

Business Partner Privacy Notice (EEA/UK/USA)

ALLPLAN Group is part of the NEMETSCHKE group of companies. ALLPLAN GmbH (Konrad-Zuse-Platz 1, 81829 Munich, Germany) and its Affiliates¹, including Design Data Corp., DBA SDS2 and ALLPLAN (together and each for itself "**ALLPLAN**", "**we**", "**us**", "**our**") take data protection very seriously. We have developed this Business Partner Privacy Notice ("**Notice**") to transparently inform business partners in the EEA/UK/USA about how we collect, use, disclose and otherwise process personal data and about your rights under applicable data protection laws, including the GDPR (for definitions not included in the text see section 10) and relevant laws of the United States.

1 For whom is this Privacy Notice?

This Notice covers our processing of personal data with respect to any natural person residing in the EEA/UK/USA with whom ALLPLAN has a business relationship, including but not limited to representatives and employees of customers, suppliers, service providers, external consultants and visitors to our premises ("**Business Partner**"). Our Business Partners are those persons interacting with us in a commercial context; individual consumers or visitors to our websites may have additional or different rights described in a separate privacy policy.

By providing this Notice to you, we comply with our information obligations under GDPR and other relevant statutes. Please note that this Notice shall not confer upon you any rights or obligations that are not conferred upon you by law.

2 Who are we and how can you contact us or our data protection officer?

The controller of your personal data is the ALLPLAN group company with which you have a business relationship. You can find a list with the company names and contact details of ALLPLAN and its Affiliates here. This list also contains the contact details of the respective data protection contact or data protection officer, where one has been appointed.

In any case, you may always contact us at dataprotectionofficer@allplan.com with respect to questions about this Notice, the processing of your personal data in general and to exercise your rights towards ALLPLAN as outlined below under no. 8.

3 Where do we collect your data and categories of personal data?

We collect your personal data either directly from you (e.g., if you contact us) or it may be provided to us either (i) by your employer / principal or (ii) by another company with which you had a business relationship, including one of our Affiliates, such as through a corporate transaction.

Generally, we only process the following categories of personal data of our business partners:

- **Contact details**, such as name, business address, business email address and phone number, business fax number;

¹ "**Affiliate**" shall mean any entity which directly or indirectly controls, or is controlled by, ALLPLAN. "**Control**" means direct or indirect ownership or domination of more than 50% of the voting interest of the respective entity.

- **Professional details**, such as company name, job position, job title, authorizations (e.g., to receive notifications with respect to the relationship between your employer / commissioner and us or to conclude contracts);
- **Communications**, such as emails, SMS; and
- **Commercial transactions details**, such as orders, contracts, and licence agreements.

We do not collect sensitive information such as governmental personal identifiers (e.g., national identification numbers, Social Security numbers, driver license numbers, state identification card, or passport number), account access information (e.g., account log-in, financial account, debit card, or credit card number combined with any required security or access code, password, or credentials allowing access to an account), precise geolocation, racial or ethnic origin, citizenship or immigration status, religious or philosophical beliefs, union membership, genetic data, private communications (e.g., mail, email, or text message contents, unless the business is the intended recipient of the communication), biometric information processed to uniquely identify you, or personal information collected and analysed concerning your mental or physical health, sex life, or sexual orientation. We do not collect any personal information of a known child.

You are generally not required to provide your personal data to us, and you may opt out of doing so without being subject to different treatment for that reason. However, if you do not provide your personal data, we might not be able to carry out certain processes (e.g., we will be unable to call you back if you do not provide us with your business phone number). In some cases, this may mean that we will be unable to continue with your engagement (in case we concluded or intend to conclude a contract with you) or that your employer / commissioner will not be able to deploy you as a point of contact for us.

4 How is your data used (purposes and legal bases)?

We process your personal data to administer and manage the relationship between us and you or your employer / commissioner, operate our business and comply with our legal obligations.

More specifically, we process your personal data for the following purposes and rely on the listed legal bases under the GDPR. Where relevant, the legitimate interest is included in the table below as well.

In the United States, the privacy policies of various States provide similar legal bases for collecting this information.

The relevant legal bases are:

- Performance of a contract (Art. 6 (1) (b) GDPR);
- Compliance with legal obligations (Art. 6 (1) (c) GDPR);
- Protection of vital interests of you or of another natural person (Art. 6 (1) (d) GDPR);
- Legitimate interests (Art. 6 (1) (f) GDPR); and
- Consent (Art. 6 (1) (a), Art. 7 GDPR).

No	Purpose of processing	Legal basis	Legitimate interest (where relevant)
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1.	To carry out a contract between us and (i) you or (ii) your employer / commissioner	(i) Performance of contract in case of a contract ² between you and ALLPLAN or the intention to conclude such (ii) Legitimate interests in case your employer / commissioner concluded the contract ³ with ALLPLAN or intends to do so	We have a legitimate interest in efficiently and productively carrying out the contract between us and your employer / commissioner.
2.	To facilitate payments (in case you are our contractual partner and are entitled to payments)	Performance of contract	not applicable ("n/a")
3.	To carry out sustainability assessments with respect to our suppliers	Legitimate interests	We have a legitimate interest in ensuring that our suppliers operate sustainably.
4.	To operate CCTV operations on our premises (if any)	Legitimate interests	We have a legitimate interest in ensuring the security of our premises.
5.	To facilitate visits to our premises and ensure security of our premises	(i) Performance of contract in case the visit is necessary in the context of a contract between you and ALLPLAN or the intention to conclude such (ii) Legitimate interests	We have a legitimate interest in ensuring the security of our premises.
6.	To provide you with direct marketing communication regarding products and/or services we offer (including via email)	Consent or – where lawful under applicable national direct marketing rules – our legitimate interests	We have a legitimate interest in marketing our products and/or services.
7.	To protect your vital interests or those of another natural person (this will only apply in case you require emergency medical care while visiting our premises)	Protection of vital interests of you or of another natural person	n/a

² This includes processing in the context of the fulfilment of purchase orders, deliveries, or in connection with complaints and repair/replacement work or in warranty cases, preparing or responding to requests for quotations, for determining the terms of the contractual relationship and with regard to product development activities.

³ See previous footnote.

	but are unconscious or otherwise incapable of giving consent)		
8.	To enable corporate transactions (including sale of all or part of our asset(s) and/or activity(ies)) and to continue the business relationship with your employer / commissioner	Legitimate interests	We may have a legitimate interest in disclosing information regarding our Business Partners to (potential) buyers or other acquirers (including lessees) and investors and their external counsels; and we and other parties involved in a corporate transaction have a legitimate interest in the seamless continuation of the business relationship with your employer / commissioner.
9.	To safeguard our rights	Legitimate interests	We have a legitimate interest in the establishment, exercise and defence of legal claims, in those exceptional cases where this should become necessary.
10.	To comply with legal obligations to which we are subject (e.g., deriving from tax law or foreign trade law)	(i) Compliance with legal obligations under EU or Member State laws or (ii) Legitimate interest for compliance with international legal requirements	We have a legitimate interest to comply with international legal requirements.
11	Sanction list screenings	(i) Compliance with our legal obligations or (ii) - where no such obligations exist - legitimate interests	We have a legitimate interest in complying with sanctions regulations applicable to ALLPLAN in various jurisdictions.
12.	To carry out compliance investigations	Legitimate interests	We have a legitimate interest carrying out compliance investigations to safeguard that we comply with our legal obligations.
13.	For any of the above listed purposes it might be	(i) Performance of contract in case of a contract	We, as part of the ALLPLAN group of companies, have a

	necessary to transfer data to our Affiliates	between you and ALLPLAN or the intention to conclude such (ii) Legitimate interests in case your employer / commissioner concluded the contract with ALLPLAN or intends to do so	legitimate interest in transferring your personal data within the group for internal administrative purposes.
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In some cases, your personal data may be processed based on your freely given consent (Art. 6 (1) (a), Art. 7 GDPR). You will be informed about the purposes of such processing prior to being asked to give consent.

5 Who has access to your information (recipients)?

We do not sell or share your personal data except as described below in order to administer and manage the relationship between us and you or your employer / commissioner, operate our business, and comply with our legal obligations.

We employ reasonable data security to protect the confidentiality, integrity, and accessibility of your personal data. Only authorized ALLPLAN employees with appropriate responsibilities have access to your personal data. In addition, we may share your personal data with the following categories of recipients, and we require these recipients to employ similar data security:

5.1 We may share your personal data with service providers that process personal data on our behalf and subject to our instructions as so-called **processors**, for the purpose of providing their professional services to us:

- Customer relationship management system provider (EEA)
- Supplier management system provider (EEA)
- Enterprise Resource Planning ("ERP") provider (EEA)
- Email service provider (EEA)
- Inbound marketing and customer surveys (EEA)

5.2 We may share your personal data with the following **third parties**:

- Other entities of our group of companies: We may share your personal data with Affiliates for the purposes listed in no. 4 above.
- Other third parties:
 - Tax and other state authorities (including law enforcement) for the purpose of compliance with laws and regulations applicable to us;
 - Consultants (lawyers and auditors) for the purpose of compliance with legal obligations, in the context of corporate transactions and for safeguarding our rights;

- Courts for the purpose of safeguarding our rights or as may be required by court order;
- Potential buyers or other acquirers (including lessees) of all or part of our asset(s) and/or activity(ies) for the purpose of corporate transactions
- Other representatives, employers, or employees of you as our Business Partner.

The legal bases relevant for the transfer of personal data to third parties can be found in no. 4 above.

6 Do we transfer your data internationally (third country transfers)?

Some recipients of personal data may be located outside the EEA, UK, and/or the United States in countries that do not offer a level of protection equivalent to the one granted in the EEA/UK/USA. Where your personal data is transferred to locations outside the EEA/UK/USA, we will, as required by law, ensure that your privacy rights are adequately protected either because the European Commission (EEA) respectively the Information Commissioner's Office (UK) has decided that the country to which personal data are transferred ensures an adequate level of protection (Art. 45 GDPR) or the transfer is subject to appropriate safeguards provided by entering into standard data protection clauses of the European Commission with the recipient respectively the UK Addendum (Art. 46 GDPR) unless GDPR provides for an exception or you have given explicit consent (Art. 49 GDPR).

If we transfer your personal data from the EEA and/or the UK to such a jurisdiction which has been recognized as providing an adequate level of data protection, we will rely on adequacy decisions. When transferring personal data to recipients in the USA we may rely on the EU-U.S. Data Privacy Framework (EEA) respectively its UK Extension ("**DPF**") which ensures an adequate level of protection for recipients certified under the DPF. A list of the European Commission's adequacy decisions can be found [here](#).

If you are a person residing the United States and we transfer your data from the USA to the EEA and/or the UK, we will continue to protect your data as may be required by your individual State and as described herein for our treatment of data in the EEA/UK.

Where we rely on standard data protection clauses of the European Commission or the respective UK Addendum, insofar as the transfer is made to a service provider (including Affiliates acting as such) processing personal data on our behalf, Module Two (transfer from controllers to processors) of the standard contractual clauses is relevant; insofar as the transfer is made to recipients which do not process personal data on our behalf but for their own purposes, Module One (transfer from controllers to controllers) is relevant.

Copies of appropriate safeguards (to the extent we rely on such) can be requested at dataprotectionofficer@allplan.com. Please note that such copy may be redacted to the extent necessary to protect business secrets or other confidential information.

7 How long do we store your data?

Your personal data will generally only be stored until the personal data are no longer necessary in relation to the purposes for which they were collected (or otherwise processed). The personal data therefore generally will be deleted at the latest after the contractual relationship with you or your employer / commissioner has ended and the standard statute of limitations period applicable to that information in the respective country has expired.

With respect to newsletters your personal data actively provided by you when registering to the newsletter will be stored as long as the newsletter subscription is active; your consent will be stored for up to three further years, depending on the respective standard limitation period.

As an exception, personal data may be stored longer where their processing is necessary for compliance with a legal obligation – including compliance with statutory retention periods – to which we are subject or for the establishment, exercise or defence of legal claims.

8 What rights do you have under GDPR or other applicable statutes?

- 8.1 Right of access. You may request information about the processing of your personal data and a copy of the personal data undergoing processing insofar as in particular such copy does not adversely affect the rights and freedoms of others. If the request is made by electronic means the information will be provided in a commonly used electronic format if you do not request otherwise.
- 8.2 Right to rectification. You may request at any time the correction of your personal data that is inaccurate and/or completion of such data which is incomplete.
- 8.3 Right to erasure. You may request deletion of your personal data, in particular where (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, (ii) you objected to the processing and there are no overriding legitimate interests for the processing, (iii) your personal data has been unlawfully processed or (iv) your personal data has to be erased for compliance with a legal obligation to which we are subject. The right to deletion, however, does not apply in particular where the processing of your personal data is necessary for compliance with a legal obligation or for the establishment, exercise or defence of legal claims.
- 8.4 Restriction of processing. You may request restriction of processing (i) for the period in which we verify the accuracy of your personal data if you contested the accuracy of the personal data, (ii) where the processing is unlawful and you request restriction of processing instead of deletion of the data, (iii) where we no longer need the personal data, but you require the data for the establishment, exercise or defence of legal claims or (iv) if you objected to processing until it has been verified whether our legitimate grounds override your interests, rights and freedoms. If the processing of your Personal Data has been restricted, we may only, besides storing the data, process your personal data with your consent, in order to establish, exercise or defend legal claims or to defend rights of others.
- 8.5 Right to data portability. You may request to receive your personal data, which you have provided to us, in a structured, commonly used machine-readable format and transmit those data to another controller without hindrance from us, where the processing is based on consent or a contract and the processing is carried out by automated means; in these cases you may also request to have the personal data transmitted directly to another controller where this is technically feasible (data portability).
- 8.6 Right to withdraw consent. You may withdraw your consent at any time for the future where processing is based on your consent, without affecting the lawfulness of processing based on consent before its withdrawal.

8.7 Right to object.

Right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on our or a third party's legitimate interests.

We then will no longer process your personal data for the purpose to which you have objected unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Where we process your personal data for **direct marketing purposes**, you have the right to object at any time to processing of your personal data for such direct marketing. We then will no longer process your personal data for direct marketing purposes.

8.8 Right to lodge a complaint. You may lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of an alleged infringement if you consider that the processing of your personal data infringes applicable law.

Please address your requests to exercise your rights to dataprotectionofficer@allplan.com (with the exception of the right to lodge a complaint with a supervisory authority).

9 **Changes to this Notice**

We reserve the right to amend or modify this Notice at any time to ensure compliance with applicable laws. Please check regularly whether this Notice has been updated. We will notify you in case there are substantial changes to this Notice that affect you.

This Notice has been updated last in June 2024.

10 **Definitions**

“EEA” shall mean the European Economic Area.

“EU” shall mean the European Union.

“GDPR” shall mean the General Data Protection Regulation (Regulation (EU) 2016/679) and supplementary EU and EEA Member State data protection or privacy legislation in force from time to time in the in the EEA, or UK GDPR, where UK GDPR is relevant.

“UK” shall mean the United Kingdom.

“UK GDPR” shall mean the GDPR as transposed into UK national law by operation of section 3 of the European Union (Withdrawal) Act 2018, together with the Data Protection, Privacy and Electronic

Communications (Amendments etc.) (EU Exit) Regulations 2019 and other data protection or privacy legislation in force from time to time in the UK.

“USA” shall mean the United States of America.