

# Data protection declaration for the use of Microsoft 365 applications

You have received an invitation to use a Microsoft Office application, such as SharePoint Online, Microsoft Teams, Microsoft Forms (hereinafter **MOA**) 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.

Microsoft Office 365 is a productivity, collaboration and exchange platform for individual users, teams, communities and networks that can be used throughout organizational units.

When using MOA, 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.** If you require information about Microsoft's processing of your personal data, please refer to the relevant declaration.

You can view our data protection declaration any time at <https://www.bilfinger.com/informationen/datenschutz/>.

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

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 Microsoft Office 365 applications.**
- 1.2 Your user name (access data to Microsoft Office 365 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 MOA.** This includes in particular the following master data: Surname, first name, official 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. This information is visible in your profile, but especially in Outlook, at any time and can be individually adjusted by you.
- 1.4 Data required for authentication and for the use of the license.** In the MOA, 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 internal administrative purposes, including shared customer service, to the extent that this is necessary.

Any disclosure of personal data is warranted by the fact that we have a legitimate interest in disclosing the data for administrative purposes within our group of companies and that your rights and interests in the protection of your personal data do not override the rights and interests of the data subject in accordance with Art. 6 Para. 1 letter f) of the German Data Protection Regulation (GDPR).

- 2.2** If it is deemed necessary for the investigation into illegal or improper use of the MOA 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 Art. 6 Para. 1 lit. f) GDPR in conjunction with (2) we 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 Art. 6 Para. 1 letter f) GDPR.

- 2.3.** We are dependent on Microsoft for the use of the MOA. Microsoft is a so-called order processor and is subject to our instructions as the responsible body in the sense of the GDPR when processing personal data within the framework of the Microsoft Office 365 applications that we use.

A possible transfer of personal data is justified by the fact that we have carefully selected, regularly checked and contractually obligated our other companies and external service providers within the framework of Art. 28 Para. 1 GDPR as a commissioned processor to process all personal data exclusively in accordance with our instructions.

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

- 2.4** 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 Art. 6 Para. 1 letter 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. 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 Art. 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 Art. 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 Art. 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 Art. 20 GDPR. To exercise your right to data transferability, please contact us at the addresses below.

#### **7. Right of objection**

**You have the right to object at any time, for reasons arising from your particular situation, to the processing of personal data concerning you, which is carried out on the basis of Art. 6, paragraph 1, letter e) or f) of the GDPR, in accordance with Art. 21 of the GDPR. We will stop processing your personal data unless we can prove compelling reasons for processing that are worthy of protection and override your interests, rights and freedoms, or if the processing serves to assert, exercise or defend legal claims.**

#### **8. Right of appeal**

You also have the right to address any complaints to the competent supervisory authority.

#### **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**

**[dataprivacy@bilfinger.com](mailto:dataprivacy@bilfinger.com)**

Should you have any questions or comments regarding the handling or operation of the MOS, 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/informationen/datenschutz/>.

**Status:** January 2020

