

PRIVACY POLICY

We are delighted that you are interested in our company. The management of AKTIVA GmbH attaches great importance to the protection of your data. In principle, it is possible to use AKTIVA GmbH's website without providing any personal data. However, if a data subject would like to take advantage of specific services of our company via our website, processing of personal data may be necessary. If the processing of personal data is necessary and there is no legal basis for such processing, we generally obtain consent from the data subject.

The processing of personal data, for example the name, address, e-mail address or telephone number of a data subject, is always carried out in accordance with the General Data Protection Regulation and the country-specific data protection laws applicable for AKTIVA GmbH. With this privacy policy our company would like to inform the public of the type, scope and purpose of the personal data collected, used and processed by us. This privacy policy also clarifies the rights to which data subjects are entitled.

As the data controller, AKTIVA GmbH has implemented numerous technical and organisational measures in order to ensure the fullest possible protection of the personal data processed through this website. Nevertheless, as a rule Internet-based data transmissions may be subject to security vulnerabilities, so absolute protection cannot be guaranteed. For that reason, each data subject is also free to provide us with personal data via alternative channels, for example by telephone or in writing.

1. Definition of terms

AKTIVA GmbH's privacy policy is based on the terminology used by the issuer of European directives and regulations in the General Data Protection Regulation (GDPR). Our privacy policy is intended to be clearly legible and comprehensible for both the public and our customers and business partners. In order to ensure that this is the case we would first like to clarify the terms used.

In this privacy policy declaration we use, among others, the following terms:

- **a) Personal data**

Personal data is any information relating to an identified or identifiable natural person (hereinafter referred to as a "data subject"). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data or an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

- **b) Data subject**

A data subject is any identified or identifiable natural person whose personal data is processed by the data controller.

- **c) Processing**

Processing means any operation or set of operations which is performed on personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

- **d) Restriction of the processing**

Restriction of processing means marking stored personal data with the aim of limiting its processing in the future.

- **e) Profiling**

Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

- **f) Pseudonymisation**

Pseudonymisation means the processing of personal data in such a manner that the data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

- **g) Controller or data controller**

A controller or data controller is the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Where the purposes and means of such processing are determined by EU or Member State law, the controller or the specific criteria of its nomination may be provided for by EU or Member State law.

- **h) Contract processor**

A contract processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

- **i) Recipient**

A recipient is a natural or legal person, public authority, agency or another body, to which the personal data is disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with EU or Member State law are not regarded as recipients.

- **j) Third party**

A third party is a natural or legal person, public authority, agency or body other than the data subject, controller, contract processor and persons who, under the direct authority of the controller or contract processor, are authorised to process personal data.

- **k) Consent**

Consent of the data subject is any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

2. Name and address of the data controller

The controller in the meaning of the General Data Protection Regulation, other data protection laws applicable in the Member States of the European Union and other data protection regulations is:

AKTIVA GmbH
Walder Str. 9
42653 Solingen
Germany

Tel.: +49 (0)212 59790
E-mail: info@aktiva-inkasso.eu
Website: www.aktiva-inkasso.eu

3. Cookies

AKTIVA GmbH's website uses cookies. Cookies are text files which are installed and stored on a computer system via an Internet browser.

Many websites and servers use cookies. Many cookies contain a so-called cookie ID. A cookie ID is a unique identifier of the cookie. It consists of a character string through which websites and servers can be attributed to the specific Internet browser in which the cookie has been stored. This makes it possible for the visited websites and servers to distinguish the individual browser of the data subject from other Internet browsers that contain other cookies. A particular Internet browser can be recognised and identified through the unique cookie ID.

Through the use of cookies, AKTIVA GmbH can provide the users of this website with user-friendlier services which would not be possible without the installation of cookies.

Through a cookie, the information and services on our website can be optimised in the interests of the user. As mentioned above, cookies enable us to recognise the users of our website. The purpose of that recognition is to make it easier for users to use our website. For example, users of a website which makes use of cookies need not re-enter their access data each time they visit the website, because that task is handled by the website and the cookie installed on the user's computer system. A further example is the cookie of a shopping cart in

the online shop. The online shop remembers the products that a customer places in the virtual shopping cart via a cookie.

The data subject can prevent the installation of cookies by our website at any time by setting his/her Internet browser accordingly, and thus permanently object to the installation of cookies. Furthermore, already installed cookies can be deleted at any time via an Internet browser or other software programme. This is possible in all the popular Internet browsers. If the data subject deactivates the installation of cookies in his/her Internet browser, he/she may not be able to use all the functions of our website to the full extent.

4. Recording of general data and information

Each time it is accessed by a data subject or an automated system, the website of AKTIVA GmbH records a series of general data and information. That general data and information is stored in the server log files. The following can be recorded: (1) the browser types and versions used, (2) the operating system used by the accessing system, (3) the website from which an accessing system is referred to our website (the so-called "referrer"), (4) the sub-websites which are controlled on our website via an accessing system, (5) the date and time of an access of the website, (6) an Internet protocol address (IP address), (7) the Internet service provider of the accessing system and (8) other similar data and information serving the purpose of protection against threats in the event of attacks against our information technology systems.

In using that general data and information, AKTIVA GmbH draws no inferences regarding the data subject. Rather, that information is needed: (1) to correctly deliver the content of our website, (2) to optimise the content of our website as well as the advertising for it, (3) to ensure that our information technology systems and the technology of our website always function properly, and (4) in order to provide the prosecuting authorities with the information necessary for criminal prosecution in the event of a cyberattack. That anonymously collected data and information is therefore both statistically evaluated by AKTIVA GmbH and also analysed with the aim of increasing data protection and data security in our company in order to ultimately ensure an optimum level of protection for the personal data processed by us. The anonymous data in the server log files is stored separately from all personal data provided by a data subject.

5. Possibility of contacting us via the website

The website of AKTIVA GmbH contains, on the basis of provisions of law, information that makes it possible to quickly contact our company by electronic means and directly communicate with us, which also includes a general address for so-called electronic mail (e-mail address). If a data subject contacts the data controller by e-mail or through a contact form, the personal data provided by the data subject is automatically stored. Such personal data voluntarily provided by a data subject to the data controller is stored for the purposes of processing or for the purpose of contacting the data subject. That personal data will not be passed on to any third parties.

6. Routine erasure and blocking of personal data

The data controller processes and stores personal data of the data subject only for the period which is necessary to achieve the purpose of the storage or insofar as this is required by the issuer of European directives and regulations or a different legislator in laws or regulations to which the data controller is subject.

If the storage purpose no longer applies or if a storage period prescribed by the issuer of European directives and regulations or a different competent legislator ends, the personal data will be blocked or deleted, routinely and in accordance with the provisions of law.

7. Rights of the data subjects

- a) Right to confirmation

Each data subject has a right, conferred by the issuer of European directives and regulations, to request a confirmation from the data controller as to whether personal data relating to him/her is processed. If a data subject would like to exercise that right of confirmation, he/she may contact an employee of the data controller for that purpose at any time.

- b) Right to information

Each data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to be provided with information at any time by the data controller free of charge on the stored personal data concerning them, as well as a copy of that information. Furthermore, the issuer of European directives and regulations confers a right on the data subject to be provided with the following information:

- the purposes of the processing;
- the categories of personal data which are processed;
- the recipients or categories of recipients to which the personal data has been disclosed or will yet be disclosed, particularly with regard to recipients in third countries or in international organisations;
- if possible, the planned period for which the personal data will be stored or, if that is not possible, the criteria used to determine that period;
- the existence of a right to the rectification or erasure of the personal data relating to them or to restriction of the processing by the controller or a right to object to that processing;
- the existence of a right to lodge a complaint with a supervisory authority;
- if the personal data is not collected from the data subject – all available information on the origin of the data;
- the existence of an automated decision-making process, including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

The data subject is also entitled to a right to request information as to whether personal data has been transmitted into a third country or to an international organisation. If this

is the case, the data subject also has the right to be provided with information on the appropriate safeguards in connection with the transmission.

If a data subject would like to exercise that right to information, he/she can contact an employee of the data controller for that purpose at any time.

- **c) Right to rectification**

Each data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to request prompt rectification of inaccurate personal data concerning him/her. Taking into account the purposes of the processing, the data subject also has the right to request the completion of incomplete personal data, including by means of providing a supplementary statement.

If a data subject would like to exercise that right to rectification, he/she may contact an employee of the data controller for that purpose at any time.

- **d) Right to erasure (right to be forgotten)**

Each data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to request that the controller promptly erase the personal data relating to him/her, where one of the following grounds applies and insofar as the processing is not necessary:

- the personal data it is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
- the data subject withdraws his/her consent on which the processing is based according to Article 6(1) point (a) or Article 9(2) point (a) GDPR, and there is no other legal ground for the processing;
- the data subject objects to the processing pursuant to Article 21(1) GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) GDPR;
- the personal data has been unlawfully processed;
- the personal data has to be erased for compliance with a legal obligation under EU or Member State law to which the controller is subject;
- the personal data was collected in relation to the offer of information society services referred to in Article 8(1) GDPR.

If one of the above grounds applies and a data subject would like to have the personal data stored by AKTIVA GmbH erased, he/she may contact an employee of the data controller for that purpose at any time. The employee of AKTIVA GmbH will arrange to have the erasure request promptly fulfilled.

If AKTIVA GmbH has publicly disclosed the personal data and our company is obliged as the controller to erase the personal data under Article 17(1) GDPR, taking into account the available technology and the implementation costs it shall take appropriate measures, including of a technical nature, to inform other data controllers which process the published personal data that the data subject has requested that those

other data controllers erase all links to that personal data or copies or replications of that personal data, insofar as the processing is not necessary. The employee of AKTIVA GmbH shall make the necessary arrangements in an individual case.

- **e) Right to restriction of the processing**

Each data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to request that the controller restrict the processing, where one of the following conditions is fulfilled:

- the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests restriction of its use instead;
- the controller no longer needs the personal data for the purposes of the processing, but the data subject needs it for the establishment, exercise or defence of legal claims;
- the data subject has objected to the processing pursuant to Article 21(1) GDPR pending verification of whether the legitimate grounds of the controller override those of the data subject.

If one of the above-mentioned conditions is fulfilled and a data subject would like to request the restriction of personal data stored by AKTIVA GmbH, he/she may contact an employee of the data controller for that purpose at any time. The employee of AKTIVA GmbH will arrange to have the restriction effected.

- **f) Right to data portability**

Any data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to be provided with the personal data relating to them that they provided to a controller in a structured, commonly used and machine-readable format. They also have the right to transmit that data to another controller without obstruction by the controller that was provided with the personal data, where the processing is based on consent pursuant to Article 6(1) point (a) GDPR or Article 9(2) point (a) GDPR or on a contract pursuant to Article 6(1) point (b) GDPR and the processing is carried out by automated means, insofar as the processing is not necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The data subject also has the right, in exercising his/her right to data portability in accordance with Article 20(1) GDPR, to have the personal data transmitted directly from one controller to another, where technically feasible and insofar as the rights and freedoms of other persons are not impaired as a result.

For the purpose of asserting the right to data portability, the data subject may contact an employee of AKTIVA GmbH at any time.

- **g) Right to object**

Each data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to object at any time, for reasons relating to their particular situation, to the processing of personal data relating to them which is based on Article 6(1) points (e) or (f) GDPR. This also applies for profiling based on those provisions.

In the event of an objection, AKTIVA GmbH will no longer process the personal data of the data subject, unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or the processing serves the purpose of the establishment, exercise or defence of legal claims.

If AKTIVA GmbH processes personal data in order to conduct direct marketing, the data subject has the right to object at any time to the processing of the personal data for the purposes of such marketing. This also applies for profiling insofar as it is related to such direct marketing. If the data subject objects with respect to AKTIVA GmbH to the processing for the purposes of direct marketing, AKTIVA GmbH will no longer process the personal data for those purposes.

The data subject also has the right to object, for reasons relating to his/her particular situation, against the processing of personal data relating to him/her which occurs at AKTIVA GmbH for scientific or historical research purposes or for statistical purposes in accordance with Article 89(1) GDPR, unless such processing is necessary for the performance of a task in the public interest.

In order to exercise the right to object, the data subject may directly contact any employee of AKTIVA GmbH or another employee. The data subject is also free, in the context of the use of information society services and notwithstanding Directive 2002/58/EC, to exercise his/her right to object by automated means using technical specifications.

- **h) Automated individual decision-making, including profiling**

Any data subject for processing of personal data has a right, conferred by the issuer of European directives and regulations, to not be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her, insofar as the decision-making (1) is not necessary for entering into, or performance of, a contract between the data subject and the controller, or (2) is authorised by EU or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, or (3) is based on the data subject's explicit consent.

If the decision-making (1) is necessary for entering into or performance of a contract between the data subject and the controller or (2) is based on the explicit consent of the data subject, AKTIVA GmbH will implement appropriate measures to safeguard the rights and freedoms as well as the legitimate interests of the data subject, which

includes at least the right to obtain human intervention on the part of the controller, to express his/her point of view and to contest the decision.

If the data subject would like to exercise rights with regard to automated decision-making, he/she may contact an employee of the data controller for that purpose at any time.

- **i) Right to withdraw consent under data protection laws**

Each data subject for the processing of personal data has a right, conferred by the issuer of European directives and regulations, to withdraw consent to the processing of personal data at any time.

If the data subject would like to exercise his/her right to the withdrawal of consent, they may contact an employee of the data controller for that purpose at any time.

8. The legal basis for the processing

Article 6 I point (a) GDPR serves as a legal basis for our company for processing operations for which we obtain consent for a particular processing purpose. If the processing of personal data is necessary for the performance of a contract to which the data subject is party, as is the case for example for processing operations which are necessary for a delivery of goods or for rendering another performance or counter performance, the processing is based on Article 6 I point (b) GDPR. The same applies for processing operations which are necessary for the purpose of implementing pre-contractual measures, for example when there are enquiries regarding our products or services. If our company is subject to a legal obligation which requires processing of personal data, for example for the purpose of fulfilling tax obligations, the processing is based on Article 6 I point (c) GDPR. In rare cases, the processing of personal data may be necessary in order to protect vital interests of the data subject or another natural person. For example, this would be the case if a visitor to our establishment were injured and his/her name, age, health insurance fund data or other vital information then had to be passed on to a doctor, a hospital or other third parties. The processing would then be based on Article 6 I (d) GDPR.

Finally, processing operations may be based on Article 6 I point (f) GDPR. This is the legal basis for processing operations which are not covered by any of the above-mentioned legal bases, if the processing is necessary for the protection of a legitimate interest of our company or of a third party and provided that the interests and fundamental rights and freedoms of the data subject are not overriding. We are permitted to engage in such processing operations, in particular, because they are specifically mentioned by the European legislator, which takes the view that a legitimate interest may be assumed if the data subject is a client of the controller (Recital 47 sentence 2 GDPR).

9. Legitimate interests in the processing which are pursued by the controller or a third party

If the processing of personal data is based on Article 6 I point (f) GDPR, our legitimate interest is conducting our business activities in the interests of the welfare of all our employees and our shareholders.

10. Period for which the personal data is stored

The criterion for the period of storage of personal data is the respective statutory retention period. After the end of that period, the data in question is erased as a matter of routine, provided that it is no longer required for the performance or initiation of a contract.

11. Statutory or contractual regulations on the provision of the personal data; necessity for entering into a contract; obligation of the data subject to provide the personal data; possible consequences of failing to provide it

Please note that the provision of personal data is in part legally required (e.g. tax regulations) or may result from contractual provisions (e.g. information on the contract partner). Sometimes it may be necessary for the conclusion of a contract that a data subject provide us with personal data, which must subsequently be processed by us. For example, the data subject must provide us with personal data if our company concludes a contract with him/her. Failure to provide the personal data would mean that the contract with the data subject could not be concluded. Before providing us with personal data, the data subject must contact one of our employees, who will clarify for the data subject, with reference to the individual case, whether the provision of the personal data is legally or contractually required or is necessary for the conclusion of the contract, whether an obligation exists to provide the personal data and what consequences failure to provide the personal data would have.

12. The existence of automated decision-making

As a responsible company we do not engage in automated decision-making/profiling.

This standard privacy policy was created by the privacy policy generator of DGD Deutsche Gesellschaft für Datenschutz GmbH, which carries out data protection auditing, in cooperation with Medienrechtskanzlei WILDE BEUGER SOLMECKE.