

Privacy Notice of Messer Industriegase GmbH for Business Contacts, Business Partners and Customers

Introduction

This document serves to inform you as a business contact, business partner or customer of Messer Industriegase GmbH with its subsidiaries about the processing of your personal data.

Personal Data

Personal Data means any information that can be related to you as a natural person. This also includes information that can only be related to you indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier. A natural person is also considered to be identifiable if it can be identified on the basis of one or more factors specific to the physical, physiological, genetic, psychological, economic, and cultural or social identity of that natural person.

1. Scope of Application; Responsible entity for your data

The Messer Industriegase GmbH (herein after “**Messer**”) is responsible for the processing of your business contact information and contract-related data within the frame of the business relationship with your employer/your company.

2. Contact details of the controller and the data protection officer

a) Contact details of the controller

Messer Industriegase GmbH
Messer-Platz 1
65812 Bad Soden
Phone: +49 6196 7760-200
info.de@messergroup.com

b) Contact details of the data protection officer

The contact details of each data protection of Messer is: officer are the following:

Messer Industriegase GmbH
Data Protection
Messer-Platz 1
65812 Bad Soden
Phone: +49 6196 7760-200
E-Mail: datenschutz.migg@messergroup.com

3. Which Data is Messer Industriegase GmbH processing?

In the normal course of business relationship and the contractual business, Messer Industriegase GmbH will process the following types of personal information:

a. Business contact Information

- Name and surname, business telephone number, business e-mail address, business postal address
- Further information on your position in your company and activities with respect to Messer Industriegase GmbH
- If necessary, personal CRM information, such as information concerning your gender and date of birth
- Information needed for compliance and risk management, including quality assessments of the products and services of your employer/your company

This data is hereinafter referred to as “**business contact data**”.

b. Contract-related data

- Name, surname, date of birth, place of birth, address, telephone number, fax number, e-mail address of business partners, customers and suppliers
- Personal data of natural persons in relation to orders of gases and other items or products
- Personal data as bank details, tax number, booking number, and other relevant data on invoices or accounting

This data hereinafter referred to as “**contract-related data**”.

4. What does Messer Industriegase GmbH do with the Data?

In the normal course of customer relationship and the contractual business, Messer Industriegase GmbH will conduct the following processing activities (purpose):

- Business contact data and contract-related data are processed in order to conclude, execute, fulfill and terminate B2C and B2B agreements with you as our business partner or with the entity you represent. This includes the contract processing in order to provide or supply gases other items or products, including a working customer management;
- Business contact data and contract-related data are stored in Messer Industriegase GmbH's CRM system and processed to establish and maintain a business relationship with you and your company;
- Business contact data and contract-related data may be processed for the purposes of internal reporting;
- Business contact data and contract-related data are processed within the frame of supplier management;
- Business contact data and contract-related data are processed for the purpose of compliance and risk management, including quality assessments of the products and services of your company.

5. General Information

a) Your Rights

On request, you have the **right to obtain information** on your stored personal data (Art. 15 GDPR).

Additionally, you have the **right to obtain the rectification of inaccurate personal data** (Art. 16 GDPR),, the **right to obtain a restriction of excessively processing of personal data** (Art. 18 GDPR) as well as the **right to obtain the erasure** (Art. 17 GDPR) of unlawfully processed personal data or data which is stored too long (as far as there are no legal obligations and no other reasons according to Art.17 para. 3 GDPR to store the data). Furthermore, you have the right to receive your personal data (Art. 20 GDPR), which you have provided to Messer Industriegase GmbH in case you have provided your data to Messer Industriegase GmbH within your consent or to fulfill a contract. The data will be given to you (or a third party you name), in a structured, commonly used and machine-readable format (**right to data portability**).

We also refer to your right to object the data processing (right of objection, Art. 21 GPDR)) in the section below

b) (Processing of Business Contact Data)

In order to exercise your rights you can write an e-mail to datenschutz.migg@messergroup.com.

You also have the right to complain to a data protection supervisory authority about our processing of your personal data (Art. 77 GDPR).

b) General Information about the legal Basis of all listed processes

• Processing of Business Contact Data

The processing of your business contact data by Messer Industriegase GmbH is based on Art. 6 (para. 1) lit. (f) GDPR. According to Art. 6 (para 1) lit. (f) GDPR the processing of personal data is lawful if the processing is necessary for the purpose of the legitimate interests pursued by Messer Industriegase GmbH, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data. Messer Industriegase GmbH's legitimate interest consists in the use and maintenance of the contact details of contractual partners or potential future partners.

Personal data is also used for the purpose of advertising, provided that we have either received your explicit consent or we can rely on a legitimate interest according to Art. 6 para. 1 lit. (f) GDPR. Such advertising can be made through various channels, in particular by e-mail, by post or by telephone. You have the opportunity to revoke your consent at any time or to object to the advertising (the objection is not associated with any costs other than the usual postage or telephone costs).

You can object to this data processing for marketing purposes at any time without giving any reason.

Furthermore, you can generally object to this data if there are reasons which exist in your particular situation and which speak against the data processing. In order to do so you can write an e-mail to the data protection officer.

- **Processing of contract-related Data**

The processing of contract-related data by Messer Industriegase GmbH is based on Art. 6 para. 1 lit. (b) GDPR. According to Art. 6 para. 1 lit. (b) GDPR the processing of personal data is lawful if the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. Messer Industriegase GmbH processes contract related data to execute a contract with their customers to supply and provide gases, other items or products, including related customers and service performances.

- c) **General Information about Messer Information Services as a recipients of data**

The IT-systems with which your data are processed are hosted by the Messer Information Services GmbH ("MIS"). In this context, MIS does only carry out data processing activities on behalf and according to the instructions of Messer Industriegase GmbH.

- d) **Recipients or categories of recipients of data**

Messer Industriegase GmbH only transfers data to third parties if there is a legal basis for this, such as in particular consent to transfer to third parties, the execution of a contract requires this, a balancing of interests justifies this (especially within the Messer Industriegase GmbH) or to fulfill legal requirements, under which we are required to provide information, reporting or disclosure of data. Otherwise, data will only be transferred to external service providers who process the data exclusively on our behalf.

Within the Messer Industriegase GmbH, the internal departments and organizational units who need your data in order to fulfill their tasks will receive personal data.

- e) **General Information about Storage Period**

Data of business contacts and contract-related data are generally only deleted if you object to the further processing.

All personal data of business contacts, business partners and customers that were processed within the frame of the conclusion and the execution of an agreement are stored according to the applicable national storage regulations (especially tax- and commercial law) for a period of up to 10 years.

- f) **Information according to Art. 13 (para. 2) lit. e GDPR:**

The provision of your business contact data and contract-related data is necessary to enter into and execute a contract/a business relationship. You are not obliged to provide your personal data. There are no consequences, if you fail to provide your personal data. However, using your personal data as the contact person of your company facilitates the business relationship between Messer Industriegase GmbH and your company respectively your employer.

Version 1.3

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