

Privacy Notice for the Use of Microsoft Services

1. Name and contact details of the Controller

genua GmbH, represented by CEOs Marc Tesch and Matthias Ochs
Domagkstraße 7, 85551 Kirchheim bei München, Telephone: 089/991950-0
(„genua“, „we“, „us“).

2. Name and contact details of the Data Protection Officer

Peter Treffer, intersoft consulting services AG, Beim Strohause 17, 20097 Hamburg,
ptreffer@intersoft-consulting.de, Telephone: +49 89 544 446 47, Mobil: +49 160 932 026 84

3. Purpose and Legal Basis of the Processing

3.a Use of Microsoft as the company-wide ERP- und CRM-system:

We process personal data in the context of our company-wide used ERP- and CRM-system Microsoft to implement and ensure the following business processes:

- Customer- and Supplier-Management
- Quotation, Order, and Contract Processing
- Accounting and Bookkeeping
- Customer Communication and Marketing
- IT Security and System Operations
- Processing of Employee Data

We only process necessary data in accordance with the data minimization principle.

Legal basis for the processing of data is Art. 6 (1) (b) GDPR for the fulfillment of contractual or pre-contractual measures as well as Art. 6 (1) (c) GDPR for the fulfillment of legal obligations. Furthermore, we want to ensure the efficiency and IT-security of our business (Art. 6 (1) (f) GDPR). The processing of our employee data (e.g. user account) is based on Art. 6 (1) (b) GDPR, § 26 BDSG.

As far as the processing is based on Art. 6 (1) (f) GDPR, our legitimate interests are:

- Efficient organisation of business processes
- Efficient operation of our business
- Improvement of customer relations
- Ensuring IT-security
- Prevention of misuse and data loss

We process the following categories of personal data:

- Master data (e.g., name, contact information, job title)
- Contract and billing data
- Communication data

- Usage and log data
- Employee data (e.g., user ID)

3.b Use of Microsoft 365 Products

We process personal data in the context of using Microsoft 365 products (hereinafter “MS365,” “Microsoft 365,” or “Microsoft”) in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG):

- To fulfill a contract or to take steps prior to entering into a contract: Your data is processed for the purpose of contract fulfillment in accordance with Art. 6 (1) (b) GDPR, to the extent that MS365 is used within contractual relationships.
- To protect legitimate interests (Art. 6 (1) (f) GDPR): Based on a balancing of interests, data processing may extend beyond the actual performance of the contract to protect legitimate interests of genua.
- To fulfill the employment relationship (Art. 6 (1) (b) GDPR): Your data is processed for the purpose of fulfilling the employment contract in our company.
- Under a collective agreement pursuant to Art. 88 GDPR: genua has concluded a works agreement with the works council pursuant to § 77 BetrVG.

The following personal data is processed during the use of Microsoft 365 Products. This does not include personal data that is processed within individual modules (e.g. Word documents). Microsoft does not use this content data for its own purposes; it is processed solely on our behalf for the purpose of providing Office services.

The personal data includes:

Content Data

- First Name, Last Name
- Image and audio recordings
- Text files
- Business email address
- Business phone number
- IP address

Necessary Diagnose-Data

- Functional data related to the execution of application processes
- Authentication data
- User interactions with the server

We use the following Microsoft Services:

- Enterprise Mobility + Security E3 (EMS)
- Office 365 E5
- Power BI

- Visio
- Power Automate
- Microsoft Entra ID P2 (Admins)
- Azure Automation
- ERP- & CRM-system (see 3a.)

4. **Requirement to provide personal data**

There is a requirement to provide the above mentioned personal data, because otherwise the execution of our business processes as well as a secure and efficient operation of our systems would not be possible and/ or the processing of personal data is necessary to conclude or fulfill the contract you have entered into with us.

Failure to provide this data would result in:

- Contracts could not be properly initiated, concluded, or fulfilled
- communication and collaboration with business partners would be limited or impossible,
- legal obligations (e.g., in the area of accounting) could not be met
- employees would not have access to the necessary IT systems and would be unable to perform their duties or would be able to do so only to a limited extent
- internal processes could not be documented in a traceable manner, and IT security would be compromised.

As a result, this may prevent a business relationship from being established or prevent existing contractual or employment relationships from being properly carried out. However, you are not required to provide consent to the processing of data that is not relevant to the performance of the contract or not required by law.

5. **Automated decision making including Profiling**

There is no automated decision making including profiling taking place in the context of the use of Microsoft services.

6. **Recipients of personal data**

The above-mentioned data is only disclosed to authorized parties:

- Internal business units
- IT-suppliers and processors
- Authorities (if required by law)

The Microsoft services are provided by Microsoft Ireland Operations Ltd., One Microsoft Place , South County Business Park, Leopardstown, Dublin 18, D18 P521, Ireland („Microsoft“), which is headquartered in the U.S. Microsoft acts as a data processor in accordance with Art. 28 GDPR.

7. **International data transfers**

The processing of your personal data takes place on EU-servers. When using Microsoft as a cloud service, the transfer of data to third countries (in particular the United States) cannot be completely ruled out, because Microsoft, as the service provider, is subject to specific legal obligations (e.g., the CLOUD Act). A possible transfer only takes place on the basis of appropriate safeguards, in particular EU SCCs and supplementary technical measures.

8. **Duration of processing**

The above-mentioned personal data is only processed as long as necessary for the fulfillment of the purpose of the processing and to the extent of applicable legal retention periods (e.g. German civil code, tax code, commercial code).

9. **Data Subject Rights**

You have the following data subject rights concerning the processing of your personal data:

Right of access (Art. 15 GDPR)

Right to rectification and erasure (Art. 16 and 17 GDPR)

Right to restriction of processing (Art. 18 GDPR)

Right to data portability (Art. 20 GDPR)

Concerning your right to object, we refer to Section 11 of this notice.

In addition, you have the right to object to the processing of your data based on legitimate interests or public interest (Art. 21 GDPR) at any time. If we process your data based on your consent, you may withdraw that consent at any time with future effect (Art. 7(3) GDPR). Upon receipt of your revocation, we will no longer process your data for the purposes specified in the consent. Please direct your revocation or objection to:

genua GmbH, Domagkstraße 7, 85551 Kirchheim bei München, E-Mail: datenschutz@genua.de

10. **Right to lodge a complaint to a supervisory authority**

You also have the right to file a complaint with a supervisory authority. The supervisory authority responsible for us is Bayerische Landesamt für Datenschutzaufsicht, Postfach 606, 91511 Ansbach. Alternatively, you can file a complaint with any other supervisory authority.

11. **Right to object Art. 21 GDPR**

In addition, you have the right to object, on grounds relating to your particular situation, to the processing of your data carried out pursuant to Article 6(1)(e) or (f) of the GDPR (Article 21(1) GDPR). In the event of an objection, we will no longer use your personal data for the purposes in question and will delete it from our systems, unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights, and freedoms, or the processing is necessary for the establishment, exercise, or defense of legal claims.