

## Privacy Statement

We take the protection of your personal data very seriously. In this Privacy Statement we, Serenata IntraWare GmbH (“**We**”) will inform you about how we process and use your personal data and on the specific rights you have in connection with your personal data.

One of the main purposes of this Privacy Statement is to fulfil transparency obligations under Regulation (EU) 2016/679 (General Data Protection Regulation, “**GDPR**”). For this reason we use certain technical terms also used in the GDPR in the context of this Privacy Statement. These and other terms repeatedly used in this Privacy Statement will be explained to you below in Section 2.

Many of our customers are organisations and companies (so-called legal entities). If you contact us as an employee of an organization or a company, we will store and process the categories of data described hereinbelow generally in relation to this organization or company, but may link it to the information that you are employed by such organization or company and are our contact person.

### 1. Name and Address of the Data Controller, Contact Details for the Data Protection Officer, and Supervisory Authority

1.1. This Privacy Statement describes the data processing for which we, Serenata, are the controller within the meaning of the GDPR. You will find our contact details below:

Serenata IntraWare GmbH  
Neumarkter Str. 18, 81673 Munich, Germany  
Tel. +49 89 / 92 90 03 - 0                      Fax +49 89 / 92 90 03 - 20  
E-Mail support@serenata.com              Website: www.serenata.com

1.2. You can contact our data protection officer at any time with any questions about data protection. Our data protection officer’s name and contact details are as follows:

Henrik von Kunhardt  
Telephone: +49 89 / 92 90 03 - 0  
Email: [gdpr@serenata.com](mailto:gdpr@serenata.com)

1.3. The data protection supervisory authority responsible for us is:

Bavarian State Office for Data Protection Supervision (*Bayerisches Landesamt für Datenschutzaufsicht*)

<b>Address:</b>	<b>Postal address:</b>
Promenade 27 (Schloss)	Postfach 606
91522 Ansbach	91511 Ansbach
Germany	Germany

**Contact details:**  
Telephone: +49 (0) 981 53 1300  
Fax: +49 (0) 981 53 98 1300  
E-Mail: poststelle@lda.bayern.de

If you wish to file a complaint, you can also use the complaint form available at <https://www.lda.bayern.de/de/beschwerde.html>.

## 2. Definitions

For ease of reading, we use various technical terms in this Privacy Statement which have the following meaning throughout this Privacy Statement:

<b><i>anonymisation</i></b>	means rendering personal data anonymous in such a manner that the data subject is not or no longer identifiable taking into account all means reasonably likely to be used, such as singling out, either by the controller or by another person, to identify the natural person directly or indirectly.
<b><i>consent</i></b>	is your clear affirmative act establishing a freely given, specific, informed and unambiguous indication of your agreement to the processing of your personal data. For clarification: If processing requires consent, we will obtain this separately. Taking note of this Privacy Statement does not replace consent.
<b><i>controller</i></b>	Refers to us, as the entity which, alone or jointly with others, determines the purposes and means of the processing of personal data.
<b><i>data subject</i></b>	is you, i.e. the natural person to whom the personal data refers.
<b><i>direct marketing</i></b>	is any marketing by which we approach you directly, for example by post or (if permissible) by telephone, e-mail or fax;
<b><i>FDPA</i></b>	is the German Federal Data Protection Act.
<b><i>GDPR</i></b>	is Regulation (EU) 2016/679, also known as the General Data Protection Regulation. You can find the full text here: <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679</a>
<b><i>group of undertakings</i></b>	comprises Hospitality Tech Holdings LLC (d.b.a NextGuest Technologies), One Penn Plaza, 48th Fl, New York, NY 10119 and all of its subsidiaries (as we are one).
<b><i>guarantee(s)</i></b>	includes standard data protection clauses adopted by the Commission, codes of conduct approved by the supervisory authority, and, in relation to the USA, the Privacy Shield Program, and all other measures intended to ensure an adequate level of protection with respect to data protection.
<b><i>information society service</i></b>	is any service normally provided for remuneration, at a distance (i.e. without the parties being simultaneously present), by electronic means (i.e. by means of electronic equipment for the processing (including digital compression) and storage of data) and at the individual request of a recipient of services.
also referred to as a “ <b><i>web service</i></b> ” in this Privacy Statement.	
<b><i>personal data</i></b>	is any information relating to an identified or identifiable data subject. The term “identifiable” refers to those who can be identified directly or indirectly, especially by assignment to an identifier or to one or more special characteristics.
<b><i>processing</i></b>	means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration,

retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

<b><i>processors</i></b>	are other entities which process personal data on our behalf.
<b><i>profiling</i></b>	is any form of automated processing of your personal data evaluating personal aspects, in particular to analyse or predict aspects concerning your personal preferences or interests, reliability or behaviour, location or movements.
<b><i>pseudonymisation</i></b>	means the processing of personal data in such a manner that it can no longer be attributed to a specific data subject without the use of additional information, whereby this additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.
<b><i>recipients</i></b>	are other entities to which we may disclose personal data, irrespective of whether they are third parties.
<b><i>restriction of processing</i></b>	is the restriction of processing of stored personal data such that they are only processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest and that you are informed before this restriction is lifted.
<b><i>special categories of personal data</i></b>	include, in accordance with Article 9 GDPR, data revealing racial and ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, as well as genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
<b><i>third party</i></b>	is anyone who is not a data subject, a controller or a processor;
<b><i>unsafe third country</i></b>	is any country outside the European Economic Area for which the Commission has not decided that it offers an adequate level of data protection.

### 3. **Scope: Processing Services for Hospitality Providers**

We offer software and related services (software as a service, hosting, support) to hotels, agencies and other hospitality industry customers (collectively "**Hospitality Provider(s)**"). In the context of those services we process personal data of travellers, guests and other customers of the Hospitality Providers on behalf of those Hospitality Providers ("**Processing Services**") on the basis of contract processing agreements which provide that personal data are processed only on behalf of, and in accordance with the instructions of, the Hospitality Providers.

We subcontract Processing Services to HEBS Digital Europe, Tallinn, Estonia ("**HEBS Europe**"), a member of our group of undertakings. We have concluded a contract processing agreement with HeBs Europe to ensure that personal data are processed only on behalf of, and in accordance with the instructions of, the Hospitality Providers.

This Privacy Statement therefore does not apply to any Processing Services and such Processing Services are exclusively governed by the data protection policies of the respective Hospitality Provider. For further information you must refer to the privacy statement of the respective Hospitality Provider.

#### **4. Processing in the Context of our Website, Newsletters and Other Web Services**

In this Section we will inform you about how we process and use personal data in relation to you which we collect in connection with our website, the dispatch of newsletters and other web services, and on the specific rights you have in this respect.

##### **4.1. Processing in the Context of Use of our Website**

###### **4.1.1. Information We Collect**

When you visit our website, our web server will temporarily record the domain name or IP address of the requesting computer, the access date, the file request of the client (file name and URL), the HTTP response code and the website from which you are visiting us, the number of bytes transferred during the connection and, if applicable, other technical information that we use and statistically evaluate for the technical implementation of the website's use (delivery of the content, guaranteeing the website's functionality and security, protection against cyber attacks and other abuses).

It is necessary to store and process the information referred to above for the duration of your session in order to deliver our website content to your computer. We also store some of this information in the log files of our servers. We will not combine this information with your IP address or other personal data relating to you except as disclosed below.

This processing will take place for the fulfilment of the existing contract of use with you, as far as it serves the purpose of the technical implementation of the website's use (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR) and to otherwise protect our legitimate interest in making our website as user-friendly, safe and attractive as possible and in promoting the sale of our products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). We will assume that your interests do not conflict with this, because the measures described below are taken in order to limit processing to an appropriate degree.

We will also use the data described above to draw conclusions about your interests from your use and to adapt our website's offerings according to your interests (profiling) in order to make our website as user-friendly, safe and attractive as possible and thus promote the sale of our products and services. We do this for the preservation of our aforementioned legitimate interests (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) and, where applicable, on the basis of your consent as described in Sec. 4.1.2 (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR). For further information please refer to the following Section 4.1.2.

###### **4.1.2. Cookies, Analysis and Tracking**

We use cookies, among other things, to process the data mentioned under Section 4.1.1. Cookies are files that are stored on your computer's hard drive

and are accessed by our server when you visit our website.

We use cookies and the analysis described in Sec. 4.3 for the purposes set forth in Section 4.1.1 above and for the preservation of our legitimate interest described in Section 4.1.1 (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) and, where applicable, on the basis of your consent as described in Section 4.1.3 below (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR):

#### 4.1.2.1. **Types of Cookies**

There are two different types of cookies used:

- **Session Cookies:** Also called transient cookies, are cookies that are temporarily stored in your browser for the duration of a browser session, and they typically will store information in the form of a session identification and no further information personally identifying you.
- **Persistent Cookies:** Also called permanent or stored cookies, are cookies that are stored on your hard drive until they expire (persistent cookies are set with expiration dates) or until you delete the cookie. Persistent cookies are used to collect identifying information, such as web surfing behaviour or user preferences for a specific web site.

We employ the following types of cookies:

- Required Cookies (see Sec. 4.1.2.3)
- Functionality Cookies (see Sec. 4.1.2.4)
- Targeting / Advertising Cookies (see Sec. 4.1.2.5).

These cookies are a mixture of first party cookies, which we set ourselves, and third-party cookies, which are set by other websites.

#### 4.1.2.2. **Cookie Functions**

We use cookies across our websites to improve their performance and enhance your user experience. Cookies are used to provide the following functions:

- **Personalization** – For example, your language preference is remembered.
- **Session Management** - To ensure that your session is routed to the correct system for the duration of your visit.
- **Usage Tracking** – We use the analytics described in Sec. 4.3 to provide analysis of our users' on-going usage of the website. This allows us to adapt our website's offerings according to our users' interests and facilitates on-going improvements to the website.
- **AB Testing / Multivariate Testing** - We can display multiple versions of a page to a user to assess which generates the best user experience.

- **Advertising** - We can display advertising content depending on location, language, and your past browsing history.

#### 4.1.2.3. **Required Cookies**

We use a number of cookies which are strictly necessary to allow you to access our websites, to move between pages and to receive services which you have requested. The types of data collected are:

- session identifier
- IP address, and information generated from anonymized IP address that includes
- a computer host name
- geographic location
- time of visit
- webpage URL
- referring website
- security tokens (for authentication and information submission, like RFP forms)

The following is an example of a strictly necessary cookie which we use:

- *Authentication Cookies*: Provide an authentication method of a secure log-in.

#### 4.1.2.4. **Functionality Cookies**

We use functionality cookies to allow us to remember your preferences. For example, cookies save you the trouble of selecting your language or currency every time you access the website and recall your customization preferences.

We utilise other cookies to analyse how our visitors use our websites and to monitor website performance. This allows us to provide a high-quality experience by customising our offering and quickly identifying and fixing any issues that arise. For example, we might use performance cookies to keep track of which pages are most popular, which method of linking between pages is most effective, and to determine why some pages are receiving error messages.

The following is an example of a functionality cookie which we use:

- *Adobe Website Analytics*: Refer to Section 4.3 for more details.

#### 4.1.2.5. **Targeting / Advertising Cookies**

We and our partners and advertisers use cookies to display advertisements that we believe are relevant to you and your interests.

We allow certain third party advertisers and partners to collect information about your use of the website through first and third-party cookies in order to serve adverts to you. They may also analyse this data in order to serve adverts to you on other third-party websites.

We also work with advertisers in order to display our advertisements on third party websites, based on cookies set on your visit to this website. Advertising/targeting cookies may also be used to track your responses to particular adverts, which helps advertisers ensure that you see the most relevant advertisements in future on third party websites.

The following is an example of a targeting/advertising cookie which we use:

- *DoubleClick*: These cookies may also be used by advertisers to allow third parties to serve advertisements to you when you are on other sites. These ads may be adapted to be relevant to you based on your use of the website. This is done on an anonymised basis, using non-personally identifiable information.

The types of data used include online identifiers, including cookie identifiers, IP addresses and device identifiers, imprecise location data (based on your IP address) or precise location data (if you have set your system to allow transmission of geolocation information), and client identifiers.

Types of targeting enacted based on cookies include:

- *Demographics*: Target ads based on how well products and services trend with users in certain locations, ages, genders, and device types.
- *In-market*: Show ads to users who have been searching for products and like-services.
- *Custom intent audiences*: Choose words or phrases related to the people that are most likely to engage with sites and make purchases by using "custom intent audiences."
- *Similar audiences*: Target users with interests related to those on remarketing lists.
- *Remarketing*: Target users that have already interacted with our ads, website, or app.

We do not control the information collected by such partners or advertiser in connection with our website or the further use of information we may provide to them for the aforementioned services, and they do not process such data on our behalf. Only the data protection policies of those third parties as the respective controllers of such data will apply to their processing of such data.

Please see the following sites for more information about specific advertisers and their data policies:

- Google: <https://policies.google.com/technologies/ads>
- Microsoft: <https://privacy.microsoft.com/en-us/privacystatement>.

#### **4.1.3. Cookie Consent**

When you visit our website, you are notified of the use of cookies for tracking

and analysis and asked to provide your express consent. The notice makes reference to the detailed explanations in this Privacy Statement.

You can prevent or restrict the storage of cookies on your hard disk by setting your browser not to accept cookies or to request your permission before setting cookies. Once cookies have been set, you can delete them at any time. Please refer to your browser's operating instructions to find out how this works. If you do not accept cookies, this can lead to restrictions in the use of our service.

#### **4.1.4. Data Retention and Deletion**

Log files are deleted after 120 days. Session cookies expire and are deleted at the end of your browser session. Persistent cookies (including the cookie described in Sec. 4.3.1) may be set to expire from 30 days to 1 year depending on the function of the cookie. After expiry of those periods information will be deleted or made anonymous.

### **4.2. Operation of Website By HEBS Digital**

**4.2.1.** Our website is operated on our behalf by HEBS Digital, One Penn Plaza, 48th Fl, New York, NY 10119, USA ("**HEBS USA**"). This means that our website (including your user account and registration information for newsletters) is physically hosted on servers operated for HEBS USA by Amazon Web Services, Inc. ("**AWS**") located in the USA.

**4.2.2.** HEBS USA is a member of our group of undertakings. The USA are considered an unsafe third country. We have concluded a contract processing agreement with HEBS USA to ensure that the website is operated, and personal data is processed, only on our behalf and in accordance with our instructions. The contract processing agreement contains guarantees for an adequate level of protection in the form of incorporation of the standard data protection clauses adopted by the Commission for this purpose.

**4.2.3.** HEBS USA have similarly concluded a contract processing agreement with the Cloud Services Provider to ensure that the website is hosted, and personal data is processed, only on its behalf and in accordance with its instructions.

### **4.3. Use of Adobe Analytics**

**4.3.1.** Our website uses **Adobe Analytics**, a web analysis service of Adobe Systems (<https://www.adobe.com/about-adobe.html>), 345 Park Avenue, San Jose, CA 95110-2704, USA ("**Adobe**").

**4.3.2.** You can find further information on how Adobe uses information from sites or apps that use its services here:

<https://www.adobe.com/privacy/marketing-cloud.html>

**4.3.3.** Adobe Analytics uses so-called "cookies", which are text files placed on your computer, to help the website analyse how users use the site (see Section 4.1). The information generated by the cookie about your use of this website such as



- browser type and version,
- operating system of your computer,
- referrer URL (i.e. the page last visited),
- host name of accessing computer (IP address),
- date and time of server request

is transferred to an Adobe server and stored there. In order to render the information stored on Adobe's servers not personally identifying, we use Adobe Analytics with activation of the settings „Before Geo-Lookup: Replace visitor's last IP octet with 0“. By activating „Before Geo-Lookup: Replace visitor's last IP octet with 0“ we ensure that the user's IP address is anonymized by replacing the last eight digits by zero prior to geo-localization. For statistical analysis the imprecise location of the user is added to the tracking package which includes the IP address.

**Disabling and Opt-out:** You may refuse the use of cookies by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use this website's full functionality. You can also prevent Adobe from collecting the data generated by the cookie and relating to your use of the website (including your IP address), from processing this data by following these instructions: <https://www.adobe.com/privacy/opt-out.html#customeruse>

**4.3.4.** We use Adobe Analytics for the purposes set forth in Section 4.1 and the preservation of our legitimate interest described therein (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) and, where applicable, on the basis of your consent as described in Sec. 4.1.3 (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR).

**4.3.5.** We have concluded a contract processing agreement with Adobe Systems Software Ireland Limited to ensure that personal data is processed only on our behalf and in accordance with our instructions. The contract processing agreement with Adobe contains guarantees for an adequate level of protection in the form of Adobe's participation in the Privacy Shield Program.

#### **4.4. Use of Pardot (salesforce.com)**

**4.4.1.** Our website uses technologies such as Pardot provided by salesforce.com, inc, The Landmark @ One Market Street, San Francisco, CA 94105, USA („SFDC“).

**4.4.2.** We have concluded a contract processing agreement with SFDC to ensure that personal data is processed only on our behalf and in accordance with our instructions. The contract processing agreement contains guarantees for an adequate level of protection in the form of SFDC's participation in the Privacy Shield Program.

#### **4.5. Processing in the Context of Registration for Newsletters and Receipt of Newsletters**

**4.5.1.** If you register via our website or by other means to receive electronic newsletters, we will store and process your registration data (the registration

form will show you which registration data we collect and store and whether entries are mandatory or voluntary) for an unlimited period of time until you unsubscribe or we cancel the newsletter dispatch in order to fulfil the existing contract with you for the receipt of the newsletter (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR). The IP address assigned to you by the internet service provider (ISP), and the date and time of registration will also be stored when you register. The purpose of this is to protect our legitimate interest in preventing and, if necessary, prosecuting misuse of our services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). In addition, we will store and process your consent to receive the newsletter for the retention period specified below. This serves to protect our legitimate interest in being able to prove in the event of a dispute that you wished to receive the newsletter (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

After termination of your registration for the receipt of newsletters, we will retain the registration data, the IP address, date and time of registration and your consent for up to six months. This serves to protect our legitimate interest in being able to restore this data in the event of unintentional deletion; or in establishing, exercising or defending legal claims in connection with the registration for, and consent to, receipt of newsletters (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). We will assume that your interests do not conflict with this, because the retention period is appropriate with respect to the interests to be protected.

- 4.5.2.** The registration for our newsletter which is powered by Pardot technologies of SFDC (see Sec. 4.4), takes place in a so-called double opt-in procedure. This means that after registration you will receive an e-mail asking you to confirm your registration. This confirmation is necessary to prevent unauthorized use of your e-mail address by another person.

#### **4.6. *Processing in the Context of Registration or Use of the Contact Form***

- 4.6.1.** If you register on our website and create a user account (the registration form will show you which registration data we collect and store and whether entries are mandatory or voluntary), all personal data collected in connection with this user account will be stored in this user account until you request to delete the user account or until we cancel the user account for the performance of our contractual relationship on use of the respective website or web service (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR). The IP address assigned to you by your internet service provider (ISP), and the date and time of registration will also be stored when you register. The purpose of this is to protect our legitimate interest in preventing and, if necessary, prosecuting misuse of our services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

After de-registration of your user account, we will retain all data for up to six months. This serves to protect our legitimate interest in being able to restore this data in the event of unintentional deletion; or in establishing, exercising or defending legal claims in connection with our contractual relationship (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR). We will assume that your interests do not conflict with this because the retention period is appropriate with respect to the interests to be protected.

**4.6.2.** Our website contains a contact form, powered by Pardot technologies of SFDC (see Sec. 4.4), which you can use to submit communications to us. When submitting information through the contact form, you are required to enter certain information which we will use for responding to your request. The contact form enables you to submit additional information on a voluntary basis.

**4.6.3.** If you provide us with personal data via the user account or the contact form for a purpose beyond the use of the website or respective web service, such as sending us an offer or product information, we will also store and process this data for this purpose. In order to find more information on how we store and process such data, you will need to refer to the Section of this Privacy Statement that is pertinent to the respective purpose (especially Section 6 et seq.).

#### **4.7. *Additional Recipients and Guarantees***

**4.7.1.** We share data with other companies of our group of undertakings. For further information on this and on the safeguards, we have put in place in this respect, please refer to Sec. 11 below.

**4.7.2.** Newsletters will be sent to the e-mail address you have provided. If your e-mail provider is located in an unsafe third country, the transfer will nonetheless be made to fulfil the contract with you and in accordance with your instructions.

#### **4.8. *Additional Information on Purposes and Retention Periods***

If you register to use the website or to receive a newsletter or if you complete a contact form, and you are already a customer, or if a customer relationship is subsequently established, the information from the registration or submitted through the contact form will also be stored in your customer account and processed and used as part of your customer account and the information in Section 7 will apply.

If a customer relationship does not exist and is not subsequently established, we will also store your registration and the object of your interest in our database of prospective customers and the information in Section 6 will then apply.

### **5. *Processing in the Context of our Telephone Hotline***

5.1. In this Section we will inform you about how we process and use personal data in relation to you that we collect in connection with calls to our telephone hotline and on the specific rights you have in this respect.

5.2. When you call our hotline, our representative will record your name, the date and time of your call and the content of your request in a call log. If you are registered with us in the customer database, this information will be stored in your customer account and the information in Section 7 will then apply. If you express interest in a product or service and there is no customer relationship, this information will be stored in our database of prospective customers and the information in Section 6 will then apply. In all other cases we will record your details in a separate database with call logs.

We will store and process the above information to perform the contractual relationship with you with respect to the delivery or service to which the call relates on the one hand (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and on

the other hand, to protect our legitimate interest in improving our deliveries and services to meet your individual requirements and thus promoting the sale of our products and services, possibly offering you additional products or services in line with your interests, and documenting the content of your request for the establishment, exercise or defence of legal claims (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

Unless one of the longer retention periods specified further below applies, call logs will be retained for six months after the call.

- 5.3. We share data with other companies of our group of undertakings. For further information on this and on the safeguards we have put in place in this respect, please refer to Sec. 11 below.

## **6. Processing in the Context of our Database of Prospective Customers**

- 6.1. In this Section we will inform you about how we process and use the personal data in relation to you that we collect when you express an interest in our products or services and on the specific rights you have in this respect.
- 6.2. If you express your interest in our products or services by making an enquiry (e.g. at a trade fair or conference, by e-mail, or via the contact form), we will store your contact data and the subject of your interest in a separate database for prospective customers.
- 6.3. We will store and process this data in order to process your inquiry and also to protect our legitimate interest in improving our deliveries and services to meet your individual requirements, promoting the sale of our products and services and possibly offering you additional products or services in line with your interests (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 6.4. If a customer relationship is established, the data will be transferred to our customer database (cf. Section 7). If no customer relationship is established, the data will be deleted 2 years after the last correspondence with you.
- 6.5. We share data with other companies of our group of undertakings. For further information on this and on the safeguards we have put in place in this respect, please refer to Sec. 11 below.
- 6.6. We also refer to Sections 12 et seq. for further information regarding the possible recipients and retention periods of the above information.
- 6.7. You can object to the use of your data for direct marketing purposes at any time (cf. Section 14.7).

## **7. Processing in the Context of our Customer Database**

- 7.1. In this Section we will inform you about how we process and use personal data in relation to you that we store in our customer database and on the specific rights you have in this respect.
- 7.2. We will set up a customer account in our customer database if a customer relationship exists or is established with you. The customer account contains your master data (name, address, account etc.). All correspondence and documents (correspondence, orders, contracts, complaints, etc.) within the scope of the customer relationship will then be stored in, or linked to, this customer account.

- 7.3. We will store and process the above information on the one hand to perform the respective contractual relationship with respect to the products and services we deliver to you (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and on the one hand, and, on the other hand, to protect our legitimate interest in improving our deliveries and services according to your individual requirements and thus promoting the sale of our products and services, and possibly offering you additional products or services in accordance with your interests, and documenting contractual agreements and correspondence for establishing, exercising or defending related legal claims (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) as well as fulfilling statutory documentation and document retention obligations (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR).
- 7.4. We share data with other companies of our group of undertakings. For further information on this and on the safeguards we have put in place in this respect, please refer to Sec. 11 below.
- 7.5. We also refer to Sections 12 et seq. for further information regarding the possible recipients and retention periods of the above information.
- 7.6. You can object to the use of your data for direct marketing purposes at any time (cf. Section 14.7).

## **8. Processing of Prospective Supplier Data and Supplier Data**

- 8.1. In this Section we will inform you about how we process and use personal data in relation to prospective and actual suppliers. In this context we use the term “supplier” cover not only the suppliers of products but any business partner who is not a customer or employee, including also service providers, consultants and freelancers.
- 8.2. We generally store and process data in relation to prospective and actual suppliers in the same manner and in the same databases as data on prospective and actual suppliers. Therefore all information on prospective customer data and customer data in this Privacy Statement also apply to data in relation to prospective and actual suppliers.
- 8.3. We will store and process data in relation to prospective and actual suppliers and all correspondence and documents (correspondence, orders, contracts, complaints, etc.) within the scope of the business relationship to perform the respective contractual relationship with you with respect to your products and services on the one hand (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and, on the other hand, to protect our legitimate interest in documenting contractual agreements and correspondence for establishing, exercising or defending related legal claims, and, where relevant, fulfilling our product monitoring obligation with respect to your products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) as well as fulfilling statutory documentation and document retention obligations (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR).
- 8.4. We share data with other companies of our group of undertakings. For further information on this and on the safeguards we have put in place in this respect, please refer to Sec. 11 below.
- 8.5. We also refer to Sections 12 et seq. for further information regarding the possible recipients and retention periods of the above information.

## 9. Processing in the Context of Visits to our Facilities, CCTV Surveillance

- 9.1. In this Section we will inform you about how we process and use personal data in relation to you that we collect in connection with your visits to our facilities and on the specific rights you have in this respect.
- 9.2. When you visit our facility, we ask you to register. Typically your name and company and the date and time of visit will be recorded and you may be asked to sign a confidentiality undertaking.
- 9.3. We will store and process the above information to protect our legitimate interest in preventing abusive behaviour during visits and in establishing, exercising or defending possible legal claims (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). Unless one of the longer retention periods set forth below applies, the information will be retained for one year after the visit. If you are a customer, they may be stored in your customer account and retained for the longer periods described in Sec. 13.
- 9.4. Sensitive areas of our facilities may be subject to closed circuit TV (CCTV) surveillance. CCTV cameras will be placed visibly and clearly marked. CCTV Cameras may be linked to live monitors without further recording but may also involve recording of videos. Recordings may be reviewed by security staff either on a random sample basis or where there is an indication of unauthorized access or abusive behaviour. After 72 hours recordings will be deleted unless required for investigation of a specific incident. We will store and process information collected through CCTV surveillance to protect our legitimate interest in preventing unauthorized access and abusive behaviour during visits and in establishing, exercising or defending possible legal claims (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). Information collected through CCTV surveillance will not be used for any other purpose.

## 10. Processing of Applicant Data

- 10.1. In this Section we will inform you how we process and use personal data in relation to you that we collect in connection with applications for employment with our company or other entities within our group of undertakings and on the specific rights you have in this respect.

### 10.2. Data Collection, Legal Basis and Purposes

- 10.2.1.** If you send us your application documents via the general contact form or by e-mail, you should be aware that such transmission is not effectively protected against unauthorised access. We will therefore never ask you to send us your application documents exclusively in this way. We recommend that you submit your application documents only by post or via the secure connection we have provided for this purpose.
- 10.2.2.** If you register with us as an applicant and send us application documents in printed or electronic form, we will store and process your contact data, your application documents (in printed or electronic form) and all documents and records concerning you which are created in the course of the application process (all these data and documents will be collectively referred to subsequently as "**applicant data**") for the duration of the application procedure, and for the purpose of performing the application procedure (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR).

- 10.2.3.** We do not normally require special categories of personal data for the application process. We kindly ask you not to include such data in your application documents. Where such data are relevant in exceptional circumstances, we will process them together with other applicant data. This may include information on job restrictions based on pregnancy or health issues or information on disabilities in view of our special legal obligations vis-à-vis the disabled. In these cases we process your data for carrying out obligations and exercising specific rights in the field of employment and social security and social protection law (legal basis for processing: Art. 9(2)(b) of the GDPR in conjunction with Section 26 of the German FDPA) and/or for the assessment of your working capacity (legal basis for processing: Art. 9(2)(h) in conjunction with Section 22(1)(b) of the German FDPA).
- 10.2.4.** Where during the application process you provide information or documents which are not strictly necessary for the application process, we process such information or documents within the scope of your consent (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR).
- 10.2.5.** You can find out how we also store and use your applicant data, e.g. book keeping information where you are indemnified for out-of-pocket expenses, in Section 10.4.

### **10.3. Recipients and Categories of Recipients**

- 10.3.1.** If the advertised position is with another entity in our group of undertakings or otherwise is group-related, e.g. if the position reports to an employee of another entity within the group of undertakings (so-called matrix structure), we may also make the applicant data accessible to those employees of other companies in the group of undertakings who participate in the recruitment process. This serves the purposes specified in Section 10.2 and also to protect our legitimate interest in an exchange of information within the group of undertakings as required for the execution of the application procedure (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 10.3.2.** We share data with other companies of our group of undertakings. For further information on this and on the safeguards we have put in place in this respect, please refer to Sec. 11 below.
- 10.3.3.** We also refer to Sections 12 et seq. for further information regarding the possible recipients and retention periods of the above information.

### **10.4. Retention Periods and Deletion**

- 10.4.1.** If the application is successful, the applicant data will continue to be stored and used as part of your personnel file in order to perform the employment contract.
- 10.4.2.** If the application process is not successful, we will return printed application documents to you and will retain copies of them and all other applicant data for another three months after completion of the application process and will then delete or anonymize them. The storage of these data and documents serves to protect our legitimate interest in establishing, exercising or defending legal claims in connection with the application procedure,

particularly if we need them as evidence in our defence against the assertion of discrimination in the selection process (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

## 11. **Data Transfers within Our Group of Undertakings**

In this Section we will provide further details how we may share personal data about you with other companies within our group of undertakings, and how such other companies may process and use such data.

### 11.1. **Data Transfers, Legal Basis and Purposes**

Personal data controlled by us may be disclosed to other companies within our group of undertakings (“**Affiliate(s)**”) where such data is uploaded to a joint account.

We maintain a joint *salesforce.com* account together with HEBS USA. *salesforce.com* is a cloud-based enterprise software service including sales, service, marketing, analytics, community, and mobile apps operated by SFDC (see Sec. 4.4), and may be hosted in an unsafe third country.

We use the *salesforce.com* platform to store and process individual and company contact information on customers and their employees of our Hospitality Provider customer, applicant, as well as our own employees. This includes name, title, email address, phone number, street address, company name, contract information, account information, and correspondence and communications. We also use the *salesforce.com* platform to track sales opportunities and to conduct outreach and client engagement via email. Data uploaded to *salesforce.com* may be shared by Affiliates for the purpose of account planning and management.

Data uploaded to joint accounts are accessed by all Affiliates with access to the account for the purposes identified above. We may also share such data with HEBS Europe outside of joint accounts for the same purposes. In any case, access to data in joint accounts is always restricted by multiple levels of access rights granted on a need-to-know basis ensuring that the Affiliates, and within each Affiliate the respective employees, access only the data they require for their business functions.

HEBS USA has concluded a contract processing agreement with SFDC to ensure that personal data is processed only on its behalf and in accordance with its instructions and has agreed to exercise its rights under such agreements also in our interest.

We share data in the contexts specified hereinabove in order to protect our legitimate interests in coordinating sales processes and business and IT administrative processes on the level of the group of undertakings and planning and providing our deliveries and services as close to our customers as possible (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

### 11.2. **Recipients and Categories of Recipients, Transfers to Unsafe Third Countries and Guarantees**

In order to provide for a uniform level of data protection throughout our group of companies and also to provide sufficient guarantees in this case, we have agreed with HEBS USA on the application of uniform data protection provisions for all data transfers within our group of companies which, with respect to data exports outside of the European Economic Area, incorporate the standard data protection clauses



adopted by the Commission for this purpose.

## **12. General Information on Additional Uses, Recipients, Categories of Recipients and Transfers**

- 12.1. When establishing a contractual relationship, we may process data on (prospective) customers or suppliers, or applicants in the context of “know your customer”, anti-corruption, anti-money laundering, anti-terror and export control or similar screenings or audits in order to perform our compliance obligations and give effect to our compliance policies. The legal basis for such audits and screenings is the fulfilment of a legal obligation, where they are legally required (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR), and otherwise our legitimate interest in avoiding business relationships which we consider to violate our ethical standards (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 12.2. Our data protection officer will have access to your data as necessary for the consummation of its data protection tasks. The data protection officer is under a statutory obligation of confidentiality.
- 12.3. All of our servers and databases may be operated, maintained or further developed by additional processors or other contractors. They may have access to your data.
- 12.4. We may use third party service providers for the archiving and/or destruction of documents. They will have access to your data.
- 12.5. Where we store and process data for the consummation of contracts, we may pass these data on to agents and contractors we employ for such consummation (e.g. to carriers for transportation purposes).
- 12.6. Where we store and process data for communication with you, we may use additional processors or contractors in order to process or transmit correspondence with you (e.g. letter shops), who will then have access to your data.
- 12.7. We may also retain consultants or advisors such as legal, tax or business consultants. They may have access to your data.
- 12.8. Where we use contractors of the categories listed hereinabove to handle your data on our behalf, we have concluded, or will conclude prior to such processing, a contract processing agreement with the contractor to ensure that personal data is processed only on our behalf and in accordance with our instructions. Where the data are not processed on our behalf, we will enter into appropriate confidentiality agreements with the contractors.
- 12.9. We will transfer your personal data to competent law enforcement, regulatory or other authorities, institutions or bodies if we are legally obligated to do so (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR) or if we have a legitimate interest in averting coercive measures of such authorities, institutions or bodies within the scope of their legal authority (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). Such legally required or necessary transmissions are not the subject of this Privacy Statement.

## **13. General Information on Retention Periods and Anonymisation**

- 13.1. We have enacted a data retention and deletion policy in order to ensure that personal

data are only stored for as long as necessary for their purpose.

- 13.2. Our data retention and deletion policy takes account of the principle that personal data should be retained for limited periods even after the original purpose has become obsolete, in order to preserve our legitimate interest in preventing unintentional deletions, in enabling the establishment, exercise or defence of legal claims and in rendering the administration of retention and deletion periods practicable (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). We assume that your interests do not conflict with this, because these additional retention periods are appropriate with respect to the interests to be protected.
- 13.3. Unless detailed information on deletion periods has already been provided above, the following general deletion periods will apply in accordance with our data retention and deletion policy. Where data fall under several different deletion periods, the longest will always apply:
- 13.3.1.** We will retain customer data for the duration of the customer relationship. After the end of the customer relationship such data will continue to be retained for as long as these data are necessary for the maintenance of the customer account and for the administration of documents or data relating to the customer which fall into any of the categories identified hereinbelow. Otherwise customer data will be deleted after expiry of one year.
- 13.3.2.** For compliance with the statutory retention period for commercial letters and tax documents we will retain correspondence for seven years and invoices and other booking documentation for 11 years.
- 13.3.3.** We will retain contract-related data and documents for 11 years after the end of the contractual relationship in view of the statutory limitation period for claims and statutory document retention obligations for booking receipts.
- 13.4. If the term "deletion" is mentioned in this Privacy Statement, we reserve the right to anonymise the relevant data record, such that it can no longer be assigned to you, instead of complete deletion
- 13.5. Anonymised data may be processed and used by us and our processors for an unlimited period. The processing and use of anonymised data is not subject to the GDPR and is not the subject of this Privacy Statement.

## 14. Your Rights

You as the data subject have certain rights with regard to your personal data, which we will explain to you below:

- 14.1. **Right of Access and Information (Art. 15 of the GDPR)** - You have the right, where the statutory requirements are met, to request from us at any time, at no cost, confirmation as to whether personal data relating to you is being processed, a copy of this data and comprehensive information on this personal data. This right extends in particular, without limitation, to the purposes of processing, the categories of personal data being processed, the recipients, the storage period and the origin of the data.
- 14.2. **Right to Rectification (Art. 16 of the GDPR)** - You have the right to request us to rectify incorrect and incomplete personal data concerning you without delay, where the statutory requirements are met.

- 14.3. **Right to be Forgotten (Art. 17 of the GDPR)** - You have the right to demand from us the immediate deletion of personal data concerning you, where the statutory requirements are met, if, among other reasons, their storage is no longer necessary or unlawful, if you revoke your consent on which their storage was based, if you have validly objected to their storage in accordance with Sections 14.6 et seq., if we are obligated to delete them for any other reason or if the data were collected as part of a web service. If we have made the data public, in addition to deletion of the data, we must also inform other controllers in such cases that you have requested the deletion of this data and all references thereto, insofar as this is reasonable in view of the available technology and the implementation costs. The above obligation does not apply in certain exceptional cases, in particular storage for the purpose of establishing, exercising or defending legal claims.
- 14.4. **Right to Restriction of Processing (Art. 18 of the GDPR)** - You have the right to request us, where the statutory requirements are met, to restrict the processing of personal data relating to you, for example if you dispute their accuracy, the storage is no longer necessary or is unlawful and you still do not wish to have it deleted or if you have filed an objection to the processing (Sections 14.6 et seq.) as long as it has not yet been established whether our legitimate reasons outweigh yours.
- 14.5. **Right to Data Portability (Art. 20 of the GDPR)** - If automated processing of personal data occurs solely on the basis of your consent or to fulfil a contract with you or to implement pre-contractual measures, you have the right to require us, subject to statutory requirements, to make available the personal data in relation to yourself that you have provided to you or to a third party you designate, if this is technically feasible, in a structured, current and machine-readable format and not to impede its transfer to a third party.
- 14.6. **Right of Objection (Art. 21(1) of the GDPR)** - You have the right to require us, where the statutory requirements are met, to no longer process personal data relating to you which we process for the performance of a task which is in the public interest or for the protection of our legitimate interests or those of a third party, if you object to such processing for reasons which arise from your particular situation. In this case we must desist from further processing unless there are compelling grounds for processing which outweigh your interests or the processing is carried out for the establishment, exercise or defence of legal claims.
- 14.7. **Right of Objection to Direct Marketing (Art. 21(2) of the GDPR)** - You can object to the further processing of your personal data for direct marketing purposes at any time, and we will consequently refrain from processing them for this purpose. This also applies to profiling insofar as it is associated with such direct marketing.
- 14.8. **Automated Decisions (Art. 22 of the GDPR)** - We will not make any decisions without your consent which produce legal effects concerning you or similarly significantly affect you and that are based exclusively on automated processing (including profiling).
- 14.9. **Guarantees** - To the extent that we indicate in this Privacy Policy that guarantees have been agreed to provide an adequate level of protection, you may request copies of the relevant documents from our Data Protection Officer. If a guarantee exists in the form of participation in the Privacy Shield Program, you will find information and documentation here: [http://europa.eu/rapid/press-release\\_MEMO-16-434\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-434_en.htm).

- 14.10. **Consents** - If you consent to processing, this is voluntary, unless we inform you otherwise in advance, and the refusal of consent will not be sanctioned. You can withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Processing on a legal basis other than your consent will also be unaffected by such withdrawal. However, you may also exercise the above statutory rights in this respect (e.g. the right of objection pursuant to Sections 14.6 et seq.). In particular, you may withdraw any consent to the use of your e-mail address or telephone number for direct marketing at any time and may object to any further use of your e-mail address or telephone number for this purpose at any time, free of charge (other than communication costs payable to your provider ).
- 14.11. **Right to Lodge a Complaint** - You have the right to lodge a complaint with a supervisory authority. This may include, among others, the supervisory authority responsible for your place of residence or the supervisory authority generally responsible for us (Section 0).
- 14.12. **Contact** - You can contact us in any form to exercise your rights, in particular to withdraw any consent you may have given, and especially our data protection officer also. You may be required to identify yourself to us as a data subject to exercise your rights.

## 15. Security

We have implemented extensive, industry standard technical and organisational measures to protect your personal data from unauthorised access and misuse.

## 16. Changes to this Privacy Statement

In the event of future changes to this Privacy Statement, you can retrieve old versions and information on the periods for which they were valid [here](#).

Serenata IntraWare GmbH

Rev. May 2018