

Data Protection Declaration

Consent for using your personal data by top itservices AG

This Data Protection Declaration explains the use of your personal data by top itservices AG in complying with data protection regulations.

The document is meant to inform persons concerned about how their personal data are being processed within the meaning of Section 13,14 GDPR.

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For the sake of better legibility, there is no explicit differentiation between the different gender forms in the text; nevertheless, all genders are always meant.

1 Preamble

We consider the protection of personal data by our company, in particular the protection of the confidentiality, integrity and availability of your data, as being a duty of ours that is being regularly monitored by the executive board, the data protection officer and other individuals at top itservices AG.

The executive board is aware of the utmost importance of data security and its personal responsibility. By introducing, implementing and continuously improving our data protection management system we want to highlight the importance that the processing of personal data has for us.

2 Data Protection Management

To enable us to securely process your personal data we have closely aligned our data protection policy to our company policy. That is why you will also find information about our data protection concept and our technical and organisational measures in this data protection declaration.

You will find these and other documents in the subject area "Data Protection" on our website. [-here-](#)

3 Basic Principles

Priority is to be given to implementing the minimum measures for meeting the legal requirements.

All measures are based on whether their objective can be accomplished with a proportional use of resources. Our goal is always to adequately counter the risks associated with data processing, preferably without interfering with the legitimate interests of our company more than necessary.

The following principles apply to the processing of personal data:

We will only process personal data if and for as long as we have a clear mandate or for as long as the corresponding duty exists!

The respectively pursued purpose for processing data and the associated legal basis are documented in the directory of processing activities. Data may not be processed for purposes which are not contained in this document!

We will avoid the use of personal data wherever possible!

We only use data needed to achieve legitimate objectives. We will not process data which is not required for a specific purpose.

Insofar as an objective can also be realised using anonymous or pseudonymous data, the use of such data will be preferred. General and generalised information will be processed in preference to the processing of detailed information.

The time period during which your data will be processed must also be restricted to an absolute minimum. While complying with the duty to preserve records, data will be deleted as early as possible.

We will protect the interests of the persons concerned!

Data will only be processed while accounting for the interests and expectations of the person concerned. Personal data will only be used insofar as this cannot be avoided to achieve a legitimate objective and insofar as this is reasonable for the person concerned.

We will ensure that those concerned understand how their data is being processed by us, and we will protect the rights of the persons concerned, in particular their right to information.

We will restrict access to personal data!

We will treat all personal data in strict confidence! Data will only be made available to individuals or for processing purposes insofar and for as long as this is necessary in individual cases. This restriction also applies in general to the collection of data as well as to the information contained in the data.

We will ensure the accuracy of the personal data we process!

We will immediately correct any inaccurate data that comes to our attention.

We will ensure the security of the data we process!

Our state-of-the-art technical and organisational measures are designed to ensure an adequate protection against any breaches of privacy. Here we will account for the risks associated with the processing of data.

Our data protection measures are verifiable!

We will assess and measure the success of our privacy measures to a reasonable extent, whereby we will correct any undesirable developments.

4 Responsibility and Tasks

As a matter of principle, all our staff are called upon to actively support the company's data protection measures and to ensure that these are correctly implemented in their area of responsibility. All staff are being trained accordingly and constantly reminded of the importance of data security. Staff members are being adequately instructed. In this manner all staff members are personally responsible.

The following positions have been entrusted with special tasks in the field of data protection:

- **Data Protection Officer:** The data protection officer informs and advises the company's staff about their data protection duties. He monitors the compliance with the data protection regulations. The officer is unconstrained by directives and not directly responsible for the correct application of the data protection regulations. The obligation to appoint a data protection officer is based on the relevant law.
- **Head of Data Protection:** The executive board is at all times legally responsible for the company's compliance with the data protection regulations. The board has decided to delegate this joint responsibility to an individual board member. The implementation of the measures decided on by the board can also be delegated to other persons.
- **Data Protection Coordinator:** The data protection coordinator ensures that the data protection measures are carried out in the individual departments of the company and, if necessary, he acts as the contact person between these departments. The coordinator has the necessary power to direct within the scope of the data protection regulations. The coordinator reports to the executive board on a regular basis.

5 Processing Your Personal Data

5.1 Groups of persons

The personal data of various groups of people are processed by us, whereby individual persons may also belong to several groups of people.

We process the personal data of the following groups of people:

- Applicants
- Business partners
- Candidates
- Contact persons
- Cooperation partner
- Employees
- Experts
- Interested
- Supplier
- Website Visitors

5.2 Types of data

For us to provide you with the best possible service and to fulfil our legal duties, we have to process a large amount of personal data.

These personal data can consist of the following types of information. The data that we actually process depend on the respective individual case.

Types of data arranged alphabetically:

- Working hours
- Residence status
- Education
- Academic degrees
- Banking information
- Professional experience
- Career path
- Fields
- Marital status
- Photographs
- Driver's licence categories
- Criminal record certificate
- Date of birth
- Place of birth

- Salary information
- Gender
- Health data
- Interests
- IP addresses
- Health insurance data
- Contact details (by mail, by phone, via E-Mail, portals)
- Curriculum vitae
- Projects
- Personnel number
- References
- Religion
- Pension scheme data
- Skills
- National insurance number
- Language skills
- Nationality
- Work experience
- Main areas of activity
- Holidays
- Pay
- First and last name
- Reports
- Additional information provided by you

5.3 Data origin

5.3.1 We usually only process data which you have provided to us directly. You can provide us with data in several different ways.

For example, you can contact us by E-Mail, through the contact and application tool of our website, through the information we have provided on our web pages, by storing data on our expert portal, through job offers where you contact us directly or indirectly, through a personal contact as for example at a function or a fair, through social networks, by mail or by phone. Or you can simply pay us a personal visit.

5.3.2 We also process personal data that we get from other sources when this information is made available to us in a manner conforming to legislation, for example within the context of Managed-Service-Provider relationships.

We may also process personal data obtained through a cooperation with us, for example with cooperation partners or business partners.

5.3.3 Certain data may also be processed automatically, for example when you read our E-Mails or newsletter or visit our site. Further information on data protection is available at our websites [-here-](#)

5.4 Purpose for processing data

The purpose for processing data depends on which group of people you belong to.

- Employees:
We process your data to enable us to fulfil our duties as an employer arising from the existing employment relationship.

- Applicants / Candidates / Experts / Interested:
We process your data so that we can find a suitable job or project for you. You decide on the data that you will send us. The more precise this information is with regard to your skills, experience and interests, the more suitable the job offers or projects which we can offer you.

- Cooperation partners / Business partners / Contact persons / Suppliers:
We only process data needed to ensure that the existing or initiated contractual relationship between us develops smoothly. Data of third parties can also be processed insofar as this is legally permissible, such as accounts payable information. We may also process additional information and data which we obtain from you.

- Website visitors:
We process your data for the purpose of showing you an optimal website and constantly adapting our websites to the needs of the users.

5.5 Legal basis for processing data

The legal basis for processing your data depends on the respective group of persons that you belong to.

Basically we only process personal data if

- A voluntary consent declaration exists (Section 4 No. 11, Section 5 I lit b), Section 6 I 1 lit a), Section 7 GDPR).
- Contractual or pre-contractual relations exist (Section 7 lit b) EU GDPR, Section 6 I 1 lit b) GDPR, Section 26I Federal Data Protection Act BDSG).
- We are legally obliged to process the data (Section 6 I lit c) GDPR.
- If a decision is being made between whether to process or not to process the data and a legitimate interest predominates to process the data (Section 6 I 1 lit. f) GDPR.

The data could theoretically also be processed when this is in the public interest or this is being done in carrying out an official authority (Section 6 I 1 lit e) GDPR).

5.6 Processing place

We will process your data on servers and EDP systems within the European Union or within the European Economic Area.

In individual cases your personal data may also be processed in third countries, for example when specific software is being used. Prior to using such data processing procedures we will check through our external data protection officer to see if a sufficient protection level is given, whereby we will comply with the recommendations of the Federal Office for Information Security and the Bavarian State Office for the Supervision of Data Protection.

5.7 Technical and organisational measures

Within the scope of our data protection concept which is oriented at the internationally recognised standards of DIN ISO/IEC 27001 and 27002, we have taken numerous technical and organisational steps to ensure the security, confidentiality, integrity and availability of your data in our company.

Our technical and organisational data protection measures are available on our Websites [here](#) -

6 Transmitting Your Data

6.1 Transmitting employee data

We only transmit the data of our staff within the scope of our commitments from existing employment relationships, for example for health insurance or fiscal reasons, or for our wage accounting.

In the case of temporary staff or of staff who are working for us outside our company, additional data such as personal data or profiles or working hours will be transmitted between us and third parties for positioning purposes and to meet duties arising from the existing employment relationship.

In some cases your data will be transmitted using separate secured portals such as Fieldglass.eu or through a secured E-Mail exchange such as possibly end-to-end coded E-Mails or using a coded E-Mail attachment.

6.2 Transmitting data of applicants / candidates / experts

To find a suitable project or a suitable job we will possibly be transmitting your profile to potential clients or employers without concealing your identity. These third parties exclusively consist of our clients and business and cooperation partners with whom we are in contact. Your data will be partly transmitted through separately secured portals such as Fieldglass.eu or through a secured E-Mail exchange such as possibly end-to-end coded E-Mails or using a coded E-Mail attachment.

6.3 Transmitting data of cooperation partners / business partners / contact persons / suppliers

In fulfilling our contractual commitments, we may also be transmitting the personal data of cooperation partners / business partners / contact persons / suppliers to third parties insofar

as this is necessary to fulfil an agreement. Your data will be partly transmitted through separately secured portals such as Fieldglass.eu or through a secured E-Mail exchange such as possibly end-to-end coded E-Mails or using a coded E-Mail attachment.

If no other technical means is available, in individual cases data can also be transmitted uncoded.

6.4 Transmitting data to the authorities

In certain legally regulated cases we are obliged to also transmit personal data to the authorities. This will always require a written request by the authorities seeking the information as well as at least a likely existing duty to cooperate. We will be refusing any obviously inadmissible requests for information even when these are being made by the authorities.

Should in your case a security clearance within the meaning of Sections 8,9,10 of the Security Examination Law SÜG be required for you to work on a project, this will be conducted separately through the German Federal Ministry of Economic Affairs and Energy.

7 Keeping Your Data Up to Date

7.1 Duty to keep data up to date

We are legally bound to use current data and to keep our data up to date.

Insofar as you are registered with portals such as Xing, LinkedIn, Monster, StepStone, Freelance or the like, we will attempt to keep your data up to date by using the interfaces provided by the portals or through software solutions existing between our database and the respective portals.

For this purpose personal data which you have stored and released in the respective portals will be transmitted to our database.

7.2 Data protection impact assessments

Insofar as this is legally required, before being implemented procedures will first be identified and checked through security measures on the basis of predefined risk criteria and steps. The assessments arrived at in terms of data-protection legislation will be included when implementing the measures and documented accordingly.

7.3 Personal messages

You are our most valuable source of information. This is why you may always contact us personally to leave a message. You should therefore not hesitate to inform us about all relevant changes to your data. Only by using current data will we be able to find a suitable project or job for you.

7.4 Expert portal / Time recording

To help keep your data up to date you should always use our expert portal (www.experten-portal.top-itservices.com) and/or our time recording service (www.timerec.top-itservices.com). Your profile settings will always provide you with an overview of the data you have transmitted to us electronically. At the same time you can also benefit from our project pool which you will find there.

Besides this data protection declaration the "site data protection declaration" which you will find [-here-](#) in the respectively current version also applies for the web pages of the expert portal as well as for the time recording.

8 Processing Period

We will only process your data for as long as we are legally obliged to do so or for as long as you have consented to this procedure.

in the event that you are not considered for the specific position or the specific project for which you have applied, when applying you will also have permitted us to continue to process your personal data in our system for up to two years so that we can include you in other similar positions or projects that may come up. In this case we will file the documents you have sent us in our database (expert pool).

You may object to this processing at any time without stating a reason by sending us a formless message (e.g. by E-Mail to: datenschutz@top-itservices.com).

In general we will delete data records insofar as no contact has been made between us during the last two years and we are not obliged to keep your data in complying with legal regulations.

Please note that the statutory retention period for accounting records can equal up to ten years.

9 Procedures for an Automated Decision-Making Procedure

We do not use any procedures for making automated decisions.

10 Newsletter / Use of Mail Services

10.1. Sending out newsletters by a service provider

When registering to subscribe to our newsletter we will only use data which you have provided us for this purpose. Subscribers can also be informed by E-Mail about things which are relevant for this service or their registration (for example changes to the newsletter service or technical information).

To effectively register you we need your valid E-Mail address. To check if a registration has actually been made by the owner of an E-Mail address, we use the "Double-opt-in" procedure. For this purpose we will record the subscription of the newsletter, the transmission of a confirmation mail and the receipt of the requested answer. Additional data will not be collected. The data will be exclusively used to send the newsletter and not transmitted to third parties.

To handle the dispatch of the newsletter we will also be using a mail service. Currently this is "MailChimp" of the "The Rocket Science Group LLC d/b/a" (hereinafter: "The Rocket Science Group") based in Atlanta, USA.

In order to be able to guarantee the security of your data here as well, we have an order processing contract with The Rocket Science Group in accordance with Art. 28 GDPR closed, as part of this contract, "The Rocket Science Group" has submitted to the EU standard contractual clauses, with which a level of protection corresponding to the European level of data protection is also achieved in the USA.

You can check the data protection declaration of The Rocket Science Group LLC for MailChimp [-here-](#).

Please note that the use of MailChimp means that your personal data (name, E-Mail address) will be processed in a third country outside of the European Economic Area, in this case in the USA.

In addition the success of the newsletter mails will be measured for analysis purposes, i.e. the opening and clicking behaviour of such mails will be traced and evaluated.

You may withdraw your consent to having your personal data stored and cancel your subscription to the newsletter at any time without stating a reason with effect for the future. For this purpose you will find a corresponding link in each newsletter. You can also always notify us of such a request by using the contact option available at the end of the data protection information.

10.2. E-mail services through service providers

We also use a shipping service provider to handle the dispatch of e-mails for e-mail campaigns. This is currently "Mailgun" from "Mailgun Technologies, Inc." (hereinafter: "Mailgun") based in San Antonio, USA.

In order to be able to guarantee the security of your data here as well, we have an order processing contract with Mail-gun in accordance with Art. 28 GDPR closed, as part of this contract, "Mailgun" has submitted to the EU standard contractual clauses, which means that a level of protection corresponding to the European level of data protection is also achieved in the USA.

You can view Mailgun's privacy policy [here](#).

Please note that when you use MailChimp, your personal data (such as name, email address) will also be processed in a third country outside of the European Economic Area, here in the USA.

You can revoke your consent to the storage of your personal data and its use for sending e-mails at any time without giving reasons with effect for the future. There is a corresponding link in every affected e-mail. You can also inform us of your request using the contact option given at the end of this data protection notice.

11 Currentness of the Data Protection Regulations, Amendments

We maintain an appropriate level of data protection measures. Statutory and technical developments may force us to adapt or change our procedures. Unless you specifically object to such a change, in such cases, which will also require a material justification, your consent will continue to apply. We will always inform you about such changes through public information, e.g. on our websites.

Should the changes be considerable, we will request your renewed consent to the changed data protection regulations on your selected communication channel. As a rule, this will be done by E-Mail.

In the event that you do not consent to the changes or that you withdraw your consent, we may terminate the agreement without notice.

12 Company Group, Company merger

Top itservices AG is a member of the ABLE Group. As a company of the ABLE Group your personal data, such as data used for fulfilling contractual duties, may be transmitted to other companies within our group or be processed by group companies. A high privacy standard is assured within the ABLE Group.

If top itservices AG merges with other companies in the future or if top itservices AG decides to establish subsidiary companies in the future, your declaration of consent in this data protection declaration will continue to apply insofar as a compliance with the data security level of this data protection declaration is ensured.

13 Your Rights as a Person Concerned

As the person affected by the processing of your personal data you possess the following rights towards us as the processing authority:

- The right to have the personal data being processed by us corrected and, if necessary, amended
- The right to be informed about the handling of the personal data being processed by us
- The right to be informed about your personal data being processed by us
- The right to have your personal data deleted and "forgotten"
- The right to a restriction of the processing of your personal data
- The right to data transferability
- The right to object to having your personal data processed
- The right to withdraw an already granted consent with effect for the future
- The right to complain to the competent regulatory authority for data protection

You may exercise your rights by simply making a statement by E-Mail to datenschutz@top-itservices.com or via Fax +49 89 95468-199.

In processing your request we have a legal period for giving our opinion of four weeks which in exceptional cases can be extended by a further four weeks. We will attempt to completely answer your request within the first four weeks upon receipt.

Please note that through the statutory storage periods we may still be obliged to store certain personal data of yours even after you have applied to have these deleted or "forgotten".

The regulatory authority for data protection which is responsible for us is:

Bayerisches Landesamt für Datenschutzaufsicht (BayLDA)

You may contact the regulatory authority by mail:

Postfach 606
91511 Ansbach
Deutschland

or by phone:

+ 49 981 53 1300

14 Data Protection Officer

You may contact the top itservices AG data protection officer as follows:

By mail:

Datenschutzbeauftragter der top itservices AG
c/o activeMind AG
Potsdamer Str. 3
80802 München

By phone: 089 – 91 92 94 900

E-Mail: datenschutz@top-itservices.com

15 Validity



This data protection declaration will take effect for an unlimited time after it has been announced. This data protection declaration will be superseded by the publishing of a successor data protection declaration.

Announce on: 08/24/2020