

Privacy Policy for Customers, Suppliers and Business Partners

Last updated: May 2022

We have compiled this Privacy Policy to inform you of the nature and scope of the processing of your personal data, the purposes and legal basis, forwarding to third parties and time limits for erasure as well as your rights as a Data Subject under the GDPR (General Data Protection Regulation) Privacy Policy for Customers, Suppliers and Business Partners and the German Federal Data Protection Law (*Bundesdatenschutzgesetz*, BDSG).

1. Who is responsible for data processing and who can I contact?

a) The Data Controller as defined in Article 4(7) of the GDPR is:

DSM Nutritional Products GmbH

Emil-Barell-Strasse 3
79639 Grenzach-Wyhlen, Germany
Tel: +49 7624 909-0
Fax: +49 7624 909-4100

hereafter referred to as “we” or “us”.

b) The Data Protection Officer

You can contact our Data Protection Officer by email at Datenschutzbeauftragter.DSM-Deutschland@dsm.com or by sending a letter to the postal address above marked “FAO Data Protection Officer”.

2. What categories of data do we process and what are the sources of the personal data?

a) The categories of personal data we process are:

- Master data (title, first/last name, company name, address, job title, department)
- Contact details (telephone number, mobile telephone number, fax number and email address)
- Document used for identification (e.g. identity card), person visited, reason for visit, start and end of visit. For drivers on site: vehicle registration number and mobile telephone number in addition to the information above
- Data needed to process a request, including credit rating data where appropriate
- CRM data, in particular customer history and customer statistics
- Support requests
- Other information required for handling our contractual relationships or projects with our customers or distribution partners (e.g. payment details, order details)

b) We process personal data which we have obtained from business relationships (e.g. with customers or suppliers) or by request. We generally

obtain this data directly from the relevant contractual partner or the person making the request. However, personal data may also be obtained from public sources (e.g. the Commercial Register) insofar as processing of such data is permissible. Data may also have been transferred to us legitimately from other companies and related enterprises. We also save in-house information on this data depending on the individual case (e.g. as part of an ongoing business relationship).

3. For what purposes and on what legal basis do we process personal data?

We process personal data in accordance with the provisions of the GDPR and national data protection regulations:

a) As necessary for the fulfilment or performance of a contract, or to take steps prior to entering into a contract (GDPR Article 6(1)(b))

We process personal data primarily to fulfil contractual obligations and to render the services associated with the contract, or as part of the process prior to entering into a contract (e.g. contract negotiations, preparing a quotation). The specific purposes will vary depending on the specific service or product to which the business relationship or pre-contractual preparation process relates, particularly as associated with customer contracts and orders from suppliers or service partners. We also process your data as needed for administering the services rendered, in particular for invoices and managing accounts payable.

Data processing is used for the following purposes in particular:

- Initiating, performing and administering orders and fabrication assignments, logistics, and customs and excise management
- Communication with customers, contractors, subcontractors, business partners and authorities
- Support – in particular, replying to enquiries from our contacts, prospective customers, customers or partners
- Planning, conducting and managing the business relationship between us and our customers, distribution partners or contacts; for example, to administer an order, for accounting purposes, or for carrying out and administering deliveries

b) To uphold legitimate interests (GDPR Article 6(1)(f))

Where necessary, we process your data for purposes beyond the actual performance of the contract in order to uphold our legitimate interests or those of third parties, specifically:

- Access control and site security, in particular identification and authorisation, creating visitor IDs/driver's permits, communication, surveillance and security checks
- Settling legal disputes, performing existing contracts and for establishing, exercising or defending legal claims
- Maintaining and protecting the security of our systems and the company's IT operations
- Building and plant security measures (e.g. access control or video surveillance – see the separate privacy policies visible on posters on the walls and at the security gate)
- Sharing management and planning data with related DSM companies
- Data processing for security, quality assurance and process optimisation purposes: within the limits of the law, we process the data gathered in the course of performing the contract for (data) security purposes, to compile statistics and for quality assurance, process optimisation and to ensure certainty of planning. With respect to this processing, the Data Controller has a legitimate interest in ensuring that processes run smoothly and ensuring continuous improvement of the relevant products and services

c) Based on statutory obligations (GDPR Article 6(1)(c))

We are subject to various legal obligations – i.e. statutory requirements (e.g. anti-terrorist screening, money laundering legislation). The purposes of processing on this legal basis include meeting our monitoring and reporting obligations under tax and social security legislation.

These also include statutory reporting obligations when rendering services and for postings under the A1 procedure (see also Section 5 of this Privacy Policy), and the processing of personal data to the extent that this is required to implement the technical and organisational measures in accordance with Article 32 of the GDPR.

d) Based on your consent (GDPR Article 6(1)(a))

In cases where you have granted consent to the processing of personal data for specific purposes (e.g. video recordings and photography, subscription to newsletters), this processing is lawful based on your consent. You can withdraw your consent at any time and with effect for the future.

4. Who receives my data?

Within DSM, the people granted access to your personal data are those who need it to fulfil our contractual and statutory duties or to uphold legitimate interests.

If necessary, we transfer personal data to courts, authorities, supervisory authorities or law firms, to the extent permitted and required under law, in order to comply with applicable law or for the establishment, exercise or defence of legal claims.

Contractors and vicarious agents may also receive data from us for these purposes. We may only pass on information about you if this is required by statutory provisions, if you have consented, if we are legally entitled to issue information or pass on data, and/or if processors contracted by us similarly guarantee compliance with confidentiality and data protection requirements, in particular the GDPR and BDSG.

The following recipients may receive data under these circumstances:

- Related DSM companies,
 - where they are working for us as processors,
 - as needed for data transfer and sharing of electronic messages and use of Microsoft 365,
 - for sharing management and planning data (financial and financial control data) between related enterprises to the extent required to uphold our legitimate interests
- Plant security and the OneServe security gate service
- Processors, in particular cloud-based services
- IT contractors for (remote) maintenance of IT systems
- Subcontractors for performance of contracts, in particular for transport and logistics
- Customers, in the course of business correspondence and documenting contracts
- Auditors
- Credit check providers
- Public bodies, in order to meet statutory notification obligations, e.g. financial authorities and bodies responsible for A1 procedures
- Data disposal contractors
- Lawyers, tax consultants and external auditors
- Debt collection subcontractors
- Banks, payment card (credit card) processors and payment service providers
- Telephony service providers
- Insurance companies

5. Will my data be transferred to a third country?

Data is only transferred to countries outside the EU/EEA ("third countries") where this is necessary

to fulfil your orders (e.g. for procurement of materials, fabrication, supply or logistics) or required by law (e.g. reporting obligations under tax law); if you have given your consent; or in the course of processing. We also transfer data to related enterprises to uphold legitimate interests. Where personal data is transmitted to third countries, we ensure that an appropriate level of data protection exists for this in accordance with the principles set out in Article 44 et seq. of the GDPR. For example, this may mean that processing is carried out on the basis of specific guarantees, such as an officially recognised level of data protection equivalent to that of the EU (e.g. for Switzerland) or compliance with recognised specific contractual obligations (EU standard contractual clauses).

If employees are posted overseas ("A1 procedure"), we may transmit personal data on our customers and/or clients or the workplace to competent bodies in accordance with legal reporting obligations.

6. How long will my data be stored?

We process and store your personal data for as long as this is required to fulfil our contractual and legal obligations. We will erase your personal data as soon as it is no longer required for the purposes set out above. In some cases, personal data may be retained for the period in which claims can be brought against our companies (statutory limitation periods of three to thirty years). We will also store your personal data where we are legally obliged to do so. Such legal obligations to furnish evidence and retain data are based on commercial, tax and social security law. We also store business-related documentation and emails for the purpose of legally compliant archiving for tax purposes and documentation to counter unjustified claims and to enforce claims. The retention period generally lasts until the end of the 6th business year after its commencement under tax law and the end of the 10th business year under commercial law, in accordance with Section 147 of the German Tax Regulations (*Abgabenordnung*, AO) and Section 257 of the German Commercial Code (*Handelsgesetzbuch*, HGB), respectively.

7. Obligation to provide data

We will process your personal data for as long as this is required to fulfil our contractual and legal obligations and to uphold our legitimate interests, or if you have given your consent. During the performance of a contract or as part of the preparation prior to entering into the contract, you must provide the personal data required to perform the contract or for precontractual measures and the obligations associated with this. You must also provide the personal data which we are legally obliged to collect.

We will not be able to conclude or fulfil a contract with you unless this data is provided. You must also provide the information requested when visiting us to allow us to grant you access to the works site and buildings.

Where data is collected based on your consent, your provision of data is on a voluntary basis and is not obligatory.

8. Is there any automated decision-making, including profiling?

We do not use any fully automated decision-making systems, as set out in Article 22 of the GDPR, to establish and conduct business relationships. No profiling takes place.

9. What rights do I have under data protection law?

You have the following rights with respect to us as the Data Controller. If you wish to exercise your rights or would like further information, please contact us or our Data Protection Officer.

a) Rights in accordance with Article 15 et seq. of the GDPR

The Data Subject has the right to obtain information from the Data Controller as to whether or not personal data concerning the Data Subject is being processed. If this is the case, the Data Subject has a **right of access** to this personal data and the information listed in detail in Article 15 of the GDPR. Subject to certain legal requirements, you have the right to **rectification** in accordance with Article 16 of the GDPR, the **right to restriction of processing** in accordance with Article 18 of the GDPR and the **right to erasure** ("right to be forgotten") in accordance with Article 17 of the GDPR. You also have the right to receive the data which you have provided to the Data Controller in a structured, commonly used and machine-readable format (**right to data portability**) in accordance with Article 20 of the GDPR, insofar as the processing is carried out by automated means and is based on consent in accordance with Article 6(1)(a) or 9(2)(a) of the GDPR or is based on a contract in accordance with Article 6(1)(b) of the GDPR. The right of access and the right to erasure are subject to the limitations set out in Sections 34 and 35 of the German Federal Data Protection Act (BDSG).

b) Withdrawal of consent

If processing is based on consent – e.g. for video recordings and photography – you can withdraw your consent to our processing of personal data at any time (GDPR Article 7(3)). The withdrawal of consent shall not affect the lawfulness of the processing carried out on the basis of such consent

before its withdrawal. The Data Subject shall be notified of this before giving consent.

c) Right to lodge a complaint

Without prejudice to any other administrative or judicial remedy, you may lodge a complaint with us or a data protection supervisory authority (GDPR Article 77 in conjunction with BDSG Section 19).

The competent supervisory authority in Baden-Württemberg is: The State Officer for Data Protection and Freedom of Information, PO Box 10 29 32, 70025 Stuttgart. Tel: 0711/615541-0. Fax: 0711/615541-15. Email: poststelle@ldi.bwl.de

d) Right to object in accordance with Article 21 of the GDPR

In addition to rights set out above, you have a right to object as follows:

Right to object on specific grounds

You have the right to object, on grounds relating to your particular situation and at any time, to processing of personal data concerning you which is based on Article 6(1)(f) of the GDPR (data processing on the basis of legitimate interests), including profiling based on these provisions as defined in Article 4(4) of the GDPR, if applicable. If you submit an objection, we shall no longer process your personal data unless we can demonstrate compelling legitimate grounds for processing which override your interests, rights and freedoms, or if processing is used to establish, exercise or defend legal claims.

Right to object to processing of data for marketing purposes

In some cases, we process your personal data for direct marketing purposes. You have the right to object at any time to processing of personal data concerning you for such marketing, including profiling if related to such direct marketing. Where you object to processing for direct marketing purposes, we shall no longer process your personal data for such purposes. You can submit an objection in any format to the office detailed under Section 1 of this Privacy Policy.