

## **Privacy Notice of Messer Schweiz AG for Business Contacts, Business Partners and Customers**

### **Introduction**

This document serves to inform you as a business contact, business partner or customer of the Messer Schweiz AG (hereinafter "**Messer**") about the processing of your personal data.

### **Personal Data**

"Personal Data" means any information that can be related to you as a natural person. This also includes information that can only be related to you indirectly, in particular by reference to an identifier such as a name, an identification Number, location data or an online identifier. A natural person is also considered to be identifiable if it can be identified on the basis of one or more factors specific to the physical, physiological, genetic, psychological, economic, and cultural or social identity of that natural person.

### **1. Scope of Application; Responsible entity for your data**

Messer is responsible for the processing of your business contact information and contracts-related data within the frame of the business relationship with your employer / your company.

### **2. Contact details of the controller, the data protection officer (DPO) and the agent in the European Union**

#### **a) Contact details of the controller**

Messer Schweiz AG  
Seonerstrasse 75  
5600 Lenzburg  
Phone: +41 (0)62 886 41 41  
E-Mail: [info@messer.ch](mailto:info@messer.ch)

#### **b) Contact details of the data protection officer**

The contact details of the DPO of Messer are:

Messer Schweiz AG  
Datenschutz  
Seonerstrasse 75  
5600 Lenzburg  
Phone: +41 (0)62 886 41 59  
E-Mail: [DataProtection.ch@messergroup.com](mailto:DataProtection.ch@messergroup.com)

### **c) Contact details of the agent in the European Union**

The contact details of the agent of Messer are:

Messer Industries GmbH  
General Management  
Messer-Platz 1  
65812 Bad Soden  
Germany

### **3. Which Data is Messer processing?**

In the normal course of business relationship and the contractual business, Messer will process the following types of personal information:

#### **a) Business contact information**

- Name and surname, business telephone number, business e-mail address, business postal address;
- Further information on your position in your company and activities with respect to Messer;
- If necessary, personal CRM information, such as information concerning your gender and date of birth;
- Information needed for compliance and risk management, including quality assessments of the products and services of your employer / your company.
- Photographs of customers, business partners and visitors from our events.

This data is hereinafter referred to as "business contact information".

#### **b) Contract-related data**

- Name, surname, date of birth, place of birth, address, telephone number, fax number, e-mail address of business partners, customers and suppliers;
- Personal data of natural persons in relation to orders of gases and other items or products;
- Personal data as bank details, tax number, booking number, and other relevant data on invoices or accounting.

This data is hereinafter referred to as "contract-related data".

#### **c) Video data**

- Video data of customers, visitors and third parties from video surveillance.

This data is hereinafter referred to as "video data".

#### 4. What does Messer do with the Data?

In the normal course of customer relationship and the contractual business, Messer will conduct the following processing activities (purpose):

- Business contact data and contract-related data is processed in order to conclude, execute, fulfill and terminate B2C and B2B agreements with you as our business partner or with the entity you represent. This includes the contract processing in order to provide or supply gases, other items or products, including a working customer management;
- Business contact data is stored in Messer's CRM system and processed to establish and maintain a business relationship with you and your company;
- Business contact data and contract-related data may be processed for the purposes of internal reporting;
- Business contact data and contract-related data is processed within the frame of supplier management;
- Business contact data and contract-related data is processed for the purpose of compliance and risk management, including quality assessments of the products and services of your company.
- Business contact data in the form of photographs, such as of customers, business partners and visitors to our events, are prepared and published on our website, in social networks, in various company publications for presentation, information and marketing purposes;
- Business contact information is used to send newsletters;
- Video data is processed for the purpose of exercising domestic rights, avoiding criminal offences and preserving evidence in the case of criminal offences.

#### 5. General Information

##### a) Your Rights

###### **FADP (Federal Act on Data Protection)**

Upon request, you have the **right to obtain information** about your stored personal data (Art. 25 FADP).

You also have the **right to demand correction** of incorrect personal data in accordance with Art. 6 Abs. 5 FADP.

We also draw your attention to your **right to object** to the **data processing** in section (b) below (processing of business contact data) (Art. 20 FADP).

You can exercise your rights by sending an e-mail to the following address: [DataProtection.ch@messergroup.com](mailto:DataProtection.ch@messergroup.com).

If a large number of persons are affected, the Federal Data Protection Agency may decide to protect their personal data. And public officers may be asked for clarification (Art. 23 FADP). Upon request, private individuals who violate the right to information (Art. 25 - 27 FADP), the duty to provide information (Art. 19 FADP) or the regulations for the cross-border disclosure of personal data (Art. 16 - 18 FADP) will be fined (Art. 60 - 63 FADP).

### **GDPR (General Data Protection Regulation)**

On request, you have the **right to obtain information** on your stored personal data (Art. 15 GDPR).

Additionally, you have the **right to obtain the rectification** of inaccurate personal data, the **right to obtain a restriction** of excessively processing of personal data as well as the **right to obtain the erasure** of unlawfully processed personal data or data which is stored too long (as far as there are no legal obligations and no other reason according to Art. 17 para. 3 GDPR to store the data).

Furthermore, you have the right to receive your personal data, which you have provided to Messer in case you have provided your data to Messer within your consent or to fulfill a contract. The data will be given to you (or a third party you name), in a structured, commonly used and machine-readable format (**right to data portability**).

We also refer to your right to object the data processing (right of objection) in the section below b) (**processing of Business Data**).

In order to exercise your rights you can write an e-mail to:  
[DataProtection.ch@messergroup.com](mailto:DataProtection.ch@messergroup.com).

Additionally, you have the right to complain to a regulating authority in charge of protection of data privacy concerning the handling of your personal data by us.

### **b) General Information about the legal Basis of all listed Processes**

- **Processing of Business Contact Data**

#### **FADP**

The processing of your personal data by Messer is based on Art. 9 + 16 FADP. According to Art. 9 + 16 FADP the processing of personal data is lawful if the processing is necessary for the purpose of the legitimate interests pursued by Messer. Messer's legitimate interest consists in the use and maintenance of the contact details of contractual partners for the winding-up of an agreement or of potential future partners in direct connection with the conclusion of an agreement.

### **GDPR**

The processing of your business contact data by Messer is based on Art. 6 para. 1 lit. (f) GDPR. According to Art. 6 para. 1 lit. (f) GDPR the processing of personal data is lawful if the processing is necessary for the purpose of the legitimate interests pursued by Messer, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data. Messer's legitimate interest consists in the use and maintenance of the contact details of contractual partners or potential future partners.

You can object to this data processing for marketing purposes at any time without giving any reason.

Furthermore, you can generally object to this data if there are reasons which exist in your particular situation and which speak against the data processing. In order to do so you can write an e-mail to the data protection officer.

- **Processing of Contract-related Data**

### **FADP**

The processing of contract-related data by Messer is based on Art. 9 + 16 FADP. According to Art. 9 + 16 FADP the processing of personal data is lawful if the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. Messer processes contract related data to execute a contract with their customers to supply and provide gases, other items or products, including related customers and service performances.

### **GDPR**

The processing of contract-related data by Messer is based on Art. 6 para. 1 lit. (b) GDPR. According to Art. 6 para. 1 lit. (b) GDPR the processing of personal data is lawful if the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. Messer processes contract related data to execute a contract with their customers to supply and provide gases, other items or products, including related customers and service performances.

### **c) General Information about IBM Deutschland GmbH as a recipient of data**

The IT-systems with which your data is processed are hosted by the IBM Deutschland GmbH (hereinafter "**IBM**") located in Germany. In this context, IBM does only carry out data processing activities on behalf and according to the instructions of Messer.

**d) Recipients or categories of recipients of data**

Messer will only transfer data to third parties if there is a legal basis for doing so, such as, in particular, consent to the transfer to third parties, the performance of a contract requires this, a balancing of interests justifies this or in order to comply with legal requirements under which we are obliged to provide information, report or pass on data. Otherwise, data is only transferred to external service providers who process the data exclusively on our behalf.

Within Messer, only those internal offices and departments receive the personal data that are required and necessary for the performance of their tasks.

**e) General Information about Storage Period**

Data of business contacts and contract-related-data is generally only deleted if you object to the further processing.

All personal data of business contacts, business partners and customers that was processed within the frame of the conclusion and the execution of an agreement is stored according to the applicable national storage regulations (especially tax- and commercial law) for a period of up to 10 years.

**f) Information according to Art. 9 and 16 FADP /  
Art. 13 para. 2 lit. (e) GDPR**

The business contact data and contract-related data is necessary to enter into and execute a contract/a business relationship. You are not obliged to provide your personal data. There are no consequences, if you fail to provide your personal data. However, using your personal data as the contact person of your company facilitates the business relationship between Messer and your company respectively your employer.