

GDPR PRIVACY POLICY

1. Data protection at a glance

General information

As the operator of this website, we have a legal requirement to inform you about the type of data we collect and use, as well as the amount of data we collect and why. Please feel free to contact us at any time should you have any further questions. Personal data is any information which can be used to identify you personally.

Who is responsible for the data collected by this website?

The operator of this website processes the data on this website. It is the data controller as per art. 4 para.7 of the EU General Data Protection Regulation (GDPR). Their contact details can be found in the legal notices for this website. The relevant link can be found at:
<https://www.pool.de/impressum/>

How do we collect your personal data?

First of all, your personal data is collected when you provide it to us. This might be, for instance, data you enter into a contact form or send to us by email or other communication (such as first and last name, address, telephone number, mobile number, fax number and email address). Other data is automatically collected by our IT systems when visiting the website, for information purposes only. This is mainly technical data (such as internet browser, operating system or time the page was visited). This data is collected automatically once you enter our website.

How do we use your information?

If you contact us, your user details will be saved to process the request and in the event that any follow-up questions arise. Some data is collected to ensure that the website can be provided without any faults. Other data may be used to analyse your user behaviour. We process the personal data mentioned above in line with the provisions of the GDPR and the German Federal Data Protection Act (BDSG).

What rights do you have with regard to your data?

Under the GDPR, you have the following rights with regard to the processing of your personal data:

- Right to information (article 15 GDPR),
- Right to rectification (article 16 GDPR) or erasure (article 17 GDPR),
- Right to restrict processing (article 18 GDPR),
- Right to object to processing (article 21 GDPR),
- Right to data portability (article 20 GDPR)

Please note that there are restrictions on the right to information and the right to erasure under §§ 34, 35 BDSG. You can contact us at any time at the address given in the legal notices should you have any further questions regarding data protection. You also have the right to make a complaint with the competent regulatory authority (see section 4.3 below).

2. General information about data protection

The operator of this website takes the protection of your personal data very seriously. Please note that transferring data over the internet (such as when communicating by email) may not be fully secure. Data cannot be fully protected from third-party access. We will treat your personal data as confidential and in accordance with statutory data protection regulations and this data protection policy. When you visit our website, your browsing behaviour may be analysed for statistical purposes. This mainly involves the use of cookies and what are known as analysis programs. Your browsing behaviour is normally analysed anonymously; browsing behaviour cannot be traced back to you. You may object to this analysis or prevent it by not using certain tools. Details, including how to object, can be found under point 7 of this privacy policy.

3. Information as defined in article 13 para. 1 GDPR

Transparency is a key element in protecting personal data. This transparency applies to routine data processing as well as in the event of a potential data breach. Data subjects, and in certain cases such as a data protection breach, the competent regulatory authority for data protection, must be informed or may request information.

3.1 Note about the data controller

The data controller responsible for processing data on this website is:

POOLgroup GmbH
Südring 26
48282 Emsdetten

Tel.: +49 (0) 2572-920 0
Fax: +49 (0) 2572-920 100
Email: info@pool.de

Directors with authority to represent the company: Carl Cordier & Jürgen Schürmann

Commercial court: Steinfurt district court, registered number HRB 4513. The data controller is the natural or legal person who, alone or jointly with others, determines the purposes and means of processing personal data (such as names, email addresses, etc.).

3.2 Note about the data protection officer for POOLgroup GmbH

The data protection officer appointed for this company is:

Udo Wolters
POOLgroup GmbH
Südring 26
D-48282 Emsdetten

Tel.: +49 (0) 2572-920 0
Email: datenschutz@pool.de

Types of data processed:

- User data (such as names, addresses).
- Contact details (such as email, phone numbers).
- Content data (such as text input, photographs, videos, sound and image recordings).
- Usage data (such as websites visited, interest in content, access times).
- Metadata and communications data (such as device information, IP addresses).

Categories of data subjects:

- People who visit and use our website, as well as other interested parties, customers, suppliers and employees

Definitions used

“Personal data” means any information relating to an identified or identifiable natural person (“data subject” hereinafter); an identifiable natural person is one who may be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier (such as a cookie) or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“Processing” means any operation or set of operations which is performed on personal data or on sets of personal data with or without the aid of automated procedures. The term is very broad and covers practically any data handling.

“Controller” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing personal data.

“Processor” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

3.3 Purposes for which personal data is processed:

3.3.1 Contracts (article 6 para.1 lit. b GDPR)

We collect, process and use personal data only to the extent necessary to establish, define the contents of or modify the legal relationship (user data). This takes place on the basis of article 6 para. 1 lit. b GDPR, which allows data to be processed for the performance of a contract or to take steps prior to entering into a contract.

We collect, process and use personal data about the use of our website (usage data) only to the extent necessary to enable the user to use the service or to invoice them.

The customer data collected will be deleted once the contract is complete or the business relationship has ended. Statutory retention periods notwithstanding.

We only transfer personal data to third parties where this is necessary for the performance of a contract. The data will not be passed on, or only if you have specifically consented to it being passed on. Your data will not be shared with third parties, such as for advertising purposes, without your specific consent.

3.3.2 Legitimate interests (article 6 para. 1 lit. f GDPR)

Where necessary, we process your personal data beyond the actual performance of the contract for the purpose of safeguarding our own legitimate interests or those of third parties (such as making legal claims; market and opinion research – unless you have objected to your data being used; risk control in business; safeguarding IT security and IT operations).

3.3.3 Legal obligations, public interest (article 6 para.1 lit. c and e GDPR)

Additional processing purposes include meeting tax inspection and reporting requirements as well as the assessment and management of operational risks. This is because we are subject to legal requirements (such as tax laws).

3.4 Recipients of the personal data

The recipients are employees, senior management and contractual partners of POOLgroup GmbH. Other recipients include public and non-public bodies to which the data must be made available due to a legal or contractual requirement.

Personal data is only transferred to countries outside the EU or the EEA (what are known as third countries) to the extent necessary to meet contractual and legal obligations or in the course of order data processing. If service providers in third countries are used, in addition to written instructions they are required to match the data protection level in Europe by agreeing to the EU standard contractual clauses.

3.5 Legal basis for collecting, storing and processing data

Where we obtain the consent of the data subject for the processing of personal data, article 6 paragraph 1 lit.a of the GDPR serves as the legal basis.

In other cases, refer to the information in section 3.3.

4. Information as defined in article 13 para. 2 GDPR)

4.1 Retention times

Where no explicit storage period is specified when collecting personal data (e.g. based on consent), we process and store personal data relating to the data subject only for as long as is necessary to achieve the storage purpose. Data is only stored beyond this time scale where statutory retention periods apply, i.e. where this is required by the European or national legislature in Union regulations, legislation or other requirements with which the data controller must comply.

4.2 Rights of the data subjects

Under the applicable statutory provisions, you have the rights mentioned in section 1.5 above at all times. For details about these rights, please refer in particular to articles 15 to 18 and articles 20 to 21 of the GDPR. The full text of the regulation can be found at the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN>

4.3 Right to complain

In the event of breaches of data protection legislation, the data subject has the right to lodge a complaint with the competent data protection regulatory authority, whose details are as follows:

Federal Office for Data Protection and Freedom of Information North Rhine-Westphalia
PO Box 20 04 44
40102 Düsseldorf

or:

Kavalleriestraße 2-4
40213 Düsseldorf
Tel.: 02 11/384 24-0
Fax: 02 11/384 24-10
Email: poststelle@ldi.nrw.de
Homepage: <https://www.ldi.nrw.de>

4.4 Objecting to or withdrawing consent for the processing of your data

4.4.1 Withdrawing consent

Many data processing procedures are only possible with your explicit consent. You may withdraw consent you have given previously at any time. Sending a brief message by email to: datenschutz@pool.de is sufficient for this purpose. The legality of data processing that has taken place before this withdrawal is not affected by the withdrawal.

4.4.2 Balancing of interest

Where processing your personal data is based on a weighted balancing of interests, you may object to the processing. This would apply, in particular, if the processing is not necessary for performing a contract with you, which we describe in the following description of the functions. When exercising your right to object, please explain the reasons why we should not process your personal data as we have been doing. Once you explain the reasons for your objection, we will review the situation and either cease or modify processing, or else reply to you giving our legitimate overriding reasons on the basis of which we will continue processing. Your objection should be directed to our data protection officer (see section 3.3 above).

4.4.3 Automated procedures (profiling)

Your personal is not processed for the purposes of direct marketing.

(Where personal data relating to you is processed for the purposes of direct marketing, you have the right to object at any time to personal data relating to you being processed for the purpose of such marketing; this similarly applies to profiling where it is associated with such direct marketing. If you object to processing for direct marketing purposes, personal data relating to you will no longer be processed for those purposes. In relation to the use of information society services, you have the option to exercise your right to object by means of automated procedures that use technical specifications. Your objection should be directed to our data protection officer (see section 3.3 above).)

5. Encryption

This site uses SSL encryption on security grounds, and to ensure the secure transfer of confidential content, such as orders or enquiries which you send to us as the site operator. You can recognise an encrypted connection by the fact that the address bar in the browser changes from “http://” to “https://” and a padlock symbol appears in the browser bar. If SSL encryption is activated, the data you transfer to us cannot also be read by third parties.

Security measures

We put suitable technical and organisational measures in place to ensure a level of protection appropriate to the risk, in accordance with art. 32 GDPR, taking into account the state of the art, the cost of implementation and the type, scope, circumstances and purposes of processing, as well as the varying probabilities of occurrence and severity of risk to the rights and freedoms of natural persons.

Measures include, in particular, securing the confidentiality, integrity and availability of data by controlling physical access to the data, as well as controlling posting, input, transfer, making available and segregation, as appropriate. We have also set up procedures to ensure the exercise of data subject rights, deletion of data and response to data vulnerability. We do also in fact consider the protection of personal data during the development or selection of hardware, software and procedures, in accordance with the principle of data protection by design and by default (art. 25 GDPR).

6. Objection by the operator of this website to marketing emails

We hereby object to the contact details published as part of the legal notices being used for sending unsolicited marketing and information material. The operators of this website specifically reserve the right to take legal action should unsolicited marketing information, such as spam emails, be received.

7. Data collection on our website

7.1 Cookies

This website uses only one cookie which is technically necessary. For this a legal consent by the user is not required.

7.2 Server log files

The website provider automatically collects and stores information in what are known as server log files, which your browser sends to us automatically. These are:

- Browser type and version
- Operating system being used
- Referrer URL
- Host name of the accessing computer
- Time of server request
- IP address

This data will not be merged with other data sources.

The legal basis for data processing is art. 6 para. 1 lit. b GDPR, which allows data to be processed for the performance of a contract or to take steps prior to entering into a contract.

7.3 Contact form

This platform does not use a contact form.

8. Google Analytics

This platform does not use Google Analytics.

9. Notes on social networks

This platform does not use any links to social media.

10. Google AdWords und Google Conversion-Tracking

This platform does not use Google AdWords and/or Google Conversion-Tracking.

11. Electronic mail (e-mail)

If you send us an e-mail, it will be stored by us until your request has been dealt with or until any statutory retention obligations have expired. We ensure that the data is stored securely to prevent unauthorized access by third parties. Please note, however, that unencrypted e-mails sent via the Internet are not adequately protected against unauthorized access by third parties.

Information that you send to us unencrypted by electronic mail (e-mail) may be read by third parties during transmission. As a rule, we are also unable to verify your identity and do not know who is behind an e-mail address. Legally secure communication by simple e-mail is therefore not guaranteed. Like many e-mail providers, we use filters against unwanted advertising (“SPAM filters”), which in rare cases automatically classify normal e-mails as unwanted advertising and delete them. E-mails containing harmful programs (“viruses”) are automatically deleted by us in all cases.

11.1. Hosting

The hosting services we use serve to provide the following services: Infrastructure and platform services, computing capacity, storage space and database services, e-mail dispatch, security services and technical maintenance services that we use for the purpose of operating this online offering. In doing so, we or our hosting provider process inventory data, contact data, content data, contract data, usage data, meta and communication data of customers, interested parties and visitors to this online offer on the basis of our legitimate interests in an efficient and secure provision of this online offer in accordance with Art. 6 para. 1 lit. f GDPR in conjunction with Art. 28 GDPR. Art. 28 GDPR.

11.2. Deletion of data

The data processed by us will be deleted or its processing restricted in accordance with Art. 17 and 18 GDPR. Unless expressly stated in this privacy policy, the data stored by us will be deleted as soon as it is no longer required for its intended purpose and the deletion does not conflict with any statutory retention obligations. If the data is not deleted because it is required for other and legally permissible purposes, its processing will be restricted. This means that the data is blocked and not processed for other purposes. This applies, for example, to data that must be retained for commercial or tax law reasons.

According to legal requirements in Germany, data is stored in particular for 10 years in accordance with §§ 147 para. 1 AO, 257 para. 1 no. 1 and 4, para. 4 HGB (books, records, management reports, accounting vouchers, commercial books, documents relevant for taxation, etc.) and 6 years in accordance with § 257 para. 1 no. 2 and 3, para. 4 HGB (commercial letters).

11.3. Administration, financial accounting, office organization, contact management

We process data in the context of administrative tasks and the organization of our business, financial accounting and compliance with legal obligations, such as archiving. In doing so, we process the same data that we process as part of the provision of our contractual services. The processing bases are Art. 6 para. 1 lit. c. GDPR, Art. 6 para. 1 lit. f. GDPR. Customers, interested parties, business partners and website visitors are affected by the processing. The purpose and our interest in the processing lies in the administration, financial accounting, office organization, archiving of data, i.e. tasks that serve to maintain our business activities, perform our tasks and provide our services. The deletion of data with regard to contractual services and contractual communication corresponds to the information specified in these processing activities. We disclose or transmit data to the tax authorities, consultants such as tax advisors or auditors as well as other fee offices and payment service providers. We also store information on suppliers, event organizers and other business partners on the basis of our business interests, e.g. for the purpose of contacting them at a later date. We generally store this mainly company-related data permanently.

11.4. Anti spam check

Our online offer regarding e-mailing uses services:

Exchange Spamfilter (Microsoft)
Trend Micro Spamfilter (Trend Micro)
Firewall spam filter (Palo Alto)

The use is based on our legitimate interests within the meaning of Art. 6 para. 1 lit. f) GDPR. This service is used to distinguish access and messages from genuine people from spam. For this purpose, all information is analyzed by preset spam rules. If a post is classified as spam, it is stored in the spam folder and either deleted immediately or further analyzed and forwarded to the specified destination after verification. The data to be checked includes the name entered, the email address, the IP address, the comment content, the reference, details of the browser used and the computer system and the time of the entry. You can completely prevent the transfer of data by not using our system.

12. Data transmission

12.1. Transfer to third countries

The controller may transfer personal data to a third country. Personal data is only transferred to countries outside the EU or the EEA (so-called third countries) to the extent that this is necessary to fulfill contractual and legal obligations or is required as part of commissioned data processing.

In principle, the controller can use various suitable guarantees to ensure that an appropriate level of protection is established for the processing. It is possible to transfer data on the basis of an adequacy decision, internal data protection regulations, approved codes of conduct, standard data protection clauses or an approved certification mechanism pursuant to Art. 46 para. 2 lit. a) – f) GDPR.

If the controller carries out a transfer to a third country on the legal basis of Art. 49 para. 1 a) GDPR, you will be informed here about the possible risks of data transfer to a third country.

There is a risk that the third country receiving your personal data may not have an equivalent level of protection compared to the protection of personal data in the European Union. This may be the case, for example, if the EU Commission has not issued an adequacy decision for the respective third country or if certain agreements between the European Union and the respective third country are declared invalid. Specifically, there are risks in some third countries with regard to the effective protection of EU fundamental rights through the use of surveillance laws (e.g. USA). In such a case, it is the responsibility of the controller and the recipient to assess whether the rights of the data subjects in the third country enjoy an equivalent level of protection as in the Union and can also be effectively enforced.

12.2. Transmission to the USA

Due to the ECJ (judgment of 16.07.2020, ref.: C-311/18 (“Schrems II”)), there is no adequate level of data protection in the USA and the USA is not a safe third country within the meaning of EU data protection law. Government surveillance measures may be carried out in the USA and it cannot be ruled out that US authorities (e.g. secret services) may process your data stored on US servers for surveillance purposes. There is no adequate legal protection against these measures and we have no influence on these processing activities.

13. Final provision

In order to do justice to the constant development of the Internet, POOLgroup GmbH may adapt this data protection declaration at any time in compliance with the current data protection regulations.

POOLgroup GmbH as of Sep. 2024