



Ladies and gentlemen,

ABB is committed to continuously improving its services and information offers provided to our customers and business partners in order to contribute to the success of the involved companies on both sides. In times of increasing globalization, ABB naturally and regularly uses personal data in connection with its business relationships. ABB takes the protection of your personal data very seriously and complies with data protection laws, which is why the ABB Group wishes to provide you with the following information about our processing of your personal data and your rights associated with it. We ask you to also make this data protection notice available to your employees who are in business contact with us.

## **Data Protection Notice for Business Partners**

### **Your personal data**

This data protection notice applies to all personal data that you make available to ABB as a "natural person" and business partner (e.g. as a consumer, merchant, entrepreneur or employee of one of our business partners) in the course of our business relations with you or your company (hereinafter: "you").

### **Controller of your personal data**

ABB AG, Kallstadter Straße 1, 68309 Mannheim, Germany, or any respective company affiliated with ABB AG pursuant to §§ 15 ff. AktG, decides as "controller" within the meaning of the EU General Data Protection Regulation (GDPR) and the Federal Data Protection Act (Bundesdatenschutzgesetz - BDSG) how and for which purpose your personal data will be used in accordance with this data protection notice (hereinafter: "ABB", "we" or "us").

You can contact our data protection officer as follows:

ABB AG  
Christian Ley  
Konzerndatenschutzbeauftragter  
ABB Deutschland  
Kallstadter Str. 1  
68309 Mannheim  
[christian.ley@de.abb.com](mailto:christian.ley@de.abb.com)

### **What kind of personal data we require from you**

We process personal data that we receive from you in the course of our business relations, either on the basis of a contractual relationship with you (such as purchase or sale agreements with regards to products, services, works, license agreements, etc.), pre-contractual measures, request for offers or any other enquiry from you (e.g. by internet, e-mail or telephone or on the occasion of a trade fair or product event). In addition and to the extent necessary for the fulfilment of our obligations, we process personal data which we may obtain from publicly accessible sources (e.g. commercial and association registers, press, internet) or which are legitimately transmitted by other third parties (e.g. a credit agency).



Relevant personal data are in particular personal information (such as surname, first name, address, bank details, tax number) and other contact data (such as telephone number, e-mail address). In addition, this may include contract or order data (e.g. sales data or business partner history), data concerning the fulfilment of our contractual obligations (e.g. invoices, payments), information about your financial situation (e.g. creditworthiness data), documentation data (e.g. commercial register data) and other data comparable with the above categories.

In general we use the following categories of your business and/or private personal data: First name, last name, address, e-mail address, telephone number, mobile number, telefax number, title, occupation, position, academic degree.

### **Why we need your personal data**

We process your personal data primarily to fulfil contracts with you or to carry out pre-contractual measures upon your request. As part of our business relationship, you need to provide us with your personal data, which is necessary to establish, conduct and terminate a business relationship with you, required for the fulfilment of the contractual obligations associated with it or which we are legally obliged to collect. Without such personal data, we will not be able to enter, execute or terminate a contract with you or to take the requested pre-contractual measures to enter into a contract with you. If you do not provide us with the necessary personal data, information and documents, we cannot establish or continue the business relationship you have requested.

In addition, your personal data helps us to understand your interest in our products and to develop further business opportunities with you. They also allow us to provide you with marketing information if you have indicated that you wish so. Furthermore, your personal data will be stored in our ABB-Group CRM Database for the processing purposes mentioned in this data protection notice. Of course, we only collect personal data from you that we need for these purposes.

### **Our legal basis for processing your personal data**

We process your personal data in accordance with the provisions of the EU General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG), in particular on the basis of the following legal basis:

- 1) For the fulfilment of contractual obligations (pursuant to Art. 6 (1) b) GDPR): The processing of your personal data is based on the fulfilment of our contractual obligations under the agreement concluded with you, e.g. under a purchase, work, service, license or rental contract, or for the implementation of pre-contractual measures.
- 2) Due to legal requirements (pursuant to Art. 6 (1) c) GDPR) or in the public interest (pursuant to Art. 6 (1) e) GDPR): for example, on the basis of our tax control and reporting obligations, cooperation obligations in case of audits by authorities and compliance with the statutory retention periods. Furthermore, the disclosure of personal data within the scope of official or judicial measures may become necessary for the purposes of taking evidence, prosecution or enforcement of civil law claims.
- 3) Based on legitimate interests (pursuant to Art. 6 (1) f) GDPR): If necessary, we process your personal data within our business relationship on the basis of a weighing of interests (balancing test) according to which processing of personal data is permissible if it is necessary



to safeguard the legitimate interests of us or third parties and does not outweigh the interests or fundamental rights and freedoms of the data subject which require the protection of personal data. This may be the case if the following purposes apply:

- a. Enforcement of legal claims and legal defense in court or arbitration procedures;
- b. Measures to optimize our business processes, such as maintaining a supplier or customer relationship management database;
- c. For the purpose of promoting products, services and offers (with business partners);
- d. Measures to ensure operational safety and for business management;
- e. Measures for building and system security (e.g. access controls);
- f. For checking European and international embargo lists, if this goes beyond the legal obligations;
- g. Reduction of default risks in our procurement processes by consulting credit agencies;
- h. measures to secure and safeguard the domiciliary rights; or
- i. For the limited storage of your personal data, if deletion is not possible or only possible with disproportionate effort due to the special type of storage.

## **Who receives your personal data for processing**

Within the German ABB Group, those departments that need your personal data to fulfil our contractual and legal obligations and to carry out our internal processes (e.g. sales, purchasing, logistics, financial accounting) are given access to your personal data. Service providers and vicarious agents employed by us may also receive and process your personal data for these purposes. These can be in particular external companies in the categories of economic and legal consulting, IT service providers, banks or logistic companies.

We will only transfer personal data of our business partners to external parties if this is required or permitted by law or if the data subject has expressly consented to it.

Under these conditions, recipients of personal data may be, for example:

- Public authorities and institutions (e.g. tax authorities, criminal prosecution authorities, social insurance) in the event of a legal or administrative proceedings;
- Insolvency administrators or creditors who apply for execution;
- Auditors in the context of annual audits;
- Service providers that we use as processors for the purpose of processing of your personal data.

## **Where your personal data are processed**

As part of the global ABB Group, we have business relationships with affiliated companies and external service providers, both within and outside the European Economic Area (EEA), which we may also use in relation to your personal data. In this regard, your personal data may also be made available for remote access in countries outside the EEA for the purposes described in this data protection notice. This may also apply to countries in which the level of data protection is not comparable to that of the European Union (EU). We are committed to a high level of data protection within our group of companies. We will also only transfer your personal data to external service providers if there is sufficient assurance that such service providers comply with the high data protection level of the GDPR. This is done in particular by concluding standard contractual clauses of the EU Commission in accordance with Art. 46 (2) c) GDPR (available at "<http://eur-lex.europa.eu>"). A list of ABB companies can be found on the ABB website (<https://new.abb.com/privacy-policy/subsidiaries>).



## **How long we process and store your personal data**

We process and store personal data of our business partners as long as this is necessary for the fulfilment of our contractual and legal obligations in connection with existing business relationship. If your personal data is no longer required for the fulfilment of contractual or legal obligations, it is deleted regularly, unless a temporary further processing is necessary for the fulfilment of commercial and tax storage obligations arising from the German Commercial Code (HGB) and the German Tax Code (AO) (statutory retention and documentation periods, for example, ten years for accounting documents and six years for commercial or business letters) or for the preservation of evidence within the statutory limitation periods (these statutory limitation periods can be up to 30 years in exceptional cases, whereby the regular limitation period is 3 years).

In addition, we will keep your personal data for as long as necessary for further relevant processing purposes mentioned in this data protection notice. If you allow us to use your personal data for marketing purposes, we will keep the necessary personal data until you object to the data processing for marketing purposes or inform us that you no longer wish to receive marketing information. If we do not process your personal data for purposes other than marketing purposes, we will delete this data in compliance with data protection regulations after receipt of your objection notice.



## Your rights with regards to your personal data

If you have any questions about data protection, complaints about our treatment of your personal data, or if you wish to exercise your **data protection rights** listed in the **Annex** to this data protection notice, you may contact us at <https://new.abb.com/privacy>. You may also send complaints about the treatment of your personal data directly to our data protection officer.

If our response is unsatisfactory to you or if you are of the opinion that we are processing your personal data unlawfully, you may, in accordance with your right of complaint under Art. 77 GDPR, also contact the competent data protection authority in the country where you live, work or believe that the data protection breach occurred.

## Get information by email

With your consent, we would like to use your name and email address to inform you about the ABB products in connection with our existing business relationship or to send you any other product, business, event or marketing information you request to receive. You are welcome to request such marketing information in accordance with your personal interests on the website <https://new.abb.com/de/newsletter>. On this website we will also ask you for your consent to receive marketing information by e-mail, which you can of course withdraw at any time with effect for the future by sending an e-mail to [privacy@abb.com](mailto:privacy@abb.com). You are also welcome to contact your ABB contact person at any time, who will assist you with any queries you may have.

This version of the data protection notice is effective May 25, 2018.

## **Annex to the Data Protection Notice: Your rights as a data subject**

### **1) Right of access**

You have the right to receive from us at any time upon request (text form) information about your personal data processed by us within the scope of **Art. 15 GDPR**. This right is limited by the statutory exceptions of § 34 BDSG, according to which the right of access is excluded, in particular if the data is stored on the basis statutory retention and documentation periods or for the purposes of data security and data protection control, the provision of information would require a disproportionate effort and a misuse of the data processing is prevented by suitable technical and organizational measures.

### **2) Right to rectification**

You have the right, pursuant to **Art. 16 GDPR**, to obtain from us the immediate rectification of personal data concerning you, should it be incorrect.

### **3) Right to erasure**

You have the right to obtain from us, under the conditions set out in **Art. 17 GDPR**, the deletion of any personal data relating to you. These conditions apply in particular if a) the respective processing purpose has been achieved or otherwise ceases to apply, b) we have unlawfully processed your personal data, c) you have withdrawn your consent without another legal basis applying to the data processing, d) you have successfully objected to the data processing or e) in cases where there is an obligation to delete personal data on the basis of EU law or the law of an EU member state to which we are subject. This right is limited by the statutory exceptions of § 35 BDSG, according to which the right to erasure may in particular be excluded if, in case of non-automated data processing, there is a disproportionately high expenditure for the deletion and your interest in the deletion is to be regarded as low.

### **4) Right to restriction of processing**

In accordance with **Art. 18 GDPR**, you can request us to process your personal data only to a restricted extent. This right exists in particular if a) the correctness of your personal data is disputed, b) you request limited processing instead of deletion under the conditions of a justified right of erasure, c) the data is no longer required for the purposes pursued by us, but you need the data to assert, exercise or defend legal claims or d) the success of an objection is still disputed.

### **5) Right to data portability**

In accordance with **Art. 20 GDPR**, you have the right to receive from us the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format, as well as the right to request us to forward this personal data to another controller.

### **6) Right to object**

**In accordance with Art. 21 GDPR, you have the right to object at any time, for reasons arising from your particular situation, to the processing of your personal data, which is either based on a public interest pursuant to Art. 6 (1) e) GDPR or a legitimate interest pursuant to Art. 6 (1) f) GDPR.**



Upon receipt of your objection notice, we will then cease processing your personal data unless we can prove that there are compelling legitimate reasons for the processing which outweigh your interests, rights and freedoms, or the processing serves to establish, exercise or defend legal claims. If you object to the processing of your personal data for marketing purposes, we will cease such processing in any case.