

# Information Requirements according to Artt. 13 and 14 GDPR - Online Meetings and Conference Calls-

Creator: DAPO

Date: 2023/05/23



## Introduction

The protection of your personal data is important to us and a special concern. Compliance with the statutory provisions is a matter of course for us. The following information provides you with an overview of the processing of your personal data by us and your rights under data protection law.

### 1) General

The responsible party uses the following tools to conduct online meetings and video conferences by sending invitations to business partners for their active use:

Software Vendor	Microsoft	Atos Unify/Deutsche Telekom
Seat	USA	France/Germany
Service	Teams	Open Scape

### 2) Name and contact details of the responsible person

Responsible for the processing of your personal data is the:

PWO AG ("PWO")  
Industriestrasse 8, 77704 Oberkirch, Germany  
+49 7802 84-0, [info@pwo-group.com](mailto:info@pwo-group.com)

**Note:** If you call up the website of the respective service, the provider of the respective service is responsible for data processing. However, calling up the website is only necessary for the use of the respective service in order to download the software for the use of the respective service.

If you do not want to or cannot use the app of the respective service, you can also use the respective service via your browser. The service will then also be provided via the website of the respective service.

### 3) Contact details of the data protection officer

You can reach our company data protection officer at:

Data Protection Officer  
PWO AG  
Industriestrasse 8, 77704 Oberkirch, Germany  
+49 7802 84-0, [datenschutz@pwo-group.com](mailto:datenschutz@pwo-group.com)

### 4) Purposes and legal bases of processing

#### a) Purposes

- Use of the Services set forth in Section 1 above to conduct conference calls, online meetings, video conferences and/or webinars ("Online Meetings").

# Information Requirements according to Artt. 13 and 14 GDPR - Online Meetings and Conference Calls-

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## b) Legal basis

- PWO Interns (Employees):
  - Art. 6 (1) (c) GDPR in connection with § 26 BDSG
  - Art. 6 (1) (f) GDPR
- PWO Externals (Business Partners):
  - Art. 6 (1) (b) GDPR
  - Art. 6 (1) (f) GDPR

## 5) Legitimate interests

Where necessary, we process your data to protect legitimate interests of us or third parties. Our legitimate interests are in particular:

- effective implementation of "Online Meetings"

## 6) Categories of personal data

Various types of data are processed when using the services. The scope of the data also depends on the data you provide before or during participation in an "Online Meeting".

The following personal data are subject to processing:

- User details: User details: e.g., display name ("Display Name"), e-mail-address, if applicable, profile picture (optional), preferred language.
- Meeting metadata: e.g., date, time, meeting ID, phone numbers, location, IP address
- Text, audio and video data: You may have the option of using the chat function in an "Online Meeting". To this extent, the text entries you make are processed in order to display them in the "Online Meeting". In order to enable the display of video and the playback of audio, the data from the microphone of your terminal device and from any video camera of the terminal device will be processed accordingly for the duration of the meeting. You can switch off or mute the camera or microphone yourself at any time via the applications of the respective tool.

## 7) Recipients of the personal data

### a. General

Personal data processed in connection with participation in "online meetings" will generally not be disclosed to third parties unless it is specifically intended for disclosure. Please note that, as in the case of face-to-face meetings, content from "Online Meetings" is often precisely serve to communicate information with customers, interested parties or third parties and are thus intended for disclosure.

# Information Requirements according to Artt. 13 and 14 GDPR - Online Meetings and Conference Calls-

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## b. "OpenScape"

These services are operated by us "on-prem" on our servers in the EU. There is no transfer of personal data to third parties beyond section 7 a).

## c. "Teams"

This service is operated by us at the company Comparex AG, Blochstraße 1, 04329 Leipzig, Germany ("Comparex"), an external service provider, in the form of "SaaS" on a server provided by Microsoft in Germany. Comparex necessarily obtains knowledge of the above personal data to the extent provided for under the order processing agreement concluded between us, which complies with the requirements of Art. 28 GDPR.

Comparex has engaged the following subcontractors to perform its obligations under the main contract with us:

- SoftwareONE AG, Germany and its subsidiaries in Switzerland, Germany, India, Mexico, Spain, Romania and Brazil
- ServiceNOW Inc., USA and its subsidiaries in the USA, U.K., Netherlands, Canada, Switzerland and Australia
- Microsoft Inc., USA and its subsidiaries in Ireland and the Netherlands
- PicHit.Me AB, Sweden

With all of these subcontractors, Comparex has not only concluded commissioned processing agreements pursuant to Art. 28 GDPR, but also -where required- the standard data protection clauses pursuant to Art. 46 (2) (c) GDPR have been concluded.

## 8) **Transfers to a third country or an international organization**

Data processing outside the EU does not take place as a matter of principle, as we have restricted our storage location to data centers in the EU.

However, we cannot rule out the possibility that data is routed via Internet servers located outside the EU. This may be the case in particular if participants in "Online Meeting" are located in a third country. However, the data is encrypted during transport over the Internet and thus protected against unauthorized access by third parties.

With regard to the "Teams" service, Comparex uses various subcontractors to fulfill the contracts concluded with us, which are also based in countries outside the scope of the GDPR.

An adequate level of data protection within the meaning of Art. 44 GDPR in these countries is guaranteed, on the one hand, by adequacy decisions of the EU Commission pursuant to Art. 45 (3) GDPR (this concerns: Canada and Switzerland) and, on the other hand, by the conclusion of the standard data protection clauses pursuant to Art. 46 (2) (c) GDPR (this concerns: India, Mexico, Brazil, UK, Australia and USA).

Despite the standard data protection clauses concluded between Comparex and its US-based subcontractors (ServiceNOW Inc. and Microsoft Inc.) pursuant to Art. 46 (2) (c) GDPR, there is a risk that this does not meet the requirements set out by the ECJ in its decision of

# Information Requirements according to Artt. 13 and 14 GDPR - Online Meetings and Conference Calls-

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2020/07/06 (C-311/18) and thus no level of data protection comparable to that in the EU is guaranteed when using the "Teams" service. For this reason, we obtain consent from our employees as well as from our business partners in accordance with Art. 49 (1) (a) GDPR for the use of the "Teams" service and thus for the transfer of their personal data to the USA, which currently qualifies as an unsafe third country.

Furthermore, Comparex has concluded order processing agreements with the respective subcontractors used in accordance with Art. 28 GDPR.

## 9) Storage duration

As a matter of principle, we delete personal data when there is no need for further storage. A requirement may exist in particular if the data is still needed to fulfill contractual services, to check warranty claims and to grant or defend against them. In the case of statutory retention obligations, deletion is only considered after the expiry of the respective retention obligation.

If it is necessary for the purposes of logging the results of an Online Meeting, the person responsible will log the chat contents. However, this will usually not be the case. If it does, the responsible party will store the chat content for a period of three months.

## 10) Scope of processing

We use the respective services to conduct "Online Meetings". If we want to record "Online Meetings", we will transparently communicate this to you in advance and -to the extent necessary-ask for your consent.

The chat contents are logged when using the respective services. We store the chat content for a period of one month. If it is necessary for the purposes of logging the results of an Online Meeting, we will log the chat contents. However, this will usually not be the case.

## 11) Rights of the data subject

With regard to the processing of your personal data, you as a data subject are entitled to the following rights pursuant to Artt. 15 et seq. GDPR:

- a. You can request information about whether we process your personal data. If this is the case, you have a right to information about this personal data and other information related to the processing (Art. 15 GDPR). Please note that this right to information may be restricted or excluded in certain cases.
- b. In the event that personal data about you is not (or is no longer) accurate or incomplete, you may request correction or, if necessary, completion of this data (Art. 16 GDPR).
- c. If the legal requirements are met, you may request the erasure of your personal data (Art. 17 GDPR) or the restriction of the processing of such data (Art. 18 GDPR). However, the right to erasure pursuant to Art. 17 (1) and (2) GDPR does not exist, inter alia, if the processing of personal data is necessary for compliance with a legal obligation (Art. 17 (3) (b) (1) GDPR) or for the assertion, exercise or defense of legal claims (Art. 17 (3) (e) GDPR).

# Information Requirements according to Artt. 13 and 14 GDPR - Online Meetings and Conference Calls-

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- d. For reasons arising from your particular situation, you may also object to the processing of your personal data by us at any time (Art. 21 GDPR). If the legal requirements are met, we will no longer process your personal data.

## 12) Right of withdrawal in the case of consent

You have the right to revoke your consent at any time. The revocation is only effective for the future; this means that the revocation does not affect the lawfulness of the processing carried out on the basis of the consent until the revocation.

## 13) Right of complaint to a supervisory authority

You have the right to complain about the processing of your personal data to a supervisory authority within the meaning of Art. 51 GDPR. The competent supervisory authority is:

State Commissioner for Data Protection and Freedom of Information  
Königstrasse 10 a, 70173 Stuttgart

Phone: +49 711 615541-0

Fax: +49 711 615541-15

E-mail: [poststelle@lfdi.bwl.de](mailto:poststelle@lfdi.bwl.de)

Internet: [www.baden-wuerttemberg.datenschutz.de/online-beschwerde/](http://www.baden-wuerttemberg.datenschutz.de/online-beschwerde/)

## 14) Sources

We have received your data from yourself.

## 15) Obligation to provide

In the context of contract conclusions, you must provide those personal data that are necessary for the establishment, execution and termination of the contract and the obligations resulting therefrom for performance or that PWO is legally obligated to collect. Without this data, no contract with PWO will be concluded.

## 16) Automated decision making and profiling

Automated decision-making is exclusively decisions taken by machine without evaluation of a natural person. As a matter of principle, we do not use automated decision-making pursuant to Art. 22 GDPR. Should we use this in individual cases, we will inform you separately about this, provided this is legally required and, if necessary, obtain your prior consent.

"Profiling" is any type of automated processing of personal data intended to analyze or predict the job performance, economic situation, health, personal preferences, interests, reliability, behavior, location or change of location of a natural person. As a matter of policy, PWO does not use "profiling". Should we use this in individual cases, we will inform you of this separately, provided this is required by law and, if necessary, obtain your prior consent.