

## **Data privacy information for the data processing within the scope of use of MS365**

### **1 Name And Contact Details of The Controller**

genua GmbH, represented by its managing directors Marc Tesch and Matthias Ochs  
Domagkstraße 7, 85551 Kirchheim (Germany), Email: info@genua.de, Phone: +49 89 991950-0  
(hereinafter “genua”, “we”, “us”).

### **2 Contact Details of The Data Privacy Officer**

Christian Volkmer, Projekt 29 GmbH & Co. KG, Ostengasse 14, 93047 Regensburg (Germany)  
Phone: + 49 941 2986930, Email: anfrage@projekt29.de

### **3 Purpose and legal basis of the data processing**

We process your data collected during use of Microsoft 365 products (referred to below as "MS365", "Microsoft 365", "Microsoft") in accordance with the provisions of the applicable version of the General Data Protection Regulation (GDPR) and German Federal Data Protection Act (BDSG):

- **For the performance of a contract or for the implementation of pre-contractual measures**  
Your data is processed for the purpose of contract implementation pursuant to Art. 6 para. 1 p. 1 lit. b GDPR, insofar as MS365 is used within the framework of contractual relationships.
- **For the safeguarding of justified interests (Art. 6 para. 1 p. 1 lit. f GDPR)**  
Owing to a weighing of interests, data can be processed beyond the actual performance of the contract in order to safeguard justified interests of genua.
- **For the performance of the employment contract as per § 26 BDSG**  
Your data is processed for the purpose of implementing your employment contract at our company.
- **Within the framework of a collective agreement pursuant to Art. 88 GDPR**  
genua has entered into a company agreement with the works council pursuant to § 77 of the German Works Constitutions Act (BetrVG).

The following data is required and processed in order to use Microsoft 365 products. Personal data that is processed as additional data in the individual modules, e.g., in Word documents, is not taken into consideration. Microsoft does not have access to such data. Moreover, this data is not central to order processing by Microsoft.

**The personal data include:**

Content data

- First and last name
- Video and audio recordings
- Text files
- Business e-mail address
- Business telephone number
- IP address

Required diagnostic data

- Functional data for executing application processes
- Authentication data
- Interaction of users with the server

**4 Obligation to provide personal data**

The processing of your data is necessary for the conclusion and implementation of the contract that you have entered into with us. If you do not provide us with this data, we will as a rule have to refuse conclusion of the contract or will no longer be able to implement an existing contract and will have to terminate it as a consequence. You are, however, not obliged to consent to the processing of data that is not relevant or not legally required for performance of a contract.

**5 Automated decision-making including profiling**

There is no automated decision-making including profiling within the framework of the event.

**6 Recipients of personal data**

All services used are provided by Microsoft Ireland Operations Ltd., One Microsoft Place, South County Business Park, Leopardstown, Dublin 18, D18 P521, Ireland ("Microsoft"), which has its headquarters in the USA. Microsoft functions here as processor pursuant to Art. 28 GDPR with all obligations and legal requirements.

The following Microsoft services are used by us:

- Enterprise Mobility + Security E3 (EMS)
- Office 365 E5
- Power BI
- Visio
- Power Automate
- Azure AD Premium P2 (Admins)
- Azure Automation
- ERP + CSM

**7 Data transfer to a third country or to an international organization**

Microsoft is a provider based in the USA. Therefore, the processing of personal data can also potentially take place in a third country. We have concluded a data processing agreement that

meets the requirements of Art. 28 GDPR with the provider of MS365. In addition, the corresponding standard contractual clauses of the EU Commission have been drawn up. Microsoft additionally guarantees that no data will be transferred to the USA.

## 8 Storage period

We generally process your data for Microsoft 365 services until your departure from our company or until the end of the contractual relationship. The official retention period is therefore no longer than is necessary pursuant to Art. 5 para. 1 lit. e GDPR and ends with the expiration of any legal retention periods (in particular those set out in the German Civil Code (BGB), German Fiscal Code and German Commercial Code).

## 9 Rights of data subjects

You have the following rights with regard to the personal data concerning you:

- Right to information (Article 15 GDPR)
- Right to rectification or erasure (Articles 16 and 17 GDPR)
- Right to restriction of data processing (Article 18 GDPR)
- Right to data portability (Article 20 GDPR)

With regard to the right to object, please refer to our explanations under Section 11 below.

Furthermore, you have the right to object to the use of your data, based on public or legitimate interests, at any time (Article 21 GDPR). Insofar as we process your data on the basis of your previously given consent, you have the right to revoke this consent at any time with effect for the future (Art. 7 para. 3 GDPR). From the time we receive your revocation, we will no longer process your data for the purposes stated in the consent.

Please send your revocation or objection to:

genua GmbH, Domagkstraße 7, 85551 Kirchheim (Germany), Email: [datenschutz@genua.de](mailto:datenschutz@genua.de)

## 10 Right to Complain to a Supervisory Authority

You can also submit a complaint to a supervisory authority at any time. The supervisory authority generally responsible for us is the Bayerische Landesamt für Datenschutzaufsicht, Postfach 606, 91511 Ansbach (Germany). Alternatively, you can also submit your complaint to any other data privacy supervisory authority.

## 11 Right of objection pursuant to Article 21 GDPR

Furthermore, you have the right to **object**, on grounds relating to your particular situation, at any time to the processing of your personal data based on Art. 6 para. 1 p. 1 lit. e or lit. f GDPR (Art. 21 para. 1 p. 1 GDPR). In the event of an objection, we will no longer use your personal data for the purposes in question and will delete them from our systems, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.