

# Privacy Policy

## 1. General information

ender diagnostics ag takes the protection of your personal data very seriously. Hence, we handle your personal data as confidential information and in compliance with the statutory data protection regulations and this Data Protection Declaration.

We herewith advise you that the transmission of data via the Internet (i.e., through e-mail communications) may be prone to security gaps. It is not possible to completely protect data against third-party access.

### **Information about the responsible party (referred to as the “controller” in the GDPR)**

The data processing controller on this website is:

ender diagnostics ag  
Freiburgstrasse 251  
3018 Bern

Telefon: +41 (0)31 552 27 70  
E-Mail: [service@enderdiagnostics.com](mailto:service@enderdiagnostics.com)

The controller is the natural person or legal entity that single-handedly or jointly with others makes decisions as to the purposes of and resources for the processing of personal data (e.g., names, e-mail addresses, etc.).

### **Designation of a data protection officer**

We have appointed a data protection officer.

HERODATA GmbH  
Larissa Schwarz-Lüking  
Rechtsanwältin und Datenschutzmanagerin

Hohenlohestraße 9  
28209 Bremen

Telefon: +49 421 222 10 – 34  
E-Mail: [Schwarz@herodata.de](mailto:Schwarz@herodata.de)

other data protection related issues.

### **Hosting and Content Delivery Networks (CDN)**

We are hosting the content of our website at the following providers:

#### **Shopify**

The provider is the Shopify International Limited, Victoria Building, 1-2 Haddington Road, Dublin 4, D04 XN32, Ireland (hereinafter: “Shopify”).

Shopify is a tool for creating and hosting websites. When you visit our website, Shopify collects your IP address and information about the device and browser you use. Shopify also analyses the number of visitors, visitor sources and customer behavior and compiles user statistics. When you make a purchase on our site, Shopify also collects your name, email address, shipping and billing addresses, payment information and other information related to the purchase (e.g., phone number, number of sales made, etc.). Shopify stores cookies in your browser for the purpose of analysis.

Please see the Shopify privacy policy for details: <https://www.shopify.de/legal/datenschutz>.

The use of Shopify is based on Art. 6(1)(f) GDPR. We have a legitimate interest the most reliable presentation of our website. If appropriate consent has been obtained, the processing is carried out exclusively on the basis of Art. 6(1)(a) GDPR and § 25 (1) TDDDG, insofar the consent includes the storage of cookies or the access to information in the user's end device (e.g., device fingerprinting) within the meaning of the TDDDG. This consent can be revoked at any time.

### **Data processing**

We have concluded a data processing agreement (DPA) for the use of the above-mentioned service. This is a contract mandated by data privacy laws that guarantees that they process personal data of our website visitors only based on our instructions and in compliance with the GDPR.

### **GoDaddy**

Our domain is registered with GoDaddy.com, LLC (GoDaddy). GoDaddy provides us with the necessary services to manage and ensure the availability of our domain. GoDaddy therefore processes and stores domain registration data (e.g. domain name, registration data), as well as technical data required for the administration of the domain.

The purpose of data processing by GoDaddy is to manage and ensure domain availability.

The legal basis for the use of GoDaddy is our legitimate interest pursuant to Art. 6 para. 1 lit. f GDPR. Our legitimate interest lies in the secure and reliable management of our domain.

GoDaddy processes the data collected in the USA. The data is transferred on the basis of the European Commission's standard contractual clauses, which are intended to ensure an adequate level of data protection.

The data collected by GoDaddy is stored for as long as is necessary to fulfill the above-mentioned purposes. As soon as the data is no longer required for these purposes, it is deleted.

You can find more information about data protection at GoDaddy in GoDaddy's privacy policy at <https://www.godaddy.com/legal/agreements/privacy-policy>.

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personal data of our website visitors only based on our instructions and in compliance with the GDPR.

## **Google Cloud CDN**

We use the Google Cloud CDN content delivery network. The provider is Google Ireland Limited (“Google”), Gordon House, Barrow Street, Dublin 4, Ireland.

Google offers a globally distributed content delivery network. Technically, the transfer of information between your browser and our website is routed through the Google network. This enables us to increase the global accessibility and performance of our website.

The use of Google Cloud CDN is based on our legitimate interest in the most error-free and secure provision of our website (Art. 6(1)(f) GDPR).

Data transmission to the US is based on the Standard Contractual Clauses (SCC) of the European Commission. Details can be found here: <https://cloud.google.com/terms/eu-model-contract-clause>.

You can find more information about Google Cloud CDN here: <https://cloud.google.com/cdn/docs/overview?hl=en>.

The company is certified in accordance with the “EU-US Data Privacy Framework” (DPF). The DPF is an agreement between the European Union and the US, which is intended to ensure compliance with European data protection standards for data processing in the US. Every company certified under the DPF is obliged to comply with these data protection standards. For more information, please contact the provider under the following link: <https://www.dataprivacyframework.gov/participant/5780>.

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## **Storage duration**

Unless a more specific storage period has been specified in this privacy policy, your personal data will remain with us until the purpose for which it was collected no longer applies. If you assert a justified request for deletion or revoke your consent to data processing, your data will be deleted, unless we have other legally permissible reasons for storing your personal data (e.g., tax or commercial law retention periods); in the latter case, the deletion will take place after these reasons cease to apply.

## **2. Recording of data on this website**

### **SSL and/or TLS encryption**

For security reasons and to protect the transmission of confidential content, such as purchase orders or inquiries you submit to us as the website operator, this website uses either an SSL or a TLS encryption program. You can recognize an encrypted connection by checking whether the address line of the browser switches from “http://” to “https://” and also by the appearance of the lock icon in the browser line.

If the SSL or TLS encryption is activated, data you transmit to us cannot be read by third parties.

## **Server log files**

The provider of this website and its pages automatically collects and stores information in so-called server log files, which your browser communicates to us automatically. The information comprises:

- The type and version of browser used
- The used operating system
- Referrer URL
- The hostname of the accessing computer
- The time of the server inquiry
- The IP address

This data is not merged with other data sources.

This data is recorded on the basis of Art. 6(1)(f) GDPR. The operator of the website has a legitimate interest in the technically error free depiction and the optimization of the operator’s website. In order to achieve this, server log files must be recorded.

## **Contact form**

If you submit inquiries to us via our contact form, the information provided in the contact form as well as any contact information provided therein will be stored by us in order to handle your inquiry and in the event that we have further questions. We will not share this information without your consent.

The processing of these data is based on Art. 6(1)(b) GDPR, if your request is related to the execution of a contract or if it is necessary to carry out pre-contractual measures. In all other cases the processing is based on our legitimate interest in the effective processing of the requests addressed to us (Art. 6(1)(f) GDPR) or on your agreement (Art. 6(1)(a) GDPR) if this has been requested; the consent can be revoked at any time.

The information you have entered into the contact form shall remain with us until you ask us to eradicate the data, revoke your consent to the archiving of data or if the purpose for which the information is being archived no longer exists (e.g., after we have concluded our response to your inquiry). This shall be without prejudice to any mandatory legal provisions, in particular retention periods.

## **Request by e-mail, telephone, or fax**

If you contact us by e-mail, telephone or fax, your request, including all resulting personal data (name, request) will be stored and processed by us for the purpose of processing your request. We do not pass these data on without your consent.

These data are processed on the basis of Art. 6(1)(b) GDPR if your inquiry is related to the fulfillment of a contract or is required for the performance of pre-contractual measures. In all other cases, the data are processed on the basis of our legitimate interest in the effective handling of inquiries submitted to us (Art. 6(1)(f) GDPR) or on the basis of your consent (Art. 6(1)(a) GDPR) if it has been obtained; the consent can be revoked at any time.

The data sent by you to us via contact requests remain with us until you request us to delete, revoke your consent to the storage or the purpose for the data storage lapses (e.g. after completion of your request). Mandatory statutory provisions - in particular statutory retention periods - remain unaffected.

## **Cookies**

Our websites and pages use what the industry refers to as “cookies.” Cookies are small data packages that do not cause any damage to your device. They are either stored temporarily for the duration of a session (session cookies) or they are permanently archived on your device (permanent cookies). Session cookies are automatically deleted once you terminate your visit. Permanent cookies remain archived on your device until you actively delete them, or they are automatically eradicated by your web browser.

Cookies can be issued by us (first-party cookies) or by third-party companies (so-called third-party cookies). Third-party cookies enable the integration of certain services of third-party companies into websites (e.g., cookies for handling payment services).

Cookies have a variety of functions. Many cookies are technically essential since certain website functions would not work in the absence of these cookies (e.g., the shopping cart function or the display of videos). Other cookies may be used to analyze user behavior or for promotional purposes.

Cookies, which are required for the performance of electronic communication transactions, for the provision of certain functions you want to use (e.g., for the shopping cart function) or those that are necessary for the optimization (required cookies) of the website (e.g., cookies that provide measurable insights into the web audience), shall be stored on the basis of Art. 6(1)(f) GDPR, unless a different legal basis is cited. The operator of the website has a legitimate interest in the storage of required cookies to ensure the technically error-free and optimized provision of the operator’s services. If your consent to the storage of the cookies and similar recognition technologies has been requested, the processing occurs exclusively on the basis of the consent obtained (Art. 6(1)(a) GDPR and § 25 (1) TDDDG); this consent may be revoked at any time.

You have the option to set up your browser in such a manner that you will be notified any time cookies are placed and to permit the acceptance of cookies only in specific cases. You may also exclude the acceptance of cookies in certain cases or in general or activate the

delete-function for the automatic eradication of cookies when the browser closes. If cookies are deactivated, the functions of this website may be limited.

Which cookies and services are used on this website can be found in this privacy policy.

### **3. eCommerce and payment service providers**

#### **Processing of Customer and Contract Data**

We collect, process, and use personal customer and contract data for the establishment, content arrangement and modification of our contractual relationships. Data with personal references to the use of this website (usage data) will be collected, processed, and used only if this is necessary to enable the user to use our services or required for billing purposes. The legal basis for these processes is Art. 6(1)(b) GDPR.

The collected customer data shall be deleted upon completion of the order or termination of the business relationship and upon expiration of any existing statutory archiving periods. This shall be without prejudice to any statutory archiving periods.

#### **Data transfer upon closing of contracts for online stores, retailers, and the shipment of merchandise**

Whenever you order merchandise from us, we will share your personal data with the transportation company entrusted with the delivery as well as the payment service commissioned to handle the payment transactions. Only the data these respective service providers require to meet their obligations will be shared. The legal basis for this sharing is Art. 6 (1)(b) GDPR, which permits the processing of data for the fulfillment of contractual or pre-contractual obligations. If you give us your respective consent pursuant to Art. 6 (1)(a) GDPR, we will share your email address with the transportation company entrusted with the delivery so that this company can notify you on the shipping status for your order via email. You have the option to revoke your consent at any time.

#### **SAP**

We use SAP for the internal storage and management of customer data. SAP provides us with a secure platform to manage and analyze our business processes.

SAP processes and stores contact data and billing data for the purpose of managing customer relationships, billing and payment processing, as well as for analyzing and improving our business processes.

The legal basis for the use of SAP is the fulfillment of a contract pursuant to Art. 6 para. 1 lit. b GDPR and our legitimate interest pursuant to Art. 6 para. 1 lit. f GDPR. Our legitimate interest lies in the efficient management of our business processes.

SAP may transfer data to third countries, always ensuring that an adequate level of data protection is guaranteed, e.g. through standard contractual clauses of the European Commission.

The data collected by SAP will be stored for as long as necessary to fulfill the above-mentioned purposes or as required by legal retention periods.

You have the right to obtain information about the data stored by us and to request rectification, erasure or restriction of processing. You can object to the processing of your data by SAP at any time.

For more information about data protection at SAP, please refer to SAP's privacy policy at <https://www.sap.com/germany/about/legal/privacy.html>.

## **4. Your rights**

### **What rights do you have as far as your information is concerned?**

You have the right to receive information about the source, recipients, and purposes of your archived personal data at any time without having to pay a fee for such disclosures. You also have the right to demand that your data are rectified or eradicated. If you have consented to data processing, you have the option to revoke this consent at any time, which shall affect all future data processing. Moreover, you have the right to demand that the processing of your data be restricted under certain circumstances. Furthermore, you have the right to log a complaint with the competent supervising agency.

Please do not hesitate to contact us at any time if you have questions about this or any

### **Revocation of your consent to the processing of data**

A wide range of data processing transactions are possible only subject to your express consent. You can also revoke at any time any consent you have already given us. This shall be without prejudice to the lawfulness of any data collection that occurred prior to your revocation.

### **Right to object to the collection of data in special cases; right to object to direct advertising (Art. 21 GDPR)**

IN THE EVENT THAT DATA ARE PROCESSED ON THE BASIS OF ART. 6(1)(E) OR (F) GDPR, YOU HAVE THE RIGHT TO AT ANY TIME OBJECT TO THE PROCESSING OF YOUR PERSONAL DATA BASED ON GROUNDS ARISING FROM YOUR UNIQUE SITUATION. THIS ALSO APPLIES TO ANY PROFILING BASED ON THESE PROVISIONS. TO DETERMINE THE LEGAL BASIS, ON WHICH ANY PROCESSING OF DATA IS BASED, PLEASE CONSULT THIS DATA PROTECTION DECLARATION. IF YOU LOG AN OBJECTION, WE WILL NO LONGER PROCESS YOUR AFFECTED PERSONAL DATA, UNLESS WE ARE IN A POSITION TO PRESENT COMPELLING PROTECTION WORTHY GROUNDS FOR THE PROCESSING OF YOUR DATA, THAT OUTWEIGH YOUR INTERESTS, RIGHTS AND FREEDOMS OR IF THE PURPOSE OF THE PROCESSING IS THE CLAIMING, EXERCISING OR DEFENCE OF LEGAL ENTITLEMENTS (OBJECTION PURSUANT TO ART. 21(1) GDPR).

IF YOUR PERSONAL DATA IS BEING PROCESSED IN ORDER TO ENGAGE IN DIRECT ADVERTISING, YOU HAVE THE RIGHT TO OBJECT TO THE PROCESSING OF YOUR AFFECTED PERSONAL DATA FOR THE PURPOSES OF SUCH ADVERTISING AT ANY TIME. THIS ALSO APPLIES TO PROFILING TO THE EXTENT THAT IT IS AFFILIATED WITH SUCH DIRECT ADVERTISING. IF YOU OBJECT, YOUR PERSONAL DATA WILL SUBSEQUENTLY NO LONGER BE USED FOR DIRECT ADVERTISING PURPOSES (OBJECTION PURSUANT TO ART. 21(2) GDPR).

**Status of the privacy policy: November 2024**