

Privacy Policy

Last update: 19. February 2024

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 is all information that can be used to personally identify you as a user of our website (theoretically in an alternative way or by linking various data), including your IP address. Information that is stored in cookies is generally not or only in exceptional cases personally identifiable; however, cookies are covered by specific regulations that makes the permissibility of the use of cookies dependent on their purpose to a large extent on the active consent of the user.

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

JAF International Services Ges.m.b.H.

Gerbergasse 2
2000 Stockerau
Austria

e: marketing@frischeis.com

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 purposes. However, you can use our website without a need to provide personal information.

Technologies on our website

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, your name as well as your 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.

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 on the legal basis 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 in accordance with **Art. 44 - 49 of the GDPR** 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.

Data transfer to the U.S.

We would like to explicitly point out that as of July 10, 2023, the EU Commission has issued an adequacy decision on the EU-US data protection framework (Data Privacy Framework) pursuant to Art. 45 paragraph 1 GDPR. Accordingly, organizations or companies (as data importers) in the US that are registered in a public list as part of the self-certification of the Data Privacy Framework provide an adequate level of protection for data transfers. Whether the specific provider of a service is already certified can be found here: <https://www.dataprivacyframework.gov/s/participant-search>

The Data Privacy Framework provides a valid legal basis for the transfer of personal data to the USA. This creates binding guarantees to comply with all ECJ requirements; for example, it provides that access by U.S. intelligence services to EU

data is limited to a necessary and proportionate level and that a data protection review court is created to which individuals in the EU also have access.

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).

It should be noted that aside from significant improvements, the Data Privacy Framework is only partial and only applies to data transfers to those data importers in the U.S. that appear on the public list of certified organizations/companies.

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 as far as data importers in the USA are concerned, which are not covered by the Data Privacy Framework, are in any case the powers of the US secret services and the legal situation in the U.S., which currently, according to the European Court of Justice, no longer ensure an adequate level of data protection. Among others, these are the following:

- 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 U.S. on the basis of the standard contractual clauses for data importers not covered by the Data Privacy Framework?

In June 2021, the European Commission adopted new Standard Contractual Clauses (SCC) in Decision 2021/914/EU. These create a new legal basis for data transfers where the level of data protection is not the same as in the EU.

Legally compliant transfer of data to the U.S. based on consent?

If a data transfer to a service provider based in the U.S. takes place that is not covered by the Data Privacy Framework and this data transfer is based on explicit consent, we provide explicit information about this in this privacy policy, in particular in the description of the technologies used on our website.

What measures do we take to ensure that data transfers to the U.S. are legally compliant?

Where 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 that access by US authorities is not possible.

Storage periods in general

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 further processing of affected 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.

Storage periods in particular

As part of the description of individual technologies on our website, there are specific references to the storage period of data. In our cookie table, you will be informed about the storage period of individual cookies. In addition, you always have the possibility to ask us directly about the specific storage period of data. To do so, please use the contact data listed in this Privacy Policy.

Rights of data subjects

Data subject have the right:

- (i) **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;
- (ii) **in accordance with Art. 16 of the GDPR, to demand without delay the correction** of incorrect or incomplete personal data stored by us;
- (iii) **in accordance with Art. 17 of the GDPR, under specific circumstances** 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;
- (iv) **in accordance with Art. 18 of the GDPR, to demand the (temporary) 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;
- (v) **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; However, this only covers those of your personal data that we process with the help of automated processes after your consent or on the basis of a contract with you;
- (vi) **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.
- (vii) **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](#).
- (viii) **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 JAF International Services Ges.m.b.H. is:

Österreichische Datenschutzbehörde

Barichgasse 40-42, 1030 Wien, Österreich

Tel.: +43 1 52 152-0, dsb@dsb.gv.at

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 marketing@frischeis.com or by post, as well as by telephone.

Please assist us in specifying your request by answering questions from our responsible employees regarding the specific processing of your personal data. If there are reasonable doubts about your identity, we may request a copy of your identification.

For questions regarding data protection, you can reach us at marketing@frischeis.com or at the other contact details stated in this Privacy Policy.

Stockerau , on 19. February 2024

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