



## Privacy policy for orders via the webshop

Thank you for visiting the Webshop of Atlas Copco and your interest received!

### **Privacy Policy (information on data protection regarding our data processing in accordance with Articles 13, 14 and 21 of the General Data Protection Regulation)**

Thank you for visiting our webshop and for your interest in our company.

In the following we inform you in accordance with Art. 12, 13 and 21 of the General Data Protection Regulation (GDPR) about how we handle your personal data when ordering via the webshop which is available on <https://www.atlascopco.com/nl-be/itba/products> (hereinafter "WEBSHOP").

Personal data is individual information about personal or factual circumstances of a specific or determinable natural person. This includes information such as name, address, telephone number and date of birth.

#### **1. Controller**

Atlas Copco Tools Central Europe GmbH  
Langemarckstraße 35  
45141 Essen  
Telephone: +49 201 2177 0  
E-Mail: [tools.de@atlascopco.com](mailto:tools.de@atlascopco.com)

#### **2. Data Protection Officer**

Silvia C. Bauer  
– Data Protection Officer –  
c/o Atlas Copco Tools Central Europe GmbH  
Langemarckstraße 35  
45141 Essen  
Telephone: 0201 - 21 77 0  
E-Mail: [datenschutz@luther-lawfirm.com](mailto:datenschutz@luther-lawfirm.com)

### **3. Purposes and Legal Bases of the Data Processing when using the closed area of the WEBSHOP (customer-login)**

#### **3.1 Purpose of the WEBSHOP**

You can register and login with our WEBSHOP with the purpose to place an order providing personal information.

#### **Atlas Copco Tools Central Europe GmbH**

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Central Europe GmbH	B - 3730 Hoeselt	<a href="mailto:tools.be@be.atlascopco.com">tools.be@be.atlascopco.com</a>		Olaf Sommer
Langemarckstraße 35		<a href="http://www.atlascopco.be">www.atlascopco.be</a>		Claus Schiedek
D - 45141 Essen				Peter Edmonds
				H.R.B: R.C.B. 646 980
				BTW-nr.: BE 0473.470.658

### 3.1.1 Active Use of the WEBSHOP

You can actively use the WEBSHOP to order one of our products, or to contact us because of the order process. We will process your personal data that we require from you to process your order.

### 3.1.2 User Requests, complaints, order processing, etc.

In order to process and answer your inquiries to us, e.g. via the contact form, your e-mail address or your User Account, as well as your complaints, we process your personal data provided by you in this context. In any case, this includes your name and e-mail address in order to send you an answer and, for example to carry out repairs, a product exchange or a return shipment, etc. (order processing), the other information that you send us in the context of your message or which are stored in your User Account (cf. section 3.2.2) via which your request is made or which we link to your request on the basis of the information you provide (e. g. order number). We process your personal data in order to respond to user inquiries on the following legal basis:

- to protect our legitimate interests in accordance with Art. 6 para. 1 lit. f GDPR; our legitimate interest is to answer customer inquiries appropriately;
- If the request aims at the conclusion of a contract, an additional legal basis is Art. 6 para. 1 lit. b GDPR.

### 3.1.3 Registration and User Account

You can register to our WEBSHOP to place an order or to manage your orders, billing and delivery address. To do this, you must enter personal data in an entry mask and send it to us. The registration and login serve the purpose of providing an online shop function with an order form. You must enter your e-mail address and a password of your choice. In addition, you have to enter the following data:

- Country
- E-mail address
- First and last name
- Company name
- VAT number
- Address
- Phone number
- Comments (optional)

At the time of login the following data is also stored:

- IP address of the user
- Date and time of login

### 3.1.4 Purposes for the performance of a contract or of pre-contractual measures (Art. 6 para. 1 b GDPR)

If you make data available to us within the scope of the conclusion of a contract and these data are necessary for the conclusion of a contract and for the sale etc. of our products or services, the

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processing takes place for the reason, execution and, if necessary, termination of our contracts with you and the execution of your orders. In addition, we process data which we receive in the context of a complaint or the like in order to check the incident and process it. However, we also use the data of our customers to collect our claims. The data (voluntary data are marked with "possibly") are your contact data (such as name, title, address, telephone numbers, e-mail addresses), information about the company (such as name, legal form, billing address, bank account), possibly your date of birth, information about the contract or order, order processing, payment, tax data or data regarding complaints or the like (e.g. object and content).

### **3.1.5 Purposes within the scope of a legitimate interest of us or third parties (Art. 6 para. 1 f GDPR)**

Beyond the actual fulfillment of the (pre-) contract, we possibly process your data, if it is necessary to protect our legitimate interests or those of third parties, unless your interests or fundamental rights and freedoms oppose this. Legitimate interests may include our economic interests, our legal interests, our interest in compliance with and safeguarding of compliance or IT security. Legitimate interests exist, for example, in the following cases:

- Disclosure to service providers who perform services for you on behalf of Atlas Copco. Atlas Copco will only disclose your personal information to service providers who have a contractual obligation with Atlas Copco not to process or disclose the information except to perform services on our behalf or to comply with legal obligations;
- Processing and disclosure in order to investigate suspected or actual illegal activities;
- Processing and disclosure in the context of insurance claims or for the investigation and settlement of claims and minimization of financial losses;
- Disclosure in support of a sale or transfer of part or all of our company or assets (including in the event of insolvency);
- Obtaining information on creditworthiness from credit agencies;
- Providing e-learning or other materials, conducting product training or other measures to ensure compliance and to provide information about our products;
- Quality control as well as testing and optimization of procedures for needs analysis and communication with you;
- Fair dealing procedures;
- Analysis of business ratios to perform internal sales analysis, calculation and analysis of cost structures or remuneration;
- Management and control by affiliated companies (e.g. parent company) or the corresponding supervisory or supervisory bodies (e.g. auditors) as well as risk management in the Group;
- Measures for business management and further development of services and products;
- Collection of receivables by debt collection agencies;
- Fulfill legal obligations, including, but not limited to, the fulfillment of a lawful legal requirement by law enforcement agencies or other government regulators;
- Assertion of legal claims and defense in legal disputes by lawyers;
- Handling of insurance claims or investigation and settlement of claims and minimization of financial losses;

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- Investigation and clarification of suspected or actual illegal activities;
- Ensuring EDP/IT security;
- Verifiability of orders, enquiries etc. and other agreements as well as for quality control and training purposes by recording telephone conversations;
- Disclosure in support of a sale or transfer of part or all of our business or assets (including in the event of insolvency).

### 3.1.6 Online Shop and Order Process

In the WEBSHOP we enable you to place an order for the offered products from our assortment. You can put articles from the range of products into the shopping cart. All articles and their number are stored in the shopping cart. In order to simplify your purchase order, we also save orders that have not yet been completed so that you can finalize them on your next login.

The ordering process serves the purpose of concluding a contract of the products you order. The data processing in the order form thus serves for the conclusion, implementation or termination of your contract.

In addition, the data is also processed to communicate with you in the event of inquiries, complaints etc. (see section 3.2.1).

The following data is collected during the ordering process:

- Salutation
- First and last name
- E-mail address
- Phone number
- Street/street number
- ZIP code
- City
- Country
- Product(s)
- Number of products
- Comments (optional)

The following data may be entered voluntarily:

- Mobile phone number
- separate delivery address, if applicable
- Your date of birth, if applicable

We process your data for the above purposes on the following legal basis:

- for the performance of a contract or for the implementation of pre-contractual measures in accordance with Art. 6 para. 1 lit. b GDPR;

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- to safeguard our legitimate interests in accordance with Art. 6 Para. 1 lit. f GDPR; our legitimate interest consists in the proper response and processing of User requests, complaints, order processing, etc.

### **3.1.7 Use of data for advertising purposes, such as newsletters, customer magazine, surveys etc. and your right to object (Art. 6 para. 1 f GDPR, Section 7 para. 3 UWG)**

You can also register with us to order materials, documents or our newsletter. In any case, your e-mail address and, if applicable, your name and contact details are required for this purpose. Furthermore, you can provide us with voluntary information, such as your telephone number, so that we can get in touch with you. We use the so-called double opt-in procedure for registration when ordering newsletters, materials etc., i.e. your registration is only complete when you have confirmed your registration by clicking on the link contained in a confirmation e-mail sent to you for this purpose. We process your data for the above purposes on the following legal basis:

- for the performance of a contract or for the implementation of pre-contractual measures in accordance with Art. 6 para. 1 lit. b GDPR, since the registration and the login area are necessary for the performance of the contract or the implementation of pre-contractual measures;
- with your consent, provided the registration is for advertising purposes, such as subscription to the newsletter, Art. 6 para. 1 lit. a GDPR.

If you have provided us with your e-mail address in connection with the purchase of goods or services, it may subsequently be used by us to send you a newsletter. In such a case, the newsletter will only send direct advertising for our own similar goods or services.

We process your data for the dispatch of newsletters, surveys etc. and the personalization of the address on the following legal basis:

- If you have given us your consent, in accordance with Art. 6 para. 1 lit. a GDPR;
- If you have provided us with your e-mail address in connection with the purchase of goods or services or if we send you personalized advertising to protect our legitimate interests pursuant to Art. 6 para. 1 lit. f GDPR in connection with Section 7 para. 3 UWG; our legitimate interest is based on our economic interests in the implementation of advertising measures and tar-get group-oriented advertising.

#### **3.1.7.1 Right of objection in case of use within the framework of the conclusion of a contract**

If we receive your e-mail address in connection with the conclusion of the contract and the provision of our products and you have not objected to this, we reserve the right to regularly send you offers for similar products from our product range by e-mail. You can object to this use of your e-mail address at any time by sending a message to [news.itba@de.atlascopco.com](mailto:news.itba@de.atlascopco.com) or via a link provided for this purpose in the newsletter e-mail (“Unsubscribe”).

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### 3.1.7.2 Analysis of the reaction to marketing communication

When we send you marketing information, we also analyze when and how you open it with the help of our service provider, Marketo Inc. (901 Mariners Island Blvd., Suite 500, San Mateo, CA 94404, USA). As a rule, the following data will be stored about you:

- Opened/ not opened with date/time of 1st opening and number of openings
- Click on links (number of clicks, date/time of the 1st click)
- Country of opening and device used
- Unsubscriptions
- Bounces (notice of non-delivery).

Marketo processes this information on our behalf in order to provide us with an evaluation and analysis. This helps us not to send you random advertising. Rather, we send you advertisements, such as newsletters or product recommendations, which correspond to your areas of interest. In this respect, we also compare, for example, which of our advertising e-mails you open in order to avoid unnecessary e-mails being sent to you. In addition, we would like to provide you with suitable information. By tracking opening and click rates, we can better identify which content is of interest to you.

The legal basis for the analysis of the reaction to our newsletter is Art. 6 para. 1 lit. f GDPR ("weighing of interests"). Our legitimate interest is our economic interest in the implementation of advertising measures and target group-oriented advertising.

You can find more information about the terms of use and privacy policy of Marketo here: [Legal \(adobe.com\)](https://adobe.com) and [Adobe Privacy Centre](#).

### 3.2 Purpose of credit assessment and data transmission to credit agencies

We use the data provided by you (company, name, address, date of birth and, if applicable, gender) on the application, execution and termination of the business relationship also for queries and creditworthiness information on the basis of mathematical-statistical procedures at credit agencies to check your creditworthiness before concluding a contractual relationship, and transfer any data about non-contractual behavior or fraudulent behavior during the contractual relationship to a credit agency. The exchange of data with a credit agency also serves the purpose of identity verification. Based on the compliance rates provided by the credit agency, we can determine whether a person is stored in their database with the address provided by the customer.

If we obtain a query from a credit agency, the legal basis is Art. 6 para. 1 lit. b GDPR, or if we pass on information about non-contractual conduct to a credit agency, the legal basis is Art. 6 para. 1 lit. f GDPR, insofar as this is necessary to safeguard the legitimate interests of us or third parties and your interests or fundamental rights and freedoms, which require the protection of personal data, do not prevail. The legitimate interest is that the credit agency informs third parties about negative payment experiences and thus protects them from their own disadvantages.

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### 3.3 Legal Compliance

We also process your personal data in order to fulfil other legal obligations that we are subject to in connection with the processing of your order or order related business communication. These include in particular retention periods under commercial, industrial or tax law.

We process your data for the above purposes on the following legal basis:

- to fulfil a legal obligation to which we are subject in accordance with Art. 6 para. 1 lit. c GDPR in connection with commercial, industrial or tax law, insofar as we are obliged to record and store your data.

### 3.4 Law Enforcement

We also process your personal data in order to assert our rights and enforce our legal claims. We also process your personal data in order to be able to defend ourselves against legal claims. Finally, we process your personal data as far as this is necessary to prevent or prosecute criminal offences.

We process your data for the above purposes on the following legal basis:

- to protect our legitimate interests in accordance with Art. 6 para. 1 lit. f GDPR, insofar as we assert legal claims or defend ourselves in legal disputes or prevent or clarify criminal offences.

### 3.5 Company sale/merger, etc.

We may process your personal data in order to carry out a (partial) company sale or merger (or similar transactions such as a takeover as part of liquidation, insolvency, etc.) with another company. In the event that another company acquires or intends to acquire the assets/capital, we may need to provide that company with access to your personal data or transfer your personal data held by us to that company for the purpose of reviewing and executing the sale or merger (e.g. to determine company value, business risks, etc.).

We process your personal data on the following legal basis:

- for our legitimate interests in accordance with Art. 6 para. 1 lit. f. GDPR, in order to be able to plan and carry out a planned sale or merger of a company.

## 4. Purposes and Legal Bases of the Data Processing

### 4.1 Analysis and Tracking

For the purpose of analyzing and tracking the use of our website, we or the service providers working for us use cookies that enable an evaluation of your surfing behavior. This allows us to improve the quality of our website and its content. We learn how the website is used and can thus constantly optimize our offer. You can find out more about this in our website privacy policy, including the purpose of the technical provision of the WEBSHOP [here](#). In addition, please also read our [Cookie Policy](#), which explains what kind of (personal) data we may collect and process about you.

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## 4.2 User Requests

We process your personal data in order to answer user inquiries, requests for materials, etc. on the following legal bases:

- to protect our legitimate interests in accordance with Art. 6 para. 1 lit. f GDPR; our legitimate interest consists in the proper response to or execution of customer enquiries;
- If the request aims at the conclusion of a contract, an additional legal basis is Art. 6 para. 1 lit. b GDPR;
- with your consent in the context of using the live chat, Art. 6 para. 1 lit. a GDPR.

## 5. Links

Some sections of our WEBSHOP contains links to the websites of third parties. These websites are subject to their own data protection principles. We are not responsible for their operation including the data handling. If you send information to or about such third party sites, you should review the privacy statements of those sites before you submit any information that may be associated with your person.

## 6. Categories of Recipients

Only our employees will have access to your personal data, in the first instance.

Your data will only be transferred on to third parties if this is legally permitted or prescribed or if you have given your consent. We also share your data to the extent necessary with the service providers we use to provide our services. We limit the transfer of data to what is necessary to provide our services to you. Some of our service providers receive your data as data processors and are then strictly bound by our instructions when handling your data.

In the following we name the categories of the recipients of your data:

- Affiliated companies within our group of companies, insofar as they are active for us as data processors or act independently and, for example, provide IT services or insofar as this is necessary for the provision of our services,
- payment service providers and banks to collect outstanding payments from accounts or pay out refunds,
- agencies, print shops and letter shops that support us in the implementation of advertising measures, competitions, promotions, etc.,
- training providers to provide appropriate eLearning programs,
- IT service providers who, among other things, store data, support the administration and maintenance of the systems, as well as file archivists and shredders;
- logistics service provider, to deliver goods etc.,
- credit agencies when calling up a credit report,
- collection agencies and legal advisers in the assertion of our claims,
- public bodies and institutions insofar as we are legally obliged to do so.

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In addition, we may exchange your personal data within our globally active group of companies, e.g. to subsidiaries that require this data to fulfil our and/or their contractual and legal obligations or on the basis of legitimate interests. This may be for economic, administrative or other internal business purposes; this applies only to the extent that your interests or fundamental rights and freedoms, which require the protection of personal data, do not prevail. Beyond that we do not transfer your data to third parties.

## 7. Transfer to Third Countries

We are engaged in business worldwide. Therefore your personal data may be transferred to countries outside the European Union to other parts of our company. A transfer of data to countries outside the EU or the EEA (so-called “third countries”) only takes place if this is necessary or legally required in the context of processing our contractual relationships (e.g. tax reporting obligations), if you have given us your consent, or in the context of data processing.

If service providers are engaged in a third country and we can influence this, they are obliged to comply with the level of data protection in Europe in addition to written instructions by agreeing the EU standard contract clauses. Alternatively, we will transfer the data on the basis of the Binding Corporate Rules.

Nevertheless, due to the laws of non-EU countries (e.g. within the framework of the so-called Cloud Act in the USA), even when these agreements and regulations are concluded, there is still the possibility that third parties (especially governmental authorities) may access your personal data without us being able to prevent, stop or control this. Therefore, your consent (e. g. to the use of cookies) also includes the purpose of data transfer to countries outside the EU. For further information please contact our group privacy officer.

Otherwise, we will not transfer your personal data to countries outside the EU or EEA or to international organizations.

## 8. Duration of data storage

### 8.1. Use of the WEBSHOP

When using our WEBSHOP, we store your personal WEBSHOP account data on our servers for the duration of your active WEBSHOP user account. Personal data in regard to your orders will be stored as long as this is legally permitted in regard to Warranty and other legal order requirements.

### 8.2. Duration of storage of your data

We process your data for the duration of our business relationship or your subscription to our newsletter or customer magazine or until you revoke your consent to their sending. This also includes the initiation of a contract (pre-contractual legal relationship) and the execution of a contract. The data concerning the analysis of the response to the marketing communication will be stored for the duration of the marketing campaign (between one and 24 months, depending on the campaign) once it has been collected and will be deleted within two months after the end of the campaign or after your justified objection has been made. In addition, we are subject to various storage and

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documentation obligations, including but not limited to those arising from the German Commercial Code (HGB) and the Fiscal Code (AO). The periods for storage and documentation specified there are up to ten years beyond the end of the business relationship or the pre-contractual legal relationship. Furthermore, special statutory provisions may require a longer storage period, e.g. the preservation of evidence within the framework of the statutory statute of limitations. According to Sections 195 ff. of the German Civil Code (BGB), the regular limitation period is three years, but limitation periods of up to 30 years may also be applicable. If the data are no longer necessary for the fulfilment of contractual or legal obligations and rights, they will be deleted regularly, unless their - temporary - further processing is necessary in individual cases for the fulfilment of the purposes listed under section 2. In these cases, we may also store and, if necessary, use your data for a period compatible with the purposes after termination of our business relationship or our pre-contractual legal relationship.

### 9. Your Rights as Data Subject

If personal data about you are processed, you are a "data subject" in the sense of the GDPR. You are entitled to the following rights against us as controller:

- Right to rectification

In the event that personal data about you is not (or is no longer) correct or incomplete, you can request that this data be corrected and, if necessary, completed (Art. 16 GDPR).

- Right to erasure or restriction of processing

If the legal requirements are met, you can request the deletion of your personal data (Art. 17 GDPR) or the limitation of the processing of this data (Art. 18 GDPR). However, the right to deletion under Art. 17 paragraphs 1 and 2 GDPR does not apply, inter alia, if the processing of personal data is necessary to fulfil a legal obligation (Art. 17 para. 3 lit. b GDPR).

- Right to object

For reasons arising from your particular situation, you can also object to the processing of your personal data by us at any time (Art. 21 GDPR). If the legal requirements are met, we will subsequently no longer process your personal data.

- Right to data portability

Under the conditions of Art. 20 GDPR, you are entitled to demand that we hand over to you the personal data relating to you, which you have provided to us, in a structured, common and machine-readable format.

- Right to withdrawal of the declaration of consent under data protection law

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You have the right to withdraw your consent at any time. The withdrawal is only effective for the future; i.e. the withdrawal does not affect the lawfulness of the processing operations carried out on the basis of the consent up to the withdrawal.

- Right to appeal to a supervisory authority

Without prejudice to any other administrative or judicial remedy, a data subject (you) has the right to lodge a complaint with a supervisory authority - in particular in the member state where you reside - if you believe that the processing of your personal data by us violates the GDPR.

The supervisory authority responsible for us is:

Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen  
Kavalleriestr. 2-4  
40213 Düsseldorf  
Telephone: 0211/38424-0  
Telefax: 0211/38424-10  
E-Mail: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)

## 10. Scope of your Obligation to Provide Data

**You are obliged to provide us with your personal data when you have the intention to buy from us via the WEBSHOP. If you do not do so, you cannot register and login with the WEBSHOP, meaning we cannot make our WEBSHOP available to you to the full extend, answer your enquiries sent to us, send you information etc. or enter into a contract with you.**

You only need to provide data which is necessary for the establishment and execution of a business relationship or for a pre-contractual relationship with us or which we are legally obliged to collect. Without this data, we will generally not be able to conclude or execute the contract. This may also refer to data required later within the framework of the business relationship. If we also request additional data from you, you will be informed separately about the voluntary nature of the information.

## 11. Amendments

We reserve the right to change this privacy policy at any time. Any changes will be announced by publishing the amended privacy policy on our WEBSHOP. Unless otherwise specified, such changes will take effect immediately. Therefore, please check this privacy policy regularly to view the most current version.

Last updated: September 2021

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