

# Compulsory information in accordance with Article 13, GDPR on processing your data as part of our whistleblowing system

We attach importance to the protection of our whistleblowers' personal data. Therefore, we process personal data in compliance with the applicable legal requirements in respect of the protection of personal data and data security.

## I. Controller's contact details

The controller within the meaning of the General Data Protection Regulation and other national data protection laws of the Member States and other data protection law provisions is

HUBTEX Maschinenbau GmbH & Co. KG

Hans-Joachim Finger, Marco Goldbach

Werner-von-Siemens-Str. 8

36041 Fulda, Germany

Tel.: +49-661-8382-0

E-mail: [info@hubtex.com](mailto:info@hubtex.com)

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

## II. Contact details of the (external) data protection officer

BerIsDa GmbH

Website: [www.berisda.de](http://www.berisda.de)

You can reach the data protection officer by post at:

HUBTEX Maschinenbau GmbH & Co. KG

Attn. data protection officer

Werner-von-Siemens-Straße 8

36041 Fulda, Germany

by telephone at +49 661 29698090 or by e-mail at [datenschutz@berisda.de](mailto:datenschutz@berisda.de)

## III. Description of the processing

### 1. Description and scope of the data processing

By way of our reporting department that has been outsourced internally, we offer you the opportunity to contact us and report potential information about compliance and legal violations.

As part of our whistleblowing system, we use the information you make available to review and document reports as well as for internal and external investigations (including disclosure to external lawyers, auditors or other professionals bound by professional secrecy) and, where necessary, forwarding to government agencies.

You can submit your report to the reporting department without providing any personal data.

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The following data protection information shall apply if you disclose your identity to the reporting department. We only process data that you actively and voluntarily make available to us. You are not required to state any names or contact details. Your information will nevertheless be reviewed and processed. **We assure all whistleblowers confidential processing.**

We have commissioned kombud GmbH to operate our internal reporting department in accordance with the German Whistleblower Protection Act, i.e. make its ombudsman service available to us. kombud GmbH processes personal data to ensure that it can perform the tasks as part of the ombudsman service. Given the persons stated in the report could be our employees, kombud GmbH must be aware, inter alia, whether or not the persons stated in the report are employed at our company to process a report. We alone maintain such data in our personnel files, which we are responsible for keeping correctly. If kombud GmbH asks us (the customer) to do so, we will send, by secure electronic means, an up-to-date list of all persons we employ. kombud GmbH shall only process the personal data necessary to process a received notification. kombud GmbH independently maintains the documentation in relation to reports and at its own responsibility. We (the customer) are unaware of it and we (the customer) have no access to it. Both we and kombud GmbH guarantee compliance with the legal provisions, in particular the lawfulness of the data processing performed as part of joint responsibility. kombud GmbH shall make available to you the information required in accordance with Articles 13 and 14, GDPR, from received reports in a precise, transparent, comprehensible and easily accessible form in clear and simple language free of charge, insofar as this does not conflict with whistleblower protection or the associated clarification and determination processes as part of received reports. If you are affected, you can contact both kombud GmbH and us and assert the rights to which you are entitled in accordance with Articles 15 to 22, GDPR. Insofar as the rights are asserted against us, we shall make available to you all the information requested that are to be attributed to our area of activity. If the information requested (also) refers to kombud GmbH's area of activity of, we shall forward your request to kombud GmbH. kombud GmbH shall then make available to you the information you have requested, which is attributable to kombud GmbH's area of activity provided this does not jeopardise the clarification and determination process as part of a report at such a time. We and kombud GmbH shall exchange information if you contact us or kombud GmbH to exercise your rights as a data subject, in particular in relation to information or correction and erasure of your personal data, inter alia to obtain the information required to furnish information.

**Making** your personal information **available** is neither specified in a legal nor a contractual sense and is not required to furnish information. Information may also be furnished anonymously. There is no obligation to make your personal data available. However, failure to provide personal information may result in us being unable to inform you about the progress of the determination process and that any information made available cannot be adequately followed up or processed, for example because disclosing your identity would be required based on consent or requesting further information to take follow-up action is required.

**No fully automated decision-making** (including profiling) in accordance with Article 22, GDPR, is applied to process the data made available by you.

## 2. Legal basis of the processing

The legal basis for the processing is Article 6(1), Sentence 1, point c), GDPR, Section 10 et seq., HinSchG (German Act for Better Protection of Persons Providing Information), for honouring a legal obligation to which the controller is subject.

Processing special categories of personal data by the reporting department is based on Section 10, HinSchG, in conjunction with Article 9(2), GDPR. The controller is authorised to process personal data if this is necessary to perform the tasks set out in Sections 13 and 14, HinSchG.

Consent granted by a whistleblower in accordance with Article 6(1), Sentence 1, point a), GDPR, Article 9(2), point a), GDPR, Sections 9(3), 11(2), 16(3), HinSchG forms the legal basis

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for processing the data and disclosing your identity. Once your consent has been revoked, the data shall be stored for verification purposes and warding off liability claims (storage of the revocation) based on Article 6(1), Sentence 1, point f), GDPR.

The data are processed within our whistle.law system based on Article 6(1), Sentence 1, point f), GDPR.

### **3. Purpose of the processing**

Personal data are processed to comply with the legal requirements of the German Whistleblower Protection Act (HinSchG). We use the information you make available as part of our whistleblower system for the purpose of reviewing and documenting (Section 11, HinSchG) the reports and to determine matters internally and externally. Furthermore, the information may be forwarded to the competent authorities in accordance with the conditions of Section 9(1) and (2), HinSchG.

If you have granted us your consent to disclose your identity, we shall forward information about your identity to the relevant authorities to adopt follow-up measures (Section 9(3), HinSchG). This also applies in the event that persons who are the subject of a report and other persons stated in the report (Section 9(4), HinSchG) have granted us their consent. We shall inform you, or the affected persons, about such forwarding separately when obtaining consent. Your revocation shall be stored to furnish proof of consent granted previously, including after the revocation and, therefore, to ward off potential liability claims.

The data are processed to offer you a protected communication channel, enable and simplify the acceptance of reports, organise and optimise the coordination of reports and the processing and tracking, as well as protect the security of our whistleblowers and minimise security risks. Furthermore, whistleblowers who submit a report to us anonymously can remain entirely anonymous and nevertheless be informed about the data progress. Such purposes also constitute our justified interest in processing the personal data in accordance with Article 6(1), Sentence 1, point f), GDPR.

### **4. Processing and storage duration; option of objecting, withdrawing and rectifying**

The personal data collected via the whistleblowing system and the documentation shall be erased three years following completion of the procedure (Section 11(5), HinSchG).

Furthermore, the data you have made available shall be processed for as long as is required by law or is necessary for compliance with storage obligations or to furnish proof of compliance with obligations to provide notification and furnish information.

The process is only stored in the system in anonymised form for evaluation purposes and to create statistics.

You have the right to withdraw your data protection law declaration of consent at any time. Withdrawing consent does not affect the legality of the processing that applied as a result of the consent up until the withdrawal. You can send your withdrawal to the controller by e-mail or post. Once the purpose, or your revocation or withdrawal of your consent, ceases to apply, the data you have made available shall be processed to comply with statutory storage obligations or based on our legitimate interests. We may also store withdrawn consent for up to three years based on our legitimate interest to furnish proof that consent had been previously granted, including after withdrawal. You may object to the storage insofar as your interests outweigh our legitimate interest.

If you have made information available about your identity voluntarily, you may at any time object to the processing of your personal data for the future. In such a case, the personal data collected about the reported incident shall be rendered anonymous such that no conclusions can be drawn about the identity of the reporting party. Any personal data that have been stored

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during the course of establishing contact shall be erased in such a case. The incident shall be further investigated in anonymised form.

## **5. Recipients of the data**

At our company, access to your personal data is granted to those departments and areas that require it to honour our legal obligations or the aforementioned purposes and those that are authorised to process such data. These are, in particular, the management, works council, data protection officer, HR department and reporting office.

As part of the services we render, we commission processors that contribute to the honouring of contractual obligations. We work with service providers such as service providers for IT maintenance services (so-called order processors). These service providers only act in accordance with our instructions and undertake by way of a contract to comply with the applicable data protection requirements. To that end, we enter into corresponding written order processing contracts with these service providers. This is a contract prescribed by data protection law that ensures that our service providers only process the processed personal data in accordance with our instructions and in compliance with data protection regulations (GDPR and BDSG (German Data Protection Act) etc.).

In conjunction with the data processing described above, the data are forwarded and processed by whistle.law GmbH, Georgenstraße 27, 82054 Sauerlach, a whistleblowing system provider. We have also entered into an order processing contract with this provider.

In conjunction with the data processing described above, we have outsourced our internal reporting department, Section 14, HinSchG. We have entered into a contract with this provider to perform the tasks of an internal reporting department for the employer. The data are processed as part of joint responsibility in accordance with Article 26, GDPR. Therefore, the data are forwarded and processed by kombud GmbH, Georgenstraße 27, 82054 Sauerlach.

We may forward personal data to state authorities (such as the police, public prosecutor's office, courts or supervisory authorities) or external lawyers, auditors or other professionals bound by professional secrecy, insofar a legal obligation to do so is in place in accordance with Article 6(1), Sentence 1, point c), GDPR, or in accordance with Article 6 para(1), Sentence 1, point f), GDPR, is required to assert, exercise or defend legal claims and there is no reason to assume that our whistleblowers have an overriding interest worthy of protection in not disclosing the data. If information about the identity of a whistleblower or other circumstances that allow conclusions to be drawn about the identity of such a person is disclosed to law enforcement authorities or based on court decisions, we shall inform you in advance of such a disclosure and inform you of the reasons for the disclosure unless the competent authority or court has stated that the information would jeopardise the relevant investigations, enquiries or court proceedings.

Where possible, forwarding occurs without providing personal data.

## **6. Forwarding data to third countries**

Under no circumstances shall the data you provide be forwarded to a third country or an international organisation. If you wish the data you have made available to be forwarded to a third country or an international organisation in individual cases, we shall only do so with your written consent.

## **IV. Rights of the data subject**

If we process your personal data, as the data subject you have the following rights in dealings with us as the controller:

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## **1. Right to information, Article 15, GDPR**

As part of the applicable legal provisions, you have the right, at any time, to (gratuitous) information about your collected and stored personal data. This includes information about the purposes of the processing, origin and recipients, storage period and the existence of various rights.

## **2. Right to rectification, Article 16, GDPR**

You have a right to rectification (including within the meaning of completion) of your data in dealings with the controller if the processed personal data concerning you are incorrect or incomplete for the purpose of processing. The controller is to rectify the data without delay.

## **3. Right to erasure, Article 17, GDPR**

You may request the erasure of your personal data at any time in accordance with the conditions of Article 17, GDPR, unless circumstances that authorise or place the controller under obligation to continue processing your personal data (e.g. statutory storage obligations) continue to apply.

## **4. Right to restriction of processing, Article 18 GDPR**

If the legal requirements are met, you can request that the processing of your personal data be restricted in accordance with Article 18, GDPR.

## **5. Right to data portability, Article 20, GDPR**

If you have made personal data available to us and automated processing is performed based on your consent or a contract, you have the right to transfer the data made available by you within the scope of Article 20, GDPR, provided this does not adversely affect the rights and freedoms of other persons. The data shall be made available in a commonly used, machine-readable format. Where you request the direct transfer of such data to another controller, this shall only apply where it is technically feasible.

## **6. Right to object, Article 21 GDPR**

You have the right to object to processing within the scope of Article 21 GDPR, if the data are processed for the purpose of direct marketing or profiling. You may object to processing based on a balancing of interests by stating reasons resulting from your particular situation.

## **7. Right to withdraw your consent, Article 7(3) GDPR)**

You have the right to withdraw your data protection law declaration of consent at any time. The withdrawal does not affect the legality of the data processing that applies up until the withdrawal. You can send your withdrawal to the controller by e-mail or post.

## **8. Right to lodge a complaint with a supervisory authority**

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

The supervisory authority responsible for us is the Hessian Commissioner for Data Protection and Freedom of Information. However, if you are in another federal state or not in Germany, you may also contact the data protection authority there.