

## Privacy notice pursuant to Article 13 GDPR for business partner of Mode Logistik GmbH & Co. KG, Düsseldorf

With the following information, we inform you about the processing of your personal data in connection with our business relationship with you or your company. We also provide you with contact options and point out your data protection rights.

**Important note:** Please note that the General Data Protection Regulation (GDPR) only applies to the processing of data relating to natural persons. Data protection law does not apply to information about legal entities, such as a GmbH, AG, GbR. However, data protection law does apply to data about employees or shareholders of these legal entities if the information of the natural person as a tradesman or self-employed person is inseparably linked to the legal entity as a single business.

If the following refers to personal data or a person is addressed ("you", "your", etc.), the statements always refer only to you as an identified or identifiable natural person.

### 1. Controller

The entity responsible for data processing is

Mode Logistik GmbH & Co. KG  
Liesegangstr. 5  
40211 Düsseldorf  
E-mail: [businesspartner-privacy@peek-cloppenburg.com](mailto:businesspartner-privacy@peek-cloppenburg.com)  
(hereinafter also "we", "us", etc.)

### 2. Data Protection Officer

You can reach the Data Protection Officer of Mode Logistik GmbH & Co. KG at

Mode Logistik GmbH & Co. KG  
Data Protection Officer  
Liesegangstr. 5  
40211 Düsseldorf  
E-mail: [datenschutz@mode-logistik.de](mailto:datenschutz@mode-logistik.de)

### 3. Data processing / scope of application

This privacy notice applies to the collection of your personal data by us, which we collect and process as part of the initiation and provision of contractual services from a company that you represent as our business partner, e.g. as a supplier or service provider, as part of this business relationship.

Personal data is all information that relates to an identified or identifiable person. This includes information such as name, address, telephone number, fax number, email address, etc. The basis for the application of data protection is in particular the GDPR.

### 4. Data categories

As part of the business relationship with your company, we collect personal data about you as necessary. This usually includes your first and last name, personal data, such as your function and company affiliation, contact data, such as e-mail address, telephone number, fax number and company address.

It is possible that you may voluntarily disclose further categories of data about yourself, such as temporary absences or leaving your company, in the course of normal business communication with us. We will only process this information for the purposes of documenting our communication with your company.

### 5. Overview of data processing

#### Business partner management

We use your personal data for the processing listed below as part of our business partner management:

- Supplier selection (initial discussions, tenders, contract initiation)
- Conclusion and termination of contracts
- Contract and licence management
- Supplier onboarding incl. master data creation and maintenance
- Order management and processing (orders, incoming goods, outgoing goods / returns)
- Invoice processing
- Business partner communication due to our cooperation
- Performance of supplier events & audits
- Supplier offboarding incl. master data anonymisation and deletion

The purpose of the aforementioned processing is the fulfilment of the contract and the related further regular exchange of information to maintain the business relationship with your company.

This includes access to your personal data in accordance with point 4.

The legal basis for the processing of this data is the performance of a contractual relationship in accordance with Art. 6 (1) lit. b GDPR.

#### Other legal obligations

As part of other legal obligations, e.g. reporting obligations to authorities and other institutions, personal data to be reported may be transmitted to the requesting body.

The purpose of the processing is to fulfil a legal obligation.

This includes access to personal data in accordance with point 4.

The legal basis for the collection of data is a legal obligation pursuant to Art. 6 (1) lit. c GDPR.

#### Further development of the business relationship

As part of the improvement or further development of the business relationship with your company, relevant personal data about you may be used, e.g. for surveys, enquiries and other actions that serve its further development.

The purpose of this processing is to improve the purchasing process.

This includes access to personal data in accordance with point 4.

The legal basis for the collection of data is our legitimate interest pursuant to Art. 6 (1) lit. f GDPR.

#### Legal disputes

We may process your personal data in the event of legal disputes with your company.

The purpose of the processing is the assertion, exercise, or defence of legal claims against your company.

This includes access to personal data in accordance with point 4.

The legal basis for the collection of your data is our legitimate interest pursuant to Art. 6 (1) lit. f GDPR.

### 6. Storage and deletion of your personal data

We store your personal data for as long and to the extent necessary for the purposes stated in this privacy notice (see point 5).

As soon as your personal data is no longer required for the purposes stated in point 5 of this privacy notice, we may continue to store your personal data for the period during which your company is entitled to assert any claims against us or vice versa (statutory limitation periods).

In addition, we store your personal data for as long as and to the extent that we are legally obliged to do so. The corresponding verification and retention obligations are regulated in the German Commercial Code (HGB), the German Fiscal Code (AO) and the German Money Laundering Act (GWG), among others.

## 7. Categories of recipients of personal data

For the data processing mentioned in points 5 and 6, we may also transfer your personal data to other companies of the Peek & Cloppenburg Group (P&C Group) as part of an internal, collaborative process. The P&C Group within the meaning of this declaration includes (i) JC Switzerland Holding AG, Zug ("JCH") or such companies that are created in the future from the aforementioned by means of transformation measures, such as mergers, spin-offs, spin-offs or comparable measures and (ii) companies directly or indirectly affiliated with JCH within the meaning of Sec.15 et seq. AktG (German Stock Corporation Act).

This data is transmitted to the aforementioned companies of the P&C Group on the basis of our legitimate interest in order to carry out internal business processes efficiently and collaboratively (Art. 6 (1) lit. f) GDPR) or it is processed there on the basis of the conclusion of a data processing agreement in accordance with Art. 28 GDPR.

We also work with service providers who process certain personal data on our behalf. This is done exclusively in accordance with the applicable data protection law. In particular, we have concluded agreements with our service providers - where required by law - on data processing on our behalf that fulfil the requirements of Art. 28 GDPR and issue instructions to the service providers on how to handle the data. Through careful selection and regular monitoring, we ensure that our service providers take all organisational and technical measures necessary to protect your data.

In the event of legal disputes with your company, your data may be transmitted to a competent court and to any lawyers involved in the legal dispute. The transfer of your personal data is based on our legitimate interest (Art. 6 (1) lit. f) GDPR).

Beyond this, we only pass on your personal data if and insofar as we are legally obliged to do so. We transmit this data in accordance with Art. 6 (1) lit. c) GDPR (e.g. to the police or supervisory authorities in the context of investigations by the body into misdemeanours and/or criminal offences or in the event of complaints to the data protection authorities).

## 8. Transfer of data to a third country

As part of the processing of personal data due to a data transfer to the controller and the third parties described above, including downstream order processing, your data may be transferred to a country outside the EU (so-called third country) for processing it there for the purpose of providing these contractual services. For these so-called third country transfers, sufficient guarantees are available in each case to ensure a level of data protection in the respective third country that is appropriate to the GDPR, e.g. through the existence of an adequacy decision by the EU Commission for the third country concerned or the individual agreement of so-called EU standard contractual clauses.

## 9. Data protection rights

**Important note:** Please note the information at the beginning of this statement accordingly. Whenever data protection rights are mentioned below or a person is addressed ("you", "your"), the statements always refer only to you as a specifically identified or identifiable natural person and generally not to inform about your company as a legal entity.

You have the right of access under Article 15 GDPR, the right to rectification under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing under Article 18 GDPR and the right to data portability under Article 20 GDPR.

If you wish to assert the aforementioned rights, please contact us by e-mail at [businesspartner-privacy@peek-cloppenburg.com](mailto:businesspartner-privacy@peek-cloppenburg.com) or in writing at the address given under point 1.

In addition, you have the right to lodge a complaint with a competent data protection supervisory authority (Article 77 GDPR in conjunction with Section 19 of the German Federal Data Protection Act (BDSG)).

The data protection supervisory authority responsible for Mode Logistik GmbH & Co. KG is the State Commissioner for Data Protection of North Rhine-Westphalia (Die Landesbeauftragte für den Datenschutz Nordrhein-Westfalen), postal address: Postfach 20 04 44, 40102 Düsseldorf, Germany, Tel. 0211/38 42 4-0, Fax: 0211/38 42 4-999, e-mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de).

However, you can also contact any other data protection supervisory authority.

### Right to object (Art. 21 GDPR)

If personal data is processed for the performance of tasks carried out in the public interest (Art. 6 para. 1 e) GDPR) or for the purposes of the legitimate interests pursued (Art. 6 para. 1 f) GDPR), you may object to the processing of your personal data at any time with effect for the future. You can object to the use of your data for the purpose of direct marketing at any time with effect for the future. In the event of an objection, we shall refrain from any further processing of your data for the purpose of direct marketing.

**Status: July 2024**