

Data Privacy Statement for information on the processing of personal data at top itservices AG

This is an English translation assistance. In case of discrepancy between the translation assistance and the original German language version, the original version shall prevail.

The data privacy statement describes how top itservices AG handles personal data and ensures that data privacy is implemented.

This document serves to inform those affected by the processing of personal data within the meaning of Art. 13,14 DS-GVO.

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In the text, no explicit differentiation is made between the different gender forms for the sake of better readability; nevertheless, all genders are always meant.

1 General section

1.1 Preamble

The protection of personal data processed in our company, in particular the maintenance of its confidentiality, integrity and availability, is our duty and is regularly controlled and monitored by the Management Board, the Data Protection Officer and other persons of top itservices AG. Compliance with protection is monitored on an ongoing basis.

The Management Board is aware of the great importance of data protection and its personal responsibility. With the introduction, implementation and continuous improvement of the data protection management system, we want to emphasize the high value that the processing of personal data has for us.

1.2 Structure of this privacy statement

This privacy policy is divided into a general section and a special section. In the general section, you will first find information that applies regardless of the type of processing. In this section, you will find, for example, information about the data controller, the data protection officer and your rights as a data subject.

In the special section you will find information on the processing of your personal data, depending on the respective connection between you and top itservices AG.

This structure is intended to provide transparency and better comprehensibility.

1.3 Data protection management

In order to be able to process your data securely, we have integrated data protection aspects deeply into our company. Therefore, in addition to this data protection declaration, you will also find explanations of our data protection concept and our technical and organizational measures.

You can access these and other documents at any time on our website in the "Data privacy" topic. [-hier-](#)

1.4 Principles

Compliance with legal requirements represents the minimum level of our data protection efforts. The measures required to fulfill legal obligations must be implemented with priority.

All measures must be based on whether their objective can be achieved with a proportionate use of means. The aim is always to adequately control the risks associated with processing, but if possible without unduly restricting the company's own interests.

The following principles apply to the processing of personal data:

We process personal data only if and as long as there is a clear permission or obligation to do so!

The specific purpose of processing and the legal basis claimed for it are documented in the list of processing activities. Processing of data not covered here may not take place!

We avoid personal data!

Data is only used to the extent necessary to achieve a legitimate purpose. Data not relevant to the achievement of a specific purpose will not be processed.

Insofar as a purpose can also be adequately achieved with anonymous or pseudonymous data, these must be used. Accordingly, the processing of general or generalized information also takes precedence over the processing of detailed information.

The duration of processing must also be limited to what is necessary. Data must be deleted as soon as possible, taking into account any retention obligations.

We respect the interests of those affected!

Any processing shall only take place in consideration of the interests and expectations of the data subjects. Personal data will only be used insofar as this is unavoidable to achieve a legitimate purpose and is reasonable for the data subject.

We ensure that the processing carried out by us is comprehensible for the data subject and respect the rights of the data subject, in particular the right to information.

We handle access to personal data restrictively!

We treat all personal data strictly confidential! Data will only be made accessible to persons or processes to the extent that and as long as this is necessary in the individual case. This restriction applies to data collections as a whole, as well as to the detailed information contained therein.

We pay attention to the accuracy of the personal data we process!

If we are notified that such data is incorrect, we will correct it without undue delay.

We provide security for data processing!

We ensure appropriate protection against data privacy violations through state-of-the-art technical and organizational measures. In doing so, we take into account the risk associated with processing.

We can prove our data protection efforts!

We assess and measure the success of our data protection measures to an appropriate extent and correct undesirable developments.

1.5 Responsibility and tasks

In principle, all employees are called upon to actively support the company's data protection efforts and to ensure the correct implementation of requirements in their area of responsibility to the best of their ability. They are trained accordingly and sensitized on an ongoing basis. Employees are given appropriate guidance. All employees are also personally responsible in this respect.

The following roles have special tasks in the area of data protection:

- **Data Protection Officer:** The Data Privacy Officer informs and advises the members of the company with regard to their obligations under data privacy law. He shall monitor compliance with the data protection regulations. The Data Privacy Officer is not subject to any instructions and is not responsible for the correct implementation of data privacy. The obligation to appoint a data protection officer is based on the law.
- **Responsible person in Data Protection:** Legal responsibility for compliance with data protection always lies with the Board of Management. The Board of Management has agreed that responsibility be assigned to an individual member of the Board of Management. Implementation of the measures initiated by the Board of Management may also be delegated to other persons.
- **Data Protection Coordinator:** The appointed coordinator shall ensure the implementation of data protection in the individual departments of the company and, if necessary, establish coordination between them. The coordinator has the necessary authority to issue directives within the framework of data protection. The coordinator reports regularly to the Management Board.

1.6 Actuality of your data

1.6.1 Duty to keep data up-to-date

We are required by law to work with up-to-date data and keep our records current.

If you are registered in portals such as Xing, LinkedIn, Monster, StepStone, Freelance or similar portals, we try to keep your data up to date by using the interfaces or software solutions provided by the portals between our database and the respective portals.

For this purpose, personal data that you have stored and released in the respective portal can also be transferred to our database.

1.6.2 Data Protection Impact assessments

Where required by law, processes are identified before they are put into operation on the basis of predefined risk criteria and levels and compared with the protective measures. The data protection assessments made in this way are incorporated into the implementation of the measures and are documented.

1.6.3 Personal notification

You personally are the most valuable source of data for us. Therefore, your personal contact is always available for personal messages from you. Do not hesitate to inform us about any relevant changes in your company. Because only if we can work with current data, we can find the right project or employment for you.

1.6.4 Experts portal

Use our expert portal (www.expertenportal.top-itservices.com), which we have created for you so that you can manage your data independently at any time. In your profile settings, you

have an overview of the data that we have received from you electronically at any time. At the same time, you can benefit from our project pool stored there.

In addition to this privacy statement, the websites of the Experts Portal are also subject to the "Privacy Statement on the Use of the Websites", which can be found online in its current version at any time. [-Link-](#)

1.7 Technical and organizational measures

As part of our data protection concept, which is based on the internationally recognized standards of DIN ISO/IEC 27001 and 27002, we have taken a number of technical and organizational measures to ensure the security, confidentiality, integrity and availability of your data in our company.

Our technical and organizational measures can be found on our websites on the subject of "Data protection". [-Link-](#)

1.8 Up-to-dateness of the data protection statement, changes

We maintain our data protection at an appropriate level. Due to legal or technical developments, we may have to adapt or change our procedures. In these cases of change, which always require an objective justification, your consent will continue to apply. Unless you expressly object to the change. We will always inform you about changes by publication, for example on our websites.

If the changes are significant, we will ask you again for your consent to the amended privacy policy through the channel you have chosen. This will usually be done via e-mail.

In the event that consent is not given or is revoked, we are entitled to terminate the contracts with you without notice.

1.9 Company group

top itservices AG is part of the ABLE Group. As a company of the ABLE Group, your personal data may also be passed on to other units of our group of companies or processed by these units, for example in order to fulfill contractual obligations. Within the ABLE Group, a uniformly high level of data protection is guaranteed; ABLE Management Services GmbH, Ferchau GmbH, M Plan GmbH, plantIng GmbH, prime-ing GmbH, among others, are certified in accordance with DIN EN ISO / IEC 27001:2017.

1.10 Your rights as a data subject

As a data subject affected by the processing of your data, you have the following rights towards us as the processor:

- Right to rectify and, if necessary, supplement your personal data processed by us
- Right to transparent information about the handling of your personal data processed by us
- Right to information about your personal data processed by us
- Right to erasure and the right to be "forgotten"
- Right to restrict processing

- Right of data portability
- Right of objection
- Right to withdrawal of consent already given with effect for the future
- Right to complain to the responsible supervisory authority for data protection

You can simply express your rights by sending an e-mail to datenschutz@top-itservices.com or a fax to +49 89 95468-199.

We have a statutory comment period of four weeks for processing your request, which can be extended by a further four weeks in exceptional cases. We will endeavor to process your request in full within the first four weeks after receipt of your request.

Please note that due to legal storage periods, we may still be obliged to store certain personal data of yours even after a request for deletion or "being forgotten".

The responsible supervisory authority for data protection for us is:

Bayerisches Landesamt für Datenschutzaufsicht (BayLDA)

You can reach the supervisory authority by mail:

Postfach 606
91511 Ansbach
Deutschland

or by phone:

+ 49 981 53 1300

1.11 Data Protection Officer

You can reach top itservices' Data Protection Officer via:

Mail:

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

Phone:

+ 49 / 89 / 91 92 94 900

E-Mail: datenschutz@top-itservices.com

2 Special section

Here you can find the relevant information on the processing of your personal data depending on your relationship with us. The categories of data subjects are sorted alphabetically based on the German terms.

2.1 Employees (internal) [Arbeitnehmer (intern)]

This section only applies to internal employees of top itservices AG. For employees of top itservices AG who are employed as temporary workers within the meaning of the AÜG, the statements under section 2.5 "Temporary workers" apply. For employees of top itservices AG who are employed as consultants for customer projects, the provisions of section 2.2 "Consultants" shall apply".

2.1.1 Purpose

We process your data for the purpose of establishing, implementing and terminating your employment relationship.

2.1.2 Legal basis

The legal basis for this processing is § 26 I BDSG, Art. 6 I lit. b) GDPR, Art. 6 I lit. c) GDPR.

If the processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.1.3 Data types

The following data may be processed within the scope of your employment. However, not all of these types of data are necessarily processed in each individual case.

- Master data (e.g. surname, first name, place of birth, date of birth, contact details, address, bank details, social security information, marital status, academic degrees, personnel number)
- Information about your education and professional career (e.g. school education, further qualifications such as training and/or studies including the relevant certificates), references from previous employers
- Information that you have made public on the Internet, e.g. in job-related social networks (e.g. Xing, LinkedIn, etc.)
- Information about your employment with us (e.g., current and former positions, reporting lines, use of company infrastructure and IT systems, performance data, etc.)
- Information about personal preferences
- Further information about yourself such as application photos, certificate of good conduct, driving license classes
- Information that is required for the establishment, implementation and termination of the employment relationship or which we are legally obliged to process (e.g. information relevant to tax and social insurance, attendance and absence data, religious affiliation). This may also include information about your health (e.g. periods of incapacity for work, degree of disability).

2.1.4 Data source

We generally receive the data mentioned above from you (digital/analog). Some information may also be provided to us by external third parties (e.g. financial or social security authorities or recruitment agencies).

2.1.5 Recipients of the data

In order to establish, implement and terminate your employment, your data may have to be disclosed to the following third parties:

- Our holding company ABLE Management Services GmbH, which provides central services for us to process employment relationships, and to safeguard our legitimate interest in efficient personnel management across the Group
- Public bodies such as financial and social security authorities
- Private bodies to which we are obligated to transmit certain data (e.g. health insurance companies)
- Our customers, if and to the extent that they need to contact you.
- Other companies in our group of companies, insofar as this is necessary for the processing of your employment relationship, we have a legitimate interest in the transfer or you have given us your consent to do so. You can view an up-to-date list of these companies on the intranet.
- Private entities that act as service providers for us (e.g. in the area of provision and administration of our IT systems, in the area of provision of company vehicles, to take over administrative tasks in the personnel and administration area or for legal advice).

Insofar as these processing operations constitute a case of commissioned processing pursuant to Art. 28 GDPR, the service providers are contractually obligated as processors and are regularly monitored by us.

2.1.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.1.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

If the processing of your personal data is based on your consent, your data will only be processed in this context as long as you have given your consent.

Applicant data will be retained by us for up to 6 months after notification of rejection. After notification of rejection, your data will be blocked and only retained for storage purposes.

In general, we ask you to note that storage periods of more than 10 years may occur, particularly in connection with, for example, the calculation of the company pension scheme.

2.1.8 Providing mandatory or voluntary

The providing of the aforementioned data is generally necessary for the performance of your employment relationship. If you do not provide the required data contrary to a legal or (secondary) contractual obligation, we may not be able to maintain the employment relationship with you.

2.1.9 Withdrawal of consent

You may withdraw your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is made possible by your consent, so that the revocation of consent only affects these parts of the processing.

You can withdraw your consent at any time and without any formalities towards top itservices AG, for example simply via e-mail. To simplify the processes, please use the contact persons from the data protection team or the human resources department. The contact details are published on the intranet.

2.1.10 Automatic Decision Making / Profiling

The top itservices AG has not implemented any procedures for automatic decision-making or profiling.

2.2 Consultants

This section only applies to employees of top itservices AG who are also involved in customer projects as consultants. For employees of top itservices AG who perform purely internal tasks, the statements under section 2.1 "Employees (internal)" apply. For employees of top itservices AG who are employed as temporary workers within the meaning of the AÜG, the statements under section 2.5 "Temporary workers" apply.

2.2.1 Purpose

We process your data for the purpose of establishing, implementing and terminating your employment relationship. As a rule, this also includes passing on necessary information about you to our customers for whom a project assignment is being considered or carried out.

2.2.2 Legal basis

The legal basis for this processing is § 26 I BDSG, Art. 6 I lit. b) GDPR, Art. 6 I lit. c) GDPR.

If the processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.2.3 Data types

The following data may be processed within the scope of your employment. However, not all of these types of data are necessarily processed in each individual case.

- Master data (e.g. surname, first name, place of birth, date of birth, contact details, address, bank details, social security information, marital status, academic degrees, personnel number).

- Information about your education and your professional career (e.g. school education, further qualifications such as training and/or studies including the corresponding certificates), references from previous employers
- Information that you have made public on the Internet, e.g. in job-related social networks (e.g. Xing, LinkedIn)
- Information about your employment with us (e.g. current and previous positions, reporting lines, use of company infrastructure and IT systems, performance data)
- Further information about you, such as application photos, certificate of good conduct, driving license classes
- Information on personal preferences
- Information required for the establishment, implementation and termination of the employment relationship or which we are legally obliged to process (e.g. information relevant to tax and social insurance, attendance and absence data, religious affiliation). This may also include information about your health (e.g. periods of incapacity for work, degree of disability).

2.2.4 Data source

We generally receive the data mentioned above from you (digital/analog). Some information may also be provided to us by external third parties (e.g. financial or social security authorities or recruitment agencies).

2.2.5 Recipients of the data

In order to establish, implement and terminate your employment, your data may have to be disclosed to the following third parties:

- Our holding company ABLE Management Services GmbH, which provides central services for us to manage the employment relationship, and to safeguard our legitimate interest in efficient personnel management across the Group
- Public bodies such as financial and social security authorities
- Private bodies to which we are obligated to transmit certain data (e.g. health insurance companies)
- Our customers, if and to the extent that they need to contact you or a project is to be managed by you at this customer's site.
- Other companies in our group of companies, insofar as this is necessary for the processing of your employment relationship, we have a legitimate interest in the transfer or you have given us your consent to do so. You can view an up-to-date list of these companies on the intranet.
- Private entities that act as service providers for us (e.g. in the area of provision and administration of our IT systems, in the area of provision of company vehicles, to take over administrative tasks in the personnel and administration area or for legal advice).

Insofar as these processing operations constitute a case of commissioned processing pursuant to Art. 28 GDPR, the service providers are correspondingly contractually obligated as processors and are regularly monitored by us.

2.2.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.2.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

If the processing of your personal data is based on your consent, your data will only be processed in this context as long as you have given your consent.

Applicant data will be retained by us for up to 6 months after notification of rejection. After notification of rejection, your data will be blocked and only retained for storage purposes.

In general, we ask you to note that storage periods of more than 10 years may occur, particularly in connection with, for example, the calculation of the company pension scheme.

2.2.8 Providing mandatory or voluntary

The providing of the aforementioned data is generally necessary for the performance of your employment relationship. If you do not provide the required data contrary to a legal or (secondary) contractual obligation, we may not be able to maintain the employment relationship with you.

2.2.9 Withdrawal of consent

You may withdraw your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is made possible by your consent, so that the revocation of consent only affects these parts of the processing.

You can withdraw your consent at any time and without any formalities towards top itservices AG, for example simply via e-mail. To simplify the processes, please use the contact persons from the data protection team or the human resources department. The contact details are published on the intranet.

2.2.10 Automatic Decision Making / Profiling

The top itservices AG has not implemented any procedures for automatic decision-making or profiling.

2.3 Business partners / cooperation partners

An overview of the personal data we process in the context of cooperation and the development of our business relationship can be found in this subsection.

2.3.1 Purpose

We process your personal data for the proper handling and development of our business relationship and to fulfill the legal obligations to which we are subject.

2.3.2 Legal basis

The legal basis for this processing is Art. 6 I lit. b) GDPR and Art. 6 I lit. c) GDPR.

If the processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms

as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.3.3 Data types

Within the scope of our business relationship, the following data may be processed. However, not all of these types of data will necessarily be processed in each individual case.

- Personal master data, e.g. your name, function, business contact details (address(es), telephone and fax numbers, e-mail addresses) and other contact details.
- Other business-related information, e.g., your industry, past business activities and business history with us
- Other personal information that you have provided to us (e.g. your birthday, hobbies, etc.)
- Contract data such as customer number, bank details, tax number/USt-ID
- Photos that you provide to us or that are taken in the course of events of which you are a participant
- Credit rating data
- data for the processing of payment transactions
- personal data that we are permitted to process from publicly accessible sources (e.g. commercial register, credit rating information from Creditreform)

2.3.4 Data source

As a rule, we receive the aforementioned information from you (digital/analog). Some information may also be provided to us by third parties (e.g. your employer, your colleagues, credit agencies (e.g. Creditreform)).

2.3.5 Recipients of the data

For the proper processing and expansion of our business relationship, data may have to be passed on to the following third parties:

- Our holding company ABLE Management Services GmbH, which provides central services for us to process business relationships, as well as to protect our legitimate interest in efficient customer management throughout the Group.
- Public bodies such as financial and social security authorities
- Private entities that act as service providers for us (e.g. in the area of provision and administration of our IT systems or for legal advice).

Insofar as these processing operations constitute a case of commissioned processing pursuant to Art. 28 DS-GVO, the service providers are contractually obligated as processors and are regularly monitored by us.

2.3.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.3.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

If the processing of your personal data is based on your consent, your data will only be processed in this context as long as you have given your consent.

For business letters, for example, a statutory retention period of 6 years applies.

In general, we ask you to note that, for example, for data with fiscal relevance (such as accounting records), statutory retention obligations of 10 years apply.

2.3.8 Providing mandatory or voluntary

The providing of the aforementioned data is fundamentally necessary for the implementation of the business relationship.

2.3.9 Withdrawal of consent

You may withdraw your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is made possible by your consent, so that the revocation of consent only affects these parts of the processing.

You can withdraw your consent at any time and without any formalities towards top itservices AG, for example simply via e-mail. To simplify the processes, please use the contact persons from the data protection team (mail to: datenschutz@top-itservices.com).

2.3.10 Automatic decision making / profiling

The top itservices AG has not used any procedures for automatic decision-making or profiling.

2.4 Customers and customer contacts

An overview of the personal data that we process in the context of cooperation and the development of our customer relationship can be found in this subsection.

2.4.1 Purpose

We process your personal data for the proper handling and development of our business relationship and to fulfill the legal obligations to which we are subject.

2.4.2 Legal basis

The legal basis for this processing is Art. 6 I lit. b) GDPR and Art. 6 I lit. c) GDPR.

If the processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.4.3 Data types

Within the scope of our business relationship, the following data may be processed. However, not all of these types of data will necessarily be processed in each individual case.

- Personal master data, e.g. your name, function, business contact details (address(es), telephone and fax numbers, e-mail addresses) and other contact details.
- Other business-related information, e.g., your industry, past business activities and business history with us
- Other personal information that you have provided to us (e.g. your birthday, hobbies, etc.)
- Contract data such as customer number, bank details, tax number/USt-ID
- Photos that you provide to us or that are taken in the course of events of which you are a participant
- Credit rating data
- data for the processing of payment transactions
- personal data that we are permitted to process from publicly accessible sources (e.g. commercial register, credit rating information from Creditreform).

2.4.4 Data source

As a rule, we receive the aforementioned information from you (digital/analog). Some information may also be provided to us by third parties (e.g. your employer, your colleagues, credit agencies (e.g. Creditreform)).

2.4.5 Recipients of the data

For the proper processing and expansion of our business relationship, data may have to be passed on to the following third parties:

- Our holding company ABLE Management Services GmbH, which provides central services for us to process business relationships, as well as to protect our legitimate interest in efficient customer management throughout the Group.
- Public bodies such as financial and social security authorities
- Private entities that act as service providers for us (e.g. in the area of provision and administration of our IT systems or for legal advice).

Insofar as these processing operations constitute a case of commissioned processing pursuant to Art. 28 GDPR, the service providers are contractually obligated as processors and are regularly monitored by us.

2.4.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.4.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

If the processing of your personal data is based on your consent, your data will only be processed in this context as long as you have given your consent.

For business letters, for example, a statutory retention period of 6 years applies.

In general, we ask you to note that, for example, for data with fiscal relevance (such as accounting records), statutory retention obligations of 10 years apply.

2.4.8 Providing mandatory or voluntary

The providing of the aforementioned data is fundamentally necessary for the implementation of the business relationship.

2.4.9 Withdrawal of consent

You may withdraw your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is made possible by your consent, so that the revocation of consent only affects these parts of the processing.

You can withdraw your consent at any time and without any formalities towards top itservices AG, for example simply via e-mail. To simplify the processes, please use the contact persons from the data protection team (mail to: datenschutz@top-itservices.com).

2.4.10 Automatic decision making / profiling

The top itservices AG has not used any procedures for automatic decision-making or profiling.

2.5 Temporary workers (Leiharbeitnehmer)

This section only applies to employees of top itservices AG who, as temporary workers within the meaning of the German Temporary Employment Act (AÜG), are provided by top itservices AG as a lender to a customer (hirer) to perform work.

For employees of top itservices AG who perform purely internal tasks, the statements under section 2.1 "Employees (internal)" apply. For employees of top itservices AG who, as consultants, are also involved in customer projects, the provisions of section 2.2 "Consultants" apply.

2.5.1 Purpose

We process your data for the establishment, implementation and termination of your employment relationship. This also includes passing on necessary information about you to our customers for whom a temporary employment is being considered or is being carried out.

2.5.2 Legal basis

The legal basis for this processing is § 26 I BDSG, Art. 6 I lit. b) GDPR, Art. 6 I lit. c) GDPR.

If the processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.5.3 Data types

The following data may be processed within the scope of your employment. However, not all of these types of data will necessarily be processed in each individual case.

- Master data (e.g. surname, first name, place of birth, date of birth, contact data, address, bank details, social security information, marital status, academic degrees, personnel number)
- Information about your education and your professional career (e.g. school education, further qualifications such as training and/or studies including the corresponding certificates), references from previous employers
- Information that you have made public on the Internet, e.g. in job-related social networks (e.g. Xing, LinkedIn)
- Information about your employment with us (e.g. current and previous positions, reporting lines, use of company infrastructure and IT systems, performance data)
- Further information about you, such as application photos, certificate of good conduct, driving license classes
- Information on personal preferences
- Information required for the establishment, implementation and termination of the employment relationship or which we are legally obliged to process (e.g. information relevant to tax and social insurance, attendance and absence data, religious affiliation). This may also include information about your health (e.g. periods of incapacity for work, degree of disability).

2.5.4 Data source

As a rule, we receive the aforementioned information from you (digital/analog). Some information may also be provided to us by third parties (e.g. your employer, your colleagues, credit agencies (e.g. Creditreform)).

2.5.5 Recipients of the data

In order to establish, implement and terminate your employment relationship, your data may have to be passed on to the following third parties:

- Our holding company ABLE Management Services GmbH, which provides central services for us to handle the employment relationship, as well as to protect our legitimate interest in efficient human resources management across the Group
- Public bodies such as financial and social security authorities
- Private bodies to which we are obligated to transmit certain data (e.g. health insurance companies)
- Our customers, if and insofar as they need to contact you or an employee is to be or is being transferred from you to this customer.
- Other companies in our group of companies, insofar as this is necessary for the processing of your employment relationship, we have a legitimate interest in the transfer or you have given us your consent to do so. You can view an up-to-date list of these companies on the intranet.
- Private entities that act as service providers for us (e.g. in the area of provision and administration of our IT systems, in the area of provision of company vehicles, to take over administrative tasks in the personnel and administration area or for legal advice).

Insofar as these processing operations constitute a case of commissioned processing pursuant to Art. 28 GDPR, the service providers are contractually obligated as processors and are regularly monitored by us.

2.5.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.5.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

Insofar as the processing of your personal data is based on your consent, your data will only be processed in this context as long as the corresponding consent has been obtained from you.

Applicant data will be retained by us for up to 6 months after notification of rejection. After notification of rejection, your data will be blocked and only retained for storage purposes.

In general, we ask you to note that storage periods of more than 10 years may occur, particularly in connection with, for example, the calculation of the company pension scheme.

2.5.8 Providing mandatory or voluntary

The providing of the aforementioned data is generally necessary for the performance of your employment relationship. If you do not provide the required data contrary to a legal or (secondary) contractual obligation, we may not be able to maintain the employment relationship with you.

2.5.9 Withdrawal of consent

You may withdraw your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is made possible by your consent, so that the revocation of consent only affects these parts of the processing.

You can revoke your consent at any time and without any formalities vis-à-vis top itservices AG, for example simply by sending an e-mail. To simplify the processes, please use the contact persons from the data protection team or the human resources department. The contact details are stored on the intranet

2.5.10 Automatic decision making / profiling

The top itservices AG has not used any procedures for automatic decision-making or profiling.

2.6 Newsletter subscribers

The top itservices AG sends out various newsletters to different subscriber groups at irregular intervals. You can find the data protection information regarding the sending of newsletters here.

2.6.1 Purpose

Your data will only be used to send you the subscribed newsletter by e-mail. Insofar as you have also consented to the evaluation, we also evaluate your user behavior in relation to the newsletter and any content linked therein. Your name is given in order to be able to address

you personally in the newsletter and to identify you if you wish to exercise your rights as a data subject.

2.6.2 Legal basis

The legal basis for this processing is in each case your consent pursuant to Art. 6 para. 1 lit. a) GDPR.

2.6.3 Data types

Within the scope of sending out the newsletter, we process the following data from you:

- User behavior
- Contact data
- Personal master data

2.6.4 Data source

We have received the data we process from you (digitally).

2.6.5 Recipients of the data

We use a service provider who acts for us as an order processor for the dispatch and any evaluations that may take place.

2.6.6 Third-country transfer

Processing also takes place outside the EEA. In this case, data is also processed in the USA (United States of America) by our service provider. In this respect, there are guarantees that ensure a comparable level of data protection as within the EU. The standard contractual clauses of the EU have been agreed and are part of the contractual obligations. Furthermore, when selecting the service provider and the technical equipment, the focus was placed on a particularly high level of technical data protection.

2.6.7 Storage period

Your data will only be processed in this context as long as the corresponding consent has been obtained from you.

2.6.8 Providing mandatory or voluntary

The providing of your personal data is voluntary. The newsletter will be sent to you solely on the basis of your consent.

2.6.9 Withdrawal of consent

You can revoke your consent to the storage of your personal data and its use for the newsletter dispatch by top itservices AG at any time. In each newsletter, you will find a corresponding link at the end of the newsletter (footer). In addition, the revocation can be made via the other contact options provided on the website, for example via e-mail.

2.6.10 Automatic decision making / profiling

If you have given us your consent, we evaluate the use of the newsletters sent and evaluate them. In addition, an evaluation is carried out in relation to the web presence of top itservices AG in order to optimize both the newsletter and the web offer and to adapt them to the interests of our subscribers.

2.7 Other interested parties

An overview of the personal data that we process in the context of inquiries or other contacts from you.

2.7.1 Purpose

We process your personal data to properly respond to your requests and to comply with the legal obligations to which we are subject.

2.7.2 Legal basis

The processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.7.3 Data types

The following data may be processed from you as part of the response. However, not all of these types of data are necessarily processed in each individual case.

- Personal master data, e.g. your name, function, business contact details (address(es), telephone and fax numbers, e-mail addresses) and other contact details.
- Other business-related information, e.g., your industry, past business activities and business history with us
- Other personal information you have provided to us (e.g. your birthday, hobbies, etc.)

2.7.4 Data source

We usually receive the aforementioned information from you (digital/analog)

2.7.5 Recipients of the data

Your data will not be passed on to third parties unless this is absolutely necessary for the processing of your request.

2.7.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.7.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

Insofar as the processing of your personal data is based on your consent, your data will only be processed in this context as long as we have the corresponding consent from you.

For business letters, for example, a statutory retention period of 6 years applies.

2.7.8 Providing mandatory or voluntary

The providing of the aforementioned data is voluntary.

2.7.9 Withdrawal of consent

You may revoke your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is enabled by your consent, so that the revocation of consent only affects these parts of the processing.

You may revoke your consent at any time and in any form to top itservices AG, for example simply by sending an e-mail (mail to: datenschutz@top-itservices.com).

2.7.10 Automatic decision making / profiling

The top itservices AG has not used any procedures for automatic decision-making or profiling.

2.8 Subcontractors / Employees of Subcontractors / Subcontractors

An overview of the personal data that we process in the context of cooperation and the development of our business relationship can be found in this subsection.

2.8.1 Purpose

We process your personal data for the proper handling and development of our business relationship and to fulfill the legal obligations to which we are subject.

2.8.2 Legal basis

The legal basis for this processing is Art. 6 I lit. b) GDPR and Art. 6 I lit. c) GDPR.

If the processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.8.3 Data types

Within the scope of our business relationship, the following data may be processed. However, not all of these types of data will necessarily be processed in each individual case.

- Personal master data, e.g. your name, function, business contact details (address(es), telephone and fax numbers, e-mail addresses) and other contact details.
- Other business-related information, e.g., your industry, past business activities and business history with us
- Other personal information that you have provided to us (e.g. your birthday, hobbies, etc.)
- Contract data such as customer number, bank details, tax number/USt-ID
- Photos that you provide to us or that are taken in the course of events of which you are a participant
- creditworthiness data
- data for the processing of payment transactions

- personal data that we are permitted to process from publicly accessible sources (e.g. commercial register, creditworthiness information from Creditreform).

2.8.4 Data source

As a rule, we receive the aforementioned information from you (digital/analog). Some information may also be provided to us by third parties (e.g. your employer, your colleagues, our customers, credit agencies (e.g. Creditreform)).

2.8.5 Recipients of the data

For the proper handling and development of our business relationship, data may have to be passed on to the following third parties:

- Our customers, insofar as a project relevant to you is to be awarded to them
- Our parent company ABLE Management Services GmbH, which provides central services for us to process business relationships, and to protect our legitimate interest in efficient customer management throughout the Group
- Public bodies such as financial and social security authorities
- Private bodies acting as service providers for us (e.g. in the area of provision and administration of our IT systems or for legal advice).

Insofar as these processing operations constitute a case of commissioned processing pursuant to Art. 28 GDPR, the service providers are contractually obligated as processors and are regularly monitored by us.

2.8.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.8.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

If the processing of your personal data is based on your consent, your data will only be processed in this context as long as you have given your consent.

For business letters, for example, a statutory retention period of 6 years applies.

In general, we ask you to note that, for example, in the case of data of relevance to tax law (such as accounting documents), statutory retention obligations of 10 years apply.

2.8.8 Providing mandatory or voluntary

The providing of the aforementioned data is basically necessary for the execution of the business relationship.

2.8.9 Withdrawal of consent

You may revoke your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is enabled by your consent, so that the revocation of consent only affects these parts of the processing.

You may revoke your consent at any time and in any form to top itservices AG, for example simply by sending an e-mail (mail to: datenschutz@top-itservices.com).

2.8.10 Automatic decision making / profiling

The top itservices AG has not used any procedures for automatic decision-making or profiling.

2.9 Talent pool

An overview of the personal data that we process from you as part of the Talent Pool.

2.9.1 Purpose

We process your personal data for consideration for potentially suitable vacancies and or project inquiries.

2.9.2 Legal basis

The processing of personal data is based on your consent, the legal basis is Art. 6 I lit. a) GDPR.

In special cases, processing may also be necessary to protect the legitimate interests of top itservices AG or a third party. In these cases, your interests, fundamental rights and freedoms as a data subject will be weighed against the legitimate interests of the controller. The legal basis in this case is Art. 6 I lit. f) GDPR.

2.9.3 Data types

The following data may be processed from you as part of the response. However, not all of these types of data are necessarily processed in each individual case.

- Personal master data, e.g. your name, function, business contact details (address(es), telephone and fax numbers, e-mail addresses) and other contact details.
- Other business-related information, e.g., your industry, past business activities and business history with us
- Information about your education and professional background (e.g. school education, further qualifications such as training and/or studies including the corresponding certificates), references from previous employers
- Information that you have made public on the Internet, e.g. in job-related social networks (e.g. Xing, LinkedIn)
- Information about your employment with us (e.g. current and previous positions, reporting lines, use of company infrastructure and IT systems, performance data)
- Information about personal preferences
- Further information about you, such as application photos, certificate of good conduct, driving license classes
- Information about your professional skills

2.9.4 Data source

We usually receive the aforementioned information from you (digital/analog).

2.9.5 Recipients of the data

We do not intend to pass on your data from the talent pool.

2.9.6 Third-country transfer

The processing of your personal data in an area outside the European Economic Area is not intended.

2.9.7 Storage period

We process and store your personal data as long as it is necessary for the fulfillment of our contractual and legal obligations.

If the data is no longer required for the fulfillment of contractual or legal obligations, it will be deleted on a regular basis.

If the processing of your personal data is based on your consent, your data will only be processed in this context as long as you have given your consent.

For business letters, for example, a statutory retention period of 6 years applies.

2.9.8 Providing mandatory or voluntary

The providing of the aforementioned data is voluntary.

2.9.9 Withdrawal of consent

You may revoke your consent to the processing of your personal data by top itservices AG at any time. Please note that only part of the processing of your personal data is enabled by your consent, so that the revocation of consent only affects these parts of the processing.

You may revoke your consent at any time and in any form to top itservices AG, for example simply by sending an e-mail (mail to: datenschutz@top-itservices.com).

2.9.10 Automatic decision making / profiling

The top itservices AG has not used any procedures for automatic decision-making or profiling.

2.10 Website-visitors

For our websites, the "Privacy Statement for the Use of Websites" applies, which you can find [-here-](#) in its current version.

3 Document classification

As part of the orientation to ISO/IEC 27001 and BSI Standard 200-2, information is classified, labeled and assigned to a protection class.

This document was classified as "[public / unclassified](#)".

The classification was carried out by the departments "Data Protection" and "Project Management and Digitalization" on 11.10.2021 and is documented under the code number DXM-373.

top itservices AG has also decided to mark documents as "[public / unclassified](#)".

4 Validity

This data protection statement shall continue to apply indefinitely from the time of its publication. The validity of this data protection statement is cancelled by the announcement of a successor data protection statement.

Announced on: 10/15/2021