

## Privacy Policy – EN

Dear User,

In the following, we will inform you about the collection of personal data when using our website. Personal data is any data that personally allows you to infer, e.g. name, first name, address, personalized email addresses etc.

### I. Name and address of the person responsible

The responsible body in terms of the data protection laws, in particular according to the Article 4 (7) of the EU General Data Protection Regulation (GDPR) is:

### See Imprint

### II. Data Protection Officer

Our data protection officer can be reached at:

[trading@tobien-trading.com](mailto:trading@tobien-trading.com)

or in writing at the address given in the imprint.

### III. General information about the data processing

#### 1. Scope of personal data processing

We process your personal information only as far as it is necessary to provide a functional website as well as our contents and services. The processing of your personal data takes place regularly only on the basis of your consent. An exception applies to cases in which prior consent cannot be obtained for factual reasons and the data processing is permitted by legal regulations.

#### 2. Legal basis for personal data processing

As long as we obtain your consent for processing of personal data, Art. 6 para. 1 lit. a GDPR applies as the legal basis.

In the processing of your personal data, which is required to implement a contract of which you are a party, Art. 6 para. 1 lit. b GDPR serves as the legal basis. This also applies to processing operations required to carry out any pre-contractual actions.

As long as the processing of your personal data is required in order to implement a legal obligation of our company, Art. 6 para. 1 lit. c GDPR serves as the legal basis.

In the event that vital interests of you or another natural person require the processing of personal data, Art. 6 para. 1 lit. d GDPR serves as the legal basis.

If processing is necessary to safeguard the legitimate interests of our company or of a third party, and if the interests, your fundamental rights and fundamental freedoms do not outweigh the former interest, Art. 6 para. 1 lit. f GDPR serves as the legal basis for processing.

### 3. Data deletion and storage duration

Your personal data will be deleted or blocked as soon as the purpose for storage ceases to apply. In addition, such storage may be provided for also by the European or national legislator in EU regulations, laws or other provisions to which the person responsible is subject. Blocking or deletion of the data also takes place when a storage period prescribed by the relevant standards expires, unless there is a need for further storage of the data for conclusion of a contract or implementation of the contract.

## IV. Your Affected Rights

You can always exercise the following rights under the contact details of our data protection officer:

### 1. Right to information

You may request confirmation from the person responsible or the data protection officer as to whether personal information concerning you is being processed by us.

If such processing is taking place, you can request from the person responsible the following information:

- a) the purposes for which the personal data are processed;
- b) the categories of personal data that are processed;
- c) the recipients or categories of recipients to whom the personal data relating to you have been disclosed or shall be disclosed;
- d) the planned duration of the storage of personal data concerning you or, if specific information is not available, criteria for determining the duration of storage;
- e) the existence of a right to rectification or deletion of personal data concerning you, a right to restriction of processing by the person responsible or a right to object to such processing;
- f) the existence of a right to lodge a complaint with a supervisory authority;
- g) all available information on the source of the data, if the personal data are not collected from the respective person;

You have the right to request information about whether your personal data shall be passed on to a third country or an international organization. You can request information about the appropriate guarantees in accordance with Art. 46 GDPR in connection with the transfer.

### 2. Right to rectification

You have a right to rectification and/or completion by the person responsible, if the processed personal data concerning yourself is incorrect or incomplete. The person responsible must make the correction without any undue delay.

### 3. Right to restriction of processing

You may request the restriction of the processing of your personal data under the following conditions:

- a) if you deny the accuracy of your personal data for a period of time that enables the person responsible to verify the accuracy of your personal data;
- b) the processing is unlawful and you refuse to have personal data deleted and instead demand the restriction on the use of personal data;
- c) the person responsible no longer needs personal data for the purposes of processing, but you need them for the purposes of asserting, exercising or defending legal claims; or
- d) if you have objected to the processing pursuant to Art. 21 (1) GDPR and it is not yet certain whether the legitimate reasons of the person responsible outweigh your reasons.

If the processing of personal data concerning you has been restricted, this data may only be used with your consent or for the purpose of asserting, exercising or defending legal claims or protecting the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

If the limitation of the processing under the above-mentioned conditions is restricted, you will be informed by the person responsible before the restriction is lifted.

### 4. Right to deletion

#### 4.1 Obligation to delete

You may request the person responsible to delete your personal data without any delay, and the person responsible is required to delete that information immediately if one of the following reasons applies:

- a) The personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed.
- b) You revoke your consent, on which the processing according to Art. 6 para. 1 lit. a or Art. 9 para. 2 lit. a GDPR was based and there is no other legal basis for processing.
- c) You raise objections to the processing pursuant to Art. 21 para. 1 GDPR and there are no overriding reasons for the processing, or you oppose to processing pursuant to Art. 21 para. 2 GDPR.
- d) Personal data concerning you were processed unlawfully.
- e) The deletion of personal data concerning you is required to fulfil a legal obligation under the Union law or the law of the Member States to which the person responsible is subject.

#### 4.2 Information to third parties

If the person responsible has made the personal data concerning you public and is obliged to delete them in accordance with Art. 17 (1) of the GDPR, it shall take appropriate measures, taking into account available technology and implementation costs, to inform the persons responsible for personal data processing that you have been identified as being affected persons requesting deletion of all links to such personal data or of copies or replications of such personal data.

#### 4.3 Exceptions

The right to deletion does not apply if the processing is necessary

- a) to exercise the right to freedom of expression and information;
- b) to fulfil a legal obligation of processing required by the law of the Union or of the Member States to which the person responsible is subject, or to carry out a task which is in the public interest or in order to exercise public authority entrusted to the person responsible;
- c) for the reasons of public interest in the field of public health pursuant to Art. 9 (2) lit. h and l, as well as Art. 9 (3) GDPR;
- d) for archival purposes in public interest, for scientific or historical research purposes or for statistical purposes pursuant to Art. 89 (1) GDPR, to the extent that the law referred to in subparagraph a) is likely to render impossible or seriously affect the achievement of the objectives of that processing, or
- e) to assert, exercise or defend legal claims.

#### 5. Right to information

If you have applied the right of rectification, deletion or restriction of processing with the person responsible, he / she is obliged to notify of this rectification, or deletion of the data, or restriction of processing all recipients to whom your personal data have been disclosed, unless this proves to be impossible or involves a disproportionate effort.

You have a right to be informed by the person responsible about these recipients.

#### 6. Right to Data Transferability

You have the right to receive in a structured, common and computer-readable format the relevant personal data you provide to the person responsible. In addition, you have the right to transfer this data to another person responsible without any restrictions on the part of the person responsible who received your personal data, as long as

- a) the processing is based on a consent pursuant to Art. 6 para. 1 lit. a GDPR or Art. 9 para. 2 lit. a GDPR or on a contract pursuant to Art. 6 para. 1 lit. b GDPR and
- b) the processing is done by automated means.

While exercising this right, you also have the right to have your personal data relating to you transmitted directly from one person responsible to another, insofar as this is technically feasible. Freedoms and rights of other persons must not be herewith affected.

The right to data transferability does not apply to the processing of personal data necessary for the implementation of a task in the public interest or in the exercise of official authority delegated to the person responsible.

## 7. Right to object

You have the right at any time, for reasons that arise from your particular situation, to object against the processing of your personal data pursuant to Art. 6 para. 1 lit. e or f GDPR; this also applies to profiling based on these provisions.

The person responsible will no longer process the personal data concerning you unless it can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purpose of enforcing, exercising or defending legal claims.

If the personal data relating to you are processed for direct marketing purposes, you have the right to object at any time to the processing of your personal data for the purpose of such advertising; this also applies to profiling insofar it is associated with such direct marketing.

If you object to processing for direct marketing purposes, your personal data will no longer be processed for these purposes.

Regardless of Directive 2002/58/EC, you have the option, in the context of the use of information society services, of exercising your right to object through automated procedures that use technical specifications.

## 8. Right to revoke the data protection consent declaration

You have the legal right to revoke your data protection declaration at any time. The revocation of consent does not affect the legality of the processing carried out on the basis of the consent until the revocation.

## 9. Automated decision on a case-by-case basis, including profiling

You have the right not to be subjected to a decision based solely on automated processing including profiling that will have legal effect against you or affect you substantially in a similar manner. This does not apply if the decision

- a) is required for the conclusion or implementation of a contract between you and the person responsible;
- b) is permitted by Union or Member State legislation to which the person responsible is subject, and where such legislation contains appropriate measures to safeguard your rights and freedoms as well as your legitimate interests, or
- c) has your express consent.

However, these decisions must not be based on special categories of personal data under Art. 9 (1) GDPR, unless Art. 9 (2) lit. a or g GDPR applies and reasonable measures have been taken to protect the rights and freedoms as well as your legitimate interests.

With regard to the cases mentioned in a) and b), the person responsible shall take appropriate measures to uphold your rights, freedoms and legitimate interests, including at least the right to obtain the intervention of a person related to the person responsible, to express his or her own position and to challenge the relevant decision.

#### **10. Right to complain to a supervisory authority**

Without prejudice to any other administrative or judicial remedy, you shall have the right to complain to a supervisory authority, in particular in the Member State of your residence, of your place of work or place of alleged infringement, if you believe that the processing of your personal data is violating GDPR.

The supervisory authority to which the complaint has been submitted shall inform the complainant of the status and results of the complaint, including the possibility of a judicial remedy pursuant to Art. 78 GDPR.

#### **V. Purpose of the data processing**

We process your personal data only for the purposes stated in this privacy policy. There is no transfer of your personal data to third parties taking place for purposes other than those mentioned. We share your personal data with third parties only if:

- a) you have given your express consent to the respective transfer;
- b) the processing is required in order to implement a contract with you;
- c) the processing is necessary to fulfil a legal obligation;
- d) the processing is necessary to safeguard legitimate interests and there is no reason to believe that you have an overriding legitimate interest in not disclosing your data.

#### **VI. Collecting general information when visiting our website**

When you access our website, a cookie automatically records information of a general nature. This information (server log files) includes, for example, the type of web browser, the operating system used, the domain name of your Internet service provider and the like. This involves exclusively information that does not allow any conclusions about your person.

This information is technically necessary to deliver correctly the contents of web pages requested by you and is mandatory when using the internet. They are processed in particular for the following purposes:

- a) ensuring a problem-free connection of the website;
- b) ensuring a smooth use of our website;
- c) evaluation of system security and stability, as well as
- d) for further administrative purposes.

The processing of your personal data is based on our legitimate interest for the aforementioned purposes of data collection. We do not use your information to draw any

conclusions concerning you. The recipient of the data is only the responsible body and possibly the order processor.

Anonymous information of this kind may be eventually statistically evaluated by us in order to optimize our website and the underlying technology.

## VII. Cookies

Like many other websites, we also use so-called “cookies”. Cookies are small text files that are transferred from a website server to your hard drive. This automatically gives us certain data, such as IP address, browser used, operating system and your connection to the Internet.

Cookies cannot be used to launch programs or to transfer viruses to a computer. Based on the information contained in cookies, we can facilitate navigation and enable the correct display of our websites.

In no case will the data collected by us be passed on to third parties or a link with personal data will be established without your consent.

Of course, you can also view our website without cookies. Internet browsers are regularly set to accept cookies. In general, you can disable the use of cookies at any time through the settings of your browser. Please use the help functions of your internet browser to find out how to change these settings. Please note that some features of our website may not work if you disable the use of cookies.

## VIII. Registration on our website

When registering for the use of our personalized services, some personal information will be collected, including name, address, contact and communication information such as telephone number and email address. If you are registered with us, you can access content and services that we offer only to registered users. Registered users also have at any time the option of changing or deleting the data specified during registration. Of course, we are ready to provide you with information about the personal data we hold about you at any time. We are happy to rectify or delete these at your request, as long as this is not precluded by statutory storage requirements. You can contact us on this issue using the contact details given above under Point II.

## IX. SSL encryption

To protect the security of your data during transmission, we use state-of-the-art encryption techniques (such as SSL) over HTTPS.[MT2]

## X. Newsletter

On the basis of your express consent, we will regularly send you our newsletter or comparable information by email to your email address as specified.

For the receipt of the newsletter we need your email address only. When you sign up to receive our newsletter, the data you provide will be used exclusively for this purpose.

Subscribers may also be notified by email about circumstances relevant to the service or registration (such as changes to the newsletter offer or technical conditions).

For an effective registration we need a valid email address. In order to verify that an application is actually made by the owner of an email address, we use the “Double opt-in” procedure. For this purpose, we record the order of the newsletter, the dispatch of a confirmation mail and the receipt of the requested answer. Further data will not be collected. The data will be used exclusively for the newsletter deliveries and will not be passed on to third parties.

The consent to the storage of your personal data and their use for the newsletter deliveries can be revoked at any time. Each newsletter has a link to it. In addition, you can unsubscribe at any time directly on this website or tell us your request via the contact details given above under Point II.

### **XI. Contact form**

If you have questions of any kind contact us by email or contact form and give us your consent for the purpose of establishing contact. This requires the specification of a valid email address. This serves for the assignment of the request and the subsequent answer. Any specification of further data is optional. The information you provide will be stored for the purpose of processing the request and for possible follow-up questions. After completing your request, personal data will be deleted.

### **XII. Use of Google Analytics**

This website uses Google Analytics, a web analytics service provided by Google Inc. (hereinafter referred to as “Google”). Google Analytics uses so-called “cookies”, i.e. the text files that are stored in your computer and that allow an analysis of the use of the website by you. The information generated by the cookie about your use of this website is usually transmitted to a Google server in the USA and stored there. However, due to the activation of IP anonymization on these websites, your IP address will be shortened beforehand by Google within member states of the European Union or in other contracting states of the Agreement on the European Economic Area. Only in exceptional cases will the full IP address be sent to a Google server in the US and shortened there. On behalf of the operator of this website, Google will use this information to evaluate your use of the website, to compile reports on website activity and to provide other services related to website activity and the internet usage to the website operator. The IP address provided from your browser by Google Analytics will not be merged with other Google data.

The purposes of the data processing are the evaluation of the use of the website and the compilation of reports on activities on the website. Based on the use of the website and the Internet, other related services will be provided. The processing is based on the legitimate interest of the website operator.

You can prevent the storage of cookies by a corresponding setting of your browser software; however, please note that if you do this, you may not be able to use all the features of this website to the fullest extent possible. In addition, you may prevent the collection by Google of the data generated by the cookie and related to your use of the website (including your IP



address) as well as the processing of this data by Google by downloading the browser plug-in available under the following link and install: Browser Add On to disable Google Analytics.

In addition, or as an alternative to the browser add-on, you can prevent tracking by Google Analytics on our pages by clicking this link. An opt-out cookie will be installed in your device. This will prevent the collection by Google Analytics for this website and for this browser in the future, as long as the cookie remains installed in your browser.

### **XIII. Using Script Libraries (Google Webfonts)**

In order to render our content correctly and graphically appealing across browsers, we use script libraries and font libraries on this website, such as: Google Webfonts (<https://www.google.com/webfonts/>). Google web fonts are transferred to the cache of your browser to prevent multiple loading. If the browser does not support Google Web fonts or prohibits access, content will be displayed in a standard font.

The call of script libraries or font libraries automatically triggers a connection to the operator of the library. It is theoretically possible, but currently also unclear whether and if so for what purposes the operators of such libraries collect data.

The privacy policy of the library operator Google can be found here: <https://www.google.com/policies/privacy/>

### **XIV. Using ajax.googleapis.com/ jQuery**

On this page we use Ajax and jQuery technologies in order to optimize loading speeds. In this regard, program libraries are accessed by Google servers. It uses Google Content Delivery Network (CDN). If you previously used jQuery on another page of the Google CDN, your browser will resort to the cached copy. If this is not the case, it will require downloading, with data from your browser sent to Google! Inc. ("Google"). Your data will be transferred to the USA. You can find out more on the websites of the providers.

### **XV. Using Google Maps**

This website uses Google Maps API to display geographic information visually. When using Google Maps, Google also collects, processes and uses data about the use of map features by visitors. For more information about Google data processing, please refer to the Google Privacy Notice. There you can also change your personal privacy settings in the privacy center.

### **XVI. Embedded YouTube videos**

On some of our websites we embed YouTube videos. The corresponding plug-ins are operated by YouTube, LLC, 901 Cherry Ave., San Bruno, CA 94066, USA. When you visit a page with the YouTube plug-in, it will connect to YouTube servers. YouTube will be informed which pages you visit. If you are logged into your YouTube account, YouTube can assign your surfing behavior to you personally. This can be prevented by logging out of your YouTube account beforehand.

If a YouTube video is started, the provider uses cookies that collect information about user's behavior.

Anyone who has disabled the storage of cookies for the Google Ad program will not have to expect such cookies when watching YouTube videos. YouTube also stores non-personal usage information in other cookies. If you want to prevent this, you must block the storage of cookies in the browser.

For more information on data protection at “YouTube”, see the privacy policy of the provider at: <https://www.google.de/intl/en/policies/privacy/>

## **XVII. Social plugins**

Our websites use social plugins of the providers listed below. The plugins can be recognized by their marking with the appropriate logo.

These plug-ins may be used to send information, which may include personal information, to the service provider and may be eventually used by the service provider. We prevent the unconscious and unwanted collection and transmission of data to the service provider through a 2-click solution. To activate a desired social plugin, it must first be activated by clicking on the corresponding button. Only through this activation of the plugin is the detection of information and its transmission to the service provider triggered. We do not collect personally identifiable information by means of social plugins or their use.

We have no control over what data an enabled plugin collects and how it is used by the provider. At present, it must be assumed that a direct connection to the services of the provider will be expanded and at least the IP address and device-related information will be collected and used. It is also possible that the service providers may try to save cookies on the computer used. Please refer to the privacy policy of the respective service provider to see which specific data is collected here and how it is used. Note: If you are logged in to Facebook at the same time, Facebook may identify you as a visitor to a particular page.

We have included the following social media buttons on our website:

## **XVIII. Change of our privacy policy**

We reserve the right to amend this privacy policy in order to make it always comply with the latest legal requirements or to implement changes to our services in the privacy policy, e.g. when introducing new services. Your new visit will then be subject to the new privacy policy.