



# SPECIAL TERMS AND CONDITIONS

## DATA PROTECTION OFFICER

Compliance.One GmbH (hereinafter "Contractor") will provide the service of the position of external data protection officer for the Customer.

In addition to the General Terms and Conditions of Compliance.One GmbH, these Special Terms and Conditions Data Protection Officer govern the rights and obligations of the contracting parties in connection with the provision of the services of the Data Protection Officer.

### 1. Appointment as Data Protection Officer

- 1.1 The Contractor shall provide the data protection officer service for the Customer and the Customer shall appoint the Contractor as the Customer's external data protection officer at the start of the contract. An employee of the Contractor shall be available to the Customer as a dedicated contact person.
- 1.2 Pursuant to Art. 37 (7) GDPR, the Customer is obliged to provide the contact details of the data protection officer to the competent data protection supervisory authority. The Contractor shall assist the Customer with the notification upon request.
- 1.3 The Customer is also obliged under Art. 37 (7) GDPR to publish the contact details of the data protection officer. The Contractor agrees to the publication of the contact details, including an e-mail address, on the Customer's website.
- 1.4 If it is foreseeable that the named contact person will no longer be working for the Contractor or will be prevented from providing services for a longer period of time, the Contractor may notify the Customer of the need to change the contact person and name a new contact person.

### 2. Position of the DPO

- 2.1 The Customer shall ensure that the position of the data protection officer is implemented in the Customer's organization in a manner that complies with Art. 38 GDPR. The implementation of the tasks by the Customer includes:
  - The Customer shall ensure that the data protection officer is involved properly and at an early stage in all issues, processes, and decisions relating to the protection of personal data. To this end, the Customer shall ensure within its organization that employees involve the data protection officer at an appropriately early stage.
  - The Customer shall support the data protection officer in the performance of its tasks by providing it with the resources and information necessary for the performance of these tasks.
  - The Customer shall ensure that questions addressed to the data protection officer are forwarded to the data protection officer without delay.
- 2.2 The data protection officer is not bound by instructions in the performance of her/his duties. The data protection officer has no rights to issue instructions to the Customer's staff. The data protection officer reports directly to the highest management level of the Customer.
- 2.3 The Customer shall inform the data protection officer of all facts and circumstances necessary for the complete processing of a request. The Customer shall appoint a central internal contact person for the data protection officer.
- 2.4 In particular, the Customer shall inform the data protection officer in advance of any new plans to set up or change procedures with which personal data is processed so that the data protection officer can monitor compliance with the requirements of the GDPR and other data protection regulations.
- 2.5 The data protection officer shall ensure that the specialist knowledge required for data protection officers is acquired and maintained (Art. 37 (5) GDPR).
- 2.6 The data protection officer may be supported in his activities by appropriately qualified employees of the Contractor. The DPO's own responsibility remains unaffected by this.

### 3. Tasks of the Data Protection Officer

- 3.1 The tasks of the data protection officer include
  - Informing and advising the Customer and the employees who carry out processing with regard to their obligations under the GDPR or other applicable data protection regulations;



- Monitoring compliance with the GDPR and other data protection regulations and the Customer's policies for the protection of personal data, including the assignment of responsibilities, awareness and training of employees involved in processing operations and related reviews;
- Advice - on request - in connection with the data protection impact assessment and monitoring of its implementation in accordance with Article 35 GDPR;
- Cooperation with the supervisory authority;
- Acting as a point of contact for the supervisory authority in matters relating to processing, including prior consultation in accordance with Article 36 GDPR, and advising on any other matters as appropriate.

**3.2** The data protection officer generally fulfills the tasks incumbent on the data protection officer in accordance with Art. 39 GDPR. The data protection officer is the point of contact for management, employees, data subjects, and supervisory authorities.

**3.3** The Contractor shall provide the Customer with access to its data protection online platform with numerous samples, templates, and information on data protection, which enable the Customer to independently comply with and fulfill its obligations under data protection law. Unless otherwise agreed, the data protection online platform shall also be used for cooperation between the Customer and the data protection officer, in particular for maintaining the Customer's data protection documentation and for the secure exchange of documents.

**3.4** The services of the data protection officer shall be performed within the agreed time quota and, if applicable, in accordance with the prioritization defined by the Customer.

**3.5** The data protection officer shall ensure that they can be reached by e-mail or telephone during normal office hours and that inquiries are processed promptly depending on the type and scope of the inquiry. The data protection officer shall also provide a telephone number for emergencies. In particular, an emergency exists if the Customer has become aware of a personal data breach and a reporting obligation may exist in accordance with Art. 33, 34 GDPR.

**3.6** The Customer shall ensure that it complies with the tasks and obligations assigned to it under the GDPR itself. Unless expressly agreed, the data protection officer is not responsible for compliance with obligations arising from the GDPR for the Customer. In this respect, the DPO shall only be available in an advisory capacity at the request of the Customer.

**3.7** The Customer is aware that the Contractor may not provide any information on complex data protection issues if such information would constitute a breach of the German Legal Services Act (RDG). The Contractor shall inform the Customer immediately if a request from the Customer or a matter requires examination by a lawyer.

#### **4. Scope of activity**

The Contractor's activities as data protection officer are based on a specific time quota defined in the order. The Contractor shall fulfill the tasks of the DPO within the agreed time quota. If it is foreseeable that the agreed time quota will be exceeded, the Contractor shall inform the Customer and the Customer may commission further work beyond the agreed hourly quota.