

# Privacy Policy for the Caluwin App

Thank you for your interest in our company. Data protection is of a particularly high priority for the management of Sommer Informatik GmbH.

The processing of personal data, for example the name, address, email address or telephone number of an affected person, is always carried out in accordance with the General Data Protection Regulation and in accordance with the country-specific data protection regulations applicable to Sommer Informatik GmbH. By means of this data protection declaration, our company would like to inform the public about the type, scope and purpose of the personal data collected, used and processed by us. Furthermore, affected persons are informed about their rights by means of this data protection declaration.

As the controller, Sommer Informatik GmbH has implemented numerous technical and organizational measures to ensure the most complete protection possible for personal data processed via the app. Nevertheless, Internet-based data transmissions can generally have security gaps, so that absolute protection cannot be guaranteed. For this reason, every person concerned is free to transfer personal data to us in alternative ways.

## 1. Definitions

Sommer Informatik GmbH's data protection declaration is based on the terms used by the European legislator for directives and regulations when the General Data Protection Regulation (GDPR) was adopted. Our data protection declaration should be easy to read and understand for the public as well as for our customers and business partners. To ensure this, we would like to explain the terms used in advance.

We use the following terms in this data protection declaration:

- **a) personal data**

Personal data is all information that relates to an identified or identifiable natural person (hereinafter "affected person"). A natural person is considered to be identifiable who, directly or indirectly, in particular by means of assignment to an identifier such as a name, to an identification number, to location data, to an online identifier or to one or more special characteristics that express the physical, physiological, genetic, psychological, economic, cultural or social identity of this natural person can be identified.

- **b) affected person**

The person concerned is any identified or identifiable natural person whose personal data is processed by the person responsible for processing.

- **c) processing**

Processing is any process carried out with or without the help of automated processes or any such series of processes in connection with personal data such as the collection, recording, organization, ordering, storage, adaptation or change, reading, querying, use, Disclosure through transmission, dissemination or any other form of provision, comparison or linking, restriction, deletion or destruction.

- **d) Restriction of processing**

Restriction of processing is the marking of stored personal data with the aim of restricting their future processing.

- **e) Profiling**

Profiling is any type of automated processing of personal data that consists of using this personal data to evaluate certain personal aspects relating to a natural person, in particular aspects relating to work performance, economic situation, health, personal To analyze or predict the preferences, interests, reliability, behaviour, whereabouts or relocation of this natural person.

- **f) Pseudonymization**

Pseudonymization is the processing of personal data in a way in which the personal data can no longer be assigned to a specific affected person without the use of additional information, provided that this additional information is stored separately and is subject to technical and organizational measures that ensure that the personal data cannot be assigned to an identified or identifiable natural person.

- **g) Responsible person or person responsible for processing**

The person responsible or the person responsible for processing is the natural or legal person, public authority, agency or other body that alone or jointly with others decides on the purposes and means of processing personal data. If the purposes and means of this processing are specified by Union law or the law of the member states, the person responsible or the specific criteria for his appointment can be provided for in accordance with Union law or the law of the member states.

- **h) Processor**

Processor is a natural or legal person, public authority, agency or other body that processes personal data on behalf of the person responsible.

- **i) receiver**

The recipient is a natural or legal person, authority, institution or other body to which personal data is disclosed, regardless of whether it is a third party or not. Authorities that may receive personal data as part of a specific investigation under Union law or the law of the member states are not considered recipients.

- **j) Third party**

A third party is a natural or legal person, public authority, agency or body other than the affected person, the person responsible, the processor and the persons who are authorized to process the personal data under the direct responsibility of the person responsible or the processor.

- **k) consent**

Consent is any voluntary, informed and unambiguous declaration of intent given by the person concerned for the specific case in the form of a declaration or other unambiguous affirmative action with which the person concerned indicates that they consent to the processing of their personal data is.

## **2. Name and address of the person responsible for processing**

The person responsible within the meaning of the General Data Protection Regulation, other data protection laws applicable in the member states of the European Union and other provisions of a data protection nature is:

Sommer Informatik GmbH  
Sepp-Heindl-Str. 5  
83026 Rosenheim  
Germany

Tel.: +49803124881

E-Mail: [info@sommer-informatik.de](mailto:info@sommer-informatik.de)

Website: [www.sommer-informatik.de](http://www.sommer-informatik.de)

### 3. Name and address of the data protection officer

The data protection officer of the controller is:

Alexander Sommer  
Sommer Informatik GmbH  
Sepp-Heindl-Str. 5  
83026 Rosenheim  
Germany

Tel.: +49803124881

E-Mail: [info@sommer-informatik.de](mailto:info@sommer-informatik.de)

Website: [www.sommer-informatik.de](http://www.sommer-informatik.de)

If you have any questions or suggestions about data protection, you can also contact us by email at [info@sommer-informatik.de](mailto:info@sommer-informatik.de).

### 4. Caluwin app authorizations

In order to be able to use our app with all functions, we need different authorizations on your mobile devices.

- Access to the network
  - Transfer of project data to our web service, which can be used to create the PDF printout.
    - When creating a printout, user information (client IP address, possibly client host, user agent and referrer) is saved on our server
  - Create account
  - Login
  - Logout
  - Searching for coordinates
  - Update rating in SWS Air Simulation
- Access to storage (only on Android)
  - The PDF file is saved on the device.

You will be explicitly asked to agree to certain rights so that you can decide here directly.

### 5. Storage duration of the data

The person responsible for the processing processes and stores personal data of the affected person only for the period of time that is necessary to achieve the storage purpose or if this is specified by the European directives and regulations or another legislator in laws or regulations, which the person responsible for the processing is subject to, was provided.

If the purpose of storage no longer applies or if a storage period prescribed by the European directives and regulations or another responsible legislator expires, the personal data will be routinely blocked or deleted in accordance with the statutory provisions.

## **6. Evaluation of user behaviour / user data using tracking tools**

Following actions are monitored and evaluated:

- Login of the user (timestamp)
- Logout of the user (timestamp)
- Update rating in SWS Air Simulation, if lifetime calculation is enabled (timestamp)

No external tracking tools are used.

## **7. Data transfer to third parties**

The data from the app users will not be transferred to third parties, only Sommer Informatik GmbH has access to the data concerned.

## **8. Rights of the person concerned**

### a) Right to confirmation

Every person concerned has the right granted by the European directive and regulation given to request confirmation from the person responsible for the processing as to whether personal data concerning them are being processed. If a person concerned wishes to exercise this right to confirmation, they can contact an employee of the person responsible for processing at any time.

### b) Right to information

Every person affected by the processing of personal data has the right granted by the European directives and regulations to receive free information about the personal data stored about them and a copy of this information from the person responsible for the processing at any time. Furthermore, the European directives and regulations grant the affected person access to the following information:

- the processing purposes
- the categories of personal data that are processed
- the recipients or categories of recipients to whom the personal data have been disclosed or are still being disclosed, in particular to recipients in third countries or to international organizations
- if possible, the planned duration for which the personal data will be stored or, if this is not possible, the criteria for determining this duration
- the existence of a right to correction or deletion of personal data concerning you or to restriction of processing by the person responsible or a right to object to this processing
- the existence of a right of appeal to a supervisory authority
- if the personal data are not collected from the affected person: All available information on the origin of the data

- the existence of automated decision-making including profiling in accordance with Article 22 (1) and (4) GDPR and - at least in these cases - meaningful information about the logic involved and the scope and intended effects of such processing for the affected person

Furthermore, the affected person has the right to information as to whether personal data has been transmitted to a third country or to an international organization. If this is the case, the affected person has the right to receive information about the appropriate guarantees in connection with the transmission.

If a person concerned wishes to exercise this right to information, they can contact an employee of the person responsible for processing at any time.

#### c) Right to correction

Every person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to request the immediate correction of incorrect personal data concerning them.

Furthermore, the affected person has the right, taking into account the purposes of the processing, to request the completion of incomplete personal data - including by means of a supplementary declaration.

If an affected person wishes to exercise this right to rectification, they can contact an employee of the controller at any time.

#### d) Right to erasure (right to be forgotten)

Every person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to demand that the person responsible delete the personal data concerning them immediately, provided that one of the following reasons applies and insofar as the processing is not necessary:

- The personal data were collected or otherwise processed for purposes for which they are no longer necessary.
- The affected person revokes their consent, on which the processing was based in accordance with Art. 6 Paragraph 1 Letter a GDPR or Art. 9 Paragraph 2 Letter a GDPR, and there is no other legal basis for the processing.
- The affected person objects to the processing in accordance with Article 21 (1) GDPR, and there are no overriding legitimate reasons for the processing, or the affected person objects to the processing in accordance with Art. 21 Paragraph 2 GDPR.
- The personal data was processed unlawfully.
- The deletion of personal data is necessary to fulfill a legal obligation under Union law or the law of the member states to which the person responsible is subject.
- The personal data was collected in relation to the information society services offered in accordance with Art. 8 Para. 1 GDPR.

If one of the above reasons applies and an affected person wishes to have personal data stored at Sommer Informatik GmbH deleted, they can contact an employee of the person responsible for processing at any time. The employee of Sommer Informatik GmbH will arrange for the deletion request to be complied with immediately.

If the personal data has been made public by Sommer Informatik GmbH and our company as the person responsible is obliged to delete the personal data in accordance with Art. 17 Paragraph 1 GDPR, Sommer Informatik GmbH will take appropriate measures, taking into account the available technology and the implementation costs, also of a technical nature, in order to inform other data controllers who process the published personal data that the affected person has requested the deletion of all links to this personal data or copies or replications of these other data controllers has requested personal data insofar as the processing is not necessary. The employee of the Sommer Informatik GmbH will arrange the necessary in individual cases.

#### e) Right to restriction of processing

Every person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to demand that the controller restrict the processing if one of the following conditions is met:

- The correctness of the personal data is contested by the affected person for a period that enables the person responsible to check the correctness of the personal data.
- The processing is unlawful, the person concerned refuses to delete the personal data and instead requests that the use of the personal data be restricted.
- The person responsible no longer needs the personal data for the purposes of processing, but the affected person needs them to assert, exercise or defend legal claims.
- The affected person has an objection to the processing acc. Art. 21 paragraph 1 GDPR and it has not yet been determined whether the legitimate reasons of the person responsible outweigh those of the person concerned.

If one of the above conditions is met and a person concerned would like to request the restriction of personal data stored at Sommer Informatik GmbH, they can contact an employee of the person responsible for processing at any time. The employee of Sommer Informatik GmbH will arrange for the processing to be restricted.

#### f) Right to data portability

Every person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to receive the personal data relating to them, which have been made available to a responsible party by the person concerned, in a structured, common and machine-readable format. You also have the right to transfer this data to another person responsible without hindrance from the responsible person to whom the

personal data was provided, provided that the processing is based on the consent in accordance with Art. 6 Paragraph 1 Letter a GDPR or Art. 9 Paragraph 2 letter a DS-GVO or on a contract according to Art. 6 paragraph 1 letter b DS-GVO and the processing is carried out using automated procedures, unless the processing is necessary for the performance of a task that is in the public interest or takes place in the exercise of public authority, which has been assigned to the person responsible.

Furthermore, when exercising their right to data portability in accordance with Art. 20 (1) GDPR, the affected person has the right to have the personal data transmitted directly from one person responsible to another, insofar as this is technically feasible and provided this does not affect the rights and freedoms of other persons.

To assert the right to data portability, the person concerned can contact an employee of Sommer Informatik GmbH at any time.

#### g) Right to object

Every person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to object at any time to the processing of personal data relating to them which is based on Art. 6 Paragraph 1 Letter e or f GDPR takes place to object. This also applies to profiling based on these provisions.

In the event of an objection, Sommer Informatik GmbH will no longer process the personal data, unless we can prove compelling legitimate reasons for the processing that outweigh the interests, rights and freedoms of the affected person, or the processing serves to assert, exercise or defence of legal claims.

If Sommer Informatik GmbH processes personal data in order to operate direct mail, the affected person has the right to object at any time to the processing of personal data for the purpose of such advertising. This also applies to profiling insofar as it is related to such direct advertising. If the affected person objects to Sommer Informatik GmbH processing for direct marketing purposes, Sommer Informatik GmbH will no longer process the personal data for these purposes.

In addition, the affected person has the right, for reasons that arise from his or her particular situation, to object to the processing of personal data concerning him or her by Sommer Informatik GmbH for scientific or historical research purposes or for statistical purposes in accordance with Art. 89 Paragraph 1 GDPR to object, unless such processing is necessary to fulfill a task in the public interest.

To exercise the right to object, the affected person can contact any employee of Sommer Informatik GmbH or another employee directly. The affected person is also free, in connection with the use of information society services, regardless of Directive 2002/58 / EC, to exercise their right of objection by means of automated procedures in which technical specifications are used.

#### h) Automated decisions in individual cases including profiling

Any person affected by the processing of personal data has the right granted by the European legislator of directives and regulations not to be subjected to a decision based solely on automated processing - including profiling - which has legal effects on them or which significantly affects them in a similar manner, if the decision (1) is not necessary for the conclusion or performance of a contract between the affected person and the person responsible, or (2) is permissible on the basis of Union or Member State legislation to which the person responsible is subject and these legislation take appropriate measures to safeguard the rights and freedoms as well as the legitimate interests of the affected person or (3) is made with the express consent of the affected person.

If the decision (1) is necessary for the conclusion or performance of a contract between the affected person and the person responsible or (2) it is made with the express consent of the affected person, Sommer Informatik GmbH will take appropriate measures to safeguard the rights and freedoms as well as the to protect the legitimate interests of the affected person, including at least the right to obtain the intervention of a person on the part of the person responsible, to present one's own point of view and to contest the decision.

If the affected person wishes to assert rights with regard to automated decisions, they can contact an employee of the controller at any time.

#### i) Right to withdraw consent under data protection consent

Any person affected by the processing of personal data has the right granted by the European legislator of directives and regulations to revoke consent to the processing of personal data at any time.

If the person concerned wishes to assert their right to withdraw consent, they can contact an employee of the person responsible for processing at any time.

### **9. Right to object**

You can revoke your authorization to save the data on your device at any time.

### **10. Current status and changes to this privacy policy**

This data protection information is currently valid and has the status March 2021.

Due to the further development of our apps, websites and offers or due to changed legal or regulatory requirements, it may be necessary to change this data protection information. You can access and print out the current data protection information at any time on the website under [LINK](#).