

# EU General Data Protection Regulation (GDPR) Frequently asked Questions

## 1. When does the EU General Data Protection Regulation (GDPR) apply?

The GDPR entered into force on 24 May 2016. After a transitional period, it will become legally binding from 25 May 2018.

## 2. Where exactly does the GDPR apply?

The GDPR applies directly in all 28 member states of the European Union. Great Britain has already promised to apply the regulations well beyond the date of the Brexit. In order to bind international groups as well, the GDPR follows the so-called market place principle, i.e. no matter from where someone addresses European customers, he must observe the GDPR. This means, for example, that a Chinese mail order company with a German website and shipping to Europe must observe the GDPR and that HELLMANN WORLDWIDE LOGISTICS, as a shipping partner in China, may also have to fulfil more obligations. Some neighboring countries of the EU, in particular Switzerland, have adopted the same regulations in order to further facilitate the free movement of goods and services.

## 3. How does the EU General Data Protection Regulation work in Germany?

The provisions of the Federal Data Protection Act previously applicable to HELLMANN WORLDWIDE LOGISTICS will largely be replaced by the provisions of the GDPR. As the new law is a European regulation, it applies directly in all member states and does not require any national implementation. This also means that data subjects can assert their rights in the same way against all HELLMANN WORLDWIDE LOGISTICS branches and companies throughout Europe. Only very few areas continue to be determined nationally. For example, the requirements for the appointment of a data protection officer: In Germany, this is still mandatory in every company with ten or more employees if personal data is processed. In Austria, on the other hand, the Data Protection Commissioner is regulated in the National Adaptation Act, but is optional if the conditions of Art. 37 GDPR are not met.

## 4. Is everything changing from the ground up?

No, the principles of data protection largely remain unchanged. Data protection law in Europe has already been based on a directive that has roughly defined the law and whose principles (see below) have remained almost unchanged. In Germany, this directive has always been considered exemplary and many of the new regulations aimed at the business of internet platforms or the protection of children and young people do not affect HELLMANN WORLDWIDE LOGISTICS extensively.

## 5. So everything's the same?

No, not that either. The most important difference is that the new law is expected to be implemented and controlled much more strictly. From now on more facts are fined and the possible penalties increase drastically: up to 4% of the annual turnover can be charged as a penalty, which at HELLMANN WORLDWIDE LOGISTICS – sums up to about EUR 120 million.

Damaged persons will also be able to claim damages for intangible damages.

The so-called reversal of the burden of proof is also very important. Until now, data protection violations had to be specifically proven by supervisory authorities or injured parties. Now companies such as HELLMANN WORLDWIDE LOGISTICS must prove conversely that they are implementing the requirements for processing personal data or are not responsible for specific damage.

## 6. What exactly is personal data?

Personal data is all information that identifies natural persons, the so-called data subjects, or makes a statement about them. I.e. name and address as well as a user ID, the e-mail address and telephone number, the social insurance number or information from the pay slip.

## 7. What is meant by „processing“ in this respect?

Processing includes any process in which personal data is generated, used or changed - up to and including deletion. This means that ultimately any use of personal data falls within the scope of data protection. These include:

- Collect and record,
- Organization and organizing,
- Storage, adaptation or modification,
- Read, query, use,
- Disclosure by transmission,
- distribution or any other form of provision,
- Adjustment or linkage
- Restriction, deletion or destruction.

## 8. Does this also apply to business transactions with business customers (B2B)?

Yes, even if „only“ companies work together, there are numerous processes of personal data. Employees on both sides are regularly affected. Even if it „only“ concerns a contact person at the customer, this is a personal date. And even though HELLMANN WORLDWIDE LOGISTICS does most of its business with companies, these in turn have natural persons as customers who also occur in the form of delivery addresses etc. in the processes of HELLMANN WORLDWIDE LOGISTICS and want to be protected.

## 9. What are the basic ideas of data protection?

Basically, data protection wants to protect the right to informational self-determination, i.e. every person decides for himself who knows what about him. He achieves this through the following principles:

### **Admissibility of processing**

Any processing of personal data is strictly prohibited, unless permitted by law. Permissions relevant to HELLMANN WORLDWIDE LOGISTICS would be

- the fulfilment of a legal obligation (e.g. if HELLMANN WORLDWIDE LOGISTICS reports the existence of an employment relationship and the amount of earnings to social insurance),
- the fulfilment of contracts (e.g. if HELLMANN WORLDWIDE LOGISTICS stores the bank details in order to pay the remuneration),
- the legitimate interest of the company, which is not opposed by any legitimate interest of a person affected (e.g. if HELLMANN WORLDWIDE LOGISTICS exchanges data of employees and customers between a division and the holding company in order to enable central processing),
- and voluntary consent (e.g. if employees agree that information about the birth of a child is published on the company intranet).

### **Earmarking/data avoidance**

Data may only be processed for the purpose for which it was collected and only to the extent necessary. If HELLMANN WORLDWIDE LOGISTICS offers an e-mail newsletter, for example, only the e-mail address may be collected, not the postal address not required at all. And the data may then only be used for the newsletter.

### **Transparency**

HELLMANN WORLDWIDE LOGISTICS must inform about the data processing and also notify if the data are not collected by the persons concerned themselves. Data subjects may also request information at any time as to what data about them is stored or otherwise processed.

### **Correction rights**

Data subjects have the right to have false data corrected and data deleted for which there is no longer any reason to store them. However, the deletion of an invoice, for example, is often still prevented by the obligation to keep records for accounting reasons.

### **Backup of data**

Personal data must be adequately protected against unauthorized access, modification and deletion. At HELLMANN WORLDWIDE LOGISTICS we are already well positioned with our ISO 27001 certification.

## Checking

Internally, companies such as HELLMANN WORLDWIDE LOGISTICS are obliged to appoint a data protection officer. Externally, supervisory authorities, in Germany as a rule the state data protection commissioners, supervise compliance to the GDPR.

### **10. Do I now have to implement these points in my work on my own responsibility?**

For most processing steps, these are controlled by processes, forms and templates that HELLMANN WORLDWIDE LOGISTICS has already implemented in their design. It is therefore not necessary for you to become an expert in data protection. However, it is necessary that you adhere to specifications and processes and, for example, use the procedures and systems provided by HELLMANN WORLDWIDE LOGISTICS. Be responsible in handling personal data. If an unusual event occurs, always consider whether personal data could be affected and, if in doubt, ask.

### **11. Does each subsidiary or company have to appoint a data protection officer?**

No, Dr. Wodianka has been appointed Group Privacy Officer, who is responsible for all companies. However, there is organizational support on site from so-called data protection coordinators, i.e. depending on the location and society, there may also be local contacts.

### **12. What has to be considered in contracts with external parties?**

If contracts with other companies affect personal data, the legal basis (see above) for the transmission to the contractual partner must be examined in particular. If data is processed in accordance with HELLMANN WORLDWIDE LOGISTICS' instructions, a special contract must be concluded for data processing on behalf of HELLMANN WORLDWIDE LOGISTICS, whereby the two contractual partners become a single entity from the point of view of data protection. The sample contracts are provided by the data protection team, please contact [datenschutz@hellmann.com](mailto:datenschutz@hellmann.com). at any time in case of customer enquiries or uncertainties.

### **13. What happens if a data breach occurs?**

If a data breach does occur, i.e. unauthorized access to data or an unplanned change or deletion, quick action is important. Under certain circumstances, the law provides for notification to the supervisory authority within 72 hours. Please inform the internal service desk immediately and also point out in particular if personal data is affected. This can already be the case with an incorrectly addressed mail or a lost USB stick. You are also welcome to send information to [privacy@hellmann.com](mailto:privacy@hellmann.com).

### **14. What applies to projects and new developments?**

In future, data protection must be taken into account from the outset in projects and developments (Privacy by Design). If processing has consequences for the rights and freedoms of natural persons, a so-called data protection impact assessment may have to be carried out. For this reason, please also consider possible implications for data

protection with all new or modified processes and involve the data protection officer and his team at [privacy@hellmann.com](mailto:privacy@hellmann.com) in relevant processes so that the necessary security measures, contractual regulations and the updating of our directories are taken into account at an early stage, if this has not already been created in the respective project organization. The project managers are required to involve data protection and to align their processes accordingly.

### **15. Who do I contact with information or questions?**

As always, your manager is at your disposal. All points in connection with data protection can also be addressed to [privacy@hellmann.com](mailto:privacy@hellmann.com). This applies to general questions, data breaches, customer complaints, tender inquiries, project topics, rights of affected parties, inquiries from supervisory authorities and everything else related to data protection. The address is accessible internally as well as externally and is open to employees as well as customers, applicants or even authorities. In addition, the address must also be provided regularly if a contact person for data protection is asked for. It is also communicated on our homepage. Behind the address is a workflow that is supervised by the data protection officer and his team.