



EMPLOYEE PRIVACY NOTICE

At MOTORTECH GmbH (“**MOTORTECH**”, “**we**”, “**us**”, “**our**”) we take data protection very seriously. We have developed this employee privacy notice (“**Notice**”) to transparently inform you (i) about how we collect, use, disclose and otherwise process personal data as required by applicable law or as we require in the course of fulfilling our professional responsibilities and operating our business as well as (ii) about your rights under General Data Protection Regulation (“**GDPR**”).

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1. For whom is this Notice?

This Notice covers our processing of personal data under GDPR and the German Federal Data Protection Act (Bundesdatenschutzgesetz; “BDSG”) with respect to our employees. By providing this Notice to you, we comply with our information obligations under GDPR. Please note that this Notice shall not confer upon you any rights or obligations that are not conferred upon you by law.

2. Who are we and how can you contact us?

The controller of your personal data is:

MOTORTECH GmbH
Hunaeusstrasse 5
29227 Celle

Phone: +49 5141 9399 0
Fax: +49 5141 9399 99

Please contact us at anfrage@projekt29.de with respect to any questions about this Notice, the processing of your personal data in general and to exercise your rights towards us as outlined below under no. 9.

3. How can you contact our data protection officer?

You can contact our data protection officer via email at anfrage@projekt29.de or via postal letter under Project 29 GmbH & Co. KG, Ostengasse 14, 93047 Regensburg.



4. Where do we collect your data?

We generally collect your personal data directly from you. Exceptionally, we may collect the following categories of personal data from the listed third parties:

- Tax authorities (details of your tax class and taxation in general, including church tax code)
- Social insurance carriers (details regarding your social insurance, including your health insurer as MOTORTECH is obliged to pay social security contributions to them and may also obtain sick notes from them).

5. How is your personal data used (purposes and legal bases)?

Generally, we process your personal data to manage and carry out the employment relationship between you and MOTORTECH.

We process your personal data for the following purposes and rely on the listed legal bases; where relevant, the legitimate interest is included in the table below as well.

The legal bases are:

- Performance of a contract (Art. 6 (1) (b) GDPR);
- Compliance with legal obligations (Art. 6 (1) (c) GDPR);
- Legitimate interests (Art. 6 (1) (f) GDPR);
- Consent (Art. 6 (1) (a), Art. 7, GDPR, Art. 88 (1) GDPR in conjunction with Sec. 26 (2) BDSG); and
- Detection of criminal offences (Art. 88 (1) GDPR in conjunction with Sec. 26 (1) sentence 2 BDSG).

The additional legal bases we rely on when we process special categories of personal data (Art. 9 (1) GDPR) are:

- Explicit consent (Art. 9 (2) (a) GDPR, Art. 88 (1) GDPR in conjunction with Sec. 26 (3) sentence 2, (2) BDSG);
- The processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law to the extent permissible under applicable laws (Art. 9 (2) (b) GDPR);
- The processing is necessary to protect an employee's vital interests or of another person where the employee is physically or legally incapable of giving consent (for example in exceptional emergency situations, such as a medical emergency) (Art. 9 (2) (c) GDPR); and
- The processing is necessary for the establishment, exercise or defense of legal claims (Art. 9 (2) (f) GDPR).

No.	Purpose of processing	Legal basis	Legitimate interest (where relevant)
1	Staff management (including time, attendance and leave management) and administration (including on-boarding).	(i) Performance of a contract, (ii) processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law and (iii) processing is necessary for the establishment, exercise or defense of legal claims	not applicable ("n/a").



No.	Purpose of processing	Legal basis	Legitimate interest (where relevant)
2	Remuneration and payroll management.	<p>(i) Performance of a contract and (ii) in some cases compliance with legal obligations (e.g., compliance with statutory tax and social security requirements).</p> <p>Religious beliefs may be processed in the course of processing your church tax mark for payrolls to comply with obligations deriving from tax law: processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law.</p>	n/a
3	Travel management and reimbursement of travel expenses.	Performance of a contract.	n/a
4	Training and development.	(i) Compliance with legal obligations and (ii) legitimate interests in other cases.	MOTORTECH has a legitimate interest in training its workforce and developing its capacities, thus ensuring that employees meet the standards reasonably expected by MOTORTECH.
5	Performance and talent management.	(i) Performance of a contract and (ii) legitimate interests in other cases.	MOTORTECH has a legitimate interest in attracting, developing, maintaining and retaining high caliber employees; ensuring effective succession; and ensuring that employees meet the standards reasonably expected by MOTORTECH.
6	Absence and incapacity management.	(i) Compliance with legal obligations (e.g., health and safety laws, duty of care to Employees, provision of statutory incapacity benefits, employment law, social security and social protection law), (ii) performance of a contract in other cases, and (iii) processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law (National health insurance).	n/a
7	Employee engagement (e.g., surveys).	Legitimate interests.	MOTORTECH has a legitimate interest in engaging with its workforce to obtain its thoughts and opinions on work-related issues.



No.	Purpose of processing	Legal basis	Legitimate interest (where relevant)
8	Occupational integration management (Betriebliches Eingliederungsmanagement, BEM).	(i) Compliance with legal obligations and (ii) (explicit) consent, (iii) legitimate interests and (iv) processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law.	MOTORTECH has a legitimate interest in documenting the proper implementation of the BEM; these formal documents do not contain any health data or other specially protected data.
9	Complying with reference requests where MOTORTECH is named as a referee.	Legitimate interests.	The (potential) new employer has a legitimate interest in receiving confirmation of basic employment details from MOTORTECH. Detailed information would only be provided if employee consented to MOTORTECH providing such information. Such consent would be voluntary and would be sought at the time before additional information were provided.
10	Creation and storage of videos/ pictures of Employees as well as use of such in internal/external media.	(i) Legitimate interests (e.g., use of employees' pictures for security reasons, such as badges and (ii) consent (i.e., only non-mandatory cases where employees can freely consent to the use of their picture by MOTORTECH because processing does not have any impact on employees' career).	MOTORTECH has a legitimate interest in ensuring the security of the company premises.
11	Creation and operation of company policies as well as ensuring compliance with such policies.	(i) Compliance with legal obligations and (ii) legitimate interests in other cases.	MOTORTECH has a legitimate interest in ensuring compliance with applicable law and MOTORTECH's standards.
12	Disciplinary action (including but not limited to warning notices).	(i) Compliance with legal obligations and (ii) legitimate interests in other cases.	MOTORTECH has a legitimate interest in ensuring compliance with applicable law and company policies.



No.	Purpose of processing	Legal basis	Legitimate interest (where relevant)
13	Detection and investigation of criminal offences and comparable misconduct.	<p>(i) Detection of criminal offences (for criminal offences), (ii) performance of a contract (for comparable misconduct) and (iii) processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law.</p> <p>Such processing will only take place if there is a documented reason to believe that an employee has committed a crime/gross conduct while employed, the processing is necessary to investigate the crime/gross conduct and is not outweighed by the employee's legitimate interest in not processing the data, and in particular the type and extent are not disproportionate to the reason.</p> <p>For persons to whom (i) and (ii) do not apply (e.g., managing directors): legitimate interests.</p>	MOTORTECH has a legitimate interest in detecting and investigating alleged criminal offences and comparable misconducts at MOTORTECH.
14	Provision of company benefits.	(i) performance of a contract and (ii) legitimate interests in other cases	MOTORTECH has a legitimate interest in the well-being and happiness of employees.
15	Carrying out compliance audits.	(i) Compliance with legal obligations and (ii) legitimate interests in other cases.	MOTORTECH has a legitimate interest in ensuring compliance with applicable law and regulations.
16	Creation of statistics and reporting to decision makers.	Legitimate interests.	MOTORTECH has a legitimate interest in analyzing and understanding developments and incidents regarding its workforce.
17	Conducting IT system usage tracking	(i) performance of a contract insofar as it concerns compliance with contractual obligations and (ii) legitimate interests in other cases (e.g., firewalls, spam filtering)	MOTORTECH has a legitimate interest in conducting system usage tracking for security and privacy control purposes.
18	Dealing with grievances, public interest disclosures and complaints raised by or in respect of employees	(i) Complying with legal obligations (e.g., health and safety laws, duty of care to employees, employment law including unfair dismissal and discrimination laws, social security and social protection law), (ii) legitimate interests in other cases, (iii) processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law and (iv) processing is necessary for the establishment, exercise or defense of legal claims.	MOTORTECH has a legitimate interest investigating and resolving employee concerns and compliance concerns.



No.	Purpose of processing	Legal basis	Legitimate interest (where relevant)
19	Business restructuring and corporate transactions (including sale of all or part of the company asset(s) and or activity(ies))	Legitimate interests	MOTORTECH has a legitimate interest in planning and implementing changes within the business. Regarding corporate transactions, MOTORTECH has a legitimate interest in disclosing information regarding its workforce, assets and activities to potential buyers or acquirers, and their external counsels.
20	Safeguarding our rights	(i) Legitimate interests and (ii) processing is necessary for the establishment, exercise or defense of legal claims	MOTORTECH has a legitimate interest in establishing, exercising and/or defending legal claims.
21	Compliance with laws and regulations applicable to MOTORTECH, including compliance with requests by public authorities, compliance with statutory retention obligations, and compliance with data subjects' rights	(i) Compliance with legal obligations (ii) legitimate interests (iii) processing is necessary to exercise rights or comply with legal obligations derived from labor law, social security and social protection law and (iv) processing is necessary for the establishment, exercise or defense of legal claims.	MOTORTECH has a legitimate interest in complying with requests by public authorities or court orders or government regulations or in submitting applications to such public bodies.
22	For any of the above listed purposes it might be necessary to transfer data to MOTORTECH's affiliated group companies.	(i) Performance of a contract (ii) legitimate interests in all cases where the transfer is not necessary for the performance of the contract.	MOTORTECH as part of a group of companies has a legitimate interest in transferring personal data within the group for internal administrative purposes, including the processing of employees' personal data.

Only in exceptional cases your Personal Data may be processed based on your freely given consent (Art. 6 (1) (a), Art. 7, Art. 9 (2) (a) GDPR, Art. 88 (1) GDPR in conjunction with Sec. 26 (3) sentence 2, (2) BDSG). You will be informed about the purposes of such processing prior to being asked to give consent.

You are generally not required to provide your personal data to us unless there is an obligation for such provision by local regulations or where we have to collect personal data for compliance with a legal obligation to which we are subject. However, if you do not provide your personal data, we might not be able to carry out certain processes related to your employment (e.g., if bank details are not provided, we will not be able to pay you). In some cases, this may mean that we will be unable to hire you or continue with your employment respectively engagement as we will not have the personal data necessary for the effective and efficient administration and management of the employment relationship with you.



6. Who has access to your information (recipients)?

Within MOTORTECH, only authorized personnel with appropriate responsibilities have access to your personal data. In addition, we may share your personal data with the following categories of recipients:

- a. We may share your personal data with service providers that process personal data on our behalf and subject to our instructions as so-called processors, for the purpose of providing their professional services to us:
 - HR management system provider, Workday USA
 - Payroll provider ,Datativ, Germany
- b. We may share your personal data with the following third parties:
 - Other entities of the group of companies to which MOTORTECH belongs for the purposes listed in no. 5 above.
 - Other third parties:
 - Tax, immigration and other state authorities (including law enforcement) and social security carriers for the purpose of compliance with laws and regulations applicable to us
 - Consultants (lawyers and auditors) for the purpose of compliance with legal obligations, in the context of corporate transactions and for safeguarding our rights
 - Courts for the purpose of safeguarding our rights
 - Potential buyers or acquirers of all or part of our asset(s) and/or activity(ies) for the purpose of corporate transactions.

Data Privacy officer

Projekt 29 GmbH & Co. KG
Ostengasse 14
93047 Regensburg
Germany

E-Mail: anfrage@projekt29.de

Web: www.projekt29.de

Employee engagement platform: CultureAmp <https://www.cultureamp.com/>

The legal bases relevant for the transfer of personal data to third parties can be found in no. 5 above.

7. Do we transfer your data internationally (third country transfer)?

Some recipients of personal data may be located outside the European Economic Area ("EEA") in countries that do not offer a level of protection equivalent to the one granted in the EEA.

Where personal data is transferred to locations outside the EEA, we will, as required by law, ensure that your privacy rights are adequately protected.

If we transfer your personal data from the EEA to a jurisdiction which has been recognized as providing an adequate level of data protection, we will rely on the European Commission's adequacy decision (Art. 45 GDPR). When transferring Personal Data to recipients in the USA we may rely on the EU-U.S. Data Privacy Framework which ensures an adequate level of protection for recipients certified under the EU-U.S. Data Privacy Framework. A list of the European Commission's adequacy decisions can be found at https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en.

Transfers to recipients (including affiliated companies) in countries that have not been determined by the European Commission to grant adequate protection to personal data are subject to appropriate safeguards (e.g., standard data contractual clauses of the European Commission agreed on with the recipient) (Art. 46



GDPR) unless GDPR provides for an exception (Art. 49 GDPR). In addition, we intend to, where necessary, agree on additional measures with recipients to ensure an adequate level of data protection.

If we use standard contractual clauses of the European Commission, as far as the transfer in this context is made to a service provider acting as a data processor for us, Module Two (transfer from data controllers to data processors) of the standard contractual clauses is relevant, as far as the transfer is made to third parties, Module One (transfer from data controllers to data controllers) is relevant.

Copies of appropriate safeguards (to the extent we rely on such) can be requested through our data protection officer via email at anfrage@projekt29.de or via postal letter under Project 29 GmbH & Co. KG, Ostengasse 14, 93047 Please note that such copy may be redacted to the extent necessary to protect business secrets or other confidential information.

8. How long do we store your personal data?

Your personal data will generally only be stored until the personal data are no longer necessary in relation to the purposes for which they were collected (or otherwise processed). Hence, we generally store employees' personal data for up to three years from the end of the calendar year in which the employment relationship between the employee and MOTORTECH has ended. This storage period may be exceeded if it is necessary to comply with legal retention periods, among others deriving from the German Commercial Code (HGB) and the German Fiscal Code (AO), or to establish, exercise or defend legal claims.

[Additional information regarding specific data retention applicable to different types of documents used in the context of the employment relationship may be found in our [retention policy](#)]

9. What rights do you have under GDPR?

You have the following rights under GDPR and BDSG provided that the legal requirements therein are met:

- a. **Right of access.** You may request information about the processing of your personal data and a copy of the personal data undergoing processing insofar as such copy does not adversely affect the rights and freedoms of others. If the request is made by electronic means the information will be provided in a commonly used electronic format if you do not request otherwise.
- b. **Right to rectification.** You may request at any time the correction of your personal data that is inaccurate and/or completion of such data which is incomplete.
- c. **Right to erasure.** You may request deletion of your personal data, in particular where (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, (ii) you objected to the processing and there are no overriding legitimate interests for the processing, (iii) your personal data has been unlawfully processed or (iv) your personal data has to be erased for compliance with a legal obligation to which we are subject. The right to deletion, however, does not apply in particular where the processing of your personal data is necessary for compliance with a legal obligation or for the establishment, exercise or defense of legal claims.
- d. **Restriction of processing.** You may request restriction of processing (i) for the period in which we verify the accuracy of your personal data if you contested the accuracy of the personal data, (ii) where the processing is unlawful and you request restriction of processing instead of deletion of the data, (iii) where we no longer need the personal data, but you require the data for the establishment, exercise or defense of legal claims or (iv) if you objected to processing until it has been verified whether our legitimate grounds override your interests, rights and freedoms. If the processing of your Personal Data has been restricted, we may only, besides storing the data, process your personal data with your consent, in order to establish, exercise or defend legal claims or to defend rights of others.
- e. **Right to data portability.** You may request to receive your personal data, which you have provided to us, in a structured, commonly used machine-readable format and transmit those data to another controller without hindrance from us, where the processing is based on consent or a contract and the processing



is carried out by automated means; in these cases you may also request to have the personal data transmitted directly to another controller where this is technically feasible.

- f. **Right to withdraw consent.** You may withdraw your consent at any time for the future where processing is based on your consent, without affecting the lawfulness of processing based on consent before its withdrawal.
- g. **Right to object.**

Right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on our or a third party's legitimate interests.

We then will no longer process your personal data for the purpose to which you have objected unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defense of legal claims.

- h. **Right to lodge a complaint.** You may lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of an alleged infringement if you consider that the processing of your personal data infringes applicable law.

No automated HR decisions without human intervention (c.f., Art. 13 (2) (f) GDPR).

Please address your requests to exercise your rights to personal@motortech.de (with the exception of the right to lodge a complaint with a supervisory authority).

10. Changes to this Notice

We reserve the right to amend or modify this Notice at any time to ensure compliance with applicable laws. We will notify you in case there are substantial changes to this Notice that affect you.

This Notice has been updated last in November 2024.