

Privacy Statement for Customers and Business Partners

Below you will find the information that must be provided in accordance with Articles 13 and 14 of the General Data Protection Regulation (“**GDPR**”) on the processing of personal data of users of our products as well as our customers, business partners and contact persons at companies which are customers or business partners (hereinafter “**you**” or “**your**”) by KOSTAL Solar Electric GmbH (hereinafter “**we**” or “**us**”).

A. Data controller and data protection officer

KOSTAL Solar Electric GmbH, Hanferstr. 6, 79108 Freiburg i. Br., Germany
info-solar@kostal.com, telephone +49 (0) 761 47744-100.

Data Protection Officer of the KOSTAL Group, An der Bellmerlei 10, 58513 Lüdenscheid, Germany
dataprotection@kostal.com.

B. Information on the processing of personal data

Below you will find more detailed information on the processing of your personal data for the specified purposes and, for example, about the legal basis for this processing. If the legal basis for the processing specified therein is the balancing of interests, you can request additional information about the balancing of interests carried out by us using the contact details specified in **Section A**.

I. Processing inquiries from interested parties and customer concerns

If you contact us over the telephone, at a trade fair or in another way to express a concern or make an inquiry, we process your contact data and the information regarding your inquiry/concern in order to answer your inquiry or address your concern. These data usually include your name, the name of the company for which you work, your position in the company, your inquiry/concern, address data and telephone numbers as well as any verbal agreement we may have reached. You are not obliged to provide these data. However, without them, we are unable to properly process your inquiry/concern.

If you yourself are an interested party or a customer, the legal basis for the processing is to carry out pre-contractual measures in response to your inquiry or to perform a contract with you (point b to Art. 6(1) GDPR). Another legal basis of the processing is the balancing of interests (point f to Art. 6(1) GDPR). This applies if you are not acting on behalf of yourself but rather for a legal entity, for example as an employee. In such a case, our justified interest is to process the inquiry/concern you have expressed.

These data are transferred to our processor, Leopold Kostal GmbH & Co. KG, which operates the customer relations management system (CRM system) that we use, and to CAS Software AG, which has been entrusted with the maintenance work on the CRM system.

We store these data for the time it takes to process your inquiry/concern and afterwards for the applicable statutory retention period (section 257 German Commercial Code and section 147 German Tax Code). This retention period is currently six years for commercial letters and ten years for accounting vouchers, starting at the end of the calendar year in which a commercial letter is sent or

received or the accounting voucher is created. The legal basis for this extended retention period is to comply with our statutory obligation (point c of Art. 6(1) GDPR).

II. Newsletter

If you have subscribed to our newsletter, we process your name and your e-mail address in order to send the newsletter. The legal basis for the processing is the consent which you have granted to us (point a to Art. 6(1) GDPR). You are not obliged to provide these data. However, we cannot send you the newsletter without them.

These personal data are transferred to our processor for sending our newsletter, Inxmail GmbH.

We store these data until you revoke your consent or have cancelled your subscription to the newsletter in another way and to protect our justified interest in retaining evidence that you granted your consent at the beginning and to comply with your revocation on the basis of balancing interests (point f of Art. 6(1) GDPR) for three years starting when we receive your revocation.

We also keep a record of the fact that you opened the e-mail containing the newsletter in order to better understand our subscribers' interest in our newsletter and be able to optimise the newsletter, and we store these data in summarised form. The legal basis for this processing is the balancing of interests. The justified interest we pursue here is our interest in optimising our newsletter (point f of Art. 6(1) GDPR).

III. Bonus programme for customers

If we have agreed to give you a bonus for achieving a particular sales target, we process your contact data, bonus agreements and information about the transactions you have entered into with us and the resulting sales in order to verify the achievement of the target and document the granting of the bonus. The legal basis for this processing is to perform the contract with you (point b of Art. 6(1) GDPR). If we have entered into the bonus agreement not with you personally but rather with a company you represent, the legal basis of the processing of your personal data in this context is the balancing of interests (point f of Art. 6(1) GDPR). The justified interest we are pursuing in this case consists of implementing the bonus agreement with the company employing you. It is necessary to provide these data in order to enter into and implement the bonus agreement; without these data, we are unable to verify achievement of targets and entitlement to bonuses.

The recipient of the sales figures is Leopold Kostal GmbH & Co. KG, which operates the KOSTAL Group's enterprise resource planning system (ERP system) with us as joint controllers. The legal basis for this transmission is the balancing of interests. Our justified interest is to use the KOSTAL Group's central ERP system to efficiently implement our internal processes (point f of Art. 6(1) GDPR). Leopold Kostal GmbH & Co. KG is responsible for the security and operation of the ERP system. As for the rest, not only we but also Leopold Kostal GmbH & Co. KG are responsible for compliance with the rights of data subjects listed in Section C. You can assert these rights not only against Leopold Kostal GmbH & Co. KG but also against us at the address found in Section A.

We store these data until the bonus agreement has been fulfilled and thereafter for the applicable statutory retention period (section 257 German Commercial Code HGB and section 147 Tax Code). This retention period is currently six years for commercial letters and ten years for accounting vouchers, in each case starting at the end of the calendar year in which a commercial letter is sent or received or the accounting voucher is created. The legal basis for this additional retention period is compliance with our statutory obligation (point c to Art. 6(1) GDPR).

IV. Registering to use PARAKO software

A special password is necessary to use our PARAKO software to parameterise inverters. By requiring a password, we ensure that the software is only used by registered specialised electrotechnology companies, thus ensuring the technical safety of inverters when they are installed and operated. If you wish to use our PARAKO software, you must first register with us so that we can verify whether you will be using it for a specialised electrotechnology company. We provide you with a form that asks you for your company's name, address, telephone number, e-mail, your position in the company, your name and a signature noting where and on what date you signed the form. It is necessary to provide this information in order to register.

The legal basis for this processing is to perform a contract concluded with you (point b of Art. 6(1) GDPR). Another legal basis of the processing is the balancing of interests (point f of Art. 6(1) GDPR) if you are not acting for yourself but rather for a legal entity, for example as an employee. In such a case, our justified interests are in ensuring the safety of the inverters when they are installed and operated, which is in not only our interest but also the interest of the users of the inverters, and in having a direct contact for inquiries at the installers of each of our inverters.

We store these data for the time it takes to check a registration and thereafter during the applicable statutory retention period (section 257 Commercial Code). This retention period is currently six years for commercial letters starting at the end of the calendar year in which a commercial letter is sent or received. The legal basis for this additional retention is compliance with our statutory obligation (point c of Art. 6(1) GDPR).

V. Handover and start-up of PIKO system components

When you, as an installer, hand PIKO system components over to your end customer and start them up at the customer's premises, you must provide the end customer with a handover transcript that you have filled out and provide us with a copy of this transcript. This transcript contains not only the information that you provide in the checklist pictured there regarding the steps for the start-up but also your contact details and the contact details of the end customer at whose premises you have conducted the installation. You are not required to provide these data. However, without these data, we cannot monitor the fact that necessary steps have been taken and recommend you as an installer.

The legal basis for this processing is balancing interests (point f of Art. 6(1) GDPR). Our justified interest is to document any irregularities that occur at start-up. In the event of a later malfunction, this helps us to identify the possible source of the malfunction in the system and to improve our cooperation with you in connection with the installation.

We store these data for the system's warranty period. This period is usually two years as of the date of purchase. If you book a warranty extension, the retention period increases by at least the time of the extension.

VI. Processing warranties and registering for the service platform

When you contact us about a malfunction or defect in one of our products, for example to assert a warranty claim or request help in remedying a malfunction, we process your information on the product, the steps you have taken to remedy the malfunction and your contact details. For these purposes, you can contact us via e-mail, telephone, mail, fax or by means of a form on our website. If you register in the service area of our website for this purpose, we also collect the access information you provide.

You are not obliged to provide these data. However, without these data, we cannot examine your warranty claim or support you in remedying a malfunction. In order to register in the service area, you must provide the requested information.

We process these data in order to process your warranty claim or support you in remedying a malfunction.

The legal basis for this processing is fulfilling a contract concluded with you in the case of warranty claim processing (point b of Art. 6(1) GDPR). This is also the legal basis for processing access data for the website. If we have entered into a contract regarding the device that is the subject of the claim not with you but rather with the company you represent, the legal basis is balancing interests (point f of Art. 6(1) GDPR). In such a case, the data is processed to protect the company's interest in the processing of a warranty claim and to protect its interest in the fulfilment of contractual warranty obligations.

The recipient of the sales figures is Leopold Kostal GmbH & Co. KG, which operates the KOSTAL Group's enterprise resource planning system (ERP system) with us as joint controllers. The legal basis for this transmission is the balancing of interests. Our justified interest is to use the KOSTAL Group's central ERP system to efficiently implement our internal processes (point f of Art. 6(1) GDPR). Leopold Kostal GmbH & Co. KG is responsible for the security and operation of the ERP system. As for the rest, not only we but also Leopold Kostal GmbH & Co. KG are responsible for compliance with the rights of data subjects listed in Section C. You can assert these rights not only against Leopold Kostal GmbH & Co. KG but also against us at the address found in Section A. If the device regarding which you have asserted the warranty claim is to be replaced, we also transmit your contact details and data regarding your device to KOSTAL Industrie Elektrik GmbH, which is assigned to send the replacement device and, if necessary, an installer, if repairs or an installation are necessary at your premises.

We store these personal data for the time it takes to process the matter involving warranty or support and afterwards during the applicable statutory retention period (section 257 German Commercial Code and section 147 German Tax Code). This retention period is currently six years for commercial letters and ten years for accounting vouchers, in each case starting at the end of the calendar year in which a

commercial letter is sent or received or the accounting voucher is created. The legal basis for this extended retention period is to comply with our legal obligation (point c of Art. 6(1) GDPR).

VII. Inclusion in the list of certified installation companies

If you wish to register with us as a certified installation company, we process your contact details to implement the registration, and we publish your contact details in the list of certified installation companies on our website. Providing these data is a prerequisite for this certification.

The legal basis for this processing is the consent you grant (point a of Art. 6(1) GDPR).

Because we publish the contact details you give us on a web page which we have created for that purpose, they are visible to every person who has internet access. This means that the data can also be seen by persons in countries outside the European Economic Area with a different data protection level than that existing in Europe.

We store these personal data until you revoke your consent, but at the longest during the entire time period in which you participate in the programme for certified installation companies and for any statutory retention period thereafter (section 257 Commercial Code). This retention period is currently six years for commercial letters starting at the end of the calendar year in which a commercial letter is sent or received. The legal basis for this additional retention is compliance with our statutory obligation (point c of Art. 6(1) GDPR).

C. Information on the rights of data subjects

As a data subject, you have the following rights with respect to the processing of your personal data, which you can exercise by contacting us using the contact details specified in **Section A**:

- The right to obtain information (Article 15 GDPR) about which personal data from you we process. This includes additional information on the data processing, such as the purpose and legal basis of the processing and the recipients of these data. You also have the right to request a copy of these data.
- The right to obtain the rectification of inaccurate personal information concerning you and to have incomplete personal data completed (Article 16 GDPR).
- The right, in the cases provided for by law, to obtain the erasure of personal data concerning you (Article 17 GDPR), for example if the data are no longer necessary in relation to the purposes for which they were collected or if they were processed unlawfully.
- The right, in the cases provided for by law, to obtain the restriction of processing (Article 18 GDPR).
- The right to obtain the personal data concerning you that we process on the basis of consent granted by you or performance of a contract (see **Section B**) in a structured, commonly used and machine readable format (right to data portability, Article 20 GDPR).
- The right to withdraw any consent granted to us at any time. This does not affect the lawfulness of processing based on consent before its withdrawal.

- The right to lodge a complaint with a supervisory authority (Article 77 GDPR). You can find a list of the data protection supervisory authorities and their addresses [here](#).

Right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on point f of Article 6(1) GDPR (see **Section B**). We will then no longer process the personal data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights or freedoms or the processing is for the establishment, exercise or defence of legal claims

The above rights do not necessary apply to you without restriction in each individual case. The law provides for restrictions in each case. The full scope of your rights is set forth in the Articles referred to above, which can be accessed using the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679>.

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