



Mandatory information under data protection law: ‘Know Your Customer’ process for legal entities according to articles 13 and 14 DSGVO

1. Processing-specific information

Name and contact details of the person responsible	HM Trading Global GmbH, Berliner Straße 6, 69120 Heidelberg, Germany (hereinafter referred to as "HMT GmbH" or "Controller"), Phone: +49 6221-481-0 Fax: +49 6221-481-13217, E-Mail: info@hmt-global.com
Contact details of the data protection officer	HM Trading Global GmbH, Berliner Straße 6, 69120 Heidelberg, Germany, Phone: +49 6221-481-41110 E-Mail: info.dataprotection@hmt-global.com
Categories of personal data that are processed	<p>On the basis of risk considerations under money laundering law (cf. the German Act on the Tracing of Profits from Serious Criminal Offences – "Money Laundering Act" (hereinafter referred to as "AMLA") and on a voluntary basis, contractual partners (legal entities) of HMT GmbH are regulated by the so-called Know Your Customer Shipping-/trading questionnaire (hereinafter referred to as "KYC questionnaire").</p> <p>In doing so, the following categories of personal data are collected from contractual partners of HMT GmbH:</p> <p>KYC questionnaire:</p> <ul style="list-style-type: none">• Company name (insofar as it contains personal data)• Names and surnames of the members of the representative body or of the legal representatives <p>In the case of legal entities as contractual partners, HMT GmbH verifies the accuracy of the data on the basis of (i) an excerpt from the commercial or cooperative register, (ii) a comparable official register or directory constituent documents or equivalent evidentiary documents, or (iii) their own documented inspection of the register or register data.</p>
Purpose of processing personal data	To comply with money laundering law, HMT GmbH has implemented a risk analysis to determine whether a business relationship is related to money laundering and/or terrorist financing. For this purpose, HMT GmbH uses the KYC questionnaire to identify contractual partners as well as members of the representative body or legal representatives.

<p>Legal basis for the processing of personal data under GWG, GDPR and the German Criminal Code</p>	<p>The legal basis for data processing is Article 6 (1) sentence 1, letter (f) ("overriding legitimate interest") of the EU General Data Protection Regulation (hereinafter referred to as "GDPR").</p> <p>According to the GWG, HCT GmbH has the obligation to identify contractual partners in the event of suspected money laundering; cf. § 10 paragraph 3 no. 3a GWG. However, in the event of identification, there is a risk that the money launderer will be aware of the suspicions and/or case against them on the basis of the request. The success of the anti-money laundering measure is therefore at risk. If, on the other hand, HCT GmbH actively informs the business partner about the suspected case or refrains from identifying it altogether, it risks liability.</p> <p>For this reason, HMT GmbH identifies business partners regardless of the cause, with or without concrete suspicions, and bases this data processing on the obligation of legality. According to this, the management of HMT GmbH has organized and supervised the company in such a way that it does not result in any violations of the law. The KYC questionnaire is therefore an application to prevent violations of the law such as money laundering and terrorist financing.</p> <p>Money laundering is also punishable under the German Criminal Code (hereinafter referred to as "the Criminal Code"); cf. § 261 StGB. The criminal offence of § 261 of the Criminal Code is already realised in the case of "recklessness", i.e. the threshold to a criminal offence can be crossed practically without any awareness of wrongdoing on the part of HMT GmbH and even in the event of its careless misunderstanding of circumstantial evidence. In order to comply and avoid criminal liability, HMT GmbH collects personal data from contractual partners via KYC questions and has an overriding legitimate interest in this data processing.</p>
<p>Recipients or categories of recipients of personal data</p>	<ul style="list-style-type: none"> • HM Trading Services B.V. ("Istanbul Branch") <p>HMT GmbH has transferred the identification of contractual partners as legal entities by means of a KYC questionnaire to the Istanbul Branch; cf. § 17 GWG. The Istanbul Branch is the independent branch of HC Trading Service B.V. and processes personal data on behalf of HMT GmbH.</p> <p>The Istanbul Branch is located in a third country (Turkey). The transfer of personal data to Turkey is based on the Heidelberg Materials Group's internal data protection agreement, the so-called "HeidelbergCement Data Processing and Transfer Agreement".</p>

	<ul style="list-style-type: none"> • Other recipients <p>If necessary, external lawyers, authorities (e.g. Europol, Federal Office for the Protection of the Constitution, police, public prosecutor's office, court) or administrative bodies or supervisory authorities (e.g. competent regional council as supervisory authority, central office for financial transaction investigations and terrorist financing, competent FIUs of other Member States of the European Union, data protection authority) may be given access to the personal data of contractual partners.</p>
<p>Necessity of data collection</p>	<p>In order to fulfil their obligation of legality and to avoid criminal liability under Section 261 of the Criminal Code, the person responsible carries out control measures to prevent money laundering and terrorist financing in their operational processes.</p> <p>These measures are necessary in order to avoid criminal liability, fines under money laundering law and further liability on the part of HMT GmbH.</p>
<p>Sources of data processing</p>	<ul style="list-style-type: none"> • Trade or cooperative registers. • Comparable official register or list. • Constituent documents or equivalent probative documents. • The obliged entity's own documented inspection of the register or directory data.
<p>Place of processing and transfer to third countries</p>	<p>Personal data, collected in the KYC questionnaire is transferred to Turkey (the so-called third country) and stored there on the servers of the Istanbul Branch.</p> <p>This data is protected from unauthorized access by an access-restricted folder structure and is managed in the Shared Drive ("Google Drive") network drive. A total of 20 employees from the finance department of HMT GmbH have access to data from the KYC questionnaire.</p> <p>In addition, the data from the KYC questionnaires are processed in Germany, the country in which the controller is located.</p> <p>If necessary for legal reasons, the data must also be transmitted to (foreign) authorities.</p> <p>The above-mentioned recipients may therefore also be located in countries outside the European Economic Area ("third countries"). In third countries, the level of data protection may not be guaranteed to the same extent as in the European Economic Area. If data is transferred to a third country the responsible persons shall</p>

	ensure that the transfer of the data is only carried out in accordance with the statutory provisions (Chapter V GDPR).
Duration for which the personal data will be stored	<ul style="list-style-type: none"> • Regularly for a period of 3 years after the end of the year in which the data were collected. • 6 or 10 years, insofar as there are corresponding statutory (commercial or tax law) retention obligations, whereby the retention period for contracts does not begin to run until after the end of the contract. • In individual cases, the data will be stored for a longer period of time if there is a legitimate interest of the person responsible in storing the data beyond the aforementioned periods (e.g. in the defense or prosecution of legal claims).

2. Your rights as a data subject

As a data subject, you can contact our data protection officer at any time with an informal message using the above contact details in order to exercise your rights under the GDPR to:

- receive information about data processing and a copy of the processed data (right to information, Art. 15 GDPR),
- request the correction of incorrect data or the completion of incomplete data (right to correction, Art. 16 GDPR),
- request the deletion of personal data and, if the personal data has been published, information to other responsible parties about the request for deletion (right to erasure, Art. 17 GDPR),
- request the restriction of data processing (right to restriction of processing, Art. 18 GDPR),
- receive, if the conditions specified in Art. 20 GDPR are met, the personal data of the data subject in a structured, commonly used and machine-readable format and to request the transfer of this data to another controller (right to data portability, Art. 20 GDPR),
- object at any time to the processing of personal data relating to you, for reasons arising from your particular situation, based on Article 6 (1) sentence 1 lit. f) GDPR with effect for the future (right on objection, Art. 21 GDPR); The person responsible will then no longer process your personal data unless the person responsible can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims,
- revoke consent at any time in order to prevent data processing based on your consent. The revocation has no influence on the lawfulness of the processing based on the consent before the revocation (right of revocation, Art. 7, para. 3 GDPR),
- lodge a complaint with a supervisory authority in accordance with Art. 77 GDPR. Thereafter, without prejudice to any other administrative or judicial remedy, you can complain to a supervisory authority, in particular in the member state of your place of residence, your place of work or the place of the alleged infringement, if you believe that the processing of your personal data violates the GDPR.

The following data protection supervisory authority is responsible for the controller: State Commissioner for Data Protection and Freedom of Information Baden-Württemberg
Lautenschlagerstraße 20, 70173 Stuttgart, poststelle@lfdi.bwl.de

Online complaint form:

<https://www.baden-wuerttemberg.datenschutz.de/online-beschwerde/>

You are also welcome to contact us first. As is well known, many things can be clarified in a telephone call.

HM Trading Global GmbH