

1. Information pursuant to Art. 13 and 14 GDPR

1.1. Designation of processing activity

This data protection information relates to processing in connection with the XLNC Leadership diagnostics, our online surveys on team climate (XLNC_c), leadership styles (XLNC_s) and personality (XLNC_p).

1.2. Name and contact details of the controller

The controller responsible for data collection is XLNC Leadership GmbH, Mommsenstr. 166, 50935 Cologne, tel.: +49-221-4231 8081, office@xlnc-leadership.com.

1.3. Contact details of the data protection officer

The data protection officer is Dr iur. Andreas Pinheiro, LL.M., Berrenrather Str. 274, 50937 Cologne, of the company “ap-datenschutz”.

1.4. Origin of personal data

XLNC Leadership GmbH processes personal data, which it receives from you in connection with its business relationship.

There are two ways in which we collect personal data:

1.4.1. (i) the data is provided by our client in connection with our service for you:

In this case, you have already been informed by the client about the data processing upon providing your consent to the provision of data to us, which you issued to our client.

1.4.2. (ii) you provide us with your data directly when using our service:

In this case, you enter your personal data into the online form.

1.5. Purposes and legal basis of processing

1.5.1. The following categories of data are processed:

- personal details (name, address, email)
- data arising from the fulfilment of our contractual obligation and documentation data (e.g. your survey entries, data from consultations)
- employee data (e.g. the email addresses of your employees if you as the manager wish to invite your team to the survey)

1.5.2. Purposes and legal basis of processing

XLNC Leadership GmbH processes personal data (Art. 4 (2) GDPR) on the basis of Art. 6 (1) 1b GDPR. Processing occurs for the purpose of executing our contracts or implementing pre-contractual measures with you or our client. Only with your assessments as part of the surveys is it possible to prepare a result report as a basis for the development of the respective leader.

Beyond the actual fulfilment of the contract, XLNC Leadership GmbH processes personal data according to Art. 6 (1) 1f GDPR. This is permissible insofar as the processing is required for the maintenance of our legitimate interests or those of a third party, provided that your interests, basic rights or basic freedoms do not prevail, which require the protection of personal data. Such a legitimate interest is deemed to exist in the following cases:

- a) for asserting legal claims and defending against claims in the event of legal disputes
- b) for promoting the company's own products within the framework permitted by law (e.g. advertising among existing customers or recommendation advertising (flyers) not relevant to data protection law)
- c) for ensuring IT security and the IT operation of the company
- d) for preventing and clarifying offences – in particular, we use data analyses to detect indications that point towards fraud or misuse
- e) for optimisation and statistical analysis

Insofar as you have given XLNC Leadership GmbH your consent to the processing of your personal data for certain purposes, the lawfulness of this processing is based on your consent (Art. 6 (1) 1a GDPR). Such consent may be revoked at any time. Please note that revocation only has effect for the future. Processing that occurred prior to revocation is not affected.

Moreover, XLNC Leadership GmbH processes personal data in accordance with Art. 6 (1c) GDPR, provided this is necessary for the fulfilment of statutory obligations, to which it is subject as a company. The purposes of processing also include retention obligations under commercial and tax law pursuant to Section 257 of the German Commercial Code (Handelsgesetzbuch – HGB) and Section 147 of the German Fiscal Code (Abgabenordnung – AO).

1.6. Recipients or categories of recipients of personal data

Within XLNC Leadership GmbH, employees receive access to your data who require this in order to fulfil the contractual obligations of XLNC Leadership GmbH. Processors (Art. 28 GDPR) engaged by XLNC Leadership GmbH may also receive data for these purposes.

The following categories of recipients receive your data:

- IT services (e.g. hosting our email account, server hosting)
- support related to the technical implementation of the online survey
- clients, i.e. the company that concluded a contract with XLNC (typically your employer); important: the client does not gain information on the individual answers of team members but only an aggregated and anonymous result.
- lawyers (e.g. in order to assert claims or defend against external claims or legal action)
- tax advisors (in the event of tax consultation or the preparation of the annual financial statement)

1.7. Transfer of personal data to a third country

There are no plans to send your personal data to a third country or an international organisation.

1.8. Duration of storage of personal data

We delete your personal data as soon as it is no longer required for the aforementioned purposes. It is possible that data is stored for a period in which legal claims can be asserted against us (regular statutory limitation period of three years according to Section 195 of the German Civil Code (Bürgerliches Gesetzbuch – BGB), or up to 30 years according to Section 197 BGB).

Moreover, we store your data insofar as we are obliged to do so by law. Such burdens of proof and retention obligations may apply to us due to the following:

- the German Fiscal Code: 10 years for tax purposes (Section 147 AO) (e.g. customer data and billing data for tax purposes)
- the provisions pursuant to Section 257 HGB: six years for documentation according to requirements under commercial law (e.g. documents and emails or order and contract documents in communication)

1.9. Rights of data subjects

According to the General Data Protection Regulation, you have the following rights:

If your personal data is processed, you have the right to information regarding your data which we store (Art. 15 GDPR).

Should incorrect personal data be processed, you have the right to rectification (Art. 16 GDPR).

Where the statutory requirements are met, you may demand the erasure or restriction of processing as well as object to processing (Art. 17, 18 and 21 GDPR).

If you have given your consent to data processing or a contract on data processing exists and the data processing occurs with the help of automation, you likewise have a right to data portability (Art. 20 GDPR).

Should you exercise your aforementioned rights, the responsible entity shall check whether the pertinent statutory requirements are met.

If you believe that data processing violates applicable data protection law, you have the right to lodge a complaint with a data protection supervisory authority. The supervisory authority responsible for our company can be reached as follows:

State Commissioner for Data Protection and Information Freedom of North Rhine-Westphalia, P.O. Box 20 24 44, 40102 Düsseldorf

1.10. Duty to provide data

For contractual conclusion, it is necessary that you participate in the survey and provide us the data described.

Without this data, XLNC Leadership GmbH will typically have to refuse conclusion of the contract or may be unable to fulfil an existing contract and may need to cancel it.

1.11. Special case: information duty for the event of a subsequent change in purpose

None.

1.12. Information on the existence of automated decision-making including profiling

XLNC Leadership GmbH processes your data using automation with the aim of assessing certain personal aspects (profiling). We use profiling in the following cases:

- To analyse personal diagnostic measures (coaching, training, organisational development). This data is either sent digitally or is digitised.
- Analysis data is saved in addition to this data. You or the client subsequently receive a report with the results of your XLNC survey.

2. Information about your right to object pursuant to Art. 21 GDPR

You have the right to object at any time to the processing of your personal data, which occurs based on Art. 6 (1) 1f GDPR (data processing on the basis of the balance of interests) for reasons arising from your particular situation. This also applies to profiling based on this provision within the meaning of Art. 4 (4) GDPR, which XLNC Leadership GmbH uses to assess creditworthiness or for promotional purposes.

In the event that you submit an objection, XLNC Leadership GmbH will no longer process your personal data unless XLNC Leadership GmbH is able to demonstrate mandatory reasons worthy of protection for the processing, which prevail over your interests, rights and freedoms, or the processing serves to assert, exercise or defend against legal claims.

The objection may be submitted in any manner and, where possible, should be addressed to:

XLNC Leadership GmbH
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50935 Köln
Tel.: +49-221-4231 8081
office@xlnc-leadership.com

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