

PRIVACY POLICY INFORMATION OBLIGATIONS for AMAZON Marketplace IN ACCORDANCE WITH ART. 13 and 14 GDPR

The protection of your personal data is very important to us. We process your personal data (“data” for short) exclusively on the basis of the statutory provisions. In this privacy policy, we want to provide you with comprehensive information on the processing of your data in our company and the claims and rights to which you are entitled with regard to your data within the meaning of Article 13 of the European General Data Protection Regulation (EU GDPR).

1. Who is responsible for data processing and whom can you contact?

The data controller responsible for the processing is

Simm Spielwaren GmbH
Wallersbacher Weg 2
91154 Roth, Germany
info@simm-spielwaren.com
Tel.: 09171-954-0

The company's data protection officer is

Fabian Fromm
Projekt 29 GmbH & Co. KG
Ostengasse 14
93047 Regensburg, Germany
Email: anfragen@projekt29.de
Tel.: +49 (0) 941-298-6930

2. What data is processed and what sources does this data come from?

Amazon has already provided information about the collection and storage of your personal data in its privacy policy (available at: https://www.amazon.de/gp/help/customer/display.html/ref=footer_privacy?ie=UTF8&nodeId=201909010), as well as the type and purpose of its use. Your consent to this was obtained from Amazon as part of your registration. We do not collect any other personal data from you beyond what Amazon already collects. You have already consented to Amazon transferring your personal data to us for the purpose of processing the contract. We store the personal data transmitted to us by Amazon.

We use this data:

- to identify you as our customer;
- to process, fulfil and deliver your order;
- to correspond with you;
- for invoicing;
- for settling any potential liability claims as well as asserting possible claims against you;

Your consent to the processing of this data is obtained as part of your registration with Amazon and when processing your order.

Such personal data includes:

Your master/contact data, which for **customers** includes such things as your first and last name, address, contact details (email address, telephone number, fax), bank details.

For **job applicants and employees**, this data may include such things as your first and last name, address, contact details (email address, telephone number, fax), date of birth, data from your CV and reference letters, bank data, religious affiliation, or recordings of your likeness.

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For **business partners**, this data may include such things as the name of your legal representative, company name, commercial register number, VAT number, company number, address, contact person's contact details (email address, telephone number, fax), bank details.

In addition, we also process other personal data of the following types:

- information on the type and content of contract data, order data, sales and receipt data, customer and supplier history, and consulting records,
- advertising and sales data,
- information from your electronic interaction with us (e.g. IP address, log data),
- other data that we have received from you as part of our business relationship (for example, during customer meetings),
- data that we generate ourselves from master/contact data and other data, such as customer needs and analyses of business potential,
- documentation of your consent to receive communication from us, such as newsletters.
- photographs during events.

3. For what purposes and on what legal basis is data processed?

The processing of data takes place at your request and is required in accordance with Article 6 para. 1 sentence 1 lit. b) GDPR for the aforementioned purposes of adequately managing your order and enabling both parties to fulfil their contractual obligations.

The personal data collected by Amazon and transmitted to us shall be stored until the end of the contractual relationship and thereafter deleted. Longer storage may be necessary if we are obliged to store the data for a longer period of time in accordance with Art. 6 para. 1 sentence 1 lit. c) GDPR due to retention and documentation obligations under tax and commercial law (from the Commercial Code (*Handelsgesetzbuch*, HGB), the Penal Code (*Strafgesetzbuch*, StGB) or the Fiscal Code (*Abgabenordnung*, AO), or you have consented to longer storage in accordance with Art. 6 para. 1 sentence 1 lit. a) GDPR. For more information on how Amazon stores your personal data, please refer to Amazon's privacy policy.

4. Who receives my data?

We will only pass on your personal data to third parties in the event that they are service partners involved in the execution of the contract, such as the logistics company commissioned with the delivery and the credit institute commissioned with payment matters. In the event that your personal data is passed on to third parties, the scope of the transmitted data is limited to the necessary minimum.

For payment via PayPal, use of a credit card via PayPal, direct debit via PayPal or "purchase on account" via PayPal, we will pass on your payment data to PayPal (Europe) S.a.r.l. et Cie, S.C.A., 22-24 Boulevard Royal, L-2449 Luxembourg (hereinafter "PayPal") as part of the payment process. PayPal reserves the right to carry out a credit check for payment by credit card via PayPal, direct debit via PayPal or "purchase on account" via PayPal. PayPal uses the result of the credit check with respect to the statistical risk of non-payment for the purpose of making a decision about the provision of the respective payment method. The credit check may contain scores. If scores are included in the result of the credit check, they are based on a scientifically recognised mathematical-statistical method. The scores calculation includes, but is not limited to, address data. For more information, please refer to PayPal's privacy policy: <https://www.paypal.com/de/webapps/mpp/ua/privacy-full>

Your personal data is never transferred to third parties for purposes other than those mentioned here.

We shall only share your personal data with third parties, if:

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- you have given explicit consent for this in accordance with Art. 6 para. 1 sentence 1 lit. a) GDPR,
- the disclosure is necessary in accordance with Art. 6 para. 1 sentence 1 lit. f) GDPR to assert, exercise or defend legal claims and there is no reason to believe that you have an overriding interest in your data not being disclosed;
- in the event that there is a legal requirement for the transfer in accordance with Art. 6 para. 1 sentence 1 lit. c) GDPR, and
- this is legally permissible and necessary in accordance with Art. 6 para. 1 sentence 1 lit. b) GDPR to fulfil the contractual relationship with you.

Your consent to the transfer of your data to third parties will be obtained as part of the ordering process.

5. How long will my data be stored?

We will process your data until the business relationship is terminated or until any statutory retention periods expire (such as those prescribed in Commercial Code (*Handelsgesetzbuch*, HGB), the Fiscal Code (*Abgabenordnung*, AO), or the Working Hours Act (*Arbeitszeitgesetz*, ArbZG)). We will also retain said data until the resolution of any legal disputes for which the data is required as evidence.

6. Will my data be transferred to a third country?

Basically, we do not transmit any data to a third country. Such transmission will take place only on a case-by-case basis and only if the recipient has been declared to have adequate protections in place by the European Commission or the data can be otherwise protected through the use of standard contractual clauses or appropriate guarantees or we otherwise have your express consent.

7. What data protection rights do I have?

You have the right to information about the data stored about you and right to correct, delete, or restrict the processing such data, a right to object to its processing, as well as a right to data portability, and a right to file grievances in accordance with the requirements of data protection law.

Right to information:

You may request confirmation from us as to whether and to what extent we are processing you data.

Right to rectification:

If we process data about you that is incomplete or inaccurate, you may request that we correct or complete it at any time.

Right to deletion

You may ask us to delete your personal data if we are processing it unlawfully or if the processing interferes disproportionately with your legitimate protection interests. Please note that there may be reasons that prevent immediate deletion, e.g. in the case of legally regulated storage obligations. Regardless of your right to such deletion, we will immediately and completely erase your data, unless there is a legal duty requiring its further retention.

Right to restrict processing

You may request that we restrict the processing of your data if

- you contest the accuracy of the data for a period of time that allows us to verify the accuracy of the data.
- the processing of the data is unlawful, but you refuse to delete it and instead request a restriction on the use of the data,
- we no longer need the data for the intended purpose, but you still need the data to assert or defend legal claims, or
- or you have lodged an objection to the processing of the data.

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Right to data portability:

You have the right to receive from us the personal data that you have provided to us in a structured, current, and machine-readable format, and you have the right to transmit this data to another data controller without our interference, provided that

- that we are processing this data based on your revocable consent or on the basis of an existing contractual relationship, and
- that this processing is carried out using automated methods.

If technically feasible, you may require us to transfer your data directly to another data controller.

Right to object:

In the event that we are processing your data to safeguard legitimate interests, you can object to such processing at any time for reasons arising from your particular situation; this also applies to profiling based on these provisions. We will then no longer process your personal information unless we can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is intended to assert, exercise or defend legal claims. You have the right to object to the processing of your personal data for direct marketing purposes without stating a reason.

Right to lodge a complaint:

If you believe that we are in breach of German or European data protection legislation when processing your data, please contact us to clarify any questions. Of course, you also have the right to contact the supervisory authority responsible for you, i.e. the respective State Office for Data Protection Supervision.

If you want to assert one of the aforementioned rights against us, please contact our data protection officer. In case of doubt, we may request additional information to confirm your identity.

8. Am I obliged to provide data?

The processing of your data is required to enter into or fulfil any contracts with us. If you do not provide us with this data, we will generally have to refuse to enter into or fulfil any existing contracts and would consequently be forced to terminate the same. However, you are not obliged to give your consent to the processing of data that is not relevant or legally required for the fulfilment of the contract.