

DATA PRIVACY STATEMENT

We value your trust in us, and will use the utmost care and apply the highest possible security standards in order to protect your personal data from unauthorised access. The processing of personal data on our Website takes place in accordance with the provisions of the EU General Data Protection Regulation (GDPR).

1. Scope

Our data privacy statement applies to the processing of personal data in relation to the use of our Web shop. The statement fulfils our legal information obligations. We update our data privacy statement as and when it is necessary. You can call up, save and print the current version of our data privacy statement whenever you want. Because legal changes and changes to our internal company processes can make adjustments to this data privacy statement necessary, for example, we recommend that you call up and read our data privacy statement on a regular basis.

2. Data controller

The data controller as per the GDPR is:

ELCO GmbH
Hohenzollernstrasse 31
72379 Hechingen, Germany

Phone: +49 (0) 7471 187-0
Fax: +49 (0) 7471 187-111
E-mail: info@de.elco.net
www.elco.de

The persons specified as "representatives" in the site notice are authorised to represent the data controller.

3. Data protection officer

For questions relating to the collection, processing and usage of your personal data, information about your data, and to have your data corrected, blocked or erased, please send an e-mail to our data protection officer at: datenschutz@de.elco.net

4. General information about the processing of your personal data

The processing (collection, storage, retrieval, consultation, use, disclosure by transmission, erasure or destruction) of your personal data in accordance with Art. 4 Para. 2 GDPR always requires a legal basis or your consent.

We provide details about the processing of your personal data in the description of the data processing operation in question. In particular, these details include the following:

- The purpose of processing your personal data and the legal basis for this processing
- If processing is based on Art. 6 Para. 1 Clause 1 (f) GDPR, the legitimate interests being pursued by us or by a third party
- If third parties receive your personal data from us, the recipients or categories of recipients of your personal data
- If applicable, our intention to transmit your personal data to a third country
- Whether the provision of your personal data is motivated by legal requirements or contractual requirements or in order to conclude a contract, whether you are obliged to provide the personal data, and which possible consequences might arise if you fail to do so

We pass your personal data onto third parties only if you have consented to this or if there is a legal basis for doing so (e.g. in accordance with the GDPR).

Your personal data will be erased or blocked once it is no longer required for processing necessary to meet legal obligations and once the purpose of us having saved your data no longer applies.

For more information about storage periods and about the deletion/blocking of your personal data, see the description of the data processing operation in question.

When using our Website or entering into a purchase agreement at our Web shop, you will not be subjected to any decision that is based on the purely automated processing of your data including profiling (Art. 13 Para. 2 (f) GDPR, Art. 22 Para. 1 to 4 GDPR, Art. 4 No. 4 GDPR in conjunction with Art. 37 of the Federal Data Protection Act (BDSG)) that might have legal effect for you or that might otherwise affect you negatively in a significant way.

5. Access to Web pages and other files at our Web shop

a) Nature and scope of data processing

When you visit our Web shop, you will transmit data to our Web server via your browser software in order to find the Web page or other file that you are trying to call up. Each time you access a file or call up a page of our Website, data about the operation you have performed will be automatically saved in a log file on our Web server and processed. The following data will be recorded for each access/view and saved until it is time for it to be automatically deleted:

- IP address of the calling computer
- Date and time of the access
- Name and URL of the retrieved file
- Transmitted data volume
- Message as to whether the call was successful
- Identification data for the used browser and operating system

b) Purpose and legal basis

The legal basis for the processing of the data is Art. 6 Para 1 Clause 1 (f) GDPR.

The legitimate interest in the collection and processing of the data mentioned above arises from the fact that this data is required in order to enable the use of our Web shop (to establish a connection) and to display a called Web page, for example. It is not possible for you to visit our Website without the personal data mentioned above being processed.

In addition, we have a legitimate interest in saving your IP address as per Recital 49 GDPR due to the need to ensure IT security and, in particular, to protect our IT systems from misuse by unauthorised third parties and to prevent attacks on our Web server. This protects both the users of our IT systems and the personal data stored in those systems. In the case of attacks on our IT systems, we might be required by law to make the data in the log file available to the responsible authorities.

A further legitimate interest relates to the technical administration of the network infrastructure and the optimisation of our Website.

We are not able to associate the aforementioned personal data with individuals. We do not merge this data with other data sources.

c) Storage period

The data in the log file is saved for the duration of the communication process; the IP address is stored for longer (up to seven calendar days) in order to ensure IT security. This data is then deleted, unless specified otherwise, following statistical analysis.

d) Right to object

With regard to the processing of your personal data as per Art. 6 Para 1 Clause 1 (f) GDPR, you have a fundamental right to object as per Art. 21 GDPR. However, we do have compelling legitimate

grounds for our processing of data, since if we do not process this data, we cannot make our Website available or operate it.

6. Initiation, conclusion and performance of contracts at the Web shop

a) Nature and scope of data processing

aa) We require personal data for the initiation, conclusion and performance of contracts with customers.

- If the user places an order as a guest, we collect this data using an input form and during the ordering process.
- If the user has set up a user account, we load the data that has already been saved for that account during the ordering process to facilitate ordering for the user. The user can change the saved data. In addition, if a user account exists, we will still need more information about the specific ordering process.

bb) We save the following information in addition to information about the ordered goods and services when initiating and concluding contracts:

- Your title, first name and last name
- Your e-mail address (so the e-mail address associated with an e-mail account to which you have access and can use to send and receive messages on behalf of and for the company you represent)
- Your mobile phone and/or landline number
- The name of the company you are acting on behalf of or ordering for
- The address (street/road, building no., postcode, town/city and country) of the company you are acting on behalf of or ordering for
- A delivery address for your company
- An invoicing address for your company
- An e-mail address in your company for the receipt of electronic invoices along with your consent/lack of consent, as applicable, to the receipt of electronic invoices
- The VAT ID of your company
- If applicable, further evidence of entrepreneurial capacity

Required entries are indicated by an asterisk on the input form.

In addition, we save other contract provisions and the applicable terms and conditions along with any related correspondence during the initiation and conclusion of contracts.

In order to perform a purchase agreement, so to handle the delivery of the goods and the payment of the purchase price as well as the shipping costs if applicable, we – where necessary – pass on your data to the service providers used for these tasks. For example, we pass your first and last name and the delivery address to a company commissioned to deliver the goods to the agreed recipient. The same applies for the performance of a contract about rendering services in that we might need to pass your contact data onto a subcontractor commissioned by us.

The provision of personal data for concluding a contract is not prescribed in law. However, the provision of personal data is required in order to create and realise a contract including to deliver the goods or render the contracted service. If you do not provide us with the required personal data, we might not be able to conclude or realise the contract in question.

b) Purpose and legal basis

aa) We collect and process the data you provide to the extent that it is required to create, perform and complete the contract. This includes the initiation and conclusion of the contract, the rendering of the contracted performance (i.e. the handling of the goods delivery or the rendering of the service) and the handling of payment along with the processing of any complaints, warranty claims or measures in the case of delayed payment. The legal basis is Art. 6 Para. 1 Clause 1 (b) GDPR.

bb) In particular:

- We collect, save and use your title and your first and last name in order to identify you, check your authority to represent your company, and communicate with you.
- We collect, save and use your e-mail address to communicate with you and to conclude and handle the contract; notably to send you a confirmation that we have received your order by e-mail (Art. 312i Para. 1 Clause 1 No. 3 of the German Civil Code (BGB)), to accept/reject your order by e-mail, and – if applicable – to confirm the shipping of the ordered goods.
- We collect, save and use the mobile telephone number you provide us with – where required – to contact you immediately if we have any questions about your order. As is normal for the sector, our contact partners for concluding contracts and deliveries are often in the field (e.g. at construction sites) and cannot be reached at the office. This means that communication via post, fax and e-mail is frequently not sufficient if we need to make contact quickly. If you are unable or do not wish to provide a mobile number, you can specify a landline in this field instead. If you do not wish to provide a mobile number or a landline number, you can contact our support team. For the avoidance of doubt, telephone numbers collected via the input form are not used for advertising purposes.
- We collect, save and use the customer master data of your company (such as the corporate name and address) to identify the company as a contract partner and to carry out the delivery, billing and invoicing processes.
- We collect, save and use the delivery address to make the delivery, the invoicing address to issue and send the invoice in a way that complies with VAT law, and the payment method to take payment.
- If you provide us with an e-mail address so that we can send you an electronic invoice, we will use this e-mail address only to send that electronic invoice. An electronic invoice is an invoice that is issued and received in electronic format (Art. 14 Para. 1 Clause 7 of the German Value Added Tax Act (UStG)). The consent of the recipient is required before an invoice can be sent electronically (Art. 14 Para. 1 Clause 6 UStG).
- We collect, save and use your VAT ID to check entrepreneurial capacity (especially because the Web shop is not intended for end-consumers) and to create invoices. We might need further evidence of your commercial activity such as a business registration or trade register extract. If this is the case, we will let you know.

c) Storage period

- aa) Your personal data will be erased or blocked once it is no longer required for processing necessary to meet our obligations arising from the contract in question and once the purpose of us having saved your data no longer applies. We might save your data beyond this period in order to comply with contractual or legal obligations. If this is the case, the processing of your data will be restricted during this time.
- bb) It might be necessary to continue storing your personal data once the contract is complete in order to meet contractual or legal obligations, e.g.:
- To comply with retention obligations arising from commercial or fiscal law (e.g. in accordance with the German Commercial Code and General Fiscal Law), with retention periods of up to ten years from the end of the calendar year
 - To assert or exercise entitlements or rights or to defend ourselves against the asserted rights or entitlements of others in accordance with legal provisions regarding the statute of limitations, which can extend up to 30 years from the start of the statutory limitation period. For example, your entitlements as a buyer with regard to defects in the goods from your purchase agreement expire by limitation in accordance with Art. 438 BGB.

cc) Your data will not be erased or deleted if you have given consent for it to be stored and processed for a longer period of time, e.g. when consenting to the requirements for your user account in the Web shop. If you delete your user account, we will also delete all personal data relating to it unless, for the avoidance of doubt, there is a reason as per Clause aa or bb to save it for a longer period.

7. User account for Web shop for B2B customers

a) Nature and scope of data processing

aa) We have set up our own Web shop for our business customers. You can choose to create a user account for our Web shop. You can also place orders as a guest without creating a user account.

bb) Our Web shop includes user role management. We automatically assign the role of "ADMINISTRATOR" to the first user from any particular company to register. This can be changed later in the Web shop.

When you open a user account as an administrator, you must provide information (and possibly evidence) about your authority to represent your company.
Additional users from the same company who are invited by an administrator to register as a user of our Web shop are given the role "User" by the administrator.

cc) When user accounts are set up, a distinction is made between user accounts for existing customers and user accounts for new customers. In the case of existing customers, data might already exist, meaning that we have no need to collect it again. This might be the case for the verification of entrepreneurial capacity, for example. The specific data that is collected is evident from the input form in question.

dd) We collect, save and use the following data for your user account:

- Your customer master data, e.g. your title, first and last name, postal address, e-mail address, mobile and landline number and any other contact information that you provide
- Your user role
- The access data that you specify, i.e. in addition to your e-mail address, which is used as your user name, the password that you want to use to log on to our Web shop
- The name of the company you are acting on behalf of or ordering for
- The address (street/road, building no., postcode, town/city and country) of the company you are acting on behalf of or ordering for
- The sector in which your company is active
- An e-mail address in your company for the receipt of electronic invoices along with your consent/lack of consent, as applicable, to the receipt of electronic invoices
- The VAT ID of your company
- If applicable, evidence of your entrepreneurial capacity (e.g. business registration or trade register extract)

Required entries are indicated by an asterisk on the input form.

We collect, save and use your user role for user role management. Without this information, we cannot set up your user account and we cannot assign user roles and rights or use this information for the ordering process.

We collect, save and use your title and your first and last name in order to identify you, check your authority to represent your company, and communicate with you.

We collect, save and use the customer master data of your company (such as the corporate name and address) in order to conclude contracts with your company.

We collect, save and use the information on the sector of your company to complete your customer master data.

For information on the processing of further data during the initiation, conclusion and performance of contracts with you, please see the section "Initiation, conclusion and performance of contracts at the Web shop".

ee) A safe registration and identification process is vital to protect your access data from misuse. We use the e-mail address you specify as your logon name. We save and use your e-mail address so that you can use it as your user ID (logon ID) when logging onto our online shop. We save and use the password that you define when you create your user account as part of your customer master data to allow you to log onto our Web shop. Subsequently changed passwords are also saved. Your password will be saved in encrypted form so that we cannot actually access it ourselves. You must choose your password yourself.

ff) We save the following information associated with your user account in the dedicated customer database:

- The data listed in dd) for the future conclusion of contracts for purchasing goods or the rendering of services

- Further data that you specify during the ordering process (e.g. delivery settings and details or payment methods and details)

We use the data saved in the customer database for your user account for the ordering process in the Web shop, to conclude contracts in the Web shop, and to process the subsequent contract (e.g. for delivery and payment processes and to process questions and complaints). We can display the data saved in our customer database for your user profile directly during the ordering process so that you do not need to enter the data again, for example.

gg) We also collect the following data and save it for your user account in the customer database:

Your account and order history (i.e. transaction data such as information on all of your contracts for the purchase of goods or rendering of services along with information on the processing of these contracts and their status (completed/open) along with invoices and payment data)

We use this information so that we can show it to you when you call up your account/order history. Like all of the data associated with your user account that is saved in our customer database, we also use this data to process contracts we enter into with you and to answer any inquiries you might have in the future.

hh) We collect information that you provide when placing inquiries with our customer services team (customer service inquiry data) and save this information for your user account in our customer database. We use this data to process contracts that we enter into with you and to answer future inquiries from you.

If you make an inquiry (e.g. about your order history or as a request for proof of purchase) or require advice, our customer services team accesses the data in your user profile.

ii) We save your consent management settings.

jj) We also use the data you provide us with and the data saved for your user profile along with other data that we might have received from you elsewhere (e.g. via our field staff) to detect any discrepancies or anomalies and to prevent misuse. We might perform data synchronisation.

We use your contact data such as your e-mail address, telephone number and postal address to contact you by e-mail, phone or post if we notice any discrepancies, anomalies or reasons to suspect misuse.

kk) The provision of personal data for setting up your user account and the provision of further personal data for the other purposes stated above are not required by law. However, the provision of this personal data is required for practical purposes.

If you choose not to provide us with the required personal data, we cannot set up your user account or make it available for the intended use and therefore we cannot render the other listed services.

b) Purpose and legal basis

The legal basis for the processing actions regarding your personal data listed in a) for the purposes stated in a) is your granted consent (Art. 6 Para. 1 Clause 1 (a) GDPR).

c) Storage period

In accordance with your consent, your personal data will be saved for your user account in our customer database for thirty days and will then be deleted if you do not place an order with us during this period.

However, if you do place at least one order with us during this period, we will save your personal data in your user account including the account and order history (e.g. transaction data) or your customer service inquiry data for ten calendar years from the end of the calendar year in which you placed your last order with us.

d) Revocation of consent

You are entitled to revoke your consent at any time effective for the future by deleting your user account in the "My ELCO" area.

8. Digital newsletter

a) Nature and scope of data processing

If you wish to subscribe to our digital newsletter, we require your consent to us sending the digital newsletter to you and to us collecting, saving and using the e-mail address that you provide during the registration process for this purpose where this is required to set up your subscription, send the digital newsletter and process the cancellation of your subscription where applicable.

We use a double opt-in procedure for subscriptions to our digital newsletter. This means that we will only send you our digital newsletter once you have confirmed that you wish to activate our digital newsletter service. To acquire this confirmation, we send you an e-mail with an activation link. By clicking this activation link, you confirm that you wish to receive our digital newsletter.

b) Purpose and legal basis

The e-mail address collected when you register for our digital newsletter will be used only to address you promotionally by means of the digital newsletter channel. By subscribing to our digital newsletter, you consent to us regularly sending you information about our products and services for heating solutions to the provided e-mail address. The processing of your e-mail address for the sending of our newsletter is based on your declaration of consent, which can be revoked at any time effective for the future (Art. 6 Para. 1 Clause 1 (a) GDPR in conjunction with Art. 7 GDPR and Art. 7 Para. 2 No 3 of the Law against Unfair Competition (UWG)).

c) Storage period

We will save your personal data for the duration of your newsletter subscription. When you cancel your subscription and confirm this via the confirmation e-mail we send you, we will delete your personal data unless you have consented to its further processing (Art. 6 Para. 1 Clause 1 (a) GDPR) as long as we are not entitled to save your e-mail address due to another legal basis (e.g. in accordance with Art. 6 Para 1 Clause 1 (f) GDPR in order to be able to demonstrate and prove your declaration of consent and content thereof until the end of the statutory period of limitation, particularly as per Art. 11 UWG).

d) Revocation of your consent

You consent voluntarily to receive our digital newsletter and to the associated processing of your personal data.

If you no longer wish to receive our digital newsletter, you can revoke your consent at any time effective for the future without stating any reason. You do so by sending an e-mail to NEWSLETTER@DE.ELCO.NET or by clicking the "Unsubscribe" link at the end of the newsletter.

You can also revoke consent by sending a message in accordance with the contact data stated in our site notice.

Each time we send you our digital newsletter, we remind you of the possibility of revoking consent to receive it.

9. Use of required cookies

a) Nature and scope of data processing

To make your visit to our Website as pleasant as possible and to enable the use of certain functions, we use cookies. Cookies are small text files that can be used as identifiers; in other words, they allow us to recognise a visitor during and after their visit to our Website and to save information about them (for example, the language settings they make, their logon status or the content of their shopping trolley). We use your Web browser to send these cookies to the hard drive of your computer where they are saved for the duration of your current visit. Please note that some cookies are set as soon as you enter our Website. You can prevent the saving of cookies on your computer by making corresponding settings in your browser. However, this can restrict the functions that can be used on our Web pages.

b) Information about purpose, legal basis and storage duration

The legal basis for data processing is Art. 6 Para. (1) Clause 1 (f) GDPR. Our legitimate interest is that we need to use these cookies in order to present you with a working, user-friendly Website.

c) Google Analytics Web analytics service

This Website uses Google Analytics, a Web analytics service offered by Google Inc. ("Google"). Google Analytics uses cookies, which are text files that are stored on your computer to enable the analysis of how you use our Website. The information generated by cookies about your use of this Website will usually be transmitted to a Google server in the US and saved there. However, if IP anonymization is activated on this Website, Google will truncate your IP address beforehand within Member States of the European Union or other parties to the Agreement on the European Economic Area. Your full IP address will be transmitted to a Google server in the US and truncated there only in exceptional cases. Google uses this information on behalf of the operator of this Website to evaluate the use of our Website, compile reports on Website activities, and to render further services to the operator of this Website in relation to Website and Internet usage. The IP address that is transmitted by your browser for the purpose of Google Analytics is not associated with any other Google data. You can prevent the storage of cookies by making a corresponding setting in your browser software; however, we expressly point out that in this case, you might not be able to use all of the functions of this Website to their full extent.

You can also prevent the recording of data generated by the cookie in relation to your use of the Website (including your IP address) along with the processing of this data by downloading and installing the browser plug-in that is available at <https://tools.google.com/dlpage/gaoptout?hl=en>.

Google Analytics is initialized on this Website with the setting "anonymizelp", which means that the last part of your IP address will be masked to ensure that it is recorded in an anonymised manner.

For more information about usage conditions and data privacy, see <https://marketingplatform.google.com/about/analytics/terms/gb/> or <https://policies.google.com/?hl=en-GB&gl=de>.

If you are not in agreement with the saving and evaluation of this data from your visit, you can object to the saving and usage of the data at any time as follows at the click of a mouse. If you do so, an opt-out cookie is saved in your browser. It prevents Google Analytics from collecting any session data. Caution: If you delete your cookies, the opt-out cookie will also be deleted and you must activate it again if desired.

Click here to store the opt-out cookie on your computer

c) Right to object

With regard to the processing of your personal data as per Art. 6 Para 1 Clause 1 (f) GDPR, you have a fundamental right to object as per Art. 21 GDPR.

However, in the case of cookies that are necessary for technical reasons, we do have compelling legitimate ground for the processing of this data, since if we do not process this data, we cannot make our Website or the functions it offers available to you or cannot do so in an orderly manner.

If you reject cookies that are intended to improve the functionality or user-friendliness of the Website, you might not be able to use all of the functions of our Website to their full extent or errors might occur during the display or usage of our Website.

You can prevent the saving of cookies in your browser software settings. As a rule, browsers provide various functions that you can find out more about in the help function of your browser software. Generally, you can set up your browser so that cookies are automatically blocked, so that only cookies from certain Websites are allowed or so that you are warned before a cookie is saved. In addition, you can set up your browser so that saved cookies are subsequently deleted. For more information, use the help function of your browser.

10. Processing of communications using the contact form or e-mail

a) Nature and scope of data processing

On our Website, we allow you to send us messages via our contact form and to send us e-mails. Legal provisions oblige us to provide you with information that allows you to make contact with us quickly via digital means and to communicate with us directly.

When you use our contact form, you can enter your first and last name, e-mail address, telephone number and your message. The entry of this information is voluntary. We can only use your proper name when contacting you if you share it with us. We can only contact you by e-mail or telephone if you provide us with your e-mail address and/or telephone number.

When you send us a message using the contact form, it is transmitted in encrypted form using SSL.

When you send us a message using our contact form or by e-mail, we use the information you provide to the extent that it is required to process your message (e.g. to answer your question or to meet your need for information).

If you send us an unencrypted e-mail, your e-mail is not protected from being read or changed by unauthorised third parties during the transmission process. If you wish to send us an e-mail in unencrypted form, please contact us first. We use software to filter out undesired advertising e-mails (SPAM filter). Although it is not intended, we cannot guarantee that the filter software will not sometimes classify desired e-mails as undesired advertising and send them to a special SPAM folder or delete them. We also use software to protect us against e-mails that contain malware such as computer viruses. E-mails of this kind are also deleted.

b) Purpose and legal basis

The legal basis for the collection and processing of data is Art. 6 Para. 1 Clause 1 (a) GDPR if you have given your consent.

If your inquiry serves as the basis for preparing or realising the conclusion of a contract with us, the legal basis for the processing of your personal data is Art. 6 Para. 1 Clause 1 (b) GDPR.

Otherwise, so if you make contact with us by e-mail or using our contact form for a reason other than the cases outlined above, the legal basis is Art. 6 Para. 1 Clause 1 (f) GDPR. Our legitimate interest for the processing of your personal data arises from the need to process your message, so to answer your question or meet your need for information.

c) Storage period

Once your message has been processed in full, your information will be deleted unless our legal retention obligations require us to retain it and as long as you have not granted your consent for us to save and use your data for a longer period of time. Please refer also to our general information about the deletion of personal data.

d) Right to object

With regard to the processing of your personal data as per Art. 6 Para 1 Clause 1 (f) GDPR, you have a fundamental right to object as per Art. 21 GDPR.

11. Our security standards

When you use our Website, your personal data is transmitted via the Internet using the Secure Socket Layer (SSL) security protocol. This technology offers a high level of security and is therefore also used by banks to protect online banking data, for example. We secure our Website and other systems using technical and organisational measures to prevent the loss or destruction of your data and the accessing, changing or distribution of your data by unauthorised persons.

12. Rights of the data subject

In accordance with the provisions of the GDPR, you are entitled to the following data subject rights where the prerequisites in question apply:

- Right to access information about the personal data we store about you in accordance with Art. 15 GDPR
- Right to have incorrect data rectified in accordance with Art. 16 GDPR
- Right to erasure of personal data we store about you in accordance with Art. 17 GDPR
- Right to have the processing of the personal data we store about you restricted in accordance with Art. 18 GDPR
- Right to data portability in accordance with Art. 20 GDPR
- Right to withdraw consent in accordance with Art. 7 Para. 3 GDPR in the case where consent has been granted to us; if you do so, we will no longer be permitted to continue the data processing to which you previously gave consent, effective for the future.
- Right to lodge a complaint with a supervisory authority in accordance with Art. 77 GDPR if you believe that the processing of your personal data infringes upon the provisions of the GDPR

13. Right to object

In cases where the processing of your personal data is based on legitimate interests as per Art. 6 Para. 1 Clause 1 (f) GDPR, you have the right in accordance with Art. 21 GDPR to object to the processing of your personal data on grounds relating to your particular situation.

If you wish to enforce your right to object, simply send an e-mail saying so to: info@de.elco.net.

If you submit an objection, we will refrain from processing your personal data in the future unless we

are able to demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms.