

## **Data Protection Declaration of Ovibell Pflanzen, Deko und Freizeit GmbH & Co. KG**

The directives of the [EU General Data Protection Regulation](#) (hereafter, “GDPR”) shall be valid throughout Europe. We would like to inform you of the processing of personal data which our company conducts in accordance with this Regulation (cf. Articles 13 and 14 GDPR). If you should have any questions or comments regarding this Data Protection Declaration, you can contact us at any time in this regard by using the e-mail address specified in Clause 2 and/or 3.

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##### I. Overview

**In this section of the Data Protection Declaration, you will find information regarding the sphere of validity, the responsible party for the data processing, its Data Protection Officer and data security.**

##### 1. Sphere of Validity

The data processing done by Ovibell Pflanzen, Deko und Freizeit GmbH & Co. KG can be broken down **essentially into two categories**:

- For the purpose of the implementation of the contractual agreement, all data required for the **implementation of a contractual agreement** with Ovibell Pflanzen, Deko und Freizeit GmbH & Co. KG shall be processed. If affiliated companies and external service providers are integrated into the implementation of the contractual agreement, e.g. logistical companies, your data shall be passed on to them in the respectively required scope.
- By **accessing the website/application** of Ovibell Pflanzen, Deko und Freizeit GmbH & Co. KG, various pieces of information shall be exchanged between your device and our server. This may also encompass personal data. The information collected in such a manner shall be used in order to, among other reasons, optimise our website or to display **advertising** in your device’s browser.

This Declaration Protection Declaration shall be valid for the following offerings:

- Our online website accessible at [www.ovibell-int.de](http://www.ovibell-int.de)
- Always then if reference is otherwise made from one of our offerings (e.g. websites, Declarations of Consent, subdomains, mobile applications, web services or integrations into third-party websites) to this Data Protection Declaration regardless of what method you deploy to access or use it.

All these offerings shall be collectively also referred to as “Services”.

## **2. Responsible Party**

The responsible party for the data processing—thus that party who decides regarding the purposes and means of the processing of personal data—in conjunction with the Services shall be

Ovibell Pflanzen, Deko und Freizeit GmbH & Co. KG

Steineshoffweg 2

45479 Mülheim an der Ruhr

Telephone: +49 (0)-208 443200

E-mail: [info@ovibell-int.de](mailto:info@ovibell-int.de)

## **3. Data Protection Officer**

You can contact our Data Protection Officer as follows:

**KM Mahnke GmbH & Co. KG**

Steineshoffweg 2

45479 Mülheim an der Ruhr

[datenschutz@kmmahnke.de](mailto:datenschutz@kmmahnke.de)

## **4. Data Security**

In order to develop the measures prescribed in Art. 32 GDPR and thus to attain a protection level which is appropriate for the risk, we have established an information security standard at our company in accordance with the standards of VdS 3473.

The guidelines of **VdS 3473 – Cyber-Security for Small- and Medium-Sized Enterprises (SME)** of [VdS \[Damage Prevention\] Schadenverhütung GmbH](#) contain standards and support assistance for the implementation of an [information security management system](#) as well as concrete measures for the organisational as well as technical protection of IT infrastructures. They are designed with the goal of ensuring an appropriate level of protection.

## **II. The Data Processing in Detail**

**In this section of the Data Protection Declaration, we shall inform you in detail of the processing of personal data during the rendering of our Services. For better readability, we have broken down these data into certain functionalities of our Services. During the normal usage of the Services, various functionalities and thus also various types of processing can be used—successively or at the same time.**

### **1. General Information regarding the Data Processing**

Insofar as nothing to the contrary is stipulated, for all of the processing described below, the following shall be valid:

#### **a. No Obligation to Supply**

There shall be neither a contractual obligation nor a statutory obligation to supply the personal data. You shall not be obliged to supply data. **b.**

#### **Consequences of Not Supplying**

In the case of required data (data which are labelled as mandatory fields during the inputting), the non-supplying of the data shall have the consequence that the affected service cannot be rendered. Otherwise, the non-supplying of such data may have the consequences that our services cannot be rendered in the same form and quality.

#### **c. Consent**

In various cases, you shall also have the option to issue your consent to us for more extensive processing in conjunction with the processing depicted below (where applicable, for a portion of the data). In this case, we shall separately inform you, in conjunction with the rendering of the respective Declaration of Consent, of all modalities and the scope of the consent and of the purposes which we are pursuing with this processing work. **d. Transmission of Personal Data to Non-EU Countries**

If we transmit data to non-EU countries, i.e. countries located outside of the European Union, then the transmission shall be made exclusively subject to the fulfilment of the statutorily-regulated admissibility requirements.

The admissibility requirements shall be regulated by Art. 44-49 GDPR.

#### e. Hosting by External Service Providers

Our data processing shall be undertaken subject to the commissioning of so-called hosting service providers who shall provide us with storage space and processing capacities in their computer centres and, based upon our instructions, shall also process personal data by our mandate. These service providers shall process data either exclusively within the EU or we have guaranteed an appropriate data protection level via the [EU Standard Data Protection Clauses](#).

#### f. Transmission to Government Agencies

We shall transmit personal data to government agencies (including law enforcement agencies) if this is required for the fulfilment of a legal obligation which we have (legal basis: Art. 6 Para. 1 c) GDPR) or for the assertion, exercising or warding off of legal claims (legal basis: Art. 6 Para. 1 f) GDPR). **g.**

#### Storage Timeframe

We shall store your data no longer than we require them for the respective processing purposes. When the data are no longer required for the fulfilment of contractual or statutory obligations, they shall be deleted upon a regular basis unless their retention for a fixed duration continues to be required. The reasons for this may be, for example, as follows:

- The fulfilment of commercial and tax law retention obligations
- The preservation of documentation for legal disputes in accordance with the directives on the statute of limitations

It shall likewise be possible for us to continue to store your data if you have expressly granted your consent to do so.

#### h. Data Categories

- **Personal Master Data:** Title, form of address/gender, forename, surname, birthdate

- **Address Data:** Street, building number, address suffixes (where applicable), postal code, city, country

- **Contact Data:** Telephone number(s), telefax number(s), e-mail address(es)
- **Order Data:** Ordered products, prices, payment and delivery information
- **Payment Data:** Account data, credit card data, data for other payment services such as PayPal

- **Access Data:** Date and time of day of the visit to our Service; the website from which the accessing system reached our website; pages accessed during the usage; data regarding session identification (session ID); moreover, the following information regarding the accessing computer system: The Internet Protocol address (IP address), browser model and browser version, device model and operating system used and similar technical information.
- **Job Application Data:** Curriculum vitae, work testimonials, other documentation, work samples, certificates and photos

- **Participation Data for Consumer Panels:** Personal master data, address data, contact data, nationality, language skills, name, birthday and gender of the participating child
- **Data in accordance with Art. 9 GDPR:** Data which refer to the racial and ethnic origin, political opinions, religious or ideological beliefs or union affiliation as well as the genetic data, biometric data for the clear identification of a natural person, health data or data regarding the sex life or the sexual orientation of a natural person.

## 2. Accessing the Website/Application

Here, it is described how we process your personal data during the accessing of our Services. We particularly wish to point out that the transmission of access data to external content providers (see b below) is unavoidable owing to the technical functioning of the transmission of information on the Internet.

a. Information regarding the Processing				
Data Category	Designated Purpose	Legal Basis	Where Applicable, Rightful Interest	Storage Timeframe
Access data	Connection set-up, depiction of the contents of the Service, our discovery of possible attacks based upon uncustomary activities, error diagnosis	Art. 6 Para. 1 f) GDPR	Proper functioning of the Services, security of the data and business processes, prevention of misuse, prevention of damage as the result of intrusions into the information systems	7 days

b. Recipients of the Personal Data			
Recipient Category	Affected Data	Legal Basis of the Transmission	Where Applicable, Rightful Interest

Hosting service provider	Access data	Contracted data processing (Art. 28 GDPR)	
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### 3. Job Application

During an on-going job application process, we shall process your personal data in the following manner:

a. Information regarding the Processing				
Data Category	Designated Purpose	Legal Basis	Where Applicable, Rightful Interest	Storage Timeframe
Address data, contact data	Identification, contacting, communication during the contractual negotiations	Art. 6 Para. 1 b) GDPR		6 months
Personal master data	Identification, contacting, age verification	Art. 6 Para. 1 b) GDPR		6 months
Job application data	Selection of job applicants	Art. 6 Para. 1 b) GDPR		6 months

b. Recipients of Personal Data			
Recipient Category	Affected Data	Legal Basis of the Transmission	Where Applicable, Rightful Interest
Companies within the Group	Address data, contact data, personal master data, job application data	Art. 6 Para. 1 a) GDPR	

#### 4. Sales

As the contact person for a customer of ours, we shall process the following data of yours:

<b>a. Information regarding Processing</b>				
<b>Data Category</b>	<b>Designated Purpose</b>	<b>Legal Basis</b>	<b>Where Applicable, Rightful Interest</b>	<b>Storage Timeframe</b>
Personal master data, address data, contact data	Contacting, communication during the contractual negotiations as well as during the business relationship	Art. 6 Para. 1 b) GDPR		3 years after the end of the business relationship

<b>b. Recipients of the Personal Data</b>			
<b>Recipient Category</b>	<b>Affected Data</b>	<b>Legal Basis of the Transmission</b>	<b>Where Applicable, Rightful Interest</b>
			<b>est</b>
Companies within the Group as the contracted data processor	Personal master data, address data, contact data	Art. 28 GDPR	

#### 5. Purchasing

As the contact person for a supplier of ours, we shall process the following data of yours:



<b>a. Information regarding the Processing</b>				
<b>Data Category</b>	<b>Designated Purpose</b>	<b>Legal Basis</b>	<b>Where Applicable, Rightful Interest</b>	<b>Storage Timeframe</b>
Personal master data, address data, contact data	Contacting, communication during the contractual negotiations as well as during the business relationship	Art. 6 Para. 1 b) GDPR		3 years after the end of the business relationship

<b>b. Recipients of the Personal Data</b>			
<b>Recipient Category</b>	<b>Affected Data</b>	<b>Legal Basis of the Transmission</b>	<b>Where Applicable, Rightful Interest</b>
Companies within the Group as the contracted data processor	Personal master data, address data, contact data	Art. 28 GDPR	

## **6. Consumer Service**

You can find here below how we process your personal data when you contact us with a complaint or an objection:

<b>a. Information regarding the Processing</b>
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<b>Data Category</b>	<b>Designated Purpose</b>	<b>Legal Basis</b>	<b>Where Applicable, Rightful Interest</b>	<b>Storage Timeframe</b>
Personal master data, contact data, content of the inquiries/complaints/objections	Processing customer inquiries, complaints and objections	Art. 6 Para. 1 c) GDPR Art. 6 Para. 1 f) GDPR	Improving customer loyalty as well as our Service	Processing the inquiry / complaint / objection
Payment Data	Any reimbursement of credits in the case of complaints	Art. 6 Para. 1 c) GDPR Art. 6 Para. 1 f) GDPR	Improving customer loyalty as well as our Service	Processing the complaint

<b>b. Recipients of Personal Data</b>				
<b>Recipient Category</b>	<b>Affected Data</b>	<b>Legal Basis of the Transmission</b>	<b>Where Applicable, Rightful Interest</b>	
Companies within the Group as the contracted data processor	Personal master data, address data, contact data	Art. 28 GDPR		
Supportive service providers	Personal master data, address data	Art. 6 Para. 1 a) GDPR Art. 28 GDPR		

## **7. Consumer Panels**

Thus, we shall process your personal data if you participate in a consumer panel:

<b>a. Information regarding the Processing</b>

<b>Data Category</b>	<b>Designated Purpose</b>	<b>Legal Basis</b>	<b>Where Applicable, Rightful Interest</b>	<b>Storage Timeframe</b>
Personal master data, address data, contact data	Participation in consumer panels	Art. 6 Para. 1 a) GDPR		Until participation is revoked
Participants' data for the consumer panels	Implementation of consumer panels and product tests	Art. 6 Para. 1 a) GDPR		Until participation is revoked

Personal data shall not be transmitted.

### III. Affected Parties' Rights 1. Right to Lodge an Objection

**If we process your personal data in order to implement direct advertising, then you shall have the right at any time, with effectiveness for the future, to lodge an objection to the processing of your personal data for the purpose of such advertising;**

Moreover, you shall have the right to at any time, owing to reasons based upon your specific situation and with effectiveness for the future, lodge an objection to the processing of your personal data which shall be undertaken in accordance with Art. 6 Para. 1 lit. e) or f) GDPR. You may exercise the right to lodge an objection upon a free-of-charge basis. You can reach us via the contact data specified in I.2.

#### 2. Right to Information

You shall have the right to find out whether your personal data are being processed by us, (where applicable) which personal data these are, as well as additional information in accordance with Art. 15 GDPR.

### 3. **Right to Correction**

You shall have the right to demand that we promptly correct your incorrect personal data (Art. 16 GDPR). Subject to the consideration of the purposes of the processing, you shall have the right to demand the completion of incomplete personal data—including by means of a supplemental declaration. 4.

#### **Right to Deletion (“Right to be Forgotten”)**

You shall have the right to demand that we promptly delete your personal data insofar as one of the reasons stated in Art. 17 Para. 1 GDPR applies and the processing is not required for one of the purposes stipulated in Art. 17 Para. 3 GDPR.

### 5. **Right to Restriction of the Processing**

You shall be entitled to demand a restriction of the processing of your personal data if one of the requirements stipulated in Art. 18 Para. 1 lit. a) – d) GDPR has been fulfilled.

### 6. **Right to Data Portability**

You shall have the right to receive your personal data, which you have provided to us, in a structured, popular and machine-readable format. Moreover, you shall have the right to transmit these data to another responsible party, without our impeding this, or to affect that we directly transmit these data insofar as this is technically possible. This shall always then be valid if the basis of the data processing is the consent or a contractual agreement and the data are processed in an automated fashion. Accordingly, this shall not be valid for data which are available only in paper form.

### 7. **Right to Revoke a Consent**

**Insofar as the processing is based upon your consent, then you shall have the right to revoke the consent at any time. The legality of the processing that has been undertaken based upon the consent until revocation is made shall not be affected.**

### 8. **Right to Lodge a Complaint**

You shall have a right to lodge a complaint to a government supervisory agency.

## IV. **Glossary**

**Contracted data processor:** A natural or juridical person, government agency, institution or other office which processes personal data by mandate of the responsible party.

**Browser:** Computer programme for the displaying of websites (e.g. Chrome, Firefox, Safari)

**Cookies:** The term “cookie” originates actually from the English vocabulary and can be translated in its original meaning with “Keks” into the German language. Conversely, in conjunction with the World Wide Web, a cookie describes a small text file which is stored locally on the user’s computer when the user visits a website. This file stores data regarding the user’s behaviour. If the browser is used and the corresponding website is visited again, the cookie shall be used and shall provide the web server with information regarding the user’s surfing behaviour via the stored data. Thus, “cookies” in this context does not refer to “Kekse”, but rather information which a website stores locally on the computer of the website visitor in a small text file. In this regard, it may refer to settings which the user has already selected on a website, but also to information which the website has amassed completely independently of the user. Later, these locally-stored text files can then also once again be read out by the same web server from which they were created. Most browsers accept cookies automatically. You can manage the cookies via the browser’s functions (generally under "Options" or "Settings"). Thus, the storage of cookies can be deactivated, made contingent on your consent in the individual case or otherwise restricted. You can also delete the cookies at any time.

**Non-EU countries:** Country which is not bound to the statutory requirements of the EU Data Protection Directives (country outside the EEA)

**Personal data:** All information which refers to an identified or identifiable natural person. A natural person is considered to be identifiable who, directly or indirectly, particularly via a categorisation to an identifier such as a name, an ID number, locational data, an online name or one or more special characteristics, can be identified which are the expression of the physical, physiological, genetic, psychological, economical, cultural or social identity of this natural person.

**Services:** Our offerings for which this Data Protection is valid (see [Sphere of Validity](#)).

**Processing:** Each process implemented with or without the assistance of automated procedures, or each such series of processes in conjunction with personal data such as the collection, the recording, the organisation, the arrangement, the storage, the adjustment or the modification, the reading out, the querying, the usage, the disclosure via transmission, dissemination or any other form of supplying, the reconciliation or the linking, the restriction, the deletion or the destruction of personal data.