data protection regulations agreed in writing with B + M, in particular the obligation of confidentiality.

B + M enters into a written order processing agreement with the order processors. Data will only be transferred to countries outside the European Union or the EEA (so-called third countries) if this is necessary for the performance of the contract.

#### 4.

If the customer or the contractual business partner communicates / transmits the following data to B + M, or if B + M collects such personal information from the customer and the contractual business partner such as

- representation rights, powers of attorney for customers and contractual business partners, the names and business contact details (telephone number, e-mail address, address), date of birth and position of employees, representatives, members of the management, owners, customers,
- business contact details (telephone number, e-mail address, home address), date of birth, financial relationship and / or other personal data of the customer or the contractual business partner,

then the customer or the contractual business partner assumes the fulfilment of the information and publicity obligations imposed on the natural person concerned in accordance with Articles 13 and 14 and Articles 15-21 of the General Data Protection Regulation and assumes responsibility for them to B + M.

The customer or the contractual business partner expressly states that

- the employees, representatives, members of the management board, owners from whom the customer or the contractual business partner communicated / forwarded personal data to B + M, or about whom B + M collected data from the customer or the contractual partner, strongly agreed that B + M may use their personal data in connection with its business relationship with the customer or the contractual business partner for the purpose of performing the contract, carrying out pre-contractual measures, preserving B + M's legitimate interests (claim, prosecution and / or refusal); ) and processed by e-mail in order to fulfil B + M's legal obligations;

and that the customer or the contractual business partner has notified and informed the data subjects of their specific rights and needs in accordance with Articles 13, 14 and 15-21 of the General Data Protection Regulation and is liable to B + M for them.

#### 5.

The customer or the contractual business partner expressly agrees to the mandatory correspondence, data traffic and / or data exchange related to the business relationship by B + M via e-mail.

The customer or the contractual business partner expressly agrees that the correspondence, data traffic and / or data exchange by B + M by e-mail necessary for the performance of the contract, the performance of pre-contractual measures, the preservation of legitimate interests and / or the fulfilment of legal obligations happen.

Any consent given in this way may be revoked at any time with immediate effect in writing or by e-mail, however, this shall not affect the right to process the data before withdrawal.

#### 6.

The Customer or the Contracted Business Partner and its employee representing the Customer or the Contracted Business Partner in this statement expressly agree that B + M and those who work for them by e-mail, telephone and / or mail contact the customer or the contracted business partner and their designated employee to receive notifications about the specializations of the companies in which the B + M group operates, to obtain information on the products, services and offers of the B + M group companies and / or to receive the B + M newsletter as well as invitations to events and / or to receive

Christmas greetings.

The customer or the contracted business partner and their employee representing the customer or the contracted business partner in this statement agree that B + M shall provide his / her name, company name, e-mail and postal address, and process your phone number for this purpose.

Any consent given in this way may be revoked at any time with immediate effect in writing or by e-mail, however, this shall not affect the right to process the data before withdrawal.

## **7.**

In the event of a data breach, all parties who have caused the breach of data protection or who are responsible for the data breach shall make a possible decision to report it to the competent person and / or the data protection authority. Both the customer and B + M are responsible for the deletion of personal data in their respective areas of responsibility.

Where B + M is held liable under the General Data Protection Regulation, a natural person concerned shall have rights against B + M in respect of the following data subjects, provided that they do not conflict with legal provisions:

- The right to information as to whether personal data have been used and, if so, which personal data have been processed;
- They have the right to receive a copy of their saved personal information
- They have the right to correct, supplement and delete personal data; They have the right to restrict the processing of personal data;
- They have the right to transfer personal data; has the right to object to the processing of personal data under certain conditions;
- They have the right to withdraw their consent at any time, without prejudice to the right of the data processed as a result of the consent until the consent is withdrawn.
- They have the right to complain to the competent data protection authority (Austrian Data Protection Authority); They have the right to request information about the identity of the third party to whom the personal data has been transferred.

## **8.**

In case of questions, we ask the customer, the contractual business partner and the persons concerned to contact the data protection officer of B + M Hungária Kft (2045 Törökbálint, Tópark 4.): Monika Tóth-Miklósné Szlávik, [m.szlavik@baustoff-metall.com](mailto:m.szlavik@baustoff-metall.com).

Issued: ....., .....

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B+M Hungária Kft.

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Customer, or

**ANNEX TO THE B + M CUSTOMERS PRIVACY POLICY / AGREEMENT, CONSENT TO SEND E-MAILS**

**Extract from legal provisions**

**6. § The new Data Protection Regulation reads as follows:**

**Data secrets**

(1) The data protection officer, the order processor and their employees - employees (agents) and persons in an employee (agent) relationship - are obliged to keep personal data resulting from data processing, which they have been entrusted to or obtained solely on the basis of professional employment, confidential without violating other confidentiality obligations, if there is no legally permissible basis for the transfer of data entrusted to them or accessed to them (data secrets).

(2) If there is no such obligation to employees under the law, the data protection officer and the order processor must contractually oblige the employee to transfer the data from the data processing only on instructions and after the termination of the employment relationship with the data protection officer or the order processor. also adheres to.

(3) The data protection officer and the order processor must inform the employee affected by the provisions of the applicable transfer provisions and the consequences of the breach of data confidentiality.

(4) Without prejudice to the right to issue constitutional instructions, the staff member shall not be disadvantaged by refusing to comply with an instruction concerning the unauthorized transfer of data.

(5) The right to refuse in favor of the data protection officer should not be circumvented by recourse to the person processing the order in his application, in particular by not securing or seizing automatically processed documents.

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**Article 6 (1) (a) and (f) of the Data Protection Regulation reads as follows:**

**Legality of processing**

(1) Processing is legal if at least one of the following conditions is met:

a) the data subject has consented to the processing of the personal data concerned for one or more specified purposes;

f) the processing is necessary in order to safeguard the legitimate interests of the manager or of a third party where the interests or fundamental rights and freedoms of the data subject do not prevail, in particular where the data subject is a child.

Subparagraph (f) of paragraph 1 shall not apply to the processing of data by public authorities in the performance of their tasks.

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**Article 9 (1) and (2) (a) of the Data Protection Regulation read as follows:**

**Processing of special categories of personal data**

(6) The processing of personal data revealing the natural person's racial or ethnic origin, political opinions, religious and philosophical beliefs and trade union membership is prohibited, and the processing of genetic and biometric data for the clear identification of a natural person is prohibited or the processing of data concerning the health and sexual life or sexual orientation of a natural person is prohibited

(7) Paragraph 1 shall not apply in the following cases:

a) The data subject has expressly consented to the processing of personal data for one or more specified purposes, unless under Union or national law the prohibition in paragraph 1 cannot be waived with the consent of the data subject;

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**Article 13 of the General Data Protection Regulation reads as follows:**

**Obligation to provide information when collecting the personal data of the data subject**

(1) If personal data are collected from the data subject, the data protection officer shall, at the time of the collection of the data, inform the data subject of the following:

a) the name and contact details of the data protection officer and, where applicable, their representative;

b) where applicable, the contact details of the Data Protection Officer;

c) the purpose for which the personal data are processed and the legal basis for the processing;

d) if the processing is based on Article 6 (1) (f), the legitimate interests of the data protection officer or of a third party;

e) where applicable, the recipient or categories of recipients of the personal data, and

f) where applicable, the intention of the Data Protection Officer to transfer personal data to a third country or to an international organization and the presence or absence of a Commission statement of compliance or instructions pursuant to Article 46, 47 or 49 (1) (2) and appropriate warranties and options as to how a copy can be obtained or where it is available.

(2) In addition to the information referred to in paragraph 1, the data protection officer shall make available to the data subject, at the time of data collection, the following additional data necessary to ensure fair and transparent processing:

a) the period for which the personal data will be retained or, if that is not possible, the criteria for setting that period;

b) the existence of a right of information on the personal data concerned by the data protection officer and the right to rectify, erase, restrict or object to the processing, as well as the right to transfer the data;

c) where processing is based on Article 6 (1) (a) or Article 9 (2) (a), there shall be a right to have the consent withdrawn at any time, without prejudice to the right to processing prior to the withdrawal ;

d) the existence of a right to complain to the supervisory authority;

e) whether the provision of personal data is required by law or contract, or whether it is necessary for the conclusion of a contract, whether the person concerned is obliged to provide the personal data and what the possible consequences of not providing the personal data would be;

f) the existence of automated decision-making, including profiling in accordance with Article 22 (1) and (4), and at least in these cases informative information on the logic used and the scope and targeted effects of such processing on the person concerned;

*(3) If the Data Protection Officer intends to process the personal data for a purpose other than that for which he or she collected the personal data, he or she shall inform the data subject of this other purpose before further processing and provide any further relevant information to the data subject in accordance with paragraph 2.;*

*(4) Paragraphs 1, 2 and 3 shall not apply if the person concerned already has the information.*

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**Article 14 of the General Data Protection Regulation reads as follows:**

**Obligation to provide information if personal data are not collected from relevant the data subject**

- (1) *If the personal data are not collected from the data subject, the data protection officer shall inform the data subject of the following:*
- a) *the name and contact details of the data protection officer and, where applicable, their representative;*
  - b) *where applicable, the contact details of the Data Protection Officer;*
  - c) *the purpose for which the personal data are processed and the legal basis for the processing;*
  - d) *if the processing is based on Article 6 (1) (f), the legitimate interests of the data protection officer or of a third party;*
  - e) *where applicable, the recipient or categories of recipients of the personal data, and*
  - f) *where applicable, the intention of the Data Protection Officer to transfer personal data to a third country or to an international organization and the presence or absence of a Commission statement of compliance or instructions pursuant to Article 46, 47 or 49 (1) (2) and appropriate warranties and options as to how a copy can be obtained or where it is available.*
- (2) *In addition to the information referred to in paragraph 1, the data protection officer shall make available to the data subject the following additional data necessary to ensure fair and transparent processing:*
- a) *the period for which the personal data will be retained or, if that is not possible, the criteria for setting that period;*
  - b) *if the processing is based on Article 6 (1) (f), the legitimate interests of the data protection officer or of a third party;*
  - c) *the existence of the right of the data protection officer to be informed of the personal data concerned and the right to rectify, erase, restrict or object to the processing, as well as the right to transfer the data;*
  - d) *where processing is based on Article 6 (1) (a) or Article 9 (2) (a), there shall be a right to have the consent withdrawn at any time, without prejudice to the right to processing prior to the withdrawal;*
  - e) *the existence of a right of complaint to the supervisory authority;*
  - f) *the source of the personal data and, where applicable, the publicly available source;*



g) the existence of automated decision-making, including profiling in accordance with Article 22 (1) and (4), and, at least in those cases, informative information on the logic used and the scope and targeted effects of such processing on the person concerned.

(3) Subject to paragraphs 1 and 2, the data protection officer shall provide information to:

- a) within an appropriate period of time from the receipt of the personal data, but no later than one month, taking into account the specific circumstances of the processing of the personal data;
- b) where the personal data are to be used for communication with that person, at the latest at the time of the first communication, or
- c) if the notification is intended for another addressee, at the latest at the time of the first notification.

(4) If the Data Protection Officer intends to process the personal data for a purpose other than that for which the personal data were collected, he / she shall inform the data subject of this other purpose before further processing and shall make any further relevant information available to the data subject in accordance with paragraph 2;

(5) Paragraphs 1, 2, 3 and 4 shall not apply if:

a) the person concerned already has the information,

b) such information would be impossible or would require a disproportionate effort; this applies in particular to processing for public archival, scientific or historical research or statistical purposes in accordance with the conditions and guarantees referred to in Article 89 (1), or where the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously affect the purpose of the processing. In such cases, the responsible person shall take appropriate measures to protect the rights, freedoms and legitimate interests of the person concerned, including by making this information available to the public.

c) the collection or publication of data under Union or Member State law on the responsible person and the appropriate measures to protect the legal interests of the person concerned are explicitly regulated, or

d) personal data are covered by the obligation of professional secrecy, including professional secrecy, in accordance with Union or national law, and must therefore be treated as confidential;

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**Article 15 of the General Data Protection Regulation reads as follows:**

**The data subject 's right to information**

(1) The data subject has the right to request a certificate from the data protection officer as to whether the personal data concerned are being processed; if so, they have the right to request information about this personal data and the following information:

- a) the purpose of the processing;

- b) *the categories of personal data processed;*
  - c) *the recipients or categories of recipients to whom the personal data have been or will be made public, in particular recipients from third countries or international organizations;*
  - d) *where possible, the intended period for which the personal data will be stored or, if that is not possible, the criteria for specifying that period;*
  - e) *the right to rectify, erase or restrict the processing of the personal data concerned or to object to the processing;*
  - f) *the right to submit a complaint with a supervisory authority;*
  - g) *if the personal data are not collected from the data subject, all available information on the origin of the data;*
  - h) *the existence of automated decision-making, including profiling in accordance with Article 22 (1) and (4), and, at least in those cases, informative information on the logic used and the scope and targeted effects of such processing on the person concerned.*
- (2) *Where personal data are transferred to a third country or to an international organization, the person concerned shall have the right to be informed of the appropriate guarantees regarding the transfer in accordance with Article 46.*
- (3) *The data protection officer shall provide a copy of the personal data which are the subject of the processing. The Data Protection Officer may charge a value-for-money fee for each additional copy requested by the person concerned, based on administrative costs. If the person concerned submits the request electronically, it shall be made available in a standard electronic format, unless otherwise requested.*

*The right to receive a copy under paragraph 1 (b) shall not infringe the freedom of other persons.*

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**Article 16 of the General Data Protection Regulation reads as follows:**

**Right to rectification**

*The data subject has the right to request the data protection officer to rectify the incorrect personal data concerned without delay. Taking into account the purposes of the data processing, the data subject has the right to request the completion of incomplete personal data, including by means of providing a supplementary statement.*

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**Article 17 of the General Data Protection Regulation reads as follows:**

**Right to erasure („Right to be forgotten “)**

- (1) *The data subject has the right to request the immediate deletion of the personal data concerned from the data protection officer and the data protection officer is obliged to delete the personal data without delay if the following reasons exist:*

- a) Personal data are no longer required for the purpose for which they were collected or otherwise processed;
  - b) The data subject shall withdraw his or her consent, which has substantiated the processing pursuant to Article 6 (1) (a) or Article 9 (2) (a), and there is no other legal basis for the processing.
  - c) The data subject objects to the processing in accordance with Article 21 (1) and there are no primary grounds for the processing, or the data subject objects to the processing in accordance with Article 21 (2).
  - d) Personal data has been processed unlawfully.
  - e) The erasure of personal data is necessary to fulfil the legal obligations of Union or Member State law to which the data protection officer is subject.
  - f) Personal data have been collected in relation to the services offered by the information society in accordance with Article 8 (1).
- (2) Where the data protection officer has disclosed personal data and is obliged to delete them in accordance with paragraph 1, he shall take appropriate measures, taking into account available technology and enforcement costs, to notify processors that a person requests personal data. deleting a link to data or copies or duplicates of personal data.
- (3) Paragraphs 1 and 2 shall not apply if the processing is necessary:
- a) to exercise the right to freedom of expression and information;
  - b) to fulfil a legal obligation under Union or Member State law to process and require the data controller to perform the task, either to perform a task in the public interest or to exercise the public authority delegated to the data protection officer;
  - c) from a public health aspect, in accordance with Article 9 (2) (h) and (i) and Article 9 (3);
  - d) for archival, scientific or historical research purposes in the public interest or for archival purposes for statistical purposes in accordance with Article 89 (1), where the right referred to in Article 89 (1) is likely to make these processing purposes impossible or seriously affect them, or
  - e) for the enforcement, exercise and protection of legal claims.
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**Article 18 of the General Data Protection Regulation reads as follows:**

**Right to restrict processing**

- (1) The data subject has the right to request the data protection officer to restrict the processing if one of the following requirements is met:

- a) *the data subject contests for a period of time the accuracy of the personal data, which allows the data protection officer to verify the accuracy of the personal data;*
  - b) *the processing is unlawful and the data subject refuses to delete the personal data and instead requests a restriction on the use of the personal data;*
  - c) *the data protection officer no longer needs the personal data for the purpose of processing the data, but the data subject needs them to enforce, exercise and protect their rights, or*
  - d) *the data subject has lodged an objection in accordance with Article 21 (1), as long as it is not substantiated that the legal reasons of the data protection officer outweigh those of the data subject;*
- (2) *Where data processing is restricted pursuant to paragraph 1, such personal data, apart from their storage, shall be subject to the consent of the data subject or to the exercise, exercise or protection of the rights of another natural or legal person or to the protection of the Union or may be processed in the important public interest of a Member State.*
- (3) *The data protection officer shall inform the data subject who has notified the restriction of the use of the data in accordance with paragraph 1 of the suspension of the restriction.*

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**Article 19 of the General Data Protection Regulation reads as follows:**

**Notification obligation regarding rectification or erasure of personal data or restriction of processing**

*The Data Protection Officer shall notify all recipients to whom personal data have been disclosed of any rectification or erasure of personal data pursuant to Articles 16, 17 (1) and 18, or of any restriction on the processing, unless this proves impossible or would involve a disproportionate effort. acts. The Data Protection Officer shall inform the data subject of these recipients if the data subject so requests.*

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**Article 20 of the General Data Protection Regulation reads as follows:**

**Right to transfer data**

- (1) *The data subject shall have the right to receive in a structured, standard and machine-readable form the personal data concerning them which have been made available to the data protection officer, and has the right to transfer such data to another data protection officer without the intervention of the data protection officer to whom the personal data have previously been transferred, provided that*

a) *the processing is based on consent pursuant to Article 6 (1) (a) or Article 9 (2) (a) or on a contract pursuant to Article 6 (1) (b), and*

b) *processing is done using an automated process.*

*(2) In exercising their right to transfer data under paragraph 1, the data subject shall have the right to have the personal data transferred directly from one data protection officer to another, where technically possible.*

*(3) The exercise of the right under paragraph 1 of this Article is without prejudice to Article 17. This right shall not apply to data processing operations which are necessary for the performance of a task carried out in the public interest or which are necessary for the exercise of official authority delegated to the Data Protection Officer.*

*(4) The right under paragraph 2 shall not affect the rights and freedoms of other people.*

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**Article 21 of the General Data Protection Regulation reads as follows:**

#### **Right to object**

*(1) The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.*

*(2) Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.*

*(3) Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.*

*(4) At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.*

*(5) In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.*

*(6) Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.*

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