

SIMOTICS Digital Data

Data Privacy Notice

Last Update: June 2022

We (meaning the specific company identified as being the operator of the website that directed you to this Privacy Notice) believe that protecting the security and privacy of your personal data is important. This Privacy Notice explains how we collect, store, use, disclose and transfer (hereinafter “process”) your personal data. The personal data that we collect about you depends on the context of your interactions with us, the products, services and features that you use, your location, and applicable law.

1. Processing of personal data related to your use of our websites, applications and online services

Categories of personal data processed purpose of the processing

When visiting our websites or using our applications, or online services (each an “**Online Offering**”), we process information which you have actively and voluntarily provided about yourself, or which has been generated by us in connection with your use of the Online Offerings, and includes the following categories of personal data:

- Your contact information, including name, e-mail address, telephone number.
- Further personal data that you provide by filling in forms in our Online Offerings.
- Information submitted as part of a support request, survey or comment or forum post; and Information on your interaction with the Online Offering, including your device and user identifier, information on your operating system, sites and services accessed during your visit, the date and time of each visitor request.

We process your personal data for the following purposes:

- To provide the Online Offering’s services and functions which includes creating and administering your online account, updating, securing, and troubleshooting, providing support, as well as improving and developing our Online Offerings.
- To bill your use of the Online Offering.
- To verify your identity.
- To answer and fulfill your requests or instructions.
- To process your order or to provide you with access to specific information or offers.
- To contact you with information and offers concerning our products and services, to send you further marketing information or to contact you in the context of customer satisfaction surveys as explained in Section 3; and
- As reasonably necessary to enforce the Online Offering’s terms, to establish or preserve a legal claim or defense, to prevent fraud or other illegal activities, including attacks on our information technology systems.

Cookies

Our Online Offerings may use cookies, i.e., small files containing certain information that are stored on your device. If used by us without your consent, these cookies are strictly necessary to provide certain functionalities of an Online Offering to you or to provide you with a service that you requested via the Online Offering. Other cookies (e.g., cookies for marketing purposes) will only be used if you have given your consent.

Online Offerings provided by your organization

Our Online Offerings may be provided to you for your use by the organization to which you belong, such as our enterprise customers. If your organization provides you with access to an Online Offering, our processing of personal data provided by or collected from you or your organization in connection with the Online Offering's content is performed under the direction of your organization and is subject to a data processing agreement between your organization and us. In such instance, your organization is responsible for any personal data contained in such content and you should direct any questions about how personal data contained in such content is used to your organization.

Links to other websites

This Privacy Notice applies only to Online Offerings that link to this Privacy Notice and not to other websites or applications of our affiliates that have their own Privacy Notice, or which are operated by third parties. This Privacy Notice also does not apply in situations where we only process information on behalf of our Business Partners, e.g., when we act as a web hosting or cloud provider. We may provide links to other websites and applications which we believe may be of interest to you. We are not responsible for the privacy practices of such other websites or applications.

2. Processing of Personal data related to your business relationship with us

Categories of personal data processed and purpose of the processing

In the context of the business relationship with us, we may process the following categories of personal data of consumers and contact persons at (prospective) customers, suppliers, vendors and partners (each a "**Business Partner**"):

- Contact information, such as full name, job position, work address, work telephone number, work mobile phone number, work fax number and work email address.
- Payment data, such as data necessary for processing payments and fraud prevention, including credit/debit card numbers, security code numbers and other related billing information.
- Further information necessarily processed in a project or contractual relationship with us or voluntarily provided by the Business Partner, such as personal data relating to orders placed, payments made, requests, and project milestones.
- Personal data collected from publicly available resources (including business and employment oriented social networks and websites), integrity data bases and credit agencies; and
- If legally required for Business Partner compliance screenings: date of birth, ID numbers, identity cards and information about relevant and significant litigation or other legal proceedings against Business Partners.

We may process the personal data for the following purposes:

- Communicating with Business Partners about our products, services and projects, e.g., by responding to inquiries or requests or providing you with information about purchased products.
- Planning, performing and managing the (contractual) relationship with Business Partners, e.g., by performing transactions and orders of products or services, processing payments, performing accounting, auditing, billing and collection activities, arranging shipments and deliveries, facilitating repairs and providing support services,
- Administrating and performing market analysis, sweepstakes, contests, or other customer activities or events.
- Contacting you with information and offers concerning our products and services, sending you further marketing messages, and conducting customer satisfaction surveys as explained in Section 3.
- Maintaining and protecting the security of our products, services and websites, preventing and detecting security threats, fraud or other criminal or malicious activities.
- Ensuring compliance with legal obligations (such as record keeping obligations), export control and customs, Business Partner compliance screening obligations (to prevent white-collar or money laundering crimes), and our policies or industry standards; and
- Solving disputes, enforce our contractual agreements and to establish, exercise or defend legal claims.

3. Processing of personal data for customer satisfaction surveys and for direct marketing

Where and as permitted under applicable law, we may process your contact information for direct marketing purposes (e.g., trade show invitations, newsletters with further information and offers concerning our products and services) and to carry out customer satisfaction surveys, in each case also by e-mail. You may object to the processing of your contact data for these purposes at any time by writing to contact@siemens.com or by using the opt-out mechanism provided in the respective communication you received.

4. Transfer and disclosure of personal data

We may transfer your personal data to:

- other affiliated companies or third parties - e.g., sales partners or suppliers - in connection with your use of the Online Offerings or our business relationship with you.
- third parties which provide IT services to us, and which process such data only for the purpose of such services (e.g., hosting or IT maintenance and support services); and
- third parties in connection with complying with legal obligations or establishing, exercising, or defending rights or claims (e.g., for court and arbitration proceedings, to regulators, law enforcement and government authorities, to attorneys and consultants).

The recipients of your personal data may be located outside of the country in which you reside. Personal data published by you on Online Offerings (such as chat rooms or forums) may be globally accessible to other registered user of the respective Online Offering.

5. Retention Periods

Unless indicated otherwise at the time of the collection of your personal data (e.g., within a form completed by you), we erase your personal data if the retention of that personal data is no longer necessary for the purposes for which they were collected or otherwise processed, or to comply with legal obligations (such as retention obligations under tax or commercial laws).

6. Your rights

The data protection laws in the jurisdiction in which you reside may entitle you to specific rights in relation to your personal data.

In particular, and subject to the legal requirements, you may be entitled to

- Obtain from us confirmation as to whether personal data concerning you are being processed, and where that is the case, access to the personal data.
- Obtain from us the correction of inaccurate personal data concerning you.
- Obtain from us the erasure of your personal data.
- Obtain from us restriction of processing regarding your personal data.
- Data portability concerning personal data, which you actively provided, and
- Object, on grounds relating to your particular situation, to further processing of personal data concerning you.

7. Security

To protect your personal data against accidental or unlawful destruction, loss, use, or alteration and against unauthorized disclosure or access, we use adequate physical, technical and organizational security measures.

8. Data Privacy Contact

Our Data Privacy Organization provides support with any data privacy related questions, comments, concerns or complaints or in case you wish to exercise any of your data privacy related rights. The Data Privacy Organization may be contacted at: dataprotection@siemens.com.

The Data Privacy Organization will always use reasonable efforts to address and settle any requests or complaints you bring to its attention. Besides contacting the Data Privacy Organization, you always have the right to approach the competent data protection authority with your request or complaint.

9. Processing under the EU's General Data Protection Regulation: controller, legal basis and international transfers

This section applies and provides you with further information if your personal data is processed by one of our companies located in the European Economic Area.

Data Controller

The specific company identified on this page as being the operator of this website is the data controller in the meaning of the General Data Protection Regulation for the processing activities described in this Privacy Notice.

In the course of our business relationship with you, we may share Business Partner contact information with affiliated Siemens companies. We and these Siemens companies are jointly responsible for the proper protection of your personal data (Art. 26 General Data Protection Regulation). To allow you to effectively exercise your data subject rights in the context of this joint controllership, we entered into an agreement with these Siemens companies granting you the right to centrally exercise your data subject rights under section 6 of this Privacy Notice against **Siemens Aktiengesellschaft, Germany**.

To exercise your rights, you may reach out to:

Legal basis of the processing

The General Data Protection Regulation requires us to provide you with information on the legal basis of the processing of your personal data.

The legal basis for our processing data about you is that such processing is necessary for the purposes of

- exercising our rights and performing our obligations under any contract we make with you (Article 6 (1) (b) General Data Protection Regulation) (“**Contract Performance**”). Compliance with our legal obligations (Article 6 (1) (c) General Data Protection Regulation) (“Compliance with Legal Obligations”); and/or
- Legitimate interests pursued by us (Article 6 (1) (f) General Data Protection Regulation) (“**Legitimate Interest**”). Generally, the legitimate interest pursued by us in relation to our use of your personal data is the efficient performance or management of (i) your use of the Online Offerings, and/or (ii) our business relationship with you. Where the below table states that we rely on our legitimate interest for a given purpose, we are of the opinion that our legitimate interest is not overridden by your interests and rights or freedoms, given (i) the regular reviews and related documentation of the processing activities described herein, (ii) the protection of your personal data by our data privacy processes, including our [Binding Corporate Rules on the Protection of Personal Data](#), (iii) the transparency we provide on the processing activity, and (iv) the rights you have in relation to the processing activity. If you wish to obtain further information on this balancing test approach, please contact our Data Privacy Organization at: dataprotection@siemens.com.

In some cases, we may ask if you consent to the relevant use of your personal data. In such cases, the legal basis for us processing that data about you may (in addition or instead) be that you have consented (Article 6 (1) (a) General Data Protection Regulation) (“**Consent**”).

Processing of personal data in the context of Online Offerings - Purpose and Legal Basis

To provide the Online Offering’s services and functions which includes creating and administering your online account, updating, securing, and troubleshooting, providing support, as well as improving and developing our Online Offerings

- Contract Performance (Article 6 (1) (b) General Data Protection Regulation)
- Legitimate Interest (Article 6 (1) (f) GDPR)

To bill your use of the Online Offering

- Contract Performance (Article 6 (1) (b) General Data Protection Regulation)
- Legitimate Interest (Article 6 (1) (f) GDPR)

To verify your identity

- Contract Performance (Article 6 (1) (b) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

To answer and fulfill your requests or instructions

- Contract Performance (Article 6 (1) (b) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

To process your order or to provide you with access to specific information or offers

- Contract Performance (Article 6 (1) (b) GDPR)

- Legitimate Interest (Article 6 (1) (f) GDPR)

To send you marketing information or to contact you in the context of customer satisfaction surveys as further explained in Section 3

- Consent, if voluntarily provided (Article 6 (1) (a) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

As reasonably necessary to enforce the Online Offering's terms, to establish or preserve a legal claim or defense, to prevent fraud or other illegal activities, including attacks on our information technology systems

- Compliance with Legal Obligations (Article 6 (1) (c) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

Processing of personal data related to your business relationship with us - Purpose and Legal Basis

Communicating with Business Partners about our products, services and projects, e.g. by responding to inquiries or requests or providing you with technical information about purchased products

- Contract Performance (Article 6 (1) (b) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

Planning, performing and managing the (contractual) relationship with Business Partners, e.g. by performing transactions and orders of products or services, processing payments, performing accounting, auditing, billing and collection activities, arranging shipments and deliveries, facilitating repairs and providing support services;

- Contract Performance (Article 6 (1) (b) GDPR)
- Compliance with Legal Obligations (Article 6 (1) (c) GDPR)

Administrating and performing market analysis, sweepstakes, contests, or other customer activities or events,

- Consent, if voluntarily provided (Article 6 (1) (a) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

Conducting customer satisfaction surveys and direct marketing activities as further explained in Section 3.

- Consent, if voluntarily provided (Article 6 (1) (a) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

Maintaining and protecting the security of our products, services and websites, preventing and detecting security threats, fraud or other criminal or malicious activities; Legitimate Interest (Article 6 (1) (f) GDPR) Ensuring compliance with legal obligations (such as record keeping obligations), export control and customs, Business Partner compliance screening obligations (to prevent white-collar or money laundering crimes), and our policies or industry standards; and

- Compliance with Legal Obligations (Article 6 (1) (c) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

Solving disputes, enforce our contractual agreements and to establish, exercise or defend legal claims.

- Compliance with Legal Obligations (Article 6 (1) (c) GDPR)
- Legitimate Interest (Article 6 (1) (f) GDPR)

International data transfers

In the event that we transfer your personal data outside the European Economic Area, we ensure that your data is protected in a manner which is consistent with the General Data Protection Regulation. Therefore, and if required by applicable law, we take the following measures:

- We share your personal data with affiliated companies outside the European Economic Area only if they have implemented our Binding Corporate Rules („BCR“) for the protection of personal data. Further information about the BCR can be found [here](#).
- We transfer personal data to external recipients outside the European Economic Area only if the recipient has (i) entered into [EU Standard Contractual Clauses](#) with us or (ii) implemented [Binding Corporate Rules](#) in its organization. You may request further information about the safeguards implemented in relation to specific transfers by contacting dataprotection@siemens.com.

Your competent data protection authority

In case of data privacy related concerns and requests, we encourage you to contact our Data Privacy Organization at dataprotection@siemens.com. Besides contacting the Data Privacy Organization, you always have the right to approach the competent data protection authority with your request or complaint.

10. Further information for US residents

If you are a U.S. resident, then please take note of the following:

Do Not Track

At this time our Online Offerings do not recognize or respond to “Do Not Track” browser signals. For more information on “Do Not Track”, please visit your browser’s support page.

Usage by Children

This Online Offering is not directed to children under the age of thirteen. We will not knowingly collect personal data from children under the age of thirteen without insisting that they seek prior parental consent if required by applicable law. We will only use or disclose personal data about a child to the extent permitted by law, to seek parental consent, pursuant to local law and regulations or to protect a child.

State Rights

Depending on the US state in which you reside, you may have special rights with respect to your personal data. For information regarding any of those rights, please click [here](#).

11. Processing under the Brazilian General Data Protection Law

This section applies and provides you with further information if the processing by one of our companies (i) occurs in Brazilian territory, (ii) concerns the data of individuals located in Brazilian territory, (iii) comprises personal data collected in Brazilian territory or (iv) has as its objective the offer or supply of goods or services to individuals located in Brazilian territory. In these cases, the Brazilian General Data Protection Law (Lei Geral de Proteção de Dados - LGPD) applies to the processing of your personal data and the following additions and/or deviations apply to sections 2, 5, 6, 9, of this Data Privacy Notice:

Retention Periods

As allowed under article 16 of LGPD we may retain your personal data to comply with legal or regulatory obligations (such as retention obligations under tax or commercial laws), during the legal statute of limitation period, or for the regular exercise of rights in judicial, administrative or arbitration proceedings. **Your rights**

Additionally, to the rights mentioned in this Data Privacy Notice, you are entitled under LGPD to:

- In case you understand your data is not being processed in accordance with the applicable data protection law or in an excessive way, request us to anonymize, block or delete unnecessary or excessive personal data or,
- Request information regarding the public and/or private entities we shared your personal data with,
- Be informed about the possibility of not giving your consent to process your data and the consequences of not giving the consent in case we request your consent to process your data; Revoke at any time your consent to our processing of your personal data in case we request your consent to process your data

Legal basis of the processing

The Brazilian General Data Protection Law requires us to provide you with information on the legal basis of the processing of your personal data.

The legal basis for our processing is:

- Article 7 V LGPD ("Contract Performance")
- Article 7 II LGPD ("Compliance with Legal Obligations") Article 10 I and II LGPD ("Legitimate Interest")
- Article 7 I LGPD ("Consent")

International transfers

Following the LGPD requirements defined in the Article 33 of Brazilian General Data Protection Law, in the event that we transfer your personal data outside the Brazilian territory, we ensure that your data is protected in a manner which is consistent with the Brazilian General Data Protection Law, we will follow the applicable law and decisions imposed by the proper authority.

Your competent data protection contact

If this section applies, you may also contact our Brazilian Data Privacy Organization at dataprivacy.br@siemens.com.

12. Processing under South Africa's Protection of Personal Information Act

For Business Partners and users located in South Africa, please take note of the following:

In terms of section 1 of the Protection of Personal Information Act, 2013 ("POPI"), "personal data" or "personal information" includes "information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing, juristic person."

The corresponding legal grounds and conditions for lawful processing of personal data in South Africa are contained in Sections 8 to 25 of POPI and relate to "Accountability"; "Processing limitation"; "Purpose specification"; "Further processing limitation"; "Information quality"; "Openness"; "Security safeguards" and "Data subject participation".

In terms of section 69 of POPI, the processing of personal information of a data subject for the purposes of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMS's or e-mail is prohibited unless the data subject has provided consent to the processing, or is, subject to further conditions, an existing customer of the responsible party.

For purposes of a Data Subject exercising its rights further enquiries and the exercise of its rights in relation to access, objection to, and complaints in respect of the processing of personal data, the contact particulars of the Information Regulator of South Africa, are as follows:

*JD House, 27 Stiemens Street
Braamfontein
Johannesburg
2001*

*PO Box 31533
Braamfontein
Johannesburg
2017*

Complaints: complaints.IR@justice.gov.za
General enquiries: inforeg@justice.gov.za

13. Processing under People's Republic of China Personal Information Protection Law

This section applies and provides you with further information if the processing by one of our companies is located within the borders of People's Republic of China ("PRC") or concerns the data of individuals within the borders of PRC.

Processing of sensitive personal information

According to the PIPL, sensitive personal information means personal information that, once leaked or illegally used, may easily cause harm to the dignity of natural persons grave harm to personal or property security, including information on biometric characteristics, religious beliefs, specially designated status, medical health, financial accounts, individual location tracking, etc. as well as the personal information of minors under the age of 14.

In addition to the payment data mentioned in section 2 of this Data Private Notice, we will, in principle, not process your sensitive personal information. In case your sensitive personal information will be processed, we will notify you about the necessity of processing and effects on the individual's rights and interests and obtain your specific consent if applicable.

Transfer and disclosure of personal data

Following the requirements defined in the Article 23 of PIPL, additionally to the contents mentioned in section 4, we, in principle, will not transfer or share your personal information to third party controllers, unless (1) obtain your specific consent if applicable, or (2) to fulfill the statutory duties under local laws and regulations.

International Transfer

You acknowledge that your data will be transferred and proceed outside of PRC. We will follow the applicable laws and decisions imposed by the competent authority and ensure that your data is protected in a manner which is consistent with the PRC Personal Information Protection Law. If you or the company you work for is a Business Partner, please be aware that Siemens is a multi-national company, and for the purpose of concluding or fulfilling the contract/agreement with you or the company you work for, you understand and agree that we may transfer your personal information to foreign affiliated companies.

Legal Basis of the processing

The PIPL requires us to provide you with information on the legal basis of the processing of your personal data.

The legal basis for our processing is:

- PIPL Article 13(2) ("Contract Performance")
- PIPL Article 13(3) ("Statutory duties and responsibilities")
- PIPL Article 13(6) ("Process publicly available data")
- PIPL Article 13(1) ("Consent")

Usage by Children

This Online Offering is not directed to children under the age of fourteen (14). We will not knowingly collect personal data from children under the age of fourteen (14) without prior parental consent if required by applicable law. We will only use or disclose personal data about a child to the extent permitted by law, to seek parental consent, pursuant to local law and regulations or to protect a child.