

# **Data Protection Declaration**

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July 2021

We, Liebherr-Werk Ehingen GmbH, 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 controller for the processing of your data is:

**Liebherr-Werk Ehingen GmbH**  
Dr.-Hans-Liebherr-Straße 1  
89584 Ehingen (Donau)  
Germany  
E-mail: [LWE-Datenschutz@liebherr.com](mailto:LWE-Datenschutz@liebherr.com)

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

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

**Corporate Privacy**  
Liebherr-IT Services GmbH  
St. Vitus 1  
88457 Kirchdorf an der Iller  
Germany  
E-mail: [privacy@liebherr.com](mailto:privacy@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if (1) they are no longer necessary for the purposes stated in this Data Protection Declaration, (2) you have withdrawn your consent and there is no other legal ground for the processing, (3) your data have been unlawfully processed, or (4) you have objected to the processing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 if you consider that the processing of your data infringes the GDPR.

## **B. Data processing**

### **E-Mail newsletter**

We offer you the option of subscribing to our e-mail newsletter. If and insofar as you have given us your consent for this, we will process the data listed below as part of the sending of our e-mail newsletter.

We may process your data, in particular your e-mail address, to send you our e-mail newsletter in compliance with the legal requirements, even without your consent, if we have obtained your data from you in the context of the sale of a product or service and you have not already objected to this processing (“existing customer advertising”).

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

We process the following data:

1. Salutation
2. Surname, First name
3. E-mail-address
4. Your (external) IP address
5. Date and time of subscription and reconfirmation of subscription
6. Date and time of the newsletter retrieval

The data provided by you are in principle processed by us solely in order to regularly send you our newsletter (if applicable with a personal address) by e-mail and to provide you with marketing information on our products or service offerings or about corresponding promotions, events, competitions, articles, etc.

The data collected in the course of newsletter subscription, including the so-called double opt-in procedure, are in principle processed by us solely for the protection of the offer and for the compliance with our legal obligations to provide proof. With the double opt-in procedure, you will receive an e-mail in the course of the newsletter subscription with a request to reconfirm your subscription to our newsletter. If you do not confirm your subscription by clicking on the confirmation link sent to you, you will not be subscribed for our e-mail newsletter and therefore will not receive it.

In addition, we track and analyse your interactions with our newsletter (measurement of opening and click rates) and store this information in your recipient profile in order to measure the success of our newsletter and to be able to continuously improve it and design it as needs dictate. Opening rates are measured with the help of a so-called pixel, a small, invisible image file that is automatically loaded by the web server when the newsletter is opened and thereby provides information that the newsletter was actually opened. The measurement of click rates, on the other hand, is carried out in such a way that after clicking on a web link contained in the newsletter, you are first directed to a web server where your click is registered; only then do you reach the actual target page.

In the case of e-mail newsletters that we send as part of existing customer advertising, no measurement of opening and click rates or storage of the measurement results in recipient profiles takes place.

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 your consent pursuant to Article 6 para. 1 point a in conjunction with Article 7 GDPR resp. for the compliance with a legal obligation pursuant to Article 6 para. 1 point c, para. 3 point a GDPR in conjunction with Article 32 GDPR (security) resp. Article 7 para. 1 GDPR (obligation to provide evidence).

In the case of e-mail newsletters that we send as part of existing customer advertising, the processing is carried out for purposes of legitimate interests pursuant to Article 6 para. 1 point f GDPR. Our legitimate interests pursued in this regard are customer care and retention.

You have the right to withdraw given consent at any time with effect for the future and/or to object at any time to processing of your data for marketing purposes. The withdrawal/objection does not affect the lawfulness of the processing before the withdrawal/objection. An isolated withdrawal/objection regarding only the measurement of opening and click rates and/or the storage of the measurement results in recipient profiles is not possible, which means that you will have to unsubscribe from the newsletter as a whole for that. You can unsubscribe from the newsletter at any time by sending an e-mail to [info.lwe@liebherr.com](mailto:info.lwe@liebherr.com) or by clicking on the unsubscribe link at the end of each newsletter.

### **I. 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;
- Our service providers that we use in order to achieve the above-stated purposes;
- 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.

### **II. 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 organisations 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.

### **III. 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.

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

For the substantiation and performance of the business relationship, 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.

## **V. 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.

As of July 2021