

# Data Protection Statement

## *Information for data subjects in accordance with Articles 13 and 14 GDPR*

### **Abstract**

This document provides information about the processing of personal data by Nagarro ES to data subjects in accordance with Articles 13 and 14 GDPR.

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The following information is intended to give you as a customer, interested party, supplier, applicant, employee, business partner or other person affected by our processing of personal data an overview of the processing of your data and to inform you about your rights.

The data processed and the way in which it is used depends largely on the services requested, agreed, or provided in detail. Therefore, not all the following information may apply to you. You have the possibility to contact our data protection officer or contact persons known to you at any time to obtain further information.

## 1 Who is responsible for processing my data?

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This privacy policy applies to the companies referred to below as Nagarro ES: Nagarro ES Denmark A/S; Nagarro ES France SAS; Nagarro ES GmbH

### 1.1 Companies responsible for the processing

Responsible for the respective data processing:

#### 1.1.1 Nagarro ES GmbH

**Nagarro ES GmbH**  
Westerbachstraße 32  
61476 Kronberg im Taunus  
Germany  
[info@nagarro-es.com](mailto:info@nagarro-es.com)

#### 1.1.2 Nagarro ES SAS

**Nagarro ES SAS**  
8a, rue Icare  
67960 Entzheim  
France  
[info.france@nagarro-es.com](mailto:info.france@nagarro-es.com)

#### 1.1.3 Nagarro ES A/S

**Nagarro ES A/S**  
Søndre Ringvej 55.1  
2605 Brøndby  
Denmark  
[info.denmark@nagarro-es.com](mailto:info.denmark@nagarro-es.com)

## 1.2 Organization of data protection

### 1.2.1 Data Protection Officer

Appointed as data protection officer for the above-mentioned companies with registered office in Germany:

Richard Gertis  
*Data Protection Officer*  
Nagarro ES GmbH  
Fahnenbergplatz 1  
79098 Freiburg

Germany  
[DataProtection@nagarro-es.com](mailto:DataProtection@nagarro-es.com)

## 1.2.2 Data Protection Coordinators

For the sites in France and Denmark, the appointment of a data protection officer is not required by law. As a contact person for all questions concerning data protection is available:

### **Nagarro ES SAS**

Helena Schneider  
*Data Protection Coordinator*  
8a, rue Icare  
67960 Entzheim  
France  
[DataProtection@nagarro-es.com](mailto:DataProtection@nagarro-es.com)

### **Nagarro ES A/S**

*Data Protection Coordinator*  
Søndre Ringvej 55.1  
2605 Brøndby  
Denmark  
[DataProtection@nagarro-es.com](mailto:DataProtection@nagarro-es.com)

## 1.3 Joint Controllershship and third controllers

For individual processing operations, the purposes and means of processing are determined jointly with other controllers or joint processing takes place with independent controllers for purposes not determined jointly.

Requests addressed to us for data processing which are not within our responsibility will be forwarded to the respective responsible person.

### 1.3.1 Shared Services within the corporate group

Within the Nagarro Group, personal data of employees are processed partly within the framework of shared services in joint responsibility with other companies of the Group. This applies in particular to the processing of data relating to the operation and maintenance of internal communication within the company.

The legal basis for the processing is the legitimate interests in an efficient company organization.

If personal data is processed outside the EU / EEA as part of this cooperation, this is done in accordance with Chapter 6 ("Will my data be transferred to a third country or to an international organization?") under contractual arrangements that ensure an adequate level of protection.

### 1.3.2 Facebook

The "page insights data" of the Facebook fan pages are processed in joint responsibility with Facebook.

#### **Facebook Ireland Ltd.**

4 Grand Canal Square  
Grand Canal Harbour  
Dublin 2, Ireland

The data is collected by Facebook and made available for evaluation via interfaces specified by Facebook. The joint responsibility with Facebook is regulated in the Page Insights supplement regarding the person responsible, which can be accessed at the URL

[https://www.facebook.com/legal/terms/page\\_controller\\_addendum](https://www.facebook.com/legal/terms/page_controller_addendum).

The legal basis for processing is our legitimate interests in communicating with visitors and interested parties, for advertising or market and opinion research, for business management and further development of services and products and for recruiting new employees.

We will forward any further requests directed to us for data processing on Facebook Fan pages to Facebook. In all other respects, the declarations in sections 2 - 11 apply.

### 1.3.3 LinkedIn

Nagarro ES uses the specialist and executive network LinkedIn to support its marketing and recruiting activities. The pages operated under joint responsibility with

#### **LinkedIn Ireland Unlimited Company**

Wilton Place,  
Dublin 2, Ireland

are subject to the Page Insights Joint Controller Addendum of LinkedIn Ireland, which is available at the URL <https://legal.linkedin.com/pages-joint-controller-addendum>.

The data is collected by LinkedIn Ireland and made available via predefined interfaces.

The legal basis for the processing is our legitimate interests in communicating with visitors and interested parties, for advertising or market and opinion research, for business management and further development of services and products and for recruiting new employees.

We will forward to LinkedIn any further inquiries addressed to us regarding data processing on LinkedIn. In all other respects, the declarations in sections 2 - 11 apply.

### 1.3.4 XING

Nagarro ES uses the professional network XING to support its marketing and recruiting activities. Nagarro ES and XING act as independent controllers.

For the data processed under the responsibility and for the purposes of

#### **XING SE**

Dammtorstraße 30  
20354 Hamburg  
Germany

is subject to the data protection regulations for XING *TalentManager*, which can be accessed at the URL [https://www.xing.com/app/user?op=tandc&what=dp\\_xtm](https://www.xing.com/app/user?op=tandc&what=dp_xtm).

The legal basis for processing is our legitimate interests in communicating with visitors and interested parties and in recruiting new employees.

We will forward any further inquiries addressed to us regarding data processing on XING to XING. In all other respects, the declarations in sections 2 - 11 apply.

## 2 What data are processed and where do they originate?

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We process personal data that we receive from our customers, interested parties, suppliers, applicants, employees, business partners or other affected persons during our business relations. In addition, we process – as far as this is necessary for our business activities – personal data which we permissibly obtain from publicly accessible sources (e.g. trade and association register, press, internet) or which are legitimately transmitted to us by other companies of the Nagarro Group or by other third parties (e.g. a credit agency).

Relevant personal data are personal data (name, address and other contact data, date and place of birth and nationality), legitimation data (e.g. identification data) and authentication data (e.g. specimen signature). In addition, this can be order data (e.g. payment order), data from the fulfilment of contractual obligations (e.g. turnover data in payment transactions, time recording and communication), information

about your financial situation (e.g. creditworthiness data, scoring/rating data, origin of assets), advertising and sales data, technical log files and other documentation data (e.g. minutes of meetings) and other data comparable to the categories mentioned.

### 3 For what purposes and on which legal basis personal data is processed?

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We process personal data in accordance with the provisions of the EU General Data Protection Regulation (GDPR) and the Federal Data Protection Act (“Bundesdatenschutzgesetz”, BDSG).

#### 3.1 Based on consent (Article 6 (1a) GDPR)

If you have given us your consent to process personal data for specific purposes (e.g. transfer of data to third parties, evaluation of data for marketing purposes), the legality of this processing is based on your consent. A granted consent can be revoked at any time. This also applies to the revocation of declarations of consent that were issued to us before the GDPR became effective, i.e. before 25 May 2018.

Please note that the revocation is only effective for the future. Processing that took place before the revocation is not affected.

#### 3.2 To fulfil contractual obligations (Article 6 (1a) GDPR)

The processing of data is carried out within the framework of the execution of our contracts with our customers, suppliers, employees, and business partners or for the implementation of pre-contractual measures, which are carried out on request. The purposes of data processing are based on the contractually agreed service (e.g. employment contract, booking of services, participation in seminars or webinars) and may include, among other things, demand analyses, consulting, purchase and work contracts, research contracts and regulatory requirements. Further details on data processing purposes can be found in the relevant contract documents and terms and conditions.

#### 3.3 Due to legal requirements (Article 6 (1c) GDPR)

As a company we are subject to various legal obligations, i.e. legal requirements (e.g. social security law, tax law as well as regulatory requirements). The purposes of processing include, among others, credit assessment, identity and age verification, fraud and money laundering prevention, compliance with tax law monitoring and reporting obligations, and the assessment and management of risks within the company.

#### 3.4 Balancing of interests (Article 6 (1f) GDPR)

If necessary, we process your data beyond the fulfilment of the contract to protect our legitimate interests or the legitimate interests of third parties. Examples of this are:

- Ensuring IT security and reliable operation of IT systems of Nagarro ES and its clients
- advertising or market and opinion research, unless you have objected to the use of your data
- Consultation of and data exchange with credit agencies to determine creditworthiness and default risks in our business
- Testing and optimization of procedures for the analysis of requirements for the purpose of direct customer contact
- Assertion of legal claims and defense in legal disputes
- Prevention and investigation of criminal offences

- Video surveillance for the protection of the householder's rights, for the collection of evidence in the event of burglary (e.g. protection of data centers)
- Measures for building and plant security (e.g. access controls)
- Measures to secure the right to the house
- Measures for business management and further development of services and products
- Risk management in the company and in the Nagarro Group

## 4 Who receives my data?

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Within the company, those departments receive their data that need it to fulfil our contractual and legal obligations. Processors commissioned by us (Art. 28 GDPR) may also receive data for the above-mentioned purposes. These are companies in the categories of IT services, telecommunications, consulting and advisory services, and sales and marketing.

Services for employees and clients can be provided by affiliated companies of the Nagarro Group, through which personal data is processed on behalf of Nagarro Group, considering the legal requirements.

With regard to the transfer of data to recipients outside the company, it should be noted that we only pass on your data if this is permitted or required by law, if you have given your consent or if we are authorized to provide information. Under these conditions, recipients of personal data may be, for example

- Public bodies and institutions (e.g. public prosecutor's office, police, supervisory authorities) if there is a legal or official obligation.

Other data recipients may be those bodies for which you have given us your consent to transfer data.

## 5 How long my data will be stored?

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We process and store your personal data only if this is legally permissible, in particular as long as it is necessary to fulfil the respective purposes.

If the data are no longer required for the fulfilment of contractual or legal obligations, they are regularly deleted, unless their – temporary – further processing is necessary for the following purposes:

Fulfilment of commercial and tax law obligations to retain data:

- The retention periods result from the German Commercial Code (HGB), the German Fiscal Code (AO) and the Money Laundering Act (GwG), among others. They usually amount to two to ten years.
- Preservation of evidence within the framework of the statutory limitation regulations. According to §§ 195 et seq. of the German Civil Code (BGB), these limitation periods can be up to 30 years, with the regular limitation period being 3 years.

## 6 Will my data be transferred to a third country or to an international organization?

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For communication and data processing, applications, and systems of the Microsoft Cloud with server location Europe are used. Insofar as a transfer of data to third countries cannot be excluded, an appropriate level of protection is ensured by contractual regulations.

Our ERP (Enterprise Resource Planning) system used in accounts payable and accounts receivable is operated by the global Nagarro company. The server location of the ERP system is the European Union. Master data of employees and business partners are also processed on servers outside the EU/EEA. In the case of data transfer within the Group environment, contractual agreements – based on the EU standard contractual clauses – ensure an appropriate level of protection.

Data is transferred to locations in countries outside the European Union (so-called third countries), provided that

- it is necessary for the execution of your orders (e.g. delivery orders)
- it is required by law (e.g. reporting obligations under tax law) or
- you have given us your consent

In addition, a transfer to bodies in third countries is foreseen in the following cases:

- With the consent of the person concerned, on the basis of legal regulations to combat money laundering, the financing of terrorism and other criminal acts, and as part of a balancing of interests, personal data (e.g. legitimation data) will be transferred in individual cases, while complying with the data protection level of the European Union.
- To support our consulting and service provision, we have the capacities of a company of the Nagarro Group in India at our disposal. The security of processing and compliance with the data protection level of the European Union is guaranteed by EU standard contract clauses.

## 7 What are my rights?

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Every data subject has the right of access (Art. 15 GDPR), the right of rectification (Art. 16 GDPR), the right of deletion (Art. 17 GDPR), the right to restrict processing (Art. 18 GDPR), the right of objection (Art. 21 GDPR) and the right to data transferability (Art. 20 GDPR).

Regarding the right of information and the right of deletion, the restrictions of Sections 34 and 35 BDSG apply (e.g. because this would impair the defense of civil law claims). There is a right of appeal to a competent data protection supervisory authority (Art. 77 GDPR in conjunction with Art. 19 BDSG).

You can revoke your consent to the processing of personal data at any time. This also applies to the revocation of declarations of consent that were issued to us before the GDPR became effective, i.e. before 25 May 2018. Please note that the revocation is only effective for the future. Processing that took place before the revocation is not affected.

## 8 Is there an obligation to provide data?

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Within the scope of our business relationship, you must provide us with the personal data that is necessary for the commencement, execution and termination of a business relationship and for the fulfilment of the associated contractual obligations or that we are legally obliged to collect. Without this data, we will generally not be able to conclude, execute and terminate a contract with you.

## 9 Does an automated decision-making process take place based on my data?

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As a matter of principle, we do not use a fully automated decision-making process in accordance with Article 22 GDPR to establish, implement and terminate the business relationship. Should we use these procedures in individual cases (e.g. to improve our products and services), we will inform you separately about this and about your rights in this respect, provided this is required by law.

## 10 Does profiling take place based on my data?

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We process your data partly automatically with the aim of evaluating certain personal aspects (profiling). We use profiling in the following cases, for example:



- We use evaluation tools to provide you with targeted information and advice on products and services. These enable communication and advertising to be tailored to your needs, including market and opinion research.
- We use scoring to assess your creditworthiness. This involves calculating the probability with which a customer will meet his payment obligations in accordance with the contract. Scoring is based on a mathematically and statistically recognized and proven procedure. The calculated score values support us in the decision-making process in the context of product deals and are included in the ongoing risk management
- Legal and regulatory requirements oblige us to combat money laundering, terrorist financing and asset-endangering crimes. In this context, we also carry out data evaluations (e.g. in payment transactions). These measures also serve to protect you.

## 11 Right of objection

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### 11.1 Right of objection in individual cases

You have the right to object at any time, for reasons arising from your particular situation, to the processing of personal data relating to you, which is carried out on the basis of Article 6 (1f) GDPR (data processing based on a balancing of interests);

this also applies to profiling based on this provision within the meaning of Article 4 (4) GDPR. If you submit an objection, we will no longer process your personal data unless we can demonstrate compelling reasons for processing that are worthy of protection and outweigh your interests, rights and freedoms, or unless the processing serves to assert, exercise or defend legal claims.

### 11.2 Right to object to processing for direct marketing purposes

In some cases, we process your personal data to carry out direct advertising. You have the right to object, at any time, to the processing of personal data concerning you for the purpose of such direct marketing, including profiling, to the extent it relates to such direct marketing.

If you object to processing for the purposes of direct marketing, we will no longer process your personal data for those purposes.

### 11.3 Recipient of the objection

The objection can be made in any form and should be addressed to:

**Nagarro ES GmbH**  
*Data Protection Officer*  
Fahnenbergplatz 1  
79098 Freiburg  
Germany  
[DataProtection@nagarro-es.com](mailto:DataProtection@nagarro-es.com)

Please note that to process an objection, it is necessary to identify you and to process your data strictly for the intended purpose.