Privacy Policy

1. Collection of Personal Data
(1) This Privacy Policy is here to inform you about the collection and processing of personal data when you use our website, and your rights under the EU General Data Protection Regulation ("GDPR").

(2) Personal data is all data that relates to you personally, e.g. name, address, email address, user habits.

(3) The Data Controller under Article 4(7) of the EU General Data Protection Regulation (GDPR) is

EMSware GmbH
Mülheimer Strasse 15
90451 Nuremberg/Nürnberg
Managing Director: Friedrich Erdenkäufer
info@emsware.de

(4) Our Data Protection Officer is
Stefanie Hoffmann
The Data Protection Officer can be contacted on s.hoffmann@emsware.de or via our postal address. Please add "der Datenschutzbeauftragte" ("To the Data Protection Officer") to your envelope.

(5) If you contact us via email or a contact form, the data you provide (email address; name and telephone number, if applicable) will be stored by us so that we can answer your questions. Once the data collected in this context is no longer required, we will delete this data, or limit processing if the law requires us to retain it.

(6) Detailed information can be found below on where we use contracted service providers for individual functions of our website, or if we wish to use your data for advertising purposes. The specified criteria regarding storage periods are also listed.

2. Your Rights
(1) You have the following rights regarding your personal data:
   ✓ The right to information (GDPR Article 15)
   ✓ The right to correction or deletion (GDPR Articles 16 and 17)
   ✓ The right to restriction of data processing (GDPR Article 18)
   ✓ The right to object to data processing (GDPR Article 21)
   ✓ The right to data portability (GDPR Article 20)
   ✓ The right to withdraw consent to data processing (GDPR Article 7(3))
   ✓ The right to appeal to a supervisory authority
Your Rights in Detail:

(2.1) Right to Information

You can request confirmation from the Data Controller as to whether we are processing any of your personal data. If such processing is being undertaken, you can request the following information from the Data Controller:

a. The purposes for which your personal data is being processed.
b. The categories of personal data which are being processed.
c. The parties or categories of parties to whom your personal data has been disclosed or is being disclosed.
d. The intended duration of storage of your personal data; or, if specific information in this regard is available, criteria for determining the storage period.
e. The existence of a right to correction or deletion of your personal data, the existence of a right to restriction of data processing by the Data Controller, or of the existence of a right to object to such processing.
f. The existence of a right of appeal to a supervisory authority.
g. Any available information on the origin of the data, if the personal data in question was not collected from the Data Subject.
h. The existence of automated decision-making, including profiling, under GDPR Article 22(1) and 22(4), and – as a minimum, in these cases – meaningful information on the logic involved and the scope and intended effects of such processing for the Data Subject. You have the right to request information as to whether your personal data is being passed to a third country or an international organisation. In connection with this, you can request information on the Appropriate Safeguards under GDPR Article 46 regarding data transfer.

(2.2) Right to Correction

If any of the personal data concerning you is incorrect or incomplete, you have the right to have the Data Controller correct and/or complete this data. The Data Controller must carry out corrections without delay.

(2.3) Right to Deletion

(2.3.1) You have the right to demand the deletion of your personal data by the Data Controller without delay, and the Data Controller is obliged to delete this data without delay, if one of the following reasons applies:

a. Your personal data is no longer required for the purposes for which it was collected or otherwise processed.
b. You withdraw your consent on which the processing was based under GDPR Article 6(1)a or 9(2)a, and there is no other legal basis for processing.
c. You object to processing of your personal data under GDPR Article 21(1) and there are no overriding legitimate grounds for processing, or you object to processing of your personal data under GDPR Article 21(2).
d. Your personal data has been unlawfully processed.
e. Deletion of your personal data is necessary to fulfil a legal obligation under EU or Member State law to which the Data Controller is subject.
f. Your personal data was collected in relation to information society services under GDPR Article 8(1).
(2.3.2) If the Data Controller has made your personal data public and is obliged to delete it under GDPR Article 17(1), the Data Controller – having regard to the available technology and the costs of implementation – shall take reasonable measures (including technical measures) to inform those Data Controllers who are processing your personal data that you, the Data Subject, have requested the deletion all links to your personal data, or deletion of copies or duplicates of your personal data.

(2.3.3) The right to deletion does not apply if data processing is necessary for any of the following reasons:

a. To exercise rights to freedom of expression and information.

b. To fulfil a legal obligation which requires data processing under EU or Member State law to which the Data Controller is subject, or for performance of a task which is in the public interest or in the exercise of official authority conferred on the Data Controller.

c. For reasons of public interest regarding public health, under GDPR Article 9(2)h, 9(2)i and 9(3).

d. For archiving purposes in the public interest, scientific or historical research purposes, or for statistical purposes under GDPR Article 89(1), if the rights stated in GDPR Article 17(1) are likely to make it very difficult or impossible to achieve the aims of processing the data.

e. To assert, exercise or defend legal claims.

(2.4) Right to Restriction of Data Processing

You can request the restriction of processing of your personal data if one of the following conditions applies:

a. You contest the accuracy of your personal data for a sufficient period for the Data Controller to verify the accuracy of this personal data.

b. The processing is unlawful, but you request restriction of use of your personal data instead of deletion.

c. The Data Controller no longer needs your personal data for processing purposes, but you require this data to assert, exercise or defend legal claims.

d. You have objected to processing of your personal data under GDPR Article 21(1) and it is not yet certain whether the legitimate interests of the Data Controller outweigh your interests.

If processing of your personal data has been restricted, this data – except for purposes of storage – may only be processed with your consent, or to assert, exercise or defend legal claims, or to protect the rights of another natural or legal person, or for reasons of important public interest of the EU or a Member State. If processing was restricted in accordance with the conditions above, the Data Controller must inform you before the restriction is lifted.

(2.5) Right to Information

If you have exercised your right to have the Data Controller correct, delete, or restrict the processing of your data, then the Data Controller is obliged to inform all parties to whom your personal data has been disclosed of this correction or deletion of the data or restriction of its processing, unless this proves to be impossible or involves disproportionately large effort. You have the right to be told about these parties by the Data Controller.
(2.6) Right to Data Portability
You have the right to obtain, in a structured, common, and machine-readable format, the personal data which you have provided to the Data Controller. You additionally have the right to transmit this data to another Data Controller without obstruction by the Data Controller to which the personal data was provided, as long as:

a. Processing is based on consent under GDPR Article 6(1)a or 9(2)a, or a contract under GDPR Article 6(1)b, and

b. Processing is carried out using automated methods.

In exercising this right, you may also exercise the right to have your personal data transmitted directly from one Data Controller to another, where this is technically feasible. This must not affect the freedoms and rights of other persons. The right to data portability does not apply to processing of personal data which is required for performance of a task which is in the public interest or in the exercise of official authority conferred on the Data Controller.

(2.7) Right to Object
You have the right, for reasons arising from your specific situation, and at any time, to object to processing of your personal data being undertaken on the basis of GDPR Article 6(1)e or 6(1)f; this also applies to profiling based on these provisions.

The Data Controller will then no longer process your personal data, unless the Data Controller can provide evidence of compelling legitimate reasons for processing which outweigh your interests, rights and freedoms; or if processing serves to assert, exercise or defend legal claims.

If your personal data are processed for direct marketing purposes, you have the right, at any time, to object to the processing of your personal data for the purpose of such marketing; this also applies to profiling associated with such direct marketing. If you object to data processing for purposes of direct advertising or profiling, your personal data will no longer be processed for these purposes.

In connection with the use of information society services – notwithstanding Directive 2002/58/EC – you may exercise your right to object by automated means using technical specifications.

(2.8) Right to Withdraw Consent to Data Processing
You have the right to revoke your declaration of consent to data processing at any time. Withdrawal of consent shall not affect the legality of processing undertaken on the basis of this consent before its withdrawal.

(2.9) Automated Decision-Making, Including Profiling
You have the right not to be subject to a decision based solely on automated processing – including profiling – which has legal effects concerning you or has similarly significant negative effects on you. This does not apply:

a. If the decision is necessary for concluding or performing a contract between you and the Data Controller;

b. If the decision is authorised by EU or Member State law to which the Data Controller is subject, and this law also lays down suitable measures to safeguard your rights, freedoms and legitimate interests; or
c. If the decision is made with your explicit consent. However, these decisions must not be based on the categories of personal data under GDPR Article 9(1), unless GDPR Article 9(2)a or 9(2)g applies and appropriate measures to protect your rights, freedoms and legitimate interests have been taken. In the cases referred to in points a and c, the Data Controller shall implement suitable measures to safeguard your rights, freedoms and legitimate interests, which shall as a minimum include the right to obtain human intervention from the Data Controller, the right to state your position, and the right to contest the decision.

(2.10) Right of Appeal
Irrespective of any other administrative or judicial remedy, you have the right of appeal to a supervisory authority – more specifically, in the member state where you reside, where you work, or where an alleged offence was committed – if you believe that the processing of your personal data violates the GDPR. A list of Data Protection Officers and contact details can be found on: https://www.bfdi.bund.de/DE/Infothek/Anschriften_Links/anschriften_links-de.html

3. Legal Basis of Data Processing
(1) Where we obtain the consent of the Data Subject to processing their personal data, GDPR Article 6(1)a forms the legal basis.
(2) For processing of personal data required to fulfil a contract to which the Data Subject is a party, GDPR Article 6(1)b forms the legal basis. This also applies to processing which is necessary for carrying out pre-contractual tasks.
(3) Where processing of personal data is necessary to fulfil a legal obligation to which our company is subject, GDPR Article 6(1)c forms the legal basis.
(4) In the event that vital interests of the Data Subject or another natural person make the processing of personal data necessary, GDPR Article 6(1)d forms the legal basis.
(5) If processing is necessary to safeguard a legitimate interest of our company or of a Third Party, and the interests, fundamental rights and freedoms of the Data Subject do not outweigh the aforementioned interest, GDPR Article 6(1)f forms the legal basis. Conducting our business activities is a legitimate interest of our company.
(6) Where information is given below on the collection of particular personal data, specific reference is made to the applicable legal basis.

4. Collection of Personal Data when Visiting our Website
(1) If you use the website for information purposes only – i.e., if you do not register or otherwise provide us with information – we only collect the personal data that your browser sends to our server. If you wish to view our website, we collect the following data, which is technologically necessary to display our website and to ensure stability and security (legal basis: GDPR Article 6(1)f, sentence 1):
   - IP address
   - Date and time of request
   - Time zone difference from Greenwich Mean Time (GMT)
   - Content of request (specific page)
   - Access status/HTTP status code
   - Amount of data transmitted
In addition to the aforementioned data, cookies are stored on your computer when you use our website. Cookies are small text files that are stored on your hard disk, associated with your browser, and which transmit certain information to the party sending the cookies (in this case, us). Cookies cannot run programs or transmit viruses to your computer. They serve to make our site more effective and user-friendly.

(3) Use of cookies:

a) This website uses the following types of cookies, the scope and functionality of which are explained below:
   - Transient cookies (see b)
   - Persistent cookies (see c).

b) Transient cookies are automatically deleted when you close your browser. This includes session cookies. These store a so-called session ID, which enables various browser requests to be assigned to a single session. This allows your computer to be recognised when you return to our site. Session cookies are deleted when you log out or close your browser.

c) Persistent cookies are automatically deleted after a specified period, which may vary depending on the cookie in question. You can delete cookies at any time in your browser's security settings.

d) You can configure your browser settings according as you wish and choose to reject third-party cookies, or reject all cookies, for example. However, please note that if you do this, you may not be able to use all functions of this website.

e) We use cookies to identify you on subsequent visits if you have an account with us. Otherwise, you will need to log in again for each visit.

f) Flash cookies used are not collected by your browser, but by your Flash plug-in. We also use HTML5 storage objects that are stored on your device. These objects store the required data independently of your browser and do not have an automatic expiry date. If you want to block processing of Flash cookies, you need to install a suitable add-on, such as, "Better Privacy" for Mozilla Firefox (https://addons.mozilla.org/en/firefox/addon/betterprivacy/) or the Adobe Flash Killer cookie for Google Chrome. You can block HTML5 storage objects by using private mode in your browser. We also recommend that you regularly delete your cookies and your browser history manually.

5. Other Website Functions and Services

(1) In addition to using our website purely for information, we offer various services for your use. These normally require you to provide further personal data, which we use for providing the service in question and to which the aforementioned principles of data processing apply.

(2) In some cases, we use external service providers to process your data. These service providers are carefully selected and commissioned by us, are bound by our instructions and are subject to regular review.

(3) Furthermore, we may disclose your personal data to Third Parties for promotions, competitions, contracts or similar services provided jointly with partners. Further information is given when you provide your personal data to us, or can be found in the description of services below.
(4) If our service providers or partners are located in a country outside the European Economic Area (EEA), we will inform you of the consequences of this in the description of the service.

6. Objection Against or Revocation of Consent to Data Processing

(1) If you have given your consent to the processing of your data, you can revoke this at any time. Exercising this right is effective for processing of your personal data after you have revoked your consent.

(2) You have the right to object to our processing of your personal data where this is based on balance of interests. This is the case if processing is not necessary to fulfil a contract with you; this is stated in each of the descriptions of functions below. When making such objection, we ask you to state the reasons why we should not process your personal data as we have done. If you make a reasoned objection, we will examine the situation and either stop or change data processing, or present to you our compelling legitimate grounds for continuing processing.

(3) Of course, you may object to the processing of your personal data for advertising and data analysis purposes at any time. You can make your objection to us at any time using the contact details given in Section 1.

7. Newsletter

(1) You can give your consent to subscribe to our newsletter, featuring our current offers which may be of interest. The goods and services advertised are stated in the declaration of consent.

(2) We use the "double opt-in" procedure for subscriptions to our newsletter. This means that, after registration, you will be sent an email to the email address you have provided, in which we will ask you to confirm that you would like the newsletter to be sent. If you do not confirm your subscription within 24 hours, your data will be made inaccessible, and automatically deleted after one month. We also store your IP address and the time of subscription and confirmation. The purpose of this procedure is to provide evidence of your subscription and, if necessary, to enable clarification of any possible misuse of your personal data.

(3) The only mandatory information for sending the newsletter is your email address. Provision of further, separately marked data is voluntary and is used to be able to address you personally. After confirmation, we will store your email address for the purpose of sending the newsletter. GDPR Article 6(1)a, sentence 1 forms the legal basis.

(4) You can revoke your consent and unsubscribe from the newsletter at any time. You can revoke your consent by clicking on the link provided in every newsletter, via this form on the website, by email to info@emsware.de, or by sending a message to the address given on the website.

(5) Please note that we evaluate your user behaviour when sending the newsletter. To carry out this analysis, the emails we send contain so-called web beacons or tracking pixels single-pixel image files, stored on our website. For evaluation purposes, we associate the data listed in Section 4 and the web beacons with your email address and an individual ID. Links in the newsletter also contain this ID. We use the data obtained in this way to create a user profile to tailor the newsletter to your individual interests. To do this, we record when you read our newsletter and which links you click on, and deduce your personal interests from this. We link this data with your activity on our website.

You can object to this tracking at any time by clicking on the separate link provided in each email, or by informing us using another means of contact. The information is stored for as long as you are subscribed to the newsletter. After you unsubscribe, we store the data anonymously, for purely statistical purposes. This tracking is also blocked if you have deactivated the display of images by default in your email program. In this case, display of the newsletter will be incomplete and you may not be able to use all of its functions. If you manually choose to display images, tracking will take place as explained above.
8. Use of Google Analytics

(1) This website uses Google Analytics, a web analysis service provided by Google Inc. ("Google"). Google Analytics uses "cookies" – text files that are stored on your computer and which enable analysis of your use of the website. Information generated by cookies about your use of this website is normally transmitted to a Google server in the USA and stored there. However, if IP anonymisation is activated on this website, your IP address will first be shortened by Google within member states of the European Union or in other countries that are signatories of the Agreement on the European Economic Area. Only in exceptional cases is the full IP address sent to a Google server in the US and shortened there. Google will use this information on behalf of the operator of this website to evaluate your use of the website, to compile reports on website activity, and to provide other services regarding website usage and internet usage for the website operator.

(2) The IP address transmitted by your browser as part of Google Analytics will not be associated with any other data held by Google.

(3) You can prevent these cookies being stored by selecting the appropriate settings in your browser; however, please note that doing so may make you unable to use the full functionality of this website. You can also prevent the data generated by the cookies about your use of the website (including your IP address) being sent to and processed by Google by downloading and installing the browser plug-in available from the following link: http://tools.google.com/dlpage/gaoptout?hl=en.

(4) This website uses the Google Analytics extension "anonymizelp". This means that IP addresses are only processed in a shortened form, to prevent them being directly linked to a particular individual. This immediately prevents identification of an individual should the data collected enable this, and the personal data in question is promptly deleted if this happens.

(5) We use Google Analytics to analyse and regularly improve website use. The statistics obtained in this way enable us to improve our services and make them more interesting for you, the user. For those exceptional cases where personal data is transmitted to the USA, Google has chosen to join the EU-US Privacy Shield, https://www.privacyshield.gov/EU-US-Framework.

(6) GDPR Article 6(1)f, sentence 1, forms the legal basis for the use of Google Analytics.


(8) This website also uses Google Analytics to analyse user activity across all devices. This is carried out via a user ID. You can disable this analysis across all devices in your customer account, under "My data" > "Personal data".

9. Use of Social Media Plug-Ins

(1) We currently use the following social media plug-ins: Facebook, Twitter, LinkedIn. We use the so-called two-click solution with these plug-ins. This means that if you visit our site, no personal data will initially be passed on to the providers of these plug-ins. You can identify the provider of the plug-in from the marking on the box above its first letter, or the logo. The button provides you with the opportunity to communicate directly with the plug-in provider. The plug-in provider will only receive information that you have accessed the corresponding page of our online services if you click on the marked box to activate this. Data listed under Section 4 of this Privacy Policy will also be transmitted. In the case of Facebook and Xing, the respective
providers in Germany have stated that IP addresses are anonymised immediately after
collection. On activating the plug-in, personal data is transmitted from you to the respective
plug-in provider and stored there (in the USA, in the case of US providers). As the plug-in
providers mainly collect data via cookies, we recommend that you delete all cookies in your
browser’s security settings before clicking on the greyed-out box.

(2) We have no control over the data collected or the data processing operations used, nor are
we aware of the full extent of data collection, the purposes of processing, or storage periods.
We also have no information on deletion of data collected by the plug-in providers.

(3) The plug-in providers store your data in the form of user profiles, and use these for
advertising, market research and/or custom site layout. This data analysis is also used (even
for users who are not logged in) to display targeted advertising and to inform other social
network users about your activity on our website. You have the right to object to the creation
of these user profiles. You must contact the respective plug-in provider to exercise this right.
The plug-ins offer the opportunity for you to interact with social networks and other users, to
enable us to improve our services and make them more interesting for you as a user. GDPR
Article 6(1)f sentence 1 forms the legal basis for the use of plug-ins.

(4) Data is passed on whether or not you have an account with the plug-in provider and
regardless of your login status there. If you are logged into the plug-in provider, your data
collected on our site will be directly associated to your existing account with the plugin provider.
If you click an activated button and, for example, link to the page, the plug-in provider will also
store this information in your user account and publicly share it with your contacts. We
recommend that you log out regularly after using social networks, especially before activating
the button, as this enables you to avoid the plug-in provider associating you with your profile.

(5) For more information on the purpose and extent of data collection and data processing by
plug-in providers, please refer to the privacy policies of the providers listed below. You will also
find further information on your rights, and on settings for protecting your privacy.

(6) Addresses of plug-in providers and URLs to privacy policies:

a) Facebook Inc., 1601 S California Ave, Palo Alto, California 94304, USA;
   http://www.facebook.com/policy.php. More information on data collection:
   http://www.facebook.com/help/186325668085084,
   http://www.facebook.com/about/privacy/your-info-on-other#applications and
   http://www.facebook.com/about/privacy/your-info#everyoneinfo. Facebook has chosen

b) Twitter, Inc., 1355 Market St, Suite 900, San Francisco, California 94103, USA;
   https://twitter.com/privacy. Twitter has chosen to join the EU-US Privacy Shield,

c) LinkedIn Corporation, 2029 Stierlin Court, Mountain View, California 94043, USA;
   http://www.linkedin.com/legal/privacy-policy. LinkedIn has chosen to join the EU-US

10. Use of Instagram

(1) We have integrated Instagram into our website. Instagram is an audio-visual platform that
allows users to post photos and videos, and to share this data to other social networks.
Instagram’s operating company is Instagram LLC, 1 Hacker Way, Building 14 First Floor,
Menlo Park, CA, USA.

(2) As part of our use of Instagram, Instagram receives data on which specific webpage you
visit. If you click one of the Instagram buttons integrated into our website, the data thus
transmitted is associated with your personal Instagram account and is stored and processed
by Instagram.
(3) Via the Instagram module, Instagram is also subsequently notified whenever you visit our website (if you are logged into Instagram at the time of your visit), whether you click the Instagram module or not. If you do not want your information to be transmitted to Instagram in this way, you can prevent this by logging out of your Instagram account before visiting our website.

(4) More information and Instagram’s current privacy policy can be found on [https://help.instagram.com/155833707900388](https://help.instagram.com/155833707900388) and [https://www.instagram.com/about/legal/privacy/](https://www.instagram.com/about/legal/privacy/).

11. Embedded YouTube videos

(1) We have embedded YouTube videos in our website, which are uploaded to [http://www.YouTube.com](http://www.YouTube.com) and can be played directly from our website. These are all embedded using “Extended Privacy Mode”, i.e. your data is not transmitted to YouTube if you do not play the videos. The data listed in paragraph 2 will only be transmitted if you play the videos. We have no control over this data transfer.

(2) When you visit our website, YouTube receives data on which specific webpage you visit. Data listed under Section 3 of this Privacy Policy is also transmitted. This takes place irrespective of whether or not you have a YouTube account and regardless of your login status there. If you are logged into Google, your information will be directly associated with your account. If you do not wish to be associated with your YouTube profile, log out before activating the button. YouTube stores your data in the form of user profiles, and uses these for advertising, market research and/or custom site layout. This data analysis is also used (even for users who are not logged in) to display targeted advertising and to inform other social network users about your activity on our website. You have the right to object to the creation of these user profiles. You must contact YouTube to exercise this right.

(3) For more information on the purpose and extent of data collection and data processing by YouTube, please refer to the YouTube privacy policy. You will also find further information on your rights, and on settings for protecting your privacy: [http://www.google.com/intl/_gb/policies/privacy](http://www.google.com/intl/_gb/policies/privacy). Google also processes your personal data in the USA and has chosen to join the EU-US Privacy Shield, [https://www.privacyshield.gov/EU-US-Framework](https://www.privacyshield.gov/EU-US-Framework).

12. Embedded Google Maps

(1) We use services from Google Maps on this website. This allows us to display interactive maps directly on the website and enables you to have convenient use of the map function.

(2) When you visit our website, Google receives data on which specific webpage you visit. Data listed under Section 4 of this Privacy Policy is also transmitted. This takes place irrespective of whether or not you have a Google account and regardless of your login status there. If you are logged into Google, your information will be directly associated with your account. If you do not wish to be associated with your Google profile, log out before activating the button. Google stores your data in the form of user profiles, and uses these for advertising, market research and/or custom site layout. This data analysis is also used (even for users who are not logged in) to display targeted advertising and to inform other social network users about your activity on our website. You have the right to object to the creation of these user profiles. You must contact Google to exercise this right.

(3) For more information on the purpose and extent of data collection and data processing by plug-in providers, please refer to the privacy policies of the providers. You will also find further information on your rights, and on settings for protecting your privacy: [http://www.google.com/intl/_gb/policies/privacy](http://www.google.com/intl/_gb/policies/privacy). Google also processes your personal data in the USA and has chosen to join the EU-US Privacy Shield, [https://www.privacyshield.gov/EU-US-Framework](https://www.privacyshield.gov/EU-US-Framework).
13. Google Web Fonts

(1) This website uses so-called web fonts provided by Google to give a uniform display of fonts. When you open a page, your browser loads the required web fonts into your browser cache in order to display text and fonts correctly.

(2) For this purpose, your browser has to make a direct connection to Google’s servers. This notifies Google that our website was accessed via your IP address. Google web fonts are used in the interest of uniform, appealing display of our website. This represents a legitimate interest under GDPR Article 6(1)f.

(3) If your browser does not support web fonts, a standard font will be applied by your computer.

(4) Further information on Google web fonts can be found on https://developers.google.com/fonts/faq and in Google’s Privacy Policy on https://www.google.com/policies/privacy/.

END of Privacy Policy
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