

# Information on data protection for customers & other affected parties

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## Who is responsible for data processing?

Depending on the business relationship:

FERNBACH Financial Software S.A.  
1a, op der Ahlkerrech  
Zone Industrielle Potaschberg  
6776 Grevenmacher  
Luxembourg

Jabatix S.A.  
1a, op der Ahlkerrech  
Zone Industrielle Potaschberg  
6776 Grevenmacher  
Luxembourg

FERNBACH Software GmbH  
Millennium Tower  
Handelskai 94-96  
1200 Vienna  
Austria

Frankfurt 4 Cloud GmbH  
Europa-Allee 22  
60327 Frankfurt on the Main  
Germany

Hereafter also referred to as the "**users**" of this data protection information.

## What sources and data do we use?

We process personal information that we receive from our customers or other parties concerned within the framework of our business relationship, insofar as this is necessary for the provision of our services.

Relevant personal information is:

- a) Name;
- b) Address;
- c) Department;
- d) E-mail; and
- e) Business phone number.

## What do we process your data for (purpose of processing) and on what legal basis?

We process personal information in accordance with the provisions of the EU General Data Protection Regulation (GDPR), and the applicable national data protection laws.

- a) For the fulfilment of contractual obligations (Art. 6 para. 1 b GDPR)

Data are processed for the provision of services in accordance with the services agreement. The purpose of data processing is primarily to archive project communication and the agreements made.

Personal information will not be processed and therefore will not be included in project communication only if the person responsible for the contract has previously informed the user of this data protection information of this request in writing. Depending on the business relationship, please write to one of the addresses listed at the end of this data protection declaration.

- b) In the context of balancing interests (Art. 6 para. 1 f GDPR)

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If necessary, we process your data beyond the actual fulfilment of the contract to protect our legitimate interests or those of third parties. Examples:

- Measures for business management and further development of services and products;
- Enforcement of legal claims and defence in legal disputes;
- Ensuring the IT security and IT operation for the user of this data protection information;
- Prevention and investigation of criminal offences;
- Examination and optimisation of needs assessment procedures for the purpose of directly addressing customers;
- Advertising, market research and opinion surveys, unless you have objected to the use of your data.

c) On the basis of your consent (Art. 6 para. 1 a GDPR)

If you have given us your consent to the processing of personal information, this processing is deemed legal on the basis of your consent. Consent given can be revoked at any time. Depending on the business relationship, please write to one of the addresses listed at the end of this data protection declaration. The revocation of consent is only effective for the future and does not affect the legality of the data processed before revocation.

d) On the basis of legal requirements (Art. 6 para. 1 c GDPR) or in the public interest (Art. 6 para. 1 e GDPR)

Finally, the purposes of data processing result from legal requirements or are in the public interest (e.g. compliance with storage obligations, proof of fulfilment of the duties to provide information by the user of this data protection information).

## Who will receive your data?

Within the organisation of the user of this data protection information, those parties, who need this information to fulfil their contractual and legal obligations, will have access to your data. Service providers and vicarious agents used by us may also receive data for these purposes; these parties are subject to the same confidentiality agreements as internal employees.

We will only pass on data to recipients outside the organisation of the user of this data protection information with your consent if this is required by law or if we are authorised to transfer personal information for the purpose of balancing interests.

## Is information transferred to a third country or to an international organisation?

Data is only transferred to parties in countries outside the European Union (so-called third countries) if

- this is necessary to fulfil our contractual obligations;
- it is required by law (e.g. reporting obligations); or
- you have given us your consent.

## How long will your data be stored?

We will process and store your personal information as long as this is necessary for the fulfilment of our contractual and legal obligations. It should be noted that our business relationships are continuing obligations that are intended to run for years.

If the data are no longer required for the fulfilment of contractual or legal obligations, they are regularly deleted, unless their - limited - further processing is necessary for the following purposes:

- Fulfilment of commercial and tax storage obligations that may arise, for example, from: German Commercial Code (HGB), Austrian Commercial Code (UGB) or Code de Commerce. The periods for storage and documentation specified there are generally two to ten years.
- Preservation of evidence within the framework of statutory limitations periods. Example: According to §§ 195 ff of the German Civil Code (BGB), these limitation periods can be up to 30 years, while the regular limitation period is 3 years.

## What data protection rights do you have?

Every data subject has the right to information, the right to correction, the right to deletion, the right to limitation of processing, the right to objection and the right to data transferability. With regard to the right to information and the right to deletion, the restrictions apply in accordance with the applicable national data protection laws. Moreover, there is a right of appeal to the relevant national data protection supervisory authority.

You can revoke your consent to the processing of personal data at any time at the organisation responsible for data processing. Please note that the revocation will only take effect in the future. Data that were processed before the revocation are not affected by this.

## Is there an obligation for you to provide data?

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Within the context of the respective business relationship, you must provide those personal data that are necessary for the establishment, fulfilment and termination of a business relationship and for the fulfilment of the associated contractual obligations or that we are legally obliged to collect. Without this information, the users of this data protection information will generally not be able to enter into, fulfil and terminate a contract with you.

## Information on your right of objection under Article 21 GDPR

### Right of objection on a case-by-case basis

You have the right to object at any time to the processing of your personal information for reasons arising from your particular situation.

If you file an objection, we will no longer process your personal data unless we can prove compelling legitimate reasons for the processing that outweigh your interests, rights and freedoms or the processing serves to assert, exercise or defend legal claims.

### Right of objection to the processing of data for direct marketing purposes

We will process your personal data for direct marketing purposes in individual cases. You have the right to object at any time to the processing of your personal information for the purpose of such advertising; if you object to this type of data processing for direct advertising purposes, we will no longer process your personal data for these purposes.

### Depending on the business relationship, recipients of an objection may be:

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