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# Privacy policy

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## DPD Business Partner and Applicant EN

issue V1.2

# LIEBHERR

Liebherr Mining Equipment SAS

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# Privacy policy

We, Liebherr Mining Equipment Colmar SAS, attach great importance to the protection and security of your personal data. Therefore, we consider it vital to inform you in the following about which of your personal data we process for what purpose and what rights you have in respect of your personal data.

## A. General information

### I. What is personal data and what does processing mean?

- “Personal data” (hereinafter also referred to as “data”) are all the details that make a statement about a natural person. Personal data are not just details that allow a direct conclusion to be drawn about a certain person (such as the name or e-mail address of a person), but also information with which with suitable additional knowledge a connection can be made with a certain person.
- “Processing” means any action taken with your personal data (such as collection, recording, organisation, structuring, storage, use or erasure of data).

### II. Who is the controller for the processing of your data?

The data controller determines the purposes and means of a processing operation, i.e. the objective and the way it is carried out. The controller for the processing of your data is:

Liebherr-Mining Equipment SAS  
49 rue Frédéric Hartmann  
68025 COLMAR  
France  
Telephone: +33 3 69 49 20 00  
E-mail: Info.min@liebherr.com

### III. How can you reach our data protection officer?

Our data protection officer can be reached at the following contact details:

E-mail: DPO.France@liebherr.com

### IV. What rights do you have as a data subject?

As a data subject, you have the right, within the legal scope, to:

- Information about your data;
- Rectification of inaccurate data and completion of incomplete data;
- Erasure of your data, particularly if (1) they are no longer necessary for the purposes stated in this Data Protection Declaration, (2) you have withdrawn your consent and there is no other legal ground for the processing, (3) your data have been unlawfully processed, or (4) you have objected to the processing and there are no overriding legitimate grounds for the processing;
- Restriction of the processing of your data, particularly if the accuracy of the data is contested by you or the processing of your data is unlawful and instead of deletion you demand restriction of use;
- Object to processing of your data based on legitimate interests, on grounds relating to your particular situation, or, without specific justification, to processing of your data carried out for direct marketing purposes; unless it is an objection to direct marketing, we ask that you explain the reasons why we should not process your data as we may do, when you lodge an objection. In the event of your reasoned objection, we will examine the merits of the case and cease processing unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims;
- Receive your data in a structured, commonly used and machine-readable format and to have your data transmitted from us directly to another controller;

- Withdraw consent, if you have given us consent for processing. Please note that the lawfulness of processing based on consent before its withdrawal will not be affected by your withdrawal.

If you assert any of the above-stated rights, please understand that we may require you to provide evidence showing that you are the person you claim to be.

Furthermore, you have the right to lodge a complaint with a supervisory authority (Commission Nationale de l'Informatique et des Libertés - CNIL - [www.cnil.fr](http://www.cnil.fr)) if you consider that the processing of your data infringes the GDPR.

## B. Data processing

### I. Cooperation with business partners and recruiting management

In the scope of cooperating with business partners, we process data concerning contacts at our customers, prospective customers, sales partners, suppliers and partners (hereinafter referred to as “**business partner(s)**”).

Within the framework of the company's human resources management, we process data concerning applicants (hereinafter referred to as “**Applicant(s)**”)

#### What data do we process and for what purpose?

We process the following data:

For business partners:

1. Contact details, such as first and last names, business address, business telephone number, business mobile telephone number, business fax number and business email address,
2. Payment information, such as details required to effect payment transactions or to prevent fraud, including credit card details and card validation codes,
3. Further information the processing of which is required in the scope of a project or the settlement of a contractual relationship with Liebherr, or which are freely disclosed by business partners, e.g. in the scope of placed orders, enquiries or project details,
4. Personal data that are captured from publicly accessible sources, information databanks or from credit agencies, and
5. Provided these are lawfully required in the scope of compliance screenings: date of birth, ID and ID numbers, information about relevant court proceedings and other legal disputes in which business partners are involved.

For applicants:

6. Identity and identification data such as first and last name, gender, personal e-mail, personal telephone number, login details for the online application site.

These data are in principle processed by us solely for the following purposes:

1. Communication with business partners about products, services and projects, e.g. to deal with enquiries from business partners or to provide technical details of products (data categories used: 1, 3)
2. Planning, performance and administration of the (contractual) business dealings between Liebherr and the business partner, e.g. in order to handle the ordering of products and services, to collect payments, for book-keeping and settlement purposes, to carry out deliveries, maintenance or repairs (data categories used: 1, 2, 3, 4 and, if appropriate, 5)
3. Carrying out customer surveys, marketing campaigns, market analyses, sweepstakes, competitions or similar promotions and events (data category used: 1)
4. Complying with (i) legal requirements (e.g. applicable to retention obligations under tax law and commercial law), (ii) existing obligations regarding the carrying out of compliance screenings (in order to prevent white collar crime and money-laundering) and (iii) Liebherr guidelines and industry standards (data categories used: 1, 2, 3, 4 and 5)
5. Resolving legal disputes, enforcing existing contracts and asserting, exercising and defending legal claims (data categories used: 1, 2, 3, 4 and 5)
6. Application management (data categories used: 6)

Processing for other purposes may only be considered if the necessary legal requirements pursuant to Article 6 para. 4 GDPR are met. In that case, we will of course comply with any information obligations pursuant to Article 13 para. 3 GDPR and Article 14 para. 4 GDPR.

## **On what legal basis do we process your data?**

The processing of your data is based on the following legal ground(s):

- Consent (Article 6 para. 1 point a GDPR) [applies to purpose 3]
- Performance of a contract or in order to take steps prior to entering into a contract (Article 6 para. 1 point b GDPR) [applies to purposes 1, 2, 4]
- Legitimate interests (Article 6 para. 1 point f GDPR) [applies to purposes 3, 5, 6]
- Compliance with a legal obligation (Article 6 para. 1 point c GDPR) [applies to purpose 4 i, ii]

Our legitimate interests pursued are:

- Commercial interests (purpose 3, 5)
- Customer service (purpose 3)
- Product improvement (purpose 3)
- Hazard detection (purpose 3)
- Customer loyalty (purpose 3)
- Recruitment management (Purpose 6)

You have the right to withdraw given consent at any time with effect for the future. The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

You have the right to object, on grounds relating to your particular situation, at any time to processing based on Article 6 para. 1 point f GDPR.

## **II. Data recipients**

We may transmit your data to:

- Other companies of the Liebherr Group, provided this is necessary to initiate, perform or terminate a contract, or for our part we have a legitimate interest in the transmission and your predominant legitimate interest is not opposed to this; (data category 2)
- Our service providers that we use in order to achieve the above-stated purposes; (data categories 1, 2, 3, 4 and 5)
- Courts of law, courts of arbitration, authorities or legal advisers, if this is necessary to comply with current law or for the establishment, exercise or defence of legal claims. (data categories 1, 2 and 5)
- Other companies within the Liebherr Group in the context of recruitment management (data category 6)

## **III. Data transfers to third countries**

The transfer of data to bodies in countries outside the European Union or the European Economic Area (so-called third countries) or to international organizations is only permissible (1) if you have given us your consent or (2) if the European Commission has decided that an adequate level of protection exists in a third country (Article 45 GDPR). If the Commission has not made such a decision, we may only transfer your data to recipients located in a third country if appropriate safeguards are in place (e.g. standard data protection clauses adopted by the Commission or the supervisory authority following a specific procedure) and the enforcement of your data subject rights is ensured or the transfer is permissible in individual cases on the grounds of other legal bases (Article 49 GDPR).

Where we transfer your data to third countries, we will inform you of the respective details of the transfer at the relevant points in this data protection declaration.

## **IV. Data erasure and storage period**

We will process your data as long as this is necessary for the respective purpose, unless you have effectively objected to the processing of your data or effectively withdrawn any consent you may have given.

Insofar as statutory retention obligations exist, we will be bound to store the data in question for the duration of the retention obligation. Upon expiry of the retention obligation, we will check whether there is any further necessity for the processing. If there is no longer such a necessity, your data will be deleted.

## **V. Automated individual decision-making**

Within the framework of the cooperation with business partners and within the framework of the recruitment management, we, in principle, do not use fully automated decision-making within the meaning of Article 22 GDPR. Should we use these procedures in individual cases, we will inform you about this separately if this is required by law.

## **VI. Profiling**

We process your data in part by automated means with the aim of evaluating particular personal aspects (profiling). We utilize profiling in the following cases:

1. Due to legal and regulatory provisions, we are bound to combat money laundering, the financing of terrorism and crimes that endanger assets. This includes analysing data (inter alia in payment transactions). At the same time, these activities contribute to your own protection (Purpose 4).
2. We employ credit scoring to enable us to assess your credit worthiness. Using this system, we can calculate the probability of a customer meeting his or her financial obligations according to contract. Income circumstances, expenditure, existing liabilities, profession, employer, duration of employment, experience of the business connection to date, repayment of previous credit in line with agreements, and information from credit bureaus, are all considerations in this calculation. Credit scoring is based on a mathematically and statistically accepted, proven procedure. The score values thus computed support us in our decision-making in the form of ratings and constitute part of current risk management (Purpose 2).

## **VII. Data security**

We use technical and organisational security measures in order to ensure that your data are protected against loss, inaccurate alteration or unauthorised access by third parties. Moreover, for our part in every case, only authorised persons have access to your data, and this only insofar as it is necessary within the scope of the above-stated purposes.