

Data Protection Leaflet for Customers of Telefónica Germany NEXT GmbH

In the following we inform you about the processing of your data within the use of our services and products and the rights you are entitled to under data protection laws.

1. Contact details controller

Telefónica Germany NEXT GmbH, Georg-Brauchle-Ring 50, 80992 München, encrypted contact form: <https://next.telefonica.de/kontakt>

2. Contact details data protection officer

Telefónica Germany NEXT GmbH, Datenschutzbeauftragter, Georg-Brauchle-Ring 50, 80992 München, encrypted contact form: <https://www.telefonica.de/datenschutz-kontakt>

If you receive messages from us that obviously do not concern you or your contract (e.g. a message about an alleged order, although you have not placed an order with us), please contact our data protection officer immediately in order to rule out any misuse.

3. Personal data

Personal data is any information relating to an identified or identifiable natural person (hereinafter referred to as "data subject"); an identifiable natural person is one who can be identified directly or indirectly, in particular by assignment to an identification such as a name, an identification number, location data, an online identifier or to one or more specific factors.

4. Purposes and legal bases of data processing

We process personal data within the framework of data protection regulations.

4.1. Performance of a contract/implementation of pre-contractual measures (Art. 6 para. 1 sentence 1 b) GDPR)

Personal data is processed in order to conclude a contract with you or to fulfil or terminate a contract that has already been concluded. This includes, for example, data processing that

is carried out in connection with our customer service and the associated communication. Further information can be found in your contract documents (order form, general terms and conditions, service descriptions, etc.)

Protection of legitimate interests (Art. 6 para. 1 sentence 1 f) GDPR)

We process your personal data if this is necessary to protect our interests or the interests of third parties and your interests do not prevail. We process personal data to protect the following legitimate interests:

- for collection procedures including, if necessary, transmission of personal data to collection service providers for the collection or sale of receivable claims
- for internal purposes to control and improve our business processes, business analysis, company analysis, further development of services and products
- for direct marketing, in order to offer you similar services and products suitable for your individual needs with given consent (further information can be obtained when concluding the contract)
- for market and opinion research to gain insight into market structures and dynamics
- for detection and prevention of obtainment by fraud, to secure legal claims
- to ensure the security and availability of our IT systems, to prevent damage
- for address checks and detection of typing errors to avoid product misdirection
- for the fulfilment of contracts with parties involved in the provision and sale of our services for invoicing purposes

4.2. Compliance with a legal obligation (Art. 6 para. 1 sentence 1 c) GDPR)

We are subject to various legal requirements that may result in an obligation to process personal data: commercial, company, competition and tax laws, data protection laws and other general legal obligations.

4.3. Processing on the basis of consent (Art. 6 para. 1 sentence 1 a) GDPR)

We process your personal data if you have given us your consent (you will receive further information on e.g. the purposes and your withdrawal options when you give your consent).

5. Recipients of personal data

Employees of our company have access to your personal data to the extent necessary to fulfil the above-mentioned purposes.

We use service providers who support us in data processing within the scope of processing (service providers for the following services: IT and network operation, call centre, customer service, mail processing, file/data carrier destruction, letter shop, printing, archiving, identity verification, sales partners, advertising and marketing, market research, operation of online offers and websites). These service providers are subject to strict contractual agreements, including confidentiality.

On a contractual basis, recipients outside our company who do not work for us in the context of processing also process your personal data to the required extent:

- Telecommunication service providers, e.g. for making calls, sending SMS, etc.;
- Sales partners and other companies that support us in selling our services and products;
- banks, e.g. for the execution of direct debit procedures; providers of payment services
- Collection companies, e.g. for the collection of outstanding receivables
- credit agencies, e.g. to determine default risks
- Tax consultants/auditors, to guarantee and review the bookkeeping of legal requirements (e.g. tax regulations)
- lawyers, to represent and enforce our legal interests

These recipients are also bound to secrecy due to legal or professional obligations or contractual agreements.

We are legally obliged to transmit personal data to authorities (e.g. requests for information from investigative authorities) or natural/legal persons (e.g. to assert claims arising from copyright law) in individual cases.

6. Data processing in third countries

We generally process your personal data in Germany and in the European Union only.

Service providers who process personal data on our behalf outside the European Union (so-called third countries) are only employed if there is an "adequacy decision" by the European Commission (Art. 45 GDPR) or "appropriate safeguards" (Art. 46 GDPR) or "binding corporate rules" (article 47 GDPR) exist within the recipient's company. General information on the adequacy decisions can be found at: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_de, for the appropriate safeguards are available at https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_de, as well as https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_de and about the binding corporate rules at https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules_de. For more information you can contact our data protection officer.

Besides that your personal data will be processed in third countries insofar as it is necessary for the fulfillment of the contract, if you have given your consent or if there is a legal obligation.

7. Deletion of Personal Data

We always delete personal data if it is no longer necessary (see above purposes).

If you have given your **consent** to the processing of personal data, we will delete your personal data at the latest as soon as you withdraw your consent and if there is no other legal basis for the processing.

If you have concluded a contract with us, your data processed in this context will be deleted as soon as the personal data is no longer required and the legal retention periods have expired (regularly 6-10 years).

8. Provision of your data for the conclusion of a contract

The personal data required for the conclusion of a contract is marked as mandatory in the order forms. Without this personal data it is not possible to conclude a contract.

9. Automated decision making - including profiling

A solely automated decision is a decision based on automated processing in which no natural person is involved.

Profiling is an automated processing of personal data in order to evaluate certain personal aspects (e.g. reliable payment of invoices) of the person concerned.

Through automated processing, including profiling, we decide on the conclusion of a contract for which we provide advance services (e.g. services on account) and for contracts for which we offer payment by instalments or direct debiting. As part of our audit we use probability values - so-called score values. As part of the scoring process, forecasts of future payment behaviour are made on the basis of personal data and, where applicable, past experience. These values reflect the respective probabilities of non-payment at the time of their calculation. The score values are calculated from various categories of data that are demonstrably significant for the calculation of the probability of a future default of payment within the framework of a scientifically recognized, mathematical-statistical procedure. Data on your payment history, for example, is included in the calculation of score values. Address data is also used to calculate score values. Depending on the result of our audit, a contract may be rejected. In some cases a contract can also be concluded under changed conditions. You will be informed of the use of this procedure when the contract is concluded. You will be informed of any refusal to conclude a contract on a case-by-case basis.

10. Origin of personal data

We do not only process personal data that we receive directly from you. We receive some personal data from third parties:

- when distributing our services and products, in some cases also from our distribution partners

11. Your rights

In Accordance with the GDPR, data subjects (see below) generally have the following rights:

- You have the right to obtain access to and information about your processed data (Art. 15 GDPR).
- You have the right to have inaccurate personal data rectified or to have incomplete data completed (Art. 16 GDPR).
- Under certain legal conditions, you have the right of erasure of your personal data (Art. 17 GDPR).
- Under certain legal conditions, you have the right to restrict processing (Art. 18 GDPR).

- Under certain legal conditions, you have a right to receive or transfer your personal data (Art. 20 GDPR).
- You have the right to complain to a supervisory authority (Art. 77 GDPR). For this purpose you can for example directly contact the data protection supervisory authority.
- Withdrawal of consent: You have the right to withdraw your consent at any time with future effect. The lawfulness of processing based on consent before its withdrawal is not affected by this. When asking for your consent we will inform you about how you can explain your withdrawal. In any case you can contact our data protection officer to explain your withdrawal.
- You have a right to object under certain legal conditions. We inform you about this at the end of this privacy policy.

To assert your rights, you can contact our data protection officer at any time using the contact details mentioned in section 2.

12. Changes to the data protection leaflet

As changes in legislation or changes in our internal processes may require an amendment to this Privacy Policy, which remains reserved to us, we request that you retrieve the data protection leaflet (at <https://next.telefonica.de/datenschutz>) regularly.

13. Your right to object (Art. 21 GDPR)

You have the right at any time, for reasons arising from your particular situation, to object to the processing of your personal data, which is based on Article 6 (1) (e) of the GDPR or Article 6 (1) (f) of the GDPR; this also applies to profiling based on these provisions. We will then no longer process such personal information for these purposes unless we can demonstrate compelling legitimate grounds for processing which override your interests, rights and freedoms, or the processing is for the purpose of establishing, exercising or defending legal claims. Such objections can be asserted against the controller.

If personal data is processed for direct advertising, you have the right to object at any time to the processing of such personal data for the purpose of such advertising; this also applies to profiling insofar as it is associated with such direct advertising. You can declare your objection to direct advertising to our data protection officer.