

Personal Data Processing Information for the Exyte Construction Site NTT FRA5

The following information regarding the processing of personal data ("Information"), concerns all persons who register at the construction site ("Construction Site") NTT Project – FRA5, Heddingheimer Straße 22

65795 Hattersheim am Main.

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With this Information we would like to inform you about how we process your personal data ("Personal Data"), what rights you have as data subject, and provide you with other helpful material about data processing.

There may be circumstances under which we process your Personal Data differently from what is outlined in this document. For example:

- As our employee,
- through use of our IT Systems (such as DMCS),
- as customers / clients, suppliers, other business partners and interested party, e.g. for invoicing etc.
- as a visitor to our website.

The same applies, in case we may have to process your Personal Data in case of special circumstance, e.g. police investigation.

In those circumstances we may provide separate data protection information as required.

Additional data processing information includes but is not limited to

- As business partner, personnel of a client, supplier, contractor or other party under the following [Link](#), wherein Exyte Central Europe GmbH is the controller.
- Data processing on our website under the following [Link](#).
- As an employee of Exyte you can find further information in OneNet.

Please note that if you are working for a client or contractor, supplier etc. ("Business Partner"), the Business Partner may process your Personal Data independent from Exyte, including while you are on the Construction Site. Furthermore, our client may have additional security measures or other processing activities in certain areas, which are under the sole control of the client and where the client is controller of your Personal Data. Please refer to the business partner or the client for further information, including your rights regarding such Personal Data.

This information may be updated from time to time. You will always find the newest version, at the entrance to the Construction Site or at the Guard House.

If we refer to “you” as reader of the Information, we assume that you are the “Data Subject” whose Personal Data we process.

1) Name and contact details of the controller as defined under the General Data Protection Regulation 2016/679 (“GDPR”)

Exyte Germany GmbH

Löwentorstraße 42,

70376 Stuttgart

(following: “we”, “us” or “Exyte”)

2) Data Protection Officer

The Exyte Group has appointed a Data Protection Officer (“DPO”). You can reach the DPO at the following email address: privacy@exyte.net.

Please feel free to contact the DPO in case of any questions, complaints, enquiries, or suggestions regarding processing Personal Data at Exyte.

3) Personal Data we process and purpose as well as legal basis and where specifically applicable, the deletion time

a) If you are working on the Construction Site:

Personal Data	Purpose	Legal basis	Deletion Time
<p>We may process the following Personal Data when you register in the <i>Hammertech</i> System:</p> <ul style="list-style-type: none">○ First Name, Last Name○ Company○ Residence address in guest country○ Residence address in home country○ Employer○ Telephone○ E-Mail○ Whether you completed the safety induction○ Nationality / Citizenship	<p>The purpose of processing such Personal data is to control access to and organize safety and security on our Construction Site, safeguard proper operations on the Construction Site, obtain confirmation of security training, to comply with the applicable law, to keep a record of who is on site, to conduct legal and compliance investigations, where necessary, to prevent (blacklisted) persons who may pose a risk to others accessing the Construction Site, to</p>	<p>This Processing is based on Article 6 Sec. 1 Lit f General Data Protection Regulation 2016/679 (“GDPR”), whereas it is our <i>and our clients</i> legitimate interest to ensure a well-organized, safe and secure Construction Site, which complies with the requirements of the law, to comply with contractual requirements of our client or to evidence work performed, to assert and defend from legal claims, to review work time provided by contractors to control contractual agreements</p>	<p>We typically delete such Personal Data 3 years after the end of the project. In case of investigations, blacklisting or legal disputes, we may retain such Personal Data longer. When possible, we delete such Personal Data earlier.</p>

Personal Data	Purpose	Legal basis	Deletion Time
<ul style="list-style-type: none"> ○ ID Card / Passport No and where necessary, e.g. to prove permission to work in Germany, a copy of the ID Card / Passport. ○ A1 certificate, which may include among others social insurance number and information about the insurance and payment, ID / Passport number, surname, last name, birthname, date of birth, nationality, location of birth, address in state / country of habitual residence, address at the work location, start and end of the engagement, description of the engagement, whether the engagement is temporary, type of worker and the employer / contractor as well as basic information about your employment. The form may contain your signature and you may have to provide a copy of your ID. ○ The E101 Form, which may include among others social insurance number and information about the insurance and payment, ID / Passport number, surname, last name, birthname, date of birth, nationality, location of birth, address in state / country of habitual residence, 	<p>identify who is permitted to enter the Construction Site, to establish control systems, to increase efficiency of our Construction Site, to establish an information system, to defend from and assert legal claims, to review work time provided by contractors to control contractual agreements and invoices, to prove diligent conduct as general contractor and avoid liability as such (e.g. ensuring work time, social security payment and work permission of contractors and their subcontractors) as well as to authenticate your identity.</p>	<p>and invoices, to prove diligent conduct as general contractor and avoid liability. It is our legitimate interest to investigate compliance and legal infringements, and to confirm authenticity of documents and identity of persons.</p>	

Personal Data	Purpose	Legal basis	Deletion Time
<p>address at the work location, start and end of the engagement, description of the engagement, whether the engagement is temporary, type of worker and the employer / contractor as well as basic information about your employment. The form may contain your signature and you may have to provide a copy of your ID.</p> <ul style="list-style-type: none"> ○ Evidence for legal residence (and work), such as title or permission to stay and work in Germany in combination with your ID ○ Other proof of Social security – as needed 			
Biometrical facial data	On site security, ensuring the identity of personnel efficiently, preventing liability as general contractor liability	Your consent – Art 6 Sect I lit a GDPR and Art 9 Sect II Lit a GDPR.	Removal of access to the construction site or revocation of consent
If you are issued a personal construction site badge, we take your picture for the purpose of identification and preventing misuse. We also assign a badge number to your name to enable us to deactivate the badge in case of loss or theft. The picture is uploaded in <i>Hammertech Database</i> .	The purpose is to identify badge holders, prevent misuse and investigate misconduct	The legal basis is Art 6 Sec. I Lit f GDPR with the legitimate interest to identify the badge holder, prevent misuse of the badge, and record cases of misconduct.	We typically delete such Personal Data 3 years after the end of the project. In case of investigations or legal disputes, we may retain such Personal Data longer. When possible, we delete such Personal Data earlier.
Documentation (including, organizational structures, contract sheets, punch list, drawings etc.) for the purpose	The purpose is the effective and efficient organization of the construction site as well as safety at work and general	The legal basis is Art. 6 Sec. I Lit f GDPR with the legitimate interest in organizing the construction site as effectively,	Is continuously updated and stored for up to 12 years

Personal Data	Purpose	Legal basis	Deletion Time
of construction site organization and construction site safety, incl. first name, surname, company, contact details, which we may publish where required.	security. Further purposes are construction site monitoring, photo measurement, damage assessment and preservation of evidence. The documentation also serves to exercise and defend against legal claims.	efficiently, and safely as possible and in exercising and defending against legal claims.	after the end of the project.

Please note that without processing the Personal Data above, we cannot let you enter the Construction site, which may prevent you from fulfilling your contractual obligations.

b) As visitor to the Construction Site (none working)

Personal Data	Purpose	Legal basis	Deletion Time
<p>If you are a visitor we process the Personal Data you include in <i>Hammertech Database</i></p> <ul style="list-style-type: none"> o Name o Contact Details o E-Mail o Reason for visit o Employer o Completion of Training 	<p>The purpose of processing such data is to control access to and organize safety and security on the Construction Site, safeguard proper operations on the Construction Site, confirmation of qualification and security training, to keep a record of who is on site, to conduct compliance investigations, where necessary, to prevent (blacklisted) persons who may pose a risk to others accessing the Construction Site, to identify who is entitled to enter the Construction Site, to establish control systems, to establish an information system, to defend from and assert legal claims, to ensure that you are not working for one of our contractors or</p>	<p>This Processing is based on Article 6 Sec. 1 Lit f GDPR, whereas it is our legitimate interest to ensure a well-organized, safe and secure Construction Site, which complies with the requirements of the law, to comply with contractual requirements of our client. It is our legitimate interest to investigate involvement in compliance and legal infringements and it is further our legitimate interest to verify your identity by additional means.</p>	<p>We typically delete such Personal Data 3 years after the end of the project. In case of investigations, blacklisting or legal disputes, we may retain such Personal Data longer. If possible, we will delete such Personal Data earlier. This is to avoid compliance issues of workers mixing with visitors and to ensure that you are not working for our contractors or subcontractors.</p>

Personal Data	Purpose	Legal basis	Deletion Time
	subcontractors and to authenticate your identity.		
In <i>Hammertech Database</i> we will also assign a visitors' badge number to your name.	The purpose to identify the badge, which you were provided with as well as to enable us to deactivate the badge in case of loss or theft. It is also to identify you as badge holder and prevent you from re-entering in case you do not return the badge.	The legal basis is Art 6 Sec. 1 Lit f GDPR with the legitimate interest to prevent misuse of the badge and identify the badge holder.	We will delete this data together with your other Personal Data.
The Information that you completed the safety training and received instructions including your name contact data, email, and signature.	The purpose is to ensure that you are instructed about safety and to prove that we informed you, to serve as defense from or assert legal claims.	The legal basis is Art 6 Sec. 1 Lit f GDPR with the legitimate interest to ensure a safe workplace and to defend from legal claims.	We keep this data up to 6 months. In case of legal dispute, work accidents or investigations, we may delete the documents earlier. We may also delete the document earlier, if possible.

Security staff may look at your government issued ID to confirm your identity when entering, but will not copy the ID.

Please note that without processing the Personal Data above, we cannot let you enter the Construction site, which may prevent you from fulfilling your contractual obligations.

c) Entering and exiting the construction area of the Construction Site (for everyone)

The following applies to every person entering the construction site:

i) Entering and leaving the construction site

Personal Data	Purpose	Legal basis	Deletion Time
We process the date and time you entered and date and time you exited the administrative area and the construction area of the Construction Site in <i>Hammertech Database</i> .	We require this information for the safety and security of the Construction Site, to know who is and was on the Construction Site at any given time, also to find you in case of an emergency, and in case you work for a sub-contractor or are an	This is based on Art. 6 Sec. 1 Lit f) GDPR, whereas it is our legitimate interest to have a safe and secure Construction Site, to follow-up and prevent compliance infringements, to assert and defend from legal claims, to review work time provided by subcontractors	We usually delete such Personal Data as above 3 years after the end of the project. In case of investigations or legal disputes, we may retain such Personal Data longer.

	Exyte employee in order to document working hours and check them against invoicing and legal requirements for payment, to assert and defend from legal claims, to review work time provided by subcontractors to control contractual	and their subcontractors to control contractual agreements and invoices, to proof diligent conduct as general contractor (e.g. ensuring work time, social security payment and work permission of sub-contractors and their sub-contractors)	If possible, we will delete such Personal Data earlier.
Personal Data	Purpose	Legal basis	Deletion Time
	agreements and invoices, to prove diligent conduct as general contractor and avoid liability as such. Furthermore, we may Process such Personal Data for compliance investigations and to defend or assert legal claims and to evidence worked hours to our client.	and avoid liability as such, that you were properly inducted before entering the Construction Site and how long you worked.	

Please note that without processing the Personal Data above, we cannot let you enter the Construction site, which may prevent you from fulfilling your contractual obligations.

ii) EHS

Personal Data	Purpose	Legal basis	Deletion Time
Induction documents regarding safety at work on construction sites with name, company, and date.	The purpose is to maintain a safe construction site.	The legal basis is Art. 6 Sec. 1 Lit f GDPR with the legitimate interest in maintaining a safe construction site and in exercising and defending against legal claims.	Is continuously updated and regularly deleted, but no later than one year after the end of the year following participation.
Documentation of EHS violations (Environmental, Health, Safety) including construction site expulsion in accordance with valid construction site regulations (in German: Bauordnung). o Name	The purpose is to maintain a safe construction site.	The legal basis is Art. 6 Sec. 1 Lit f GDPR with the legitimate interest in organizing a safe construction site and in exercising and defending against legal claims.	We keep this data no longer than the end of the project.

<ul style="list-style-type: none"> ○ Company ○ Type of violation ○ Date of the violation 			
In the case of Safety Behavior Observations (SBOs), those involved can be identified in individual cases, e.g. by name, photo, etc.	The purpose is to maintain a safe construction site.	The legal basis is Art. 6 Sec. 1 Lit f GDPR with the legitimate interest in organizing a safe construction site.	We keep this data for 6 months.

iii) Other circumstances

Personal Data	Purpose	Legal basis	Deletion Time
We may provide Personal Data of any kind to Authorities upon their request.	The purpose is to support legal investigation and to cooperate with Authorities.	This based on our legitimate interest to avoid legal escalation or in accordance with § 23 and 24 Bundesdatenschutzgesetz (BDSG) if your interest in not providing the data does not prevail over the interest of the authorities to have the data provided. We may also be forced in case of a law or a court decision to provide your data based on Art. 6 Sect I lit c) GDPR.	
<p>The Customs Authorities regularly audit compliance with data processing laws and regulations. We may have to provide any Personal Data which supports the customs in their task. That is usually 3 a) to c) of these Information.</p> <p>Customs audits of the construction site occur in regular intervals – usually once a month.</p>	<p>The purpose is to comply with applicable laws.</p> <p>In addition, we may hand over copies of data to avoid escalation and to support investigation.</p>	<p>We are obligated to cooperate with the authorities and will provide the Personal Data as above based on Art 6 Sect I Lit c) GDPR i.c.w. § 5 Abs 1 S. 1 SchwarzArbG, § 2, 3, 4 and 5 SchwarzArbG in case of a customs audit.</p> <p>Handing over copies may be based on our legitimate interest according to Art 6 Sect I Lit f GDPR or § 24 BDSG, whereas it is our legitimate interest to cooperate with authorities to avoid escalation</p>	

Personal Data	Purpose	Legal basis	Deletion Time
		and support prevention and investigation of criminal conduct	
Construction site documentation: Under certain circumstances, individual persons may be recognizable in recordings for documentation purposes (also with the help of drones and 360 degree cameras) and cannot necessarily be anonymized.	The recordings serve the purpose of documenting construction site progress, construction site monitoring, photo measurement, damage assessment, preservation of evidence and construction site safety. The documentation also serves to exercise and defend against legal claims.	The legal basis is Art. 6 Sec. 1 Lit f GDPR with the legitimate interest in documenting the construction site, organizing a safe construction site and averting legal claims.	We store this data for up to 12 years after the end of the project.
In case of Authority audits at our client or our contractor we may provide some or all the personal data above to the client or contractor, where relevant to the audit and necessary to support compliant behavior	To support the client or the processor in case of Authority audits	The legal basis is Art. 6 Sec. 1 Lit f GDPR with the legitimate interest of the client or the contractor to support Authorities in fulfilling their legal audit obligations and of Exyte in supporting the Client and the contractor to comply with legal requirements.	
Name and contact data, as well as employing company, in case of applications for special circumstances, including work on Sundays and holidays. In some cases, the contact data may also be published.	To receive services and permissions from authorities, which encompass you and your company, including permissions to work on Sundays and holidays.	The legal basis is Art. 6 Sec. 1 Lit f GDPR with the legitimate interest to receive services and permissions of the authorities including work on Sundays and holidays.	We store this data for up to 12 years after the end of the project.

Personal Data	Purpose	Legal basis	Deletion Time
<p>Your camera footage when you enter the area covered by surveillance cameras (as indicated by signage)</p> <p>Please note that we may also transfer camera recordings to our customers or subcontractors as described here in order to protect their legitimate interests.</p>	<p>Your safety, the safety of the construction site, the safety of our property and the safety of the property and trade secrets of our customers and subcontractors, as well as their subcontractors.</p>	<p>The processing is based on our legitimate interest (Art. 6 Sect. 1 lit. f GDPR), whereby it is in the legitimate interest of our customers, us and our subcontractors to protect their property and trade secrets as well as the property and trade secrets of Exyte and to ensure safety on the construction site.</p>	<p>72 hours maximum, unless the recordings are needed for longer to pursue our legitimate interests or the legitimate interests of our customers or subcontractors or their subcontractors (e.g. because a criminal offence can be seen on them).</p>

4) Source of the Personal Data

Personal Data is typically collected from you directly (e.g. through forms), the Hammertech Database System, the Guards, through the gates when entering our Construction Site, with a badge or on site when recording incidents.

5) Transfer of Personal Data

We generally do not share Personal Data with third parties. In individual cases, photos or other documentation may be passed on to the customer or contractor for construction site documentation. The legal basis is Art. 6 Sect. 1 Lit f GDPR with the legitimate interest in documenting and organizing the construction site.

Furthermore, we may share names, e-mail, company, entry and exit data and other data with our contract partners including the client, if that is required for us to comply or prove compliance with our contract, including ancillary contractual obligations, as well as for the protection of our customer's legitimate interests or to verify account statements based on Art. 6 Sect 1 f GDPR, whereas it is our legitimate interest, as well as the legitimate interest of our contract partners, to comply with the contract or to verify account statements or invoices as well as the security of property, including intellectual property, and that of the contractual partners and customers and their personnel (e.g. to ward off industrial espionage). In cases where our client is subject to Authority audits, it is the client's legitimate interest to support Authorities in conducting their legal duty and ours to support our client in complying with the law.

We may share all data named above with Customs Authorities to protect against tax and social security evasion, and illegal work, based on Art 6 Sect I Lit c) GDPR i.c.w. § 5 Abs 1 S. 1 SchwarzArbG, § 2, 3, 4 and 5 SchwarzArbG. See also the processing activities above.

In addition, we may share your personal data with Authorities, where required, to receive special services or permissions, e.g. work on Sundays or holidays (e.g. §15 ArbZG), whereas we provide the information based on our and your company's legitimate interest to receive such special permissions.

We engage service providers for technical infrastructure and software (e.g. cloud providers) to store data for us. We conclude processing agreements and / or non-disclosure agreements with such service providers to safeguard your data. These service providers are only permitted to process Personal Data for us for the purpose they are engaged.

We may transfer Personal Data between Exyte affiliates within the Exyte Group based on our legitimate interest according to Art. 6 para. 1 lit. f GDPR or other legal reasons, where they apply, whereas our legitimate interest is to organize Exyte Group centrally and provide services, within group service centers, as well as to have the processing allocated to the most suitable Group member for further interaction with the data subject.

All Exyte Group members are subject to a Data Protection Policy to ensure a constant level of data protection.

Some Exyte Group members may be located outside the European Economic Area ("EEA") in countries for which the European Commission ("EC") did not decide that such countries provide an adequate level of data protection.

All Exyte Group members therefore signed a Data Processing and Joint Controller Agreement ("DPJCA") which includes the standard contractual clauses as approved by the EC to safeguard the processing of Personal Data outside the EEA, i.e. all Exyte Group members are contractually obligated to comply with an adequate data protection level.

We also use Processors, which are bound by contract to process personal data subject to our instructions. Some of the processors are also located outside the EEA. If there is no adequacy decision by the EC for these third countries, we have safeguards in place. Generally we rely on the standard contractual clauses as approved by the EC. In some cases sub-processors are subject to corporate binding rules in accordance with the GDPR or other safeguards in accordance with Art 46 GDPR. In individual cases we may rely on exceptions in accordance with article 49 GDPR.

A list of all Exyte entities belonging to the Exyte Group can be found at this link: <https://www.exyte.net/locations>.

Transfer of Personal Data to third parties outside the Exyte Group may also take place in the following cases:

- Transfer with your express permission (Art 6 para. 1 lit a GDPR or Art 9 para II Lit a GDPR);
- Transfers to third parties to which we are legally obliged, for example to the tax office or other governmental authorities, according to Art. 6 para I lit c GDPR, Art 9 para II lit b or lit h) GDPR;

- Transfers to third parties to fulfill our commercial and tax obligations, for example to our tax auditor according to Art. 6 para I c GDPR i.c.m with the respective individual obligation, if we are legally obliged to transfer such data or Article 6 para I f GDPR, if the transfer is not mandatory, but required for our legitimate interest to efficiently communicate and proceed with authorities and comply with our obligations.
- To conduct or assist with investigations into breach of laws or compliance regulations, assert legal claims or to defend against legal claims we may transfer data to authorities or to lawyers, agents, experts etc. based on Art. 6 para I lit f GDPR, whereas it is our legitimate interest to assert or defend from legal claims. In case of special categories of Personal Data we may transfer such data based on Art. 9 para II lit f GDPR to assert or defend against a legal claim.

Any transfer of data to a third country outside the EU, which is also not a party to the EEA, will only take place subject to requirements in compliance with the GDPR. We will provide you with a copy of these standard contractual clauses upon request.

If you require any further information about transfers or safeguards, please contact the DPO.

6) Duration of processing

Unless expressly stated otherwise herein, we will process your Personal Data for only the time which is necessary to complete the purpose for which it was collected.

We may, however, have to retain your Personal Data for longer in case of legal obligations (e.g. a tax audit), or to defend or assert a legal dispute. We may also delete Personal Data earlier, if legally feasible and practical.

7) No automated decision making

We do not base decisions which have legal implications for you solely on automated decision making, such as profiling.

8) Your rights

Upon request, we will inform you whether Exyte processes any Personal Data about you, and if so, the nature of such Personal Data.

You have the right to object to the processing of your Personal Data for advertising purposes. If you object to the processing for purposes of advertising, your Personal Data will no longer be processed for this purpose.

To object to the processing of personal data for advertising purposes, you may do so by emailing info@exyte.net. However, we accept any other form of objections to advertisement, which allows us to clearly identify you.

Furthermore, based on your particular situation, you have the right to object to processing of your Personal Data which is processed based on Article 6 para. I lit. f GDPR, i.e. legitimate interest, or Art 6

para. 1 lit e GDPR, i.e. processing based on necessity for the performance of a task carried out in the public interest, or in the exercise of official authority vested in Exyte. In case you object to processing based on the aforementioned legal basis due to your particular situation, we will only continue to process the information if there are compelling legitimate grounds to process your Personal Data which override your interest, rights, or freedoms to stop processing your Personal Data, or for the exercise or defense of legal claims. This also applies to profiling based on the aforementioned.

Under the conditions as set out in the GDPR, according to Art. 16 GDPR, you also have the right to correct your incorrect or incomplete Personal Data, as well as a right to deletion according to Art. 17 GDPR and a right to restrict the processing of your Personal Data under Art. 18 GDPR.

You have the right to have us provide you with the Personal Data you have submitted to us, in a structured, commonly used, and machine-readable format. You have the right to transmit (or have transmitted) the Personal Data to another controller (Art 20 GDPR).

If the processing of your Personal Data is based on your consent, you have the right to revoke your consent at any time. The lawfulness of the processing prior to the revocation of consent is not affected.

You also have the right to lodge a complaint with the competent supervisory authority for data protection matters. Unless stated otherwise, the competent authority is the Landesbeauftragte für Datenschutz und Informationsfreiheit Baden-Württemberg.

As data subject you can also contact the authority responsible for the Construction Site location.