



# Data privacy policy of Poly-clip System GmbH & Co. KG for the learning management system

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The following data privacy policy provides an overview of how your data is collected and processed.

Handling personal data responsibly is of utmost importance to us and we do so as a matter of course. Whenever we obtain, use or process personal data, we do so in compliance with the applicable national and European data protection laws. Personal data within the meaning of this policy is any information that may relate to you personally.

The following data privacy policy provides an overview of how we process your personal data and your rights in this respect under data protection law.

## 1. DATA CONTROLLER AND DATA PROTECTION OFFICER

The data controller is:

Poly-clip System GmbH & Co. KG  
Niedeckerstraße 1  
65795 Hattersheim am Main, Germany

You can contact our Data Protection Officer at:

Poly-clip System GmbH & Co. KG  
Data Protection Officer  
Niedeckerstraße 1  
65795 Hattersheim am Main, Germany  
E-mail: [datenschutz@polyclip.de](mailto:datenschutz@polyclip.de)

## 2. SOURCES OF PERSONAL DATA

We process personal data that we receive during registration to our learning management system (LMS) by our employees, salespeople, technicians and customers. Moreover — if this is necessary for providing our service — we process personal data that we permissibly obtain from publicly accessible sources or that are provided to use by other companies within the Group or by other third parties with authorization.

## 3. CATEGORIES OF PERSONAL DATA TO BE PROCESSED

We process the following categories of personal data: Master data (such as name, user name, profile image, country, telephone number, e-mail address, language, job title/department, membership in groups), order data (contractual parties, customer numbers), data on meeting our contractual obligations (training enrolment, personal learning progress), participation in events, chat content, technically necessary log data, and other data comparable to the categories named.

## 4. PURPOSES FOR PROCESSING PERSONAL DATA AND LEGAL BASIS FOR PROCESSING

We process your personal data in compliance with the relevant national and European statutory data protection requirements. The processing is lawful if at least one of the following conditions is met:

### a. Consent (Art. 6 para. 1 a GDPR)

As long as you have provided your consent for processing your personal data as part of using the learning management system, this processing is lawful based on your consent. Issued consent can be revoked at any time with future effect. This also applies to the revocation of declarations of consent that were given to us before the GDPR came into effect, i.e. before 25 May 2018.

### b. For fulfilment of contractual obligations or implementation of pre-contractual measures (§ 26 para. 1 BDSG, Art. 6 para. 1 b GDPR)

To meet our obligations from the employment relationship or the contract on use of the learning management toward our employees, salespeople, service technicians and customers, or also for implementation of pre-contractual measures that take place upon request, we process personal data for fulfilment of the contract. The main purposes of data processing are registration and login of users and evaluation of training courses. Your data are processed to establish a user account within the LMS and to grant you access to the e-learning training (called web-based training, or WBT for short) or webinars and to give you a look into your learning progress and to allow events and communication between the registered users.

### c. Based on legal guidelines (Art. 6 para. 1 c GDPR) or in the public interest (Art. 6 para. 1 e GDPR)

Poly-clip is subject to various legal obligations (such as retention regulations according to the commercial code and tax code). Purposes of processing also include meeting tax inspection and reporting requirements and risk analysis and control within the company and the group.

### d. As part of balancing interests (Art. 6 para. 1 f GDPR)

To the degree necessary, we process your data beyond actual fulfilment of the contract to protection of the justified interests of ourselves or third parties. Examples:

- review and improvement of processes for general continued development of the LMS,
- assertion of legal claims and defence in legal disputes,
- preclusion, clarification or prevention of criminal offences.

## 5. CATEGORIES OF RECIPIENTS OF PERSONAL DATA

Persons within the company in roles that require access to personal data in order to fulfil our contractual and legal obligations are authorized to access said data. Poly-clip also has some of the aforementioned processes and services performed by carefully selected and data protection-compliant service providers based within the EU. These are companies in the categories of IT services, video-conference systems or translation, among other things, that we engage as part of our order processing

relationships. With regard to transferring data to other recipients, we are only permitted to pass on information about you if this is required by law or if we are authorized to pass it on. If these prerequisites are met, receivers of personal data can also be (among others):

- Public bodies and institutions (e.g. tax authorities) if there is a legal or official obligation.

Furthermore, other bodies can be data recipients, as long as you have given your consent to data transfer.

### 6. USE OF STARLEAF (VIDEO CONFERENCING)

To conduct webinars, live video training and video conferences, we use the StarLeaf video conference tool from the company StarLeaf Limited, 7 Hatters Ln, Croxley Park, Watford WD18 8YN, United Kingdom. If you call up the StarLeaf website, the provider of StarLeaf is responsible for the data processing. However, to use StarLeaf, calling up the website is only necessary for downloading the software for using StarLeaf. Alternatively, the basic functions can also be used through a browser version, which can also be found on the StarLeaf website.

When StarLeaf is used, various types of data are processed. The volume of data also depends on what information on data you provide before or during participation in an online meeting. The following personal data can be subject to processing: User information (first name, last name, telephone, e-mail address, department), meeting metadata (topic, participant IP addresses, device/hardware information), data on recordings (MP4 files of all video, audio and presentation recordings, MP4 file of all audio recordings, text file of online meeting chat), telephone dial-in data (data on incoming and outgoing call number, country name, start and end time. If necessary, other connection information may be saved, such as the device's IP address), text, audio and video data (chat data).

We base data processing on Art. 6 para. 1 clause 1 letter a) of the GDPR.

If employees' personal data is processed, Section 26 of the Federal Data Protection Act is the legal basis for the data processing. If, in relation to use of StarLeaf, personal data are not necessary for the establishment, conduct or termination of the employment relationship, but nonetheless an elementary component of using StarLeaf, then Art. 6 para. 1 clause 1 letter f) of the GDPR is the legal basis for data processing. In this case, our interest is in effective conduct of online meetings.

StarLeaf also processes your personal data in the United Kingdom (see No. 11 on data transfer to the United Kingdom).

We have no influence over StarLeaf's data processing.

- [StarLeaf data privacy notice](#)

## 7. USE OF MICROSOFT TEAMS (VIDEO CONFERENCING)

To conduct webinars, live video training and video conferences, we use Microsoft Teams video conference tool from the company Microsoft Corporation, One Microsoft Way Redmond, WA 98052-6399 USA.

In the context of our video conferences via "Microsoft Teams" we process the following data:

- Communication data, e.g. e-mail address, if provided personally,
- Personal master data if provided,
- Content of the video conference if you appear personally with contributions in words, images and/or writing,
- Authentication data,
- Log files, log data,
- Metadata, e.g. IP address, time of participation, etc.,
- Profile data, e.g. user name or profile picture, if provided.

We process your personal data to enable you to participate in a video conference initiated by PCS.

Data processing is generally required in order to fulfil a contract or to carry out pre-contractual measures on the basis of Art. 6 Para. 1 b) GDPR. Data may also be processed for the purposes of establishing, carrying out or terminating the employment relationship on the basis of Section 26 of the German Federal Data Protection Act (BDSG-2018) in conjunction with Art. 6 Para. 1 b) GDPR. In all other cases, PCS has a legitimate interest in the effective implementation of online meetings pursuant to Art. 6 Para. 1 f) GDPR. For the processing of personal data in third countries, see No. 11.

We have no influence over Microsoft data processing.

[- Teams data privacy notice](#)

## 8. USE OF DEEPL (translations)

To enable you to have translations of texts, we use the DeepL translation service from DeepL GmbH, Maarweg 165, 50825 Cologne, Germany. If you call up the DeepL website, the provider of DeepL is responsible for the data processing.

When DeepL is used, various types of data are processed. The volume of data also depends on what texts you enter for translation. The following personal data can be subject to processing: texts to be translated, registration data, information related to contacting DeepL, metadata (date and time of access, browser type and version, operating system, URL of previously visited website, data quantity sent, domain called up, notice of successful call-up of data, search term when using a web browser, abbreviated/anonymized IP, complete IP address (for a maximum period of 14 days), diagnostic information in the event of errors), cookies and web storage objects technically necessary, performance and comfort cookies).

We base data processing on Art. 6 para. 1 clause 1 letter a) of the GDPR.



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If employees' personal data is processed, Section 26 of the Federal Data Protection Act is the legal basis for the data processing. If, in relation to use of DeepL, personal data are not necessary for the establishment, conduct or termination of the employment relationship, but nonetheless an elementary component of using DeepL, then Art. 6 para. 1 letter f) of the GDPR is the legal basis for data processing. In this case, our interest is in effective use of the translation service.

We have no influence over DeepL's data processing.

- [DeepL data protection provisions](#)

### 9. USE OF GOOGLE reCAPTCHA

To protect our orders, we use the reCaptcha service from Google Inc. (Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland, Fax: +353 (1) 436 1001; hereinafter "Google"). The query serves to distinguish whether the entry has been made by a person or abusively through automated mechanical processing. The query includes sending to Google the IP address and, if necessary, further data Google needs for the reCaptcha service. For this purpose, your entry is transferred to Google and further used there. However, if IP anonymization is activated on this website, your IP address will be abbreviated beforehand by Google within member states of the European Union or in other states that are party to the Agreement on the European Economic Area. Only in exceptions will the full IP address be transferred to a Google server in the USA and abbreviated there (for data transfer to the USA, see No. 10). On behalf of the operator of this website, Google will use this information to evaluate your use of this service. The IP address transferred from your browser during use of reCaptcha will not be merged by Google with other data. Google's own [data protection regulations apply to these data](#).

The legal basis for processing the data is your consent according to Art. 6 para. 1 clause 1 letter a) of the GDPR.

- [Google data privacy policy](#)

### 10. INTEGRATION OF YOUTUBE-VIDEOS

We have integrated YouTube videos into our online offerings, which are stored at <http://www.YouTube.com> and can be played directly at our website. These are all integrated in "extended data protection mode", which means that no data about you as a user will be transferred to YouTube if you do not play the videos.

Not until you play videos will the data listed below be transmitted. We have no influence on this data transfer. We base data processing on Art. 6 para. 1 clause 1 letter a) of the GDPR.

Through your visit to the website, YouTube — a service of Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland, Fax: +353 (1) 436 1001) – receives the information that you have called up the relevant sub-page of our website. This happens regardless of whether YouTube provides a user account through which you are logged in, or whether no account exists. If you are logged in at Google, your data will be matched directly to your account. If you do not want assignment to your YouTube profile, you must log out before activating the button. YouTube uses your data as usage profiles and uses them for purposes of advertising, market research and/or demand-driven design of its website. Such an evaluation is done especially (even for



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users who are not logged in) for providing demand-driven advertising and to inform other users of the social network of your activities on our website. You have the right to object to creation of these user profiles, which you must contact YouTube to exercise. Google also processes your personal data in the USA (see No. 10 on data transfer to the USA).

- [Google data privacy policy](#)

### **11. PURPOSE FOR TRANSMITTING PERSONAL DATA TO A THIRD-PARTY COUNTRY OR INTERNATIONAL ORGANIZATION**

Active transfer of personal data to a third-party country occurs only if this was explicitly indicated in the context of the aforementioned service and if the prerequisites in Art. 44 et seq. of the GDPR are present. Third-party state means a country outside the European Economic Area (EEA) in which the GDPR is not directly applicable. For the United Kingdom, the EU Commission has issued an adequacy decision according to Art. 45 para. 1 of the GDPR. For the USA, the EU Commission has not issued an adequacy decision according to Art. 45 para. 1 of the GDPR.

The EU Commission has not issued an adequacy decision for the USA pursuant to Art. 45 Para. 1 GDPR.

Poly-clip System has designated the EU as the storage location for all data generated in connection with the use of "Microsoft Teams". In addition, Microsoft also provides sufficient guarantees for the protection of personal data pursuant to Art. 46 GDPR on the basis of standard contractual clauses concluded between us and Microsoft (Art. 46 Para. 2 letter c GDPR). In doing so, Microsoft assures that the data is adequately protected and thus guarantees a level of protection comparable to that of the GDPR.

Please note that we have no influence over Microsoft's data processing. According to Microsoft, Microsoft never uses your data with your consent (see <https://docs.microsoft.com/en-us/microsoft-365/enterprise/eu-data-storage-locations?view=o365-worldwide>). To the extent that "Microsoft Teams" processes personal data in connection with Microsoft's legitimate business operations, Microsoft is the independent data controller for such use and as such is responsible for compliance with all applicable laws and the obligations of a data controller. You can find more information on the purpose and scope of data collection and processing by Microsoft Teams in the information provided by Microsoft under <https://docs.microsoft.com/en-us/microsoft-teams/teams-privacy>. You will also find further information there about your rights in this regard.

### **12. CRITERIA FOR DETERMINING THE STORAGE DURATION OF PERSONAL DATA**

The criteria for determining the duration of storage are based on the end of the purpose and the subsequent statutory retention period. If the data are no longer needed for meeting contractual or legal obligations, they are regularly deleted, unless their — temporary and if necessary limited — further processing is necessary for the following purposes:



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- Fulfilment of retention requirements under commercial and tax law: Worthy of mention are the Commercial Code (HGB) and the Tax Code (AO). They specify retention and documentation periods of up to 10 years.
- Preservation of evidence within the legal statute of limitations: According to Section 195 et seq. of the German Civil Code (BGB), the regular limitation period is three years, but under special circumstances up to 30 years.

### 13. DATA PROTECTION RIGHTS

You can demand information on the stored data, the purpose for storage or its origin at any time. Also at any time, you can have your personal data blocked, corrected or deleted. An appropriate query or a request for correction, blocking or deletion of personal data must be directed to:

Poly-clip System GmbH & Co. KG, Academy and Communication, Niedeckerstraße 1, 65795 Hattersheim am Main, Germany, Tel.: +49 6190 8886-931, Fax.: +49 6190 8886-15931, E-mail: [online.information@polyclip.com](mailto:online.information@polyclip.com). All requests for information, correction, blocking and deletion, as well as the revocation of consent to data collection, usage or processing must be sent to this location. You also have the right to complain to the data protection supervisory authorities.

You have the right, for reasons related to your specific situation, to submit an objection at any time against processing of personal data related to you that occurs based on Art. 6 para. 1 clause 1 letter a) of the GDPR (data processing in the public interest) and Art. 6 para. 1 clause 1 letter f) of the GDPR (data processing based on balance of interests); this also applies to profiling based on this provision within the meaning of Art. 4 No. 4 of the GDPR.

If you submit an objection, your personal data will no longer be processed unless we can prove compelling reasons for the processing related to protection that outweigh your interests, rights and freedoms, or if the processing serves to assert, exercise or defend legal claims.

The objection can be made informally and directed to the contacts indicated above.

### 14. OBLIGATION TO PROVIDE AND POSSIBLE CONSEQUENCES OF NOT PROVIDING DATA

As part of using the LMS, you must provide the personal data required for establishment and implementation of a business relationship and fulfilment of the associated contractual obligations or that we are legally obliged to collect. Without these data, we are generally not in a position to conclude the contract with you or execute it.

### 15. EXISTENCE OF AUTOMATED DECISION-MAKING INCLUDING PROFILING

For establishing and implementing the business relationship, we never use automatic decision-making as in Article 22 of the GDPR. If we use these processes in individual cases, you will be specially informed of this, if required by law.



### 16. DATA SECURITY

We protect your information using modern security systems and adhere to data protection and security regulations within the GDPR.

We maintain up-to-date technical means to ensure data security, especially to protect your personal data from the hazards of data transfers and from third parties gaining knowledge. These are appropriately adapted to the current state of technology.

Online formulas on our website are sent with SSL encryption to protect the data you enter. However, we cannot guarantee that the information sent during transmission cannot be viewed by third parties. Therefore, you should never send passwords, credit card numbers or other information that you wish to keep secret.