

## **Data privacy policy of the SPAR Österreich-Gruppe**

The companies of the SPAR Österreich-Gruppe process personal data of the respective companies, their bodies and employees and, if applicable, of employees of authorities, courts, public bodies and interest groups (hereinafter: "Data Subjects") in various respects in the course of business relations with customers, suppliers and other potential, current or former business partners. This privacy policy informs the data subjects about the data processing activities in this respect.

The controller within the meaning of Article 4(7) of Regulation (EU) 2016/679 ("General Data Protection Regulation" or "GDPR") for the processing activities is the respective company of the SPAR Österreich Gruppe with which the business partner concerned has or had a legal relationship (hereinafter "we"). The appendix to this Privacy Policy contains a list of our companies. You can also reach us in data protection matters using the contact details provided in the e-mail signature of your respective SPAR contact person.

### **A. PROCESSING ACTIVITIES**

#### **1. Establishment and maintenance of business relationships**

##### **Data processing purposes**

We process personal data of our business partners as well as of their bodies and employees for the purpose of establishing, administering and processing the respective business relationship, fulfilling the contract and complying with related legal obligations. For example, the following categories of data are processed:

- Master data (such as name, company, registered office, address, contact data, Internet address, industry affiliation, contact person, GLN)
- Contract data (such as subject, term, conditions)
- Creditworthiness data (in particular payment history and credit rating, structural data, shareholdings, balance sheet data) for the purpose of credit checks to ensure that we contract with solvent business partners and avoid payment defaults and damage to our company
- Delivery note data (such as order number, date, quantity and designation of the individual goods) for processing goods deliveries
- Billing and payment data (such as IBAN, BIC, UID) for the fulfillment of payment obligations

In addition, in connection with business relationships, we may process personal data (esp. contact data, competence) of employees of federal, state and municipal authorities, courts, public-law entities such as social insurance carriers and interest groups.

This data is known to us because it is either disclosed to us by the data subjects themselves or we obtain the data from publicly accessible sources (e.g., companies register, UID directory of the Federal Ministry of Finance or the European Commission, website of the business partner). We obtain creditworthiness data permissibly from credit agencies (e.g. group companies of KSV 1870) or other public sources (e.g. companies register).

Insofar as you provide us with data, please note that this provision is neither legally nor contractually required, but that without the data we are generally unable to establish or execute the contractual relationship.

## **Receiver**

Depending on the situation, we may transfer personal data of our business partners or their bodies and employees to the following categories of recipients:

- Processors (esp. IT service providers in the context of IT infrastructure support and technical processing such as SPAR Business Services GmbH; other companies of the SPAR Österreich-Gruppe such as SPAR Österreichische Warenhandels-AG, which provide services within the Group; printers and marketing agencies in connection with mailings and campaigns)
- Competent authorities (e.g. tax offices or supervisory authorities responsible under product law) and courts of law
- Legal representatives (in the examination of contracts, defense and assertion of legal claims, etc.)
- By way of exception, personal data may also be disclosed to other companies of the SPAR Österreich-Gruppe (such as SPAR Österreichische Warenhandels-AG and SPAR HOLDING AG) as part of group processes such as auditing, accounting and reporting, to the extent necessary to achieve their purposes.

## **Storage duration**

We process the data collected in the course of the business relationship as long as this is necessary to achieve the respective purposes, including the fulfillment of statutory retention periods. For example, pursuant to Section 212 of the Austrian Commercial Code (UGB), we must retain business letters and, pursuant to Section 132 of the Austrian Fiscal Code (BAO), documents relevant to the collection of taxes for seven years from the end of the calendar year or even longer in the case of pending proceedings. Commercial vouchers and records in connection with customs procedures must be kept for five years in accordance with § 23 ZollR-DG. We store the concluded contracts in any case until the end of the contractual relationship and thereafter generally for a further seven years.

## **Legal basis**

Insofar as the data subject is our contractual partner, the data processing is generally based on the necessity for the fulfillment of the concluded contract or the implementation of pre-contractual measures (Art 6 para 1 lit b DSGVO). The legal basis for processing the data of our contractual partners' bodies and employees is the necessity to achieve our overriding legitimate interest in managing the business relationship (Art 6 para 1 lit f DSGVO). Any transfers of personal data to certain recipients, such as our legal representatives, may also be based on our legitimate interests (Art 6 para 1 lit f DSGVO). Insofar as we collect, process, transmit to third parties and store personal data due to a legal obligation, the data processing is based on the necessity to fulfill this obligation (Art 6 para 1 lit c DSGVO).

## **2. Law enforcement**

### **Data processing purposes**

In the event that an extrajudicial or judicial dispute with a business partner arises in connection with a business relationship, we process the personal data such as contract, invoice and payment data and the related correspondence for the purpose of the corresponding legal proceedings.

### **Receiver**

This data may be transmitted to the following categories of recipients at most:

- Processors (esp. IT service providers in the context of IT infrastructure support and technical processing such as SPAR Business Services GmbH; other companies of the

SPAR Österreich-Gruppe such as SPAR Österreichische Warenhandels-AG, which provide services within the Group)

- Authorities (e.g. tax offices and law enforcement agencies) and courts
- Legal representatives (in reviewing contracts, defending and asserting legal claims etc. )
- Insurances
- By way of exception, personal data may also be disclosed to other companies of the SPAR Österreich-Gruppe (such as SPAR Österreichische Warenhandels-AG and SPAR HOLDING AG) as part of group processes such as auditing, accounting and reporting, to the extent necessary to achieve their purposes.

### **Storage duration**

We store the data in this context for as long as this is necessary for the purposes of legal prosecution. As a rule, we delete the data after final settlement of the respective legal dispute or legally binding conclusion of the relevant proceedings.

### **Legal basis**

This data processing is based on our legitimate interests in the effective assertion, exercise and defense of legal claims and the related defense against damages and disadvantages for our company (Art 6 para 1 lit f DSGVO and possibly Art 10 DSGVO in conjunction with § 4 para 3 Data Protection Act). Insofar as we collect, process, transmit to third parties and store personal data due to a legal obligation, the data processing is based on the necessity to fulfill this obligation (Art 6 para 1 lit c DSGVO).

## **3. Customer Service Management**

### **Data processing purposes**

If you contact us by means of a contact form, e-mail or telephone, we collect and process your name, your contact data, the request you have communicated and, if applicable, further data that you provide to us by uploading or attaching documents. The purpose of the data processing is to respond to your contact request ("Customer Service Management").

The provision of your data in this context is neither legally nor contractually required, but we cannot process your request without your data.

### **Receiver**

The data processed within the framework of Customer Service Management may, at most, be transmitted to the following categories of recipients:

- Agencies and service providers such as global office Franchise AT GmbH, which support the responsible party in recording and responding to customer inquiries and complaints received by telephone and via social media channels
- Other processors (esp. IT service providers in the context of IT infrastructure support and technical processing such as SPAR Business Services GmbH; other companies of the SPAR Österreich-Gruppe such as SPAR Österreichische Warenhandels-AG, which provide services within the Group)
- Authorities and courts
- Legal representative (for defense and assertion of legal claims etc. )
- Insurances
- If you have given your consent (Art. 6(1)(a) GDPR), we will forward your contact details, together with your request, to the manufacturer of the product for the direct

handling of your request, including contacting you. The manufacturer is prohibited from processing your data for its own marketing purposes.

- In some cases, it may be necessary for us to forward your contact details to our cooperation partners or other third parties for the processing and clarification of complaints or requests, based on a legitimate interest (Art. 6(1)(f) GDPR) of SPAR or third parties.

### **Storage duration**

Your data collected within the framework of Customer Service Management will be stored for as long as is necessary to answer the respective inquiry and for the possible assertion, defense of legal claims and their enforcement in official or judicial proceedings.

### **Legal basis**

The data processing may be carried out for the implementation of (pre-)contractual measures (Art 6 para 1 lit b DSGVO) or due to the legitimate interest in responding to inquiries and the related communication (Art 6 para 1 lit f DSGVO). Any transfer of your data to manufacturers will only take place on the basis of your consent (Art 6 para 1 lit a DSGVO).

## **4. Data subject inquiries**

### **Data processing purposes**

When data subjects exercise their data protection rights (to information, deletion, rectification, etc.), we process their personal data for the purpose of processing the data subject requests and fulfilling our obligations in this regard under the GDPR.

The provision of personal data in this context is neither legally nor contractually required, but we cannot process the data subject request without the data.

### **Receiver**

The data processed in connection with the exercise of data subject rights may, at most, be communicated to the following categories of recipients:

- Processors (esp. IT service providers in the context of IT infrastructure support and technical processing such as SPAR Business Services GmbH; other companies of the SPAR Österreich-Gruppe such as SPAR Österreichische Warenhandels-AG, which provide services within the Group)
- Authorities (e.g. data protection authority) and courts
- Legal representative (in the defense and assertion of legal claims, etc. )
- Insurances

### **Storage duration**

We store the data processed in the context of processing data subject inquiries for as long as this is necessary to answer the respective inquiry and for the possible assertion, defense or defense of legal claims and their enforcement in official or judicial proceedings.

### **Legal basis**

The data processing is carried out to fulfill our legal obligation to respond to data subject requests according to Art 12 ff DSGVO (Art 6 Abs 1 lit c DSGVO). Storage after a case has been closed is based on our overriding legitimate interests (Art 6 para 1 lit f DSGVO) in documenting the proper handling of data subject requests.

## **B. STORAGE DURATION**

Your personal data will be deleted or made anonymous as soon as it is no longer necessary to achieve the purposes for which it was collected and processed, and unless other legal obligations require further storage. Possibly relevant obligations to provide proof and to retain data arise in particular from corporate, stock corporation and tax law as well as from money laundering regulations. In addition, we retain those personal data that are necessary for the possible assertion, defense or defense of legal claims and their enforcement in official or judicial proceedings. In this respect, the data is stored until the expiry of the relevant limitation periods or the legally binding conclusion of the proceedings. We have referred in more detail above to the storage period in connection with the individual processing activities addressed in this data protection declaration.

### **C. DATA SUBJECT RIGHTS**

The GDPR grants the data subjects certain rights, which we refer to below. To exercise these rights, please contact the contact of the respective data controller listed in the appendix.

#### **Right to information**

You have the right to request confirmation as to whether we are processing personal data relating to you. If applicable, you also have the right to request information about this data and, among other things, about the processing purposes, categories of data processed and categories of recipients.

#### **Right to rectification**

If we process incorrect data about you, you can request that the data be corrected.

#### **Right to deletion**

Under certain circumstances, you are entitled to request the deletion of data processed about you. This right to erasure does not exist, for example, if the further processing of the data is necessary for the fulfillment of a legal obligation or for the assertion, exercise or defense of legal claims.

#### **Right to restriction of processing**

Under certain circumstances, you are entitled to demand the restriction of processing. In this case, we may only process your data apart from storing it with your consent or under certain circumstances, such as for the assertion, exercise or defense of legal claims.

#### **Right to data portability**

Under certain conditions, you are entitled to receive from us processed personal data that you have provided to us yourself in a specific, machine-readable format. The exercise of this right requires in particular that the processing of the data is based on your consent (Art 6 para 1 lit a DSGVO) or on contract (Art 6 para 1 lit b DSGVO).

#### **Right of objection**

If we process data on the basis of overriding legitimate interests (Art 6 para 1 lit f DSGVO, Art 10 DSGVO in conjunction with § 4 para 3 Data Protection Act), you are entitled to object to the data processing. In this case, we will no longer process the data unless we can demonstrate legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or the processing serves to assert, exercise or defend legal claims.

#### **Right of withdrawal**

If you have given us your consent to data processing, you can revoke your consent at any time. However, the lawfulness of the processing carried out on the basis of the consent until the revocation is not affected by your revocation.

**Right of appeal**  
Finally, you are entitled to lodge a complaint with the data protection authority if you believe that the processing of personal data relating to you violates data protection provisions.

## **ANNEX - Companies of the SPAR Österreich-Gruppe**

- SPAR Österreichische Warenhandels-AG  
Europastraße 3, 5015 Salzburg  
Österreich  
zH.: SPAR Service Team  
Tel: +43 (0) 800 22 11 20  
Mail: datenschutz@spar.at
- INTERSPAR GmbH  
Europastraße 3, 5015 Salzburg  
zH.: Onlineshop für Haushalt & Freizeit  
Tel: +43 (0) 800/190150  
Mail: datenschutz@interspar.at.
- Maximarkt Handelsgesellschaft m.b.H.  
Europastraße 3, 5015 Salzburg  
zH.:Maximarkt Kundenservice, Bäckermühlweg 61, 4030 Linz  
Tel.: +43 (0) 732 375777-0  
Mail: datenschutz@maximarkt.at.
- SES Spar European Shopping Centers GmbH  
Europastraße 3  
5015 Salzburg  
Österreich  
Tel: +43 (0) 662 44 71-0  
Fax: +43 (0) 662 44 71-7199  
Mail: office@ses-european.com
- SPAR Business Service GmbH  
Europastraße 3  
5015 Salzburg  
Österreich  
Tel.: +43 (0)662 4470-0  
Mail: info@spar-ics.com
- SIMPEX Import Export Ges.m.b.H.  
Europastraße 3  
5015 Salzburg  
Österreich  
Tel.: +43 (0)662 4470-0  
Mail: office@simpex.at
- EKS Handelsgesellschaft m.b.H. & Co.KG  
Europastraße 3, 5015 Salzburg  
Tel. (+43 662) 4470-22711  
Mail: office@eks-salzburg.at
- VD SPAR Versicherungsdienst-Gesellschaft m.b.H.  
Europastraße 3, 5020 Salzburg  
Tel. (+43 662) 4470-22624

Mail: [anfragevd@spar.at](mailto:anfragevd@spar.at)

- Schloss Fels Gesellschaft m.b.H.  
Kremser Straße, 3481 Fels am Wagram  
Tel. 02738/2322  
Mail: [office@spar.at](mailto:office@spar.at)
- SPAR-FINANZ BANK AG  
Europastraße 3, 5015 Salzburg  
Tel. (+43 662) 4470 8888  
Mail: [office@sparanlage.at](mailto:office@sparanlage.at)