

Data protection declaration for the use of Microsoft 365 applications

You have received an invitation to use a Microsoft 365 application, such as Teams, OneDrive for Business, SharePoint Online, Stream, Forms (hereinafter **M365**) from Bilfinger SE, Oskar-Meixner-Str 1, 68163 Mannheim, Germany or one of its subsidiaries (hereinafter "**we**" or "**us**") as the responsible party in accordance with the applicable data protection laws.

M365 is a productivity, collaboration and exchange platform for individual users, teams, communities and networks that can be used throughout organizational units.

When using M365, your personal data is processed. **Please note that this data protection notice provides information solely about our processing of your personal data if you use Microsoft applications together with us.** Should you require information about processing by Microsoft, please refer to the relevant statement under the following link: <https://www.bilfinger.com/en/information/data-protection-information/>.

1. Information on the processing and on the categories of personal data affected by the processing in the context of the use of M365

Certain information is automatically processed as soon as you use the MOA. Below, we have listed for you exactly what personal data is processed:

- 1.1 **Your IP address, which is used to access the M365 applications.**
- 1.2 **Your username (access data to M365 applications), data within the scope of the so-called multi-factor authentication, which you have stored in your Microsoft account (e.g. optionally your (private) mobile phone number).**
- 1.3 **Identification features: Information about you that identifies you as a user, sender, recipient of data within the M365.** This includes in particular the following master data: Surname, first name, contact data including telephone number, e-mail address, office fax number, insofar as this has been provided by you. Further data (such as a profile picture you have stored) can also be viewed in your profile at any time.
- 1.4 **Data required for authentication and for the use of the license.** In the M365, all user activities such as time of access, date, type of access, information about the data/files/documents accessed and all activities in connection with the use, such as creating, changing, deleting a document, setting up a team (and channels in teams), taking notes in the notebook, starting a chat and replying in the chat are processed.

2. Sharing and transferring data

The transfer of your personal data without your explicit prior consent will only take place, in addition to the cases explicitly mentioned in this privacy policy, if it is legally permissible or necessary. This may be the case, for example, if the processing is required to protect the vital interests of the user or another natural person.

- 2.1 The data provided by you during registration will be forwarded within our group of companies for contract fulfilment, including shared customer service, to the extent that this is necessary.

Any disclosure of personal data is justified by the fact that we process such data on the basis of contractual obligations within the Group (in accordance with Article 6 Para. 1 (b) GDPR) and have a legitimate interest in disclosing the data for administrative purposes within our Group and your rights and interests in the protection of your personal data as defined in Article 6 para. 1 (f) GDPR are not prejudiced. Insofar as the processing is carried out within the scope of a contractual obligation of Bilfinger SE towards the group companies, this is carried out within

the scope of a commissioned processing with the respective group company pursuant to Article 28 GDPR, in which Bilfinger SE itself acts as order processor.

- 2.2. If it is deemed necessary for the investigation into illegal or improper use of the M365 or for legal prosecution, personal data will be forwarded to law enforcement agencies or other authorities and, if applicable, to injured third parties or legal counsel. However, this will only happen if there are indications of illegal or abusive behavior. Forwarding can also take place if this serves the enforcement of terms of use or other legal claims. We are also legally required to provide information to certain public bodies upon request. These include criminal prosecution authorities, authorities that prosecute administrative offences that have led to fines and the tax authorities.

Any disclosure of personal data is warranted by the fact that (1) the processing is necessary to fulfill a legal obligation to which we are subject pursuant to Article 6 Para. 1 (c) GDPR in conjunction with (2) we pursuant to Article 6 Para. 1 (f) GDPR have a legitimate interest in passing on the data to the aforementioned third parties if there are indications of abusive behavior or in order to enforce our legal claims and if we do not override your rights and interests in the protection of your personal data in accordance with Article 6 Para 1 (c) GDPR.

- 2.3. In order to manage the M365 environment, we have commissioned Bilfinger Global IT GmbH (GIT) to support and manage these on behalf of Bilfinger SE. GIT is a so-called order processor and is subject to our instructions as a responsible entity within the context of the GDPR when processing personal data within the scope of the M365 applications used by us.

Any forwarding of personal data is based on our legitimate interest in making our IT system effective in accordance with Article 6 Para. 1 (f) GDPR, within the framework of order processing in accordance with Article 28 GDPR, for which we have carefully selected our external companies and service providers as order processors in accordance with Article 28 Para. 1 GDPR, regularly reviewed them and contractually obligated them in accordance with Article 28 Para. 3 GDPR to process all personal data exclusively in accordance with our instructions.

The processing of personal data by GIT takes place exclusively on servers in the EU.

- 2.4 We are dependent on Microsoft for the use of M365. Microsoft is a so-called order processor and is subject to our instructions as the responsible party within the context of the GDPR when processing personal data within the scope of the M365 applications used by us.

Any transfer of personal data is based on our legitimate interest to effectively design our IT system in accordance with Article 6 Para. 1 (f) of the GDPR, within the framework of order processing in accordance with Article 28 of the GDPR, for which we have carefully selected our third-party companies and external service providers as order processors in accordance with Article 28 Para. 1 of the GDPR, regularly reviewed them and contractually obligated them in accordance with Article 28 Para. 3 of the GDPR to process all personal data exclusively in accordance with our instructions.

The processing of personal data by Microsoft takes place exclusively on servers located in the EU.

- 2.5 In the course of the further development of our business, it is possible that the structure of our company changes due to a change in the legal form or if subsidiaries, parts of companies or components of companies are founded,

bought or sold. In such transactions, customer information may be passed on together with the part of the company to be transferred. Whenever personal information is transferred to third parties to the extent described above, we will ensure that this is done in accordance with this data protection declaration and the applicable data protection law.

Forwarding of personal data is warranted by the fact that we have a legitimate interest in adapting our corporate form to the economic and legal circumstances as necessary and that your rights and interests in the protection of your personal data in accordance with Article 6 Para. 1 (f) GDPR do not override our own.

3. Data transfer to third countries

There is no transfer of data to third countries.

4. Changes of purpose

Processing of your personal data for purposes other than those described above will only be carried out to the extent permitted by law or if you have consented to the changed purpose of the data processing. In the event of further processing for purposes other than those for which the data was originally collected, we will inform you about these other purposes before processing and provide you with all further relevant information.

5. Period of data storage

We will delete or anonymize your personal data as soon as it is no longer required for the purposes for which it was collected or used in accordance with the above paragraphs, or no longer need to be retained due to a statutory retention period. Generally speaking, we store your personal data for the duration of the contractual relationship with you. Login data and IP addresses will be deleted after 30 days at the latest, unless we are entitled or obligated to store them longer.

Specific details in this data protection declaration or legal requirements for the storage and deletion of personal data, in particular those which we must store for tax reasons, remain unaffected.

6. Your rights as a data subject

6.1 Right of access to information

You have the right to obtain from us at any time upon request information on the personal data processed by us and relating to you, within the scope of Article 15 GDPR. You can make a request by post or by e-mail to the address below.

6.2 Right to correct incorrect data

You have the right to ask us to correct any personal data concerning you without delay insofar as it is incorrect. To do so, please contact us at the addresses below.

6.3 Right to deletion

You have the right, under the conditions described in Article 17 GDPR, to request us to delete the personal data that relates to you.

To exercise your right of deletion, please get in touch with us at the address below.

6.4 Right to limit processing

You have the right to demand that we restrict processing in accordance with Article 18 GDPR. To exercise your right to limit processing, please contact us at the addresses below.

6.5 Right to data transferability

You have the right to receive from us the personal data concerning you which you have provided us with in a structured, common, machine-readable form in accordance with Article 20 GDPR. To exercise your right to data transferability, please contact us at the addresses below.

6.6 Withdrawal of consent to data processing.

Many data processing operations are only possible with your express consent. You can withdraw any consent you have already granted at any time. For this purpose, an informal communication by e-mail to us is sufficient. The legality of the data processing carried out until the withdrawal remains unaffected by the withdrawal.

7. Right to object to the collection of data in specific cases and against direct marketing (Article 21 GDPR)

Should data processing be based on Article 6 Para.1 (e) or (f) of the GDPR, you have the right to object to the processing of your personal data at any time on grounds relating to your particular situation; this also applies to profiling based on this provision.

The respective legal basis that processing is based on can be found in this privacy policy. If you object, your personal data will no longer be processed unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or if the processing is for the purpose of asserting, exercising or defending legal claims (objection under Article 21 Para. 1 GDPR).

If your personal data is processed for the purposes of direct marketing, you have the right to object at any time to processing of personal data concerning you for the purposes of such marketing; this also applies to profiling insofar as it is related to such direct marketing. If you object, your personal data will subsequently no longer be used for the purpose of direct marketing (objection pursuant to Article 21 Para. 2 of the GDPR).

8. Right of appeal

The GDPR gives data subjects a right of appeal to a supervisory authority, in particular in the member state in which they have their usual place of residence, their place of work or the place of the alleged infringement. The right of appeal is without prejudice to other administrative or judicial remedies.

9. Contact

If you have any questions or comments regarding our handling of your personal data or if you wish to exercise the rights mentioned in sections 6 and 7 as a data subject, please contact our data protection department:

Bilfinger SE

Corporate Data Privacy Oskar-Meixner-Straße 1

68163 Mannheim

E-Mail: dataprivacy@bilfinger.com

Should you have any questions or comments regarding the handling or operation of the M365, please get in touch with the Bilfinger contact from whom you received the invitation.

10. Changes to this data protection declaration

We always keep this data protection declaration up to date. We therefore reserve the right to amend it from time to time and to make changes in the collection, processing or use of your data. The most current version of the data protection declaration is always available at <https://www.bilfinger.com/en/information/data-protection-information/>.

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