

Data Protection Information

Last amended: November 2024

The purpose of this document is to provide you with information about how we process your personal data and what rights you have in this respect under the data protection regulations. It describes which specific data is processed, and the uses to which that data is put.

Please note that this information is intended exclusively for partners with whom we have dealings via our procurement department. The Notice available at www.hsbc.com does not apply. This Data Protection Information is explicitly not intended for our banking customers.

1. Who is responsible for data processing and who can I contact?

The data controller is:

HSBC Continental Europe S.A., Germany
Hansaallee 3
40549 Düsseldorf
Telephone: 0211 910-0
Fax: 0211 910-616

Our data protection officer can be reached at

HSBC Continental Europe S.A., Germany
Data Protection Officer
Telephone: 0211 910-2006
Fax: 0211 910-9-2125
Email address: datenschutz@hsbc.de

2. Which sources and data do we use?

We process personal data that we obtain from our contract partners or their authorised representatives in the course of our business relationships or the initiation of business relationships. We also process personal data that we lawfully obtain from publicly available sources or that is legitimately provided to us by other companies within the HSBC Group or by other third parties (such as credit reporting agencies).

Relevant personal data includes your particulars (name, address and other contact details), data arising from the fulfilment of our contractual obligations, information concerning your financial situation (e.g. credit rating), data for tax purposes, documentation data and other data that is similar to the aforementioned types.

3. Why do we process your data (processing purpose) and what is the legal basis for this?

We process personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG):

a. For the fulfilment of contractual obligations (Art. 6 (1) b GDPR)

Personal data (Art. 4 no. 2 GDPR) is processed for the purpose of fulfilling our contractual obligations vis-à-vis our contract partners (generally payment obligations) or to take steps, upon request, prior to entering into a contract.

b. As part of the balancing of interests (Art. 6 (1) f GDPR)

If necessary, we will process data that goes beyond what is necessary simply for the fulfilment of the contract in order to safeguard our own, or a third party's legitimate interests. Examples:

- Consultation of credit reporting agencies to establish credit standing or default risk
- Assertion of legal claims and defence in the event of legal disputes
- Prevention and resolution of criminal offences
- Building and site security measures (e.g. access controls)
- Measures to guarantee undisturbed possession of our premises

c. On the basis of your consent (Art. 6 (1) a GDPR)

If you have given us your consent to process personal data for specific purposes (e.g. to pass on information to another company within the HSBC group or to record a phone call or contact you by email or telephone for marketing purposes), the processing of this data is lawful on the basis of your consent. Consent can be withdrawn at any time. This also applies to the withdrawal of declarations of consent granted to us before the entry into force of the General Data Protection Regulation, i.e. before 25 May 2018. Please note that this withdrawal of consent is not retroactive. Data processing that took place before consent was withdrawn is not affected.

d. On the basis of statutory provisions (Art. 6 (1) c GDPR) or in the public interest (Art. 6 (1) e GDPR)

We are also subject to a range of legal obligations, i.e. statutory requirements (under the German Banking Act (KWG), the German Anti-Money Laundering Act (GwG), and tax legislation, for example).

4. Who will receive my data?

Access to your data is provided to those departments within our company that need this data in order to meet our pre-contractual, contractual and legal obligations.

We only share your personal data with third parties as far as legally permitted, cf. Art. 6 GDPR.

So your personal data may be transmitted to service providers, as far as required for the purposes listed under section 3 of this Data Protection Information. Our service providers are companies in the areas of IT services, logistics, printing services, telecommunications, auditing, and advice and consultancy. We have agreed on extensive contractual rules with all our service providers to protect the data which shall be processed. Furthermore, our service providers have an obligation of secrecy.

In addition, data transfers to third parties take place as far as required to fulfill a legal obligation.

5. Will data be transferred to a third country or an international organisation?

The recipients mentioned under section 4 are located in- and outside of the European Economic Area ("EEA"). A data transfer to bodies in countries outside the European Union and outside the EEA ("third countries") only takes place as far as:

- it is necessary for the execution of your orders (e.g. payment orders),

- the European Commission has decided that the respective third country or a territory or one or more specified sectors within this third country ensure an adequate level of protection,

as far as countries are concerned which aren't subject to such an adequacy decision we have ensured that appropriate measures within the meaning of GDPR are in place for the protection of your personal data (e.g. by agreeing between both parties involved in the data transmission, to Standard Contractual Clauses, which have been issued by the European Commission, and additionally by ensuring that appropriate security measures are in place (such as data encryption, pseudonymization)); or the aforementioned is not applicable, but we nevertheless are allowed to transfer the data in a lawful manner, for example, when the transmission is necessary for the establishment, exercise or defence of legal claims, when the transmission is prescribed by law (e.g. fiscal reporting obligations), or when you have provided us your consent.

Further details regarding the safeguards, which we have put in place for the transfer of personal data to third countries, as well as a copy of the agreed Standard Contractual Clauses may be requested under: datenschutz@hsbc.de.

6. How long is my data stored?

Where necessary, we will process and store your personal data for the duration of our business relationship with you. This includes the contract origination and implementation stages.

If the data is no longer required for the fulfilment of contractual or statutory duties, it is periodically deleted unless its continued processing – for a limited time – is necessary for the following purposes:

- Fulfilment of duties to preserve records under commercial and tax law: relevant legislation in this respect includes, in particular, the German Commercial Code (HGB), the German Tax Code (AO), the German Banking Act (KWG), and the German Anti-Money Laundering Act (GwG). The time periods specified in these laws for the retention of records and/or documentation range from two to ten years.
- Preservation of evidence in line with the statutory limitation periods. In accordance with section 195 et seq. of the German Civil Code (BGB), these may last up to 30 years although the standard limitation period is three (3) years.

7. What data protection rights do I have?

In accordance with the procedural rules set out in Article 12 GDPR, every data subject has the right of access under Article 15 GDPR, the right to rectification under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing under Article 18 GDPR, the right to object under Article 21 GDPR, and the right to data portability under Article 20 GDPR. The right of access and the right to erasure are subject to limitations under sections 34 and 35 BDSG.

Data subjects may consult our data protection officer on any matters in relation to the processing of their personal data and the exercise of their rights in this regard (Article 38 (4) GDPR).

There is also a right to lodge a complaint with a supervisory authority (Article 77 GDPR in conjunction with section 19 BDSG).

8. Do I have an obligation to provide data?

Within the scope of our business relationship, you only need to provide the personal data that is required to establish, execute and terminate our business relationship and any information that we are legally obliged to collect.

9. To what extent do you use automated decision-making?

We do not use fully automated decision-making processes within the meaning of Article 22 GDPR to establish or conduct the business relationship.

10. To what extent do you use my data for profiling?

We do not use your data for profiling activities.

Information regarding your right to object pursuant to Article 21 of the General Data Protection Regulation (GDPR)

1. Right to object on a case-by-case basis

You have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you that is based on Article 6 (1) e GDPR (data processing in the public interest) or Article 6 (1) f GDPR (data processing on the basis of a balancing of interests); this also applies to any profiling based on this provision within the meaning of Article 4 no. 4 GDPR.

If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for processing the data which override your interests, rights and freedoms, or for the establishment, exercise, or defense of legal rights.

2. Objection to the processing of data for direct marketing

In individual cases, we use your personal data for direct marketing purposes. You have the right to object at any time to the processing of personal data concerning you for such marketing; this also applies to profiling, to the extent that it is related to such direct marketing.

If you object to processing for direct marketing purposes, we will no longer process your personal data for this purpose.

The objection is not subject to any particular requirements of form and should, if possible, be addressed to:

HSBC Continental Europe S.A., Germany

Data Protection Officer

Hansaallee 3

40549 Düsseldorf, Germany

Telephone: +49 (0)211 910 2006

Fax: +49 (0)211 9109 2125

Email: datenschutz@hsbc.de