

## Data protection notices

for purchases via the toolineo online marketplace - <https://toolineo.de/> - (hereinafter "Marketplace")

How we process your data and your rights

– Information in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR) –

Dear Sir/Madam,

The information below concerns the processing of your personal data by us and the claims and rights to which you are entitled in accordance with the data protection law regulations in conjunction with purchases via the market place. The data that are processed in data and how such data are used are largely based on the requested or agreed services.

Insofar as you wish to purchase products via the marketplace, your personal data shall be processed by ETRIS Bank GmbH in the capacity of controller within the meaning of Article 4(7), GDPR as follows.

In accordance with Article 4, No. 1, GDPR, personal data (hereinafter also referred to as "Data") means any information relating to an identified or identifiable natural person ("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, an online identifier or relating to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

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## 1. Who is responsible for the data processing and who can I contact?

Controller:

ETRIS Bank GmbH, Dieselstraße 45, D-42389 Wuppertal,  
Tel.: +49 (0)2 02/6096 - 1500, e-mail: info@etrisbank.de

You can contact our data protection officer at:

ETRIS Bank GmbH, Dieselstraße 45, D-42389 Wuppertal,  
Data protection officer, e-mail: datenschutz@etrisbank.de

## 2. What sources and data do we use?

We process personal data that we receive from you as part of your activities in the marketplace. Furthermore, we process personal data that we receive from Toolineo GmbH & Co. KG or from other third parties such as credit agencies (e.g. CRIF Bürgel GmbH) or payment service providers (e.g. Sofort GmbH). In addition, we process personal data that we have legitimately obtained from publicly accessible sources (e.g. debtor directories, commercial and association registers, press and the media) and are permitted to process.

Relevant personal data are personal details (name, address and other contact details and date of birth). Furthermore, this may include order data (e.g. payment order), data from the honouring our contractual obligations to the marketplace or the merchants in the marketplace (e.g. turnover data in payment transactions, credit limit), information about your financial situation (e.g. creditworthiness data and scoring/rating data), documentation data (e.g. scoring protocol) and other data comparable to the stated categories.

## 3. What do we process your data for (purpose of processing) and on what legal basis?

We process personal data for the following purposes:

a) To establish, execute and reverse purchase contracts in the marketplace and associated payment transactions in accordance with the following:

- For identity and credit checks and selection of potential payment methods:
  - We use the outcome of the identity and credit check in relation to the statistical probability of non-payment for the purpose of deciding on the provision of the respective payment method.
  - Article 6(1), letters b), c) and f), GDPR, is the legal basis for such processing.
- You have selected the following for payment processing in accordance with the payment method:
  - depending on the payment method you have selected, your personal data shall be processed as part of the respective payment processing.
  - Article 6(1), letter b), GDPR, is the legal basis for such processing.

b) Honouring legal obligations:

- As a bank, we are subject to various legal obligations, i.e. legal requirements such as the German Banking Act, Money Laundering Act or tax laws as well as banking supervisory requirements (e.g. the European Central Bank, the European Banking Authority, the Federal Financial Supervisory Authority or the Deutsche Bundesbank). Therefore, we process personal data for the purposes of money laundering and fraud prevention, the prevention and investigation of criminal offences, honouring control and reporting obligations in accordance with tax law, regulatory reporting obligations and the assessment and management of risks.
- Article 6(1), letters c) and f), GDPR, is the legal basis for such processing.

c) Furthermore, where necessary, we process your data to protect our legitimate interests or those of third parties unless the interests or fundamental rights and freedoms of the data subject, which require the protection of personal data, outweigh our interests. This applies, for example, to the following cases:

- Asserting legal claims and defence in legal disputes.
- Ensuring IT security and the bank's IT operations.
- Measures for business and risk management (where not already covered by Article 6(1), letter c), see above subsection "Honouring legal obligations") and further development of services and products.
- Article 6(1), letter f) GDPR, is the legal basis for the data processing.

#### **4. What are our justified interests or the justified interests of third parties?**

Insofar as the processing described above in no. 3 is based on Article 6(1), letter f), GDPR, our legitimate interests comprise wanting to and being compelled to protect ourselves and the respective merchant from identity fraud and from potential payment default and honour our legal and regulatory obligations with regard to appropriate risk management. Furthermore, third parties may have legitimate interests in us informing third parties about any negative payment experiences with you to protect them (the third parties) from such disadvantages of their own.

#### **5. Who receives my personal data?**

At the bank, only those offices and departments that need your personal data to perform the tasks and responsibilities assigned to them at the bank shall have access to such data.

The personal data we collect may be forwarded to the following third parties (who may in turn use subcontractors):

a) IT service providers. The IT service providers we currently use by way of order processing are:

- Tarxter Technologies GmbH & Co. KG
- E/D/E – Einkaufsbüro Deutscher Eisenhändler GmbH
- Atruvia AG

b) Service providers as part of payment processing. The service providers we use are:

- SOFORT GmbH  
Fußbergstraße 1  
D-82131 Gauting

c) Credit agencies to assess credit risks and prevent and minimise misuse and fraud. The service providers we use are:

- CRIF GmbH  
Leopoldstraße 244  
D-80807 Munich
- LexisNexis Risk Solutions UK Limited  
Global Reach, Dunleavy Drive  
Cardiff, CF11 OSN  
United Kingdom

The credit agencies forward some of the personal data we receive about you to their contractual partners to provide them with information to assess your creditworthiness. Contracting parties of the credit agencies are companies that bear financial default risks due to services or deliveries.

We inform you specifically as follows in relation to the forwarding of your data to CRIF GmbH:

We forward personal data collected in the context of this business relationship concerning the application for, execution and termination of this business relationship as well as data concerning non-contractual behaviour or fraudulent behaviour to CRIF GmbH, Leopoldstraße 244, D-80807 Munich. The legal basis for such forwarding is Article 6(1), letter b) and Article 6(1), letter f), GDPR. Forwarding based on Article 6(1), letter f), GDPR, may only occur insofar as this is necessary to safeguard the legitimate interests of our company or third parties, and does not outweigh the interests or fundamental rights and freedoms of the data subject that require the protection of personal data. The exchange of data with CRIF GmbH also serves to honour legal obligations to conduct creditworthiness checks on customers (Sections 505a and 506 of the German Civil Code). CRIF GmbH processes the data received and also uses such data for the purpose of profiling (scoring) to make available to its contracting parties in the European Economic Area and Switzerland and, where applicable, other third countries (insofar as an adequacy decision of the European Commission exists for these) information, inter alia, to assess the creditworthiness of natural persons. Further information on the activities of CRIF GmbH can be found online at <https://www.crif.de/datenschutz>.

For more information about the processing of your personal data by the credit agencies, please see the data protection provisions of the credit agencies linked above.

d) Debt collection agencies for the purpose of debt collection. The service providers we use are:

- Lowell Inkasso Service GmbH  
Regensburger Straße 3  
A-4020 Linz, Austria  
<https://www.inkasso.at>
- atriga GmbH  
Pittlerstraße 47  
D-63225 Langen  
<https://www.atriga.de>

e) Public bodies and institutions (e.g. Deutsche Bundesbank, Federal Financial Supervisory Authority, European Banking Authority and the European Central Bank) if a legal or official obligation applies.

The aforementioned third parties have access to your personal data that is required to perform their respective tasks. They may not use such data for other purposes. Furthermore, they undertake to handle the information in accordance with this privacy policy and the relevant data protection laws.

## **6. Are data transferred to a third country or to an international organisation?**

Third countries are countries in which the GDPR is not directly applicable law. As a matter of principle, this includes all countries outside the EU or the European Economic Area. As part of payment processing, data may be forwarded to a third country or an international organisation. However, this shall only occur if suitable guarantees are in place to establish an adequate level of data protection and you have enforceable rights and effective legal remedies. You can obtain a copy of potential suitable guarantees via the following links:

- EU-U.S. Data Privacy Framework: <https://www.dataprivacyframework.gov/s/> (only applicable for data forwarding with the USA)
- Standard Contract Clauses: <https://eur-lex.europa.eu/legal-content/DE/TXT/HTML/?uri=CELEX:32021D0915>

Furthermore, suitable guarantees may apply in measures in accordance with Article 47, GDPR.

## 7. For how long are my data stored?

We comply with the principles of data minimisation and data avoidance. Where necessary, we process and store your personal data for the duration of our business relationship, which also includes, for example, the initiation and execution of a contract.

In addition, we are subject to various storage and documentation obligations, which result, inter alia, from the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG) and the German Money Laundering Act (GwG). The periods specified there for storage or documentation are two to ten years.

Finally, the storage period is also assessed according to the statutory limitation periods, which, for example, according to Sections 195 et seq. of the German Civil Code (BGB), are generally three years, but in certain cases may run to thirty years.

## 8. What data protection rights do I have?

Each data subject has the right to **information** in accordance with Article 15, GDPR, the right to **rectification** in accordance with Article 16, GDPR, the right to **erasure** in accordance with Article 17, GDPR, the right to **restriction of processing** in accordance with Article 18, GDPR and the right to **data portability** in accordance with Article 20, GDPR. With regard to the right to information and the right to erasure, the restrictions in accordance with Sections 34 and 35, BDSG apply. In addition, there is a **right of appeal to a data protection** supervisory authority (Article 77, GDPR, in conjunction with Section 19, BDSG).

## 9. With which relevant supervisory authority can I lodge a complaint?

You have the option of lodging a complaint with the data protection supervisory authorities responsible for us:

State Commissioner for Data Protection and Freedom of Information in  
North Rhine-Westphalia  
PO Box 20 04 44  
D-40102 Düsseldorf  
Tel.: +49 (0) 211/38424-0  
Fax: +49 (0) 211/38424-10  
E-mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)

## 10. Does an obligation to provide data apply?

As part of our business relationship, you are only required to provide the personal data that are required in conjunction with the establishment, execution and reversal of purchase contracts in the marketplace, that we undertake to collect in a legal or regulatory sense or that we need due to our legitimate interest or the legitimate interest of a third party unless the interests or fundamental rights and freedoms of the data subject, which require the protection of personal data, outweigh our interests. If you do not make the necessary information available to us, we cannot and may not facilitate the transaction you have requested in the marketplace.

## 11. To what extent does automated decision-making apply in individual cases?

We use the statistical probability values received for a possible payment default, which also include your address data, for the automated approval of the desired payment methods, which we may restrict as part of a decision by trained personnel if there are indications of statistical payment risks. You may request that we manually review the automated decision to reject a desired payment method, for example, and explain your own position and contest the decision.

## 12. To what extent are my data used for profiling (scoring)?

On occasion, we process your data automatically with a view to evaluating certain personal aspects in accordance with Article 4, No. 4, GDPR (profiling). We use profiling in the following cases, for example:

- Due to legal and regulatory requirements, we undertake to combat money laundering, terrorist financing and criminal offences that endanger assets. In this context, we also analyse data (e.g. in payment transactions). These measures are also aimed at protecting you.
- As part of the credit report.

In such cases, probability values about a certain future behaviour (so-called score values) may be used. Insofar as score values are included in the result of the credit report and ongoing risk management, they are based on a scientifically recognised mathematical-statistical procedure. Among other things, address data, experience from the previous business relationship and information from credit agencies are included in the calculation of the score values.

#### **Information about your right to object**

#### **in accordance with Article 21 of the General Data Protection Regulation (GDPR)**

You have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on Article 6(1), letter e, GDPR (data processing in the public interest) and Article 6(1), letter f, GDPR (data processing based on weighing up interests). This also applies to profiling based on this provision of Article 4, No. 4, GDPR, that we use for credit checks or for advertising purposes.

If you make an objection, we shall no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The objection may be made without honouring formal requirements, and should preferably be addressed to:

Please see the contact details in sub-section 1.