

Information on the processing of personal data in the context of the business relationship with customers of the companies of KIGROUP pursuant to Art. 13 EU General Data Protection Regulation (GDPR)

Data protection and privacy are matters of great importance for the companies of the KIGROUP. This also applies to any of the individual companies of our group with which you or your employer or client has a business relationship or in whose services you may be interested (hereinafter also referred to as "we" or "us" or "our company"). We would therefore like to inform you herewith which of your personal data we collect within the scope of our services and for which purposes these data are used. When doing so, we ensure that we comply with the applicable legal data protection requirements – starting with transparency and, therefore, below you will find a detailed overview of how we handle your personal data and information on your rights in this regard.

1. Why and in which situations do we process personal data about you?

If our company is in a business relationship with you directly, or your employer or client (when you are acting on a freelance basis on behalf of a third party who has a business relationship with us), e.g. in the context of our services for business intelligence, portals & collaboration, mobile app development, infrastructure and process consulting or a contractual relationship in the context of our services (development, implementation and maintenance of software), the processing of personal data by us is necessary for the performance of this contractual relationship including the billing of our services. This also applies to the initiation of such a business relationship, for example when we provide you with an individual offer for our services.

2. Who is responsible for the processing and how can you contact our data protection officer?

2.1. This data protection notice applies to the following companies of the KIGROUP:

- KI group GmbH (Cologne)
- grow.inc spaces GmbH (Cologne)
- KI capital GmbH (Cologne)
- KI challengers GmbH (Cologne)
- KI connect GmbH (Cologne)
- KI decentralized GmbH (Cologne)
- KI group services GmbH (Cologne)
- KI group suisse AG (Zurich, Switzerland)
- KI performance GmbH (Cologne)
- KI Professionals GmbH (Stuttgart)
- KI tokonomy GmbH (Cologne)
- xgeeks GmbH (Cologne)
- KICHALLENGERS PORTUGAL, UNIPessoal LDA. (Lisbon, Portugal)
- KIBER - STRATEGY SERVICES IBERIA, UNIPessoal LDA. (Lisbon, Portugal)
- xgeeks Portugal LDA. (Leiria, Portugal)

2.2. The **controller** for processing your personal data is in each case the company with which you or your employer or client have a business relationship or from which you have requested a quotation or other services. Questions regarding data protection at our company and at all companies of the KIGROUP can be directed to the following **e-mail address**:

privacy@kigroup.de

2.3. The **data protection officer** for the above-mentioned companies of KIGROUP can be contacted as follows:

Stephan Krämer LL.M., Attorney at Law (Germany)
KINAST Rechtsanwalts-gesellschaft mbH
Hohenzollernring 54
50672 Cologne
E-mail: **mail@kinast.eu**

3. Which data do we process and how do we collect them?

We process personal data that you provide to us within the scope of the business relationship and for its implementation or that we have received from you to initiate the business relationship, e.g. in order to be able to make you an offer. If our business relationship exists with your employer or client, we collect the personal data from your employer or client. We regularly process the following personal data or categories of personal data:

- Master business data of contact persons (e.g. name and title, function / position in the company)
- Business contact details (e.g. telephone number, fax number, e-mail address, address)
- Communication data (e.g. contents of personal, telephone or written communication)
- Offer data
- Invoice data
- Performance data (data for the execution of the contract, billing and payment data)

4. For what purposes and on what legal bases do we process personal data?

4.1. We process your personal data in compliance with the provisions of the GDPR, as well as all other applicable laws.

We process your personal data primarily for the fulfillment of our contractual obligations or for pre-contractual measures (Art. 6 para. 1 s. 1 lit. b GDPR). This means for the purpose of initiating, executing, or fulfilling a contract.

4.2. If you are not a contractual partner yourself - for example, as an employee or contractor of one of our company's business partners - the processing is carried out for the same purposes on the basis of a legitimate interest pursuant to Art. 6 para. 1 s. 1 lit. f GDPR. We are in the process of initiating or implementing a contractual relationship with your employer or client as part of our business activities. On the grounds of your involvement or activities for your employer or client, we then process your personal data for these purposes.

4.3. Likewise, and as far as necessary, we also process personal data for the fulfillment of legal requirements according to Art. 6 para. 1 s. 1 lit. c GDPR for the following particular purposes:

- Compliance with legal storage obligations
- Compliance with legal reporting requirements

4.4. In addition, we process personal data to protect the following legitimate interests (Art. 6 para. 1 s. 1 lit. f GDPR):

- Maintenance of the business relationship
- Assertion of legal claims and defense in legal disputes
- Inclusion in our contact database, contact maintenance after business contact (e.g. after receiving your business card from you)

5. Who do we share your personal data with, if applicable?

5.1. Your data will be processed within our company by the employees involved in the initiation and implementation of the business relationship and the execution of the respective business processes. Our employees who come into contact with or process your personal data in the course of performing the contractual services are, of course, duly obligated in writing to maintain confidentiality and have been fundamentally familiarized with the requirements of data protection as well as all other statutory confidentiality obligations (such as, in particular, trade and business secrets, banking and social secrecy as well as special professional secrets by means of training and awareness-raising measures).

5.2. Within our group of companies, your personal data is transferred to certain companies if they perform data processing tasks for the companies



affiliated in the group on a centralized basis (e.g. joint processing of customer orders or joint customer support, centralized contact data management, centralized contract management, compiling of offers or processing of tenders, negotiations and orders, accounting).

5.3. In addition, we use various external service providers to fulfill our contractual and legal obligations. These are service providers, particularly in the area of IT services.

5.4. Both the companies within KIGROUP and our external service providers commissioned process your personal data on our behalf and in accordance with our instructions in order to carry out the above-mentioned activities within the scope of the stated processing purposes. A contract for commissioned data processing in accordance with Art. 28 GDPR has been concluded with all commissioned internal and external service providers, on the basis of which these providers act as processors according to Art. 4 No. 8 GDPR and are obliged to protect your data, to process it exclusively for the fulfillment of the commissioned services and, in particular, not to disclose them to third parties unless necessary or use them for other purposes unless you have expressly consented to such further processing.

5.5. Finally, we may transfer your personal data to other recipients outside the company who process your data under their own responsibility as a controller according to Art. 4 No. 7 GDPR. These may be, for example, the following categories of data recipients:

- Public bodies based on statutory regulations (e.g. tax authorities, law enforcement agencies)
- Third parties, e.g. credit institutions, credit agencies - insofar as transmission is permissible and necessary for a legitimate interest of ours or these third parties
- for the enforcement of our claims and other legitimate interests vis-à-vis you to third parties bound to professional secrecy (e.g. collection agencies or lawyers)

5.6. A transfer of your personal data to service providers or other data recipients outside the European Economic Area (EEA) will not take place unless the special requirements imposed by the law according to Art. 44 et seq. GDPR on third country transfers of personal data have been carefully assessed and fulfilled and data protection in accordance with the requirements within the EEA is ensured in the individual case.

5.7. Automated individual case decisions on the basis of your personal data or profiling within the meaning of Art. 4 No. 4, 22 GDPR do not take place.

6. How long will your personal data be stored?

We process your personal data as long as they are required for the above-mentioned purposes. After termination of the business relationship, your personal data will be stored as long as we are legally obliged to do so. This regularly results from legal retention and documentation obligations, particularly according to German, Portuguese and Swiss commercial and tax law as well as or other legal regulations in special cases of data processing. The storage periods according to these laws are regularly up to ten years. Notwithstanding, it may be necessary to store personal data for the period during which legal claims can be asserted against us in individual cases.

7. Are you obliged to provide us with your personal data?

There is no contractual or legal obligation to provide us with your personal data.

However, without processing your personal data, we may not be able to carry out the necessary pre-contractual measures or the contractual relationship with you or your employer or client.

8. What data protection rights can you assert as a data subject?

8.1. You have the **right to request information** about the data stored about you and to access this particular personal data (Art. 15 GDPR).

Further, you may request the **correction** (Art. 16 GDPR) or **deletion** (Art. 17 GDPR) of your personal data.

You may also have the **right to restrict the processing** of your personal data (Art. 18 GDPR), as well as the **right to demand the return** (Art. 20 of the GDPR) of personal data that you have provided, in a structured, common and machine-readable format, insofar that this does not affect the rights and freedoms of other persons.

To exercise the above-mentioned rights, please contact the data controller named in section 2 or our data protection officer.

8.2. Information about your right to object (Art. 21 GDPR)

You have the right to object at any time, on grounds relating to your particular situation, to the processing of your personal data which is carried out on the basis of Article 6 para. 1 s. 1 lit. f GDPR (data processing on the basis of a legitimate interest); this right to object also applies to any profiling based on this provision within the meaning of Art. 4 No. 4 GDPR.

If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the purpose of asserting, exercising or defending legal claims.

The objection can be made without any formalities and should, if possible, be addressed to the data controller or the data protection officer mentioned in section 2.

8.3. Without prejudice to the above rights or any other administrative or judicial remedy, in cases of data protection breaches by us, you have the possibility to lodge a complaint with a **data protection supervisory authority** (Art. 77 GDPR).

In the following you will find the contact details of the supervisory authorities responsible for the data protection matters and data processing activities of our companies in each case:

- The supervisory authority responsible for our companies based in **Cologne** in matters relating to data protection law is:

The State Commissioner for Data Protection and Freedom of Information of North Rhine-Westphalia (LDI NRW)
Kavalleriestr. 2-4, 40213 Düsseldorf, Germany
<https://www.ldi.nrw.de>

- The supervisory authority responsible for our companies based in **Stuttgart** in matters relating to data protection law is:

The State Commissioner for Data Protection and Freedom of Information Baden-Württemberg (LfDI BaWü)
Lautenschlagerstrasse 20, 70173 Stuttgart, Germany
<https://www.baden-wuerttemberg.datenschutz.de>

- The supervisory authority responsible for data protection matters for our companies based in **Portugal** is:

CNPD - Comissão Nacional de Proteção de Dados
Av. D. Carlos I, 134, 1º, 1200-651 Lisboa (Portugal)
<https://www.cnpd.pt>

- The supervisory authority responsible for our companies based in **Switzerland** in matters relating to data protection law is:

The Federal Data Protection and Information Commissioner (FDPIC)
Feldeggweg 1, CH - 3003 Bern (Switzerland)
<https://www.edoeb.admin.ch>