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# Privacy Policy according to Art 13 of the GDPR

**Last update:** 27. October 2021

Thank you for your interest in the information on our website!

With the help of this Privacy Policy we would like to inform the users of our website about the type, scope and purpose of the personal data processed. Personal data in this context are all information with which you can be personally identified as a user of our website, including your IP address and information that is stored in cookies.

In a general section of this Privacy Policy, we provide you with information on data protection, which generally applies to our processing of data, including data collection on our website. In particular, you as a data subject will be informed about the rights to which you are entitled.

The terms used in our Privacy Policy and our data protection practice are based on the provisions of the EU General Data Protection Regulation ("GDPR") and other relevant national legal provisions.

## Controller according to the GDPR

**ÖkoFEN France**

Rue des Tenettes – Z.I. du Terraillet  
73190 SAINT-BALDOPH  
France

**e:** [info@okofen.fr](mailto:info@okofen.fr)

**t:** 04 79 65 01 71

**f:** 04 79 71 96 52

## Data collection on our website

On the one hand, personal data is collected from you when you expressly communicate such data to us, on the other hand, data, especially technical data, is automatically collected when you visit our website. Some of this data is collected to ensure that our website functions without errors. Other data may be used for analysis. However, you can use our website without a need to provide personal information.

## Technologies on our website

### Cookies and Local Storage

We use cookies to make our website as user-friendly and functional as possible for you. Some of these cookies are stored on the device you use to access the site.

Cookies are small packages of data that are exchanged between your browser and our web server whenever you visit our website. They do not cause any damage and are used solely to recognise website visitors. Cookies can only store information provided by your browser, e.g. information that you have entered into your browser or that is available on the website. Cookies cannot execute code and cannot be used to access your terminal device.

The next time you access our website using the same device, the information stored in the cookies can then either be sent back to us ("first-party cookie") or to a web application of third party to whom the cookie belongs ("third-party cookie"). The information that is stored and sent back allows each web application to recognise that you have already accessed and visited the website using the browser on your device.

Cookies contain the following information:

- Cookie name
- Name of the server from which the cookie originates
- Cookie ID number
- An expiry date, after which the cookie will be automatically deleted

We classify cookies in the following categories depending on their purpose and function:

- Technically necessary cookies, to ensure the technical operation and basic functions of our website. These types of cookies are used, for example, to maintain your settings while you navigate our website; or they can ensure that important information is retained throughout the session (e.g. login, shopping cart).
- Statistics cookies, to understand how visitors interact with our website by collecting and analysing information on an anonymous basis only. In this way we gain valuable insights to optimize both the website and our products and services.
- Marketing cookies, to provide targeted promotional and marketing activities for users on our website.
- Unclassified cookies are cookies that we are trying to classify together with individual cookie providers.

Depending on the storage period, we also divide cookies into session and persistent cookies. Session cookies store information that is used during your current browser session. These cookies are automatically deleted when the browser is closed. No information remains on your device. Persistent cookies store information between two visits to the website. Based on this information, you will be recognized as a returning visitor on your next visit and the website will react accordingly. The lifespan of a persistent cookie is determined by the provider of the cookie.

The legal basis for using technically necessary cookies is our legitimate interest in the technically fault-free operation and smooth functionality of our website as described in Art. 6 paragraph 1 lit. f of the GDPR. The use of statistics and marketing cookies is subject to your consent, in accordance with Art. 6 paragraph 1 lit. a of the GDPR. You can withdraw your consent for the future use of cookies at any time in accordance with Art. 7 paragraph 3 of the GDPR. Your consent is voluntary. If consent is not given, no disadvantages arise. For more information about the cookies we actually use (specifically, their purpose and lifespan), refer to this Privacy Policy and to the information in our cookie banner about the cookies we use.

You can also set your web browser so that it does not store any cookies in general on your device or so that you will be asked each time you visit the site whether you accept the use of cookies. Cookies that have already been stored can be deleted at any time. Refer to the Help section of your browser to learn how to do this.

Please note that a general deactivation of cookies may lead to functional restrictions on our website.

On our website, we also use so-called local storage functions (also called "local data"). This means that data is stored locally in the cache of your browser, which continues to exist and can be read even after you close the browser - as long as you do not delete the cache or data is stored within the session storage.

Third parties cannot access the data stored in the local storage. If special plug-ins or tools use the local storage functions, you are informed within the description of the respective plug-in or tool.

If you do not wish plug-ins or tools to use local storage functions, you can control this in the settings of your respective browser. We would like to point out that this may result in functional restrictions.

## Hosting

In the process of hosting our website, we store all data related to the operation of our website. This is necessary for enabling operation of our website. Therefore, we process this data on the legal grounds of our legitimate interest in

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optimising our website as described under Art. 6 paragraph 1 lit. f of the GDPR. To provide access to our website, we use the services of web hosting providers, to whom we supply the aforementioned data within the context of contractual processing in accordance with art. 28 of the GDPR.

## Contact

Whenever you contact us, your information is used to process and handle your contact request in the course of fulfilling pre-contractual rights and obligations in accordance with Art. 6 paragraph 1 lit. b of the GDPR. To handle and answer your request it is necessary for us to process your data; otherwise we are unable to answer your request or only able to partially answer it. Your information can be stored in a database of customers and leads on the grounds of our legitimate interest in direct marketing as described in Art. 6 paragraph 1 lit. f of the GDPR.

We delete your request and contact information when your request has been definitively answered and there is no legally required time limit for storing this data prior to deletion (e.g. pursuant to a subsequent contractual relationship). This is usually the case when there is no further contact with you for three years in a row.

## Server Log Files

For technical reasons, particularly to ensure a functioning and secure website, we process the technically necessary data about accesses to our website in so-called server log files which your browser automatically sends to us.

The access data we process includes:

- The name of the website you are accessing
- The browser type (including version) you use
- The operating system you use
- The site you visited before accessing our site (referrer URL)
- The time of your server request
- The amount of data transferred
- The host name of computer (IP address) you are using to access the site

This data cannot be traced back to any natural person and is used solely to perform statistical analyses and to operate and improve our website while also optimising our site and keeping it secure. This data is sent exclusively to our website operator. The data is neither connected nor aggregated with other data sources. In case of suspicion of unlawful use of our website, we reserve the right to examine the data retroactively. This data processing takes place on the legal grounds of our legitimate interest in maintaining a technically fault-free and optimal website, as described under Art. 6 paragraph 1 lit. f of the GDPR.

The access data is deleted within a short period of time after serving its purpose (usually within a few days) unless further storage is required for evidence purposes. In such cases, the data is stored until the incident is definitively resolved.

## General information on data protection

The following provisions in its principles apply not only to the data collection on our website, but also in general to other processing of personal data.

### Personal data

Personal data is information that can be assigned to you individually. Examples include your address, name, postal address, email address or telephone number. Information such as the number of users who visit a website is not personal data because it is not assigned to a person.

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## Legal basis for the processing of personal data

Unless more specific information is provided in this Privacy Policy (e.g. in the case of the technologies used), we may process personal data from you on the basis of the following legal principles:

- **consent in accordance with Art. 6 paragraph 1 lit. a of the GDPR** - The data subject has given his or her consent to the processing of his or her personal data for one or more specific purposes.
- **Fulfillment of a contract and pre-contractual measures pursuant to Art. 6 paragraph 1 lit. b of the GDPR** - Processing is necessary for the fulfillment of a contract to which the data subject is a party or for the implementation of pre-contractual measures.
- **Legal obligation pursuant to Art. 6 paragraph 1 lit. c of the GDPR** - Processing is necessary for the performance of a legal obligation.
- **Protection of vital interests pursuant to Art. 6 paragraph 1 lit. d of the GDPR** - Processing is necessary to protect the vital interests of the data subject or of another natural person.
- **Reasonable interests pursuant to Art. 6 paragraph 1 lit. f of the GDPR** - The processing is necessary to protect the legitimate interests of the controller or of a third party unless the interests or fundamental rights and freedoms of the data subject prevail.

Please note that in addition to the provisions of the GDPR, national data protection regulations may apply in your or our home country.

## Transfer of personal data

Your personal data will not be transferred to third parties for purposes other than those listed in this Privacy Policy.

We will only transfer your personal data to third parties if:

- you have given your express **consent** in accordance with **Art. 6 paragraph 1 lit. a of the GDPR**,
- the transfer pursuant to **Art. 6 paragraph 1 lit. f of the GDPR** is necessary to safeguard **reasonable interests**, as well as to assert, exercise or defend legal claims and there is no reason to assume that you have a prevailing interest worthy of protection by not disclosing your data,
- there is a **legal obligation** to transfer the data in accordance with **Art. 6 paragraph 1 lit. c of the GDPR**, as well as this is legally permissible and / or
- it is required according to **Art. 6 paragraph 1 lit. b of the GDPR** for the **processing of contractual relationships** with you.

## Cooperation with processors

We carefully select our service providers who process personal data on our behalf. If we commission third parties to process personal data on the basis of a data processing agreement, this is done in accordance with **Art. 28 of the GDPR**.

## Transfer to third countries

If we process data to a third country or if this is done in the context of using the services of third parties or disclosure or transfer of data to other persons or companies, this is only done for the reasons described above for the transfer of data.

Subject to express consent or contractual necessity, we process or allow data to be processed only in third countries with a recognized level of data protection or on the basis of special guarantees, such as contractual obligations through so-called standard contractual clauses of the EU Commission, the existence of certifications or binding corporate rules in accordance with **Art. 44 - 49 of the GDPR**.

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## Data transfer to the US / Discontinuation of the Privacy Shield

We would like to expressly point out that as of July 16, 2020, due to a legal dispute between a private individual and the Irish supervisory authority, the so-called "Privacy-Shield", an adequacy decision of the EU Commission according to Art 45 GDPR, which confirmed an adequate level of data protection for the US under certain circumstances, is no longer valid with immediate effect.

**The Privacy Shield therefore no longer constitutes a valid legal basis for the transfer of personal data to the United States!**

If a transfer of data by us to the US takes place at all or if a service provider based in the US is used by us, we refer to this explicitly in this Privacy Policy (see in particular the description of the technologies used on our website).

### **What can the transfer of personal data to the US mean for you as a user and what risks are involved?**

Risks for you as a user are at any rate the powers of the US secret services and the legal situation in the US, which, in the opinion of the European Court of Justice, no longer ensure an adequate level of data protection. Among other things, this concerns the following points:

- Section 702 of the Foreign Intelligence Surveillance Act (FISA) does not provide for any restrictions on the surveillance measures of the secret services or guarantees for non-US citizens.
- Presidential Policy Directive 28 (PPD-28) does not provide effective remedies for those affected against actions by U.S. authorities and does not provide barriers to ensuring proportionate measures.
- The ombudsman provided for in the Privacy Shield does not have sufficient independence from the executive; he cannot issue binding orders to the U.S. secret services.

### **Legally compliant transfer of data to the US on the basis of standard contractual clauses?**

The standard contractual clauses adopted by the Commission in 2010 (2010/87/EU of 05.02.2010), Art. 46 paragraph 2 lit. c GDPR, are still valid, but a level of protection for personal data must be ensured which is equivalent to the level in the European Union. Therefore, not only the contractual relationships with our service providers are relevant, but also the possibility of access to the data by U.S. authorities and the legal system of the U.S. (legislation and jurisdiction, administrative practice of authorities).

The standard contractual clauses cannot bind authorities in the US and therefore do not yet provide adequate protection in cases in which the authorities are authorized under the law in the US to intervene in the rights of the data subjects without additional measures by us and our service provider.

### **Legally compliant transfer of data to the US on the basis of your consent?**

It is currently controversial whether informed consent and thus a deliberate and knowingly restriction of parts of your basic right to data protection is legally possible at all.

### **What measures do we take to ensure that a data transfer to the US complies with the law?**

Insofar as US providers offer the option, we choose to process data on EU servers. This should technically ensure that the data is located within the European Union and cannot be accessed by US authorities.

Furthermore, we carefully examine European alternatives to US tools used. However, this is a process that does not happen overnight, as it also involves technical and economic consequences for us. Only if the use of European tools and / or the immediate switch off of the US tools is impossible for us for technical and / or economic reasons, US service providers are currently still used.

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**For the further use of US tools we take the following measures:**

As far as possible, your consent will be asked for before using a US tool and you will be informed in advance in a transparent manner about the functioning of a service. The risks involved in transferring data to the USA can be found in this section.

We make every effort to conclude standard contract clauses with US service providers and to demand additional guarantees. In particular, we require the use of technologies that do not allow access to data, e.g. the use of encryption that cannot be broken even by US services or anonymization or pseudonymization of data, where only the service provider can make the assignment to a person. At the same time, we require additional information from the service provider if data is actually accessed by third parties or the service provider exhausts all legal remedies until access to data is granted at all.

## Storage period

If no explicit storage period is specified during the collection of data (e.g. in the context of a declaration of consent), we are obliged to delete personal data in accordance with **Art. 5 paragraph 1 lit. e of the GDPR** as soon as the purpose for processing has been fulfilled. In this context, we would like to point out that legal storage obligations represent a legitimate purpose for the processing of personal data.

Personal data will be stored and retained by us in principle until the termination of a business relationship or until the expiry of any applicable guarantee, warranty or limitation periods, in addition, until the end of any legal disputes in which the data is required as evidence, or in any event until the expiry of the third year following the last contact with a business partner.

## Rights of data subjects

Data subject have the right:

- **in accordance with Art. 15 of the GDPR, to request information** about your personal data processed by us. In particular, you may request information on the purposes of processing, the category of personal data, the categories of recipients to whom your data has been or will be disclosed, the planned duration of storage, the existence of a right of rectification, deletion, restriction of processing or opposition, the existence of a right of appeal, the origin of your data, if not collected by us, as well as the existence of automated decision making including profiling and, where applicable, meaningful information on the details thereof;
- **in accordance with Art. 16 of the GDPR, to demand without delay the correction** of incorrect or incomplete personal data stored by us;
- **in accordance with Art. 17 of the GDPR, to demand the deletion** of your personal data stored with us, unless the processing is necessary to exercise the right to freedom of expression and information, to fulfill a legal obligation, for reasons of public interest or to assert, exercise or defend legal claims;
- **in accordance with Art. 18 of the GDPR, to demand the restriction of the processing** of your personal data, insofar as the accuracy of the data is disputed by you, the processing is unlawful, but you refuse to delete it and we no longer require the data, but you require it for the assertion, exercise or defense of legal claims or you have lodged an objection to the processing in accordance with Art. 21 of the GDPR;
- **in accordance with Art. 20 of the GDPR, to receive your personal data** that you have provided to us in a structured, common and machine-readable format or to request that it be transferred to another controller;

- **in accordance with Art. 21 of the GDPR**, if your personal data are processed on the basis of our legitimate interest, **to object** to the processing of your personal data for reasons arising from your specific situation or if the objection is directed against direct advertising. In the latter case, you have a general right of objection, which we will implement without indicating a specific situation.
- **in accordance with Art. 7 paragraph 3 of the GDPR**, you may at any time **revoke your consent** to us. As a result, we may no longer continue the data processing based on this consent in the future. Among other things, you have the option of revoking your consent to the use of cookies on our website with effect for the future by calling up our [Cookie Settings](#).
- **in accordance with Art. 77 of the GDPR to complain** to a data protection authority regarding the illegal processing of your data by us. As a rule, you can contact the data protection authority at your usual place of residence or workplace or at the headquarters of our company.

The responsible data protection authority for ÖkoFEN France is:

**Commission Nationale de l'Informatique et des Libertés - CNIL**

8 rue Vivienne, CS 30223, F-75002 Paris, Frankreich

Tel.: +33 1 53 73 22 22,

## Assertion of rights of data subjects

You yourself decide on the use of your personal data. Should you therefore wish to exercise one of your above-mentioned rights towards us, you are welcome to contact us by email at [info@okofen.fr](mailto:info@okofen.fr) or by post, as well as by telephone.

Together with your application, please send us a copy of an official photo ID for clear identification and support us in concretizing your request by answering questions from our responsible employees regarding the processing of your personal data. In your request, please state in which role (employee, applicant, visitor, supplier, customer, etc.) and in which period of time you have been in contact with us. This enables us to process your request promptly.

## Security of personal data

The security of your personal data is of particular concern to us. Therefore, in accordance with **Art. 32 of the GDPR** and taking into account the state of the art, the implementation costs and the nature, scope, circumstances and purposes of the processing, as well as the different probabilities of occurrence and severity of the risk to the rights and freedoms of natural persons, we take appropriate technical and organisational measures to ensure a level of protection appropriate to the risk.

These measures shall include, but not be limited to, ensuring the confidentiality, integrity and availability of data by controlling physical access to the data, as well as access, input, disclosure, safeguarding of availability and segregation of data relating to them. Furthermore, we have established procedures to ensure that data subjects' rights are exercised, data is deleted, and we respond to data threats. Furthermore, we take the protection of personal data into account as early as the development or selection of hardware and software, in accordance with the principle of privacy by design and through data protection-friendly pre-settings in accordance with **Art. 25 of the GDPR** .

Our understanding of security is also requested from the processors we use.

## Actuality of this Privacy Policy

Due to further developments or changes in legal requirements, it may become necessary to adapt this Privacy Policy from time to time. The current Privacy Policy can be found and printed out by you at any time here on this website.

For questions regarding data privacy, you can reach us at [info@okofen.fr](mailto:info@okofen.fr) or at the other contact details stated in this Privacy Policy.

**SAINT-BALDOPH** , on 27. October 2021

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