

# General Data Protection Regulation (GDPR) Data Protection Notice

The Endress+Hauser Group (“Endress+Hauser”, “we” or “us”) attaches great importance to the protection of your personal data. We therefore conduct our business in compliance with applicable laws on personal data protection and data security.

As part of a global business organization, Endress+Hauser’s United States business entities process and/or control personal data of data subjects subject to the European Union’s General Data Protection Regulation (“GDPR”) from time to time. This General Data Protection Regulation (GDPR) Data Protection Notice (“Notice”) applies only to those data subjects who are protected by such regulations and similar data protection regulations.

This Notice applies in addition to the Endress+Hauser Privacy Notice found at [www.us.endress.com/data-protection](http://www.us.endress.com/data-protection). Depending upon the applicable jurisdiction, not all data subjects receive the additional rights provided in this Notice.

This Notice applies to the following United States based entities of the Endress+Hauser Group and its affiliated companies (collectively “Endress+Hauser”, “we” or “us”):

- Endress+Hauser, Inc.
- Endress+Hauser Flowtec AG (Division USA)
- Endress+Hauser (USA) Automation Instrumentation, Inc.
- Endress+Hauser Wetzer (USA), Inc.
- Endress+Hauser Conducta, Inc.
- Endress+Hauser Infoserve, Inc.
- Endress+Hauser (USA) Holding, Inc.
- SpectraSensors, Inc.
- Kaiser Optical Systems, Inc.

## 1. Responsibility

Corporate Counsel Krista S. Taggart serves as the common contact for questions, concerns and inquiries regarding data protection and privacy for the above United States based Endress+Hauser entities. She can be reached at [law@endress.us.com](mailto:law@endress.us.com) or by mail at Legal Department, 2350 Endress Place, Greenwood, Indiana 46143.

## 2. Purpose of processing, legal basis

Endress+Hauser processes personal data in accordance with the provisions of the European Union’s General Data Protection Regulation (GDPR) and national and state data protection regulations including the following, and otherwise as permitted by applicable law:

**a. For fulfilment of contractual obligations (Art. 6 para. 1 b GDPR)**

We utilize the personal data to fulfill contractual obligations, including, but not limited to, customer orders, service obligations, supplier and service partner contracts, and employment relationships.

**b. To safeguard legitimate interests within the context of a balance of interests (Art. 6 para. 1 f GDPR)**

When necessary, we process your data beyond the actual fulfilment of a contract in order to safeguard our legitimate business interests or those of third parties. A legitimate interest assessment is conducted for each interest. These interests include but are not necessarily limited to:

- Transferring data within the Endress+Hauser Group;
- Advertising or market research;
- Reviewing and optimizing procedures for needs assessments and for direct customer discussions, including customer segmentations and calculation of closing probabilities;
- Asserting legal claims and defenses in legal disputes;
- Business management and research and development of products and services; and
- Risk management.

**c. Based on your consent (Art. 6 para. 1 a GDPR)**

Where you have granted us consent to process your personal data for certain purposes (e.g. filming and photographs, newsletters), such processing is lawful on the basis of your consent. Consent given can be withdrawn at any time. This also applies to the withdrawal of declarations of consent that were given to us before the GDPR came into force (before May 25, 2018). Please note that the withdrawal is only valid for the future. Data processed prior to the withdrawal is not affected.

**d. Based on legal requirements (Art. 6 para. 1 c GDPR) or in the public interest (Art. 6 para. 1 e (GDPR))**

Endress+Hauser is subject to various legal obligations, both statutory and regulatory. This includes anti-terrorism and anti-money laundering legislation. At times, we will process or use your data to fulfill legal obligations and for reasons of the public interest, including, but not limited to, identity checking, fulfillment of verification and reporting obligations in relation to tax and social security, fraud and money laundering prevention and measurement and management of risks within the Endress+Hauser Group.

### 3. Who receives my data?

Within each United States based Endress+Hauser entity, those departments and/or divisions that require your data to fulfil our contractual and legal obligations, to safeguard legitimate interests or where we have a valid legal basis to process the data will have access to it.

Affiliated companies of the Endress+Hauser Group, both inside the United States and around the world (including the European Union), our authorized sales representatives and service providers, agents and professional service providers appointed by us, third party service providers and public authorities may also receive and process your data for such purposes.

In particular, your personal data may be shared with:

- Affiliated companies within the Endress+Hauser Group;
- Endress+Hauser InfoServe as the Group's central data center and controller;
- Authorized sales representatives and service providers;
- Third party cloud and ASP service providers;
- Public bodies and officials for compliance with statutory reporting requirements;
- Financial institutions for the processing of payments and bank information;
- Providers of technological support, computer maintenance and IT applications;
- Data archiving providers;
- Call center service providers;
- Compliance service organizations;
- Screening services for anti-laundering or anti-terrorism purposes;
- Data destruction providers;
- Auditing services;
- Legal services;
- Leasing companies;
- Credit checking service providers;
- Background check service providers;
- Debt collection companies;
- Third party payment processors for debit and credit cards and online or electronic payment transactions;
- Marketing companies;
- Media technology providers;
- Legal and governmental reporting agencies;
- Insurance companies;
- Telecommunication providers; and
- Website management companies.

#### **4. Will data be transferred to other countries?**

Data will be transferred to other countries as necessary to execute contractual obligations (i.e. customer orders), where legally required, when you have provided us your consent or for the purposes of contract data processing.

Like most global businesses, Endress+Hauser transfers some of the personal data that it collects and processes with relevant affiliates in the Endress+Hauser Group in other countries. We may also store your data in a centralized system with other data that we hold about you, which may be located in a country different from where you are located. As such, it may happen that certain personal data is stored or processed at computers located in jurisdictions that do not have the same privacy laws as your country of residence. Endress+Hauser takes measures that such personal data is appropriately protected at all times in any country in which we do business.

Endress+Hauser relies upon protections such as the E.U. Standard Contractual Clauses and intra-company agreements to ensure an adequate level of protection for all protected personal data.

Where use is made of third-party service providers in other countries, Endress+Hauser will utilize E.U. Standard Contractual Clauses to ensure data protection levels required by law. Appropriate contractual agreements will be concluded between affiliated companies of the Endress+Hauser Group and between Endress+Hauser entities and third-party service providers.

## **5. How long will my data be stored?**

Endress+Hauser processes and stores your personal information based upon its legal and business needs and then securely destroys the information. It is possible that personal data may be stored for the period of time for which claims may be asserted against us (statutory limitation periods range from three to thirty years). Commercial and tax regulations and laws also impose documentation and retention obligations.

## **6. What are my data protection rights, including my right to file a complaint?**

Every data subject (as defined in the GDPR) has the right of access to information pursuant to Article 15 GDPR. Subject to certain conditions, every data subject has the right to rectification pursuant to Article 16 GDPR, the right to restrict processing pursuant to Article 18 GDPR and the right to deletion pursuant to Article 17 GDPR. Furthermore, every data subject has the right to receive the personal data which they have provided in a structured, commonly used and machine-readable format (data portability) pursuant to Article 20 GDPR, provided the processing is carried out by automated means and is based on consent.

Every data subject also has the right to lodge a complaint with a supervisory authority, particularly in the Member State of his or her habitual residence, place of work or place of the alleged breach of data protection (Article 77 GDPR).

You may revoke your consent to the processing of personal data at any time. This also applies to the withdrawal of declarations of consent that were given to us before the GDPR came into force (before May 25, 2018). Please note that the withdrawal is only valid for the future. Data processed prior to the withdrawal is not affected.

If you would like to exercise any of your data protection rights, please contact us by email at [law@endress.us.com](mailto:law@endress.us.com) or by mail at Legal Department, 2350 Endress Place, Greenwood, Indiana 46143. If you believe your dispute or concern has not been properly addressed or resolved to your satisfaction, you may also have the right to file a claim with the relevant oversight agencies for data protection.

## **7. Right of Objection**

In addition to the rights referred to above, you also have a right of objection as follows pursuant to Article 21 of the GDPR.

### ***Right of Objection in Relation to a Specific Case***

You have the right to object at any time, on grounds relating to your particular situation, to processing of your personal data which is based on Art. 6 para. 1 e GDPR (data processing in the public interest) and Art. 6 para. 1 f GDPR (data processing for the purposes of legitimate interests); this includes profiling based on those provisions within the meaning of Art. 4 para. 4 GDPR. If you object, we will no longer process your personal data unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or show that the processing is for the establishment, exercise or defense of legal claims.

### ***Right of Objection Against Processing Data for Marketing Purposes***

In individual cases, we may process your personal data for direct marketing purposes. You have the right to object at any time to the processing of your personal data for such marketing; this also includes profiling where related to such direct marketing. If you object to processing for direct marketing purposes, we will no longer process your personal data for such purposes.

If you would like to file an objection, please contact us by email at [law@endress.us.com](mailto:law@endress.us.com) or by mail at Legal Department, 2350 Endress Place, Greenwood, Indiana 46143.

## **8. To What Extent Are Decisions Made Automatically or is Profiling Used?**

Endress+Hauser processes some of your data automatically with the aim of assessing certain personal aspects (profiling). We will only carry out this type of processing where it is 1) necessary for the entry into or performance of a contract, 2) authorized by applicable law, or 3) if you allowed us to do so. For example, we may use profiling to:

- Analyze transactional data
- Provide relevant marketing communications to customers
- Communicate effectively with customers

We use assessment tools in order to specifically notify you and advise you about products. These allow communications and marketing to be tailored according to need.

Due to legal requirements, we are obliged to compare certain personal data against antiterrorism lists in connection with the sale of our goods and services.

## **10. Changes**

Please note that we may update or change this Policy from time to time. When updated, we will revise the last updated notice at the bottom of this Policy. The most current version of this Policy will govern our use of your information.

*This Policy was last updated on 8/1/2018.*