

# JUWI Privacy Notice relating to the provision and use of Microsoft Office 365 E3 Teams

## 1. Designation of the processing activity

This privacy notice is issued in connection with the processing of personal data in connection with the use of Microsoft Office 365 E3 Teams (hereinafter "Microsoft Teams").

## 2. Name and contact details of the data controller

JUWI GmbH and all companies of the JUWI Group located in the EU

Energie-Allee 1, 55286 Wörrstadt, Germany

Email: [info@juwi.de](mailto:info@juwi.de)

Telephone: +49 6732 96 57 0, Fax: +49 6732 96 57 7001.

### Note:

Microsoft Teams is a software developed by the Microsoft Corporation, One Microsoft Way, Redmond, WA 98052-6399, USA ("Microsoft"), which is available as a desktop, web and mobile app. Microsoft's representative within the meaning of Article 27 of the GDPR within the European Union is Microsoft Ireland Operation Limited, One Microsoft Place, South County Business Park, Leopardstown Dublin 18, Ireland. With regard to data processing by Microsoft itself, please refer to <https://docs.microsoft.com/en-us/microsoftteams/teams-privacy>.

If you access the Microsoft Teams website, the Microsoft Teams provider is responsible for data processing. Accessing the Microsoft Teams website is, however, only necessary in order to download the software for using Microsoft Teams. If you do not wish, or are unable to use the Microsoft Teams app, you can also use Microsoft Teams via your browser. The service will then also be provided via the Microsoft Teams website.

In the event that you access the Microsoft Teams website, we cannot rule out the possibility that personal data processed when using the Microsoft Teams app will be transmitted to third countries, i.e. the USA, and, therefore, also come to the attention of US authorities. In its ruling of July 16, 2020 (Case C-311/18), the ECJ declared the EU-US Privacy Shield agreement on the permissible transfer of data between the EU and the USA to be inadmissible and stated that personal data cannot currently be transferred to the USA in compliance with data protection laws. The reason for this is existing laws in the USA that give security authorities far-reaching powers to monitor "foreign communications". We hereby expressly draw your attention to this risk.

### 3. Contact details of the Data Protection Officer for JUWI GmbH

The contact details of the data protection officer are: [datenschutzbeauftragter@datenschutzexperte.de](mailto:datenschutzbeauftragter@datenschutzexperte.de).

You can also contact us directly at [datenschutz@juwi.de](mailto:datenschutz@juwi.de) at any time.

### 4. Purpose of processing

We use Microsoft Teams to conduct telephone conferences, online meetings, video conferences and/or webinars (hereinafter: Online Meetings) between employees of the JUWI Group (these are all companies affiliated with JUWI GmbH in accordance with Art. 15 German Stock Corporation Act (AktG)), employees of business partners, customers, service providers, or other persons.

### 5. Scope of data processing

Various types of data are processed when using Microsoft Teams. The scope of data processing depends on the information you provide before or during participation in an online meeting using Microsoft Teams.

The following personal data in particular may be subject to processing:

- **User details:** display name, email address if applicable, profile picture (optional), IP address, telephone number if applicable, preferred language, etc.
- **Conference metadata:** date, time, meeting ID, start and end of participation, diagnostic data and data on quality of service, email addresses of users with their own Teams account, number of chat and channel messages, number of meetings attended, duration of audio, video, and screen sharing time, presence and absence status if applicable, phone number, and location.
- **Text, audio, and video data:** audio and video data transmission and, if applicable, the environment (home, workplace or other location, persons speaking or visible in the background), if applicable, statements in the form of graphic or text messages or display of individual's screens or those of all participants (note: only transmission and no storage takes place), camera and/or microphone can be switched off or muted by the participant at any time. Assignment of messages and display processes to participating persons who have voiced, presented or received them, in the case of chat messages: time and written text.
- If we wish to record online meetings, we will communicate this to you transparently in advance and ask for your consent. If a recording is made, the following personal data, for example, will be processed: verbal contributions, camera images, and contents of the presentation screen. **Recordings of Teams meetings are, however, not possible in the current configuration.**

- **Chat content:** the chat content of meetings organized by JUWI is available for an unlimited time to JUWI employees participating in the meeting. Administrators at JUWI do not have central access to the chat content. Nor does any monitoring of chat usage or its content take place.
- For meetings not organized by JUWI employees, the regulations of the respective organization apply. The contents of chats between employees at JUWI are available to them for an unlimited period of time within the duration of the respective user subscription.
- The use of the Productivity Score function at JUWI is excluded by deactivation.
- No automated decision-making within the meaning of Art. 22 GDPR is used.

## 6. Legal bases of the data processing

Insofar as personal data is processed for the purpose of establishing, implementing and terminating an employee relationship, the legal basis for data processing is Section 26 German Federal Data Protection Act (BDSG) in conjunction with Art 88 GDPR. This includes, for example, the effective performance of job interviews or operational meetings between employees.

When conducting online meetings, our use generally relies on a contractual basis within the meaning of Art. 6 (1) (b) GDPR, insofar as the meetings are conducted within the scope of contractual relationships.

Where applicable, in accordance with Art. 6 (1) (c) GDPR we are legally obliged, for example, to document participation in a meeting of a board of directors or resolution body.

However, should personal data be an elementary component in connection with the use of Microsoft Teams, the legal basis for data processing is Art. 6 (1) (f) GDPR. In such cases, our interest is in conducting online meetings effectively.

Unless a legitimate interest can be justified, we will obtain your prior consent for the processing of the personal data in question for one or more specific purposes in accordance with Art. 6 (1) (a) in conjunction with Art. 7 GDPR or act only on the basis of effective consent from you. Examples of processing operations that require consent include:

- recording and storing parts or all of the video conference if your personal data is also recorded;
- taking and storing screenshots, unless a legitimate interest can be justified;
- forwarding of presentation documents via Microsoft Teams;
- forwarding of participant lists via Microsoft Teams.

**You have a right of revocation in this regard:**

**You have the right to revoke any consent you have given at any time for the future. The consent remains effective until the time you revoke it. You can exercise your right of revocation at any time by contacting JUWI GmbH or [data-protection@juwi.com](mailto:data-protection@juwi.com).**

## **7. Recipients or categories of recipients of personal data**

### **7.1. Within the JUWI Group**

Within the JUWI Group, access to your personal data is granted to those departments or employees who need it to fulfil their contractual and legal obligations:

- videoconference organizers;
- employees entrusted with the organization of online meetings;
- employees during the meeting;
- employees of the IT department of JUWI GmbH.

Employees of the JUWI Group are obliged to maintain data secrecy and to comply with data protection regulations.

### **7.2. Disclosure to third parties**

We only disclose data to third parties if we have a legal basis for doing so (e.g. order processing agreement, official directive). Service providers are explicitly obliged to maintain confidentiality, even beyond the end of the contract.

Microsoft acquires knowledge of personal data within the scope of its mandate (see item 8 below).

In addition, other participants in online meetings may acquire knowledge about persons participating from their display name, camera and audio transmissions, and chat content.

## **8. Processing by Microsoft**

Microsoft processes personal data in Microsoft Teams to provide the agreed services as defined in the Microsoft Online Services Terms of Use and for the purposes determined by JUWI. The legal basis is for this is Art. 6 (1) (b) GDPR and the order processing agreement concluded with Microsoft.

Microsoft processes the following personal data as "legitimate business operations" for its own purposes as an independent data controller:

- billing and account management;
- compensation (e.g. calculation of employee commissions and partner incentives);
- internal reporting and modelling (e.g. forecasting, revenue, capacity planning, product strategy);

- combating fraud, cybercrime or cyberattacks that may affect Microsoft or Microsoft products;
- improving core functionality of accessibility, data protection or energy efficiency;
- financial reporting and compliance with legal obligations.

With regard to data processing by Microsoft itself, please refer to <https://docs.microsoft.com/en-us/microsoftteams/teams-privacy>.

## 9. Transfer of personal data to third countries

### 9.1. Within the JUWI Group

Within the JUWI Group, data is only transferred to third countries if this is legally permissible or required. All existing data protection requirements are complied with.

### 9.2 Data transfer outside the JUWI Group and by Microsoft

As a general rule, personal data is not transferred to a third country or outside the JUWI Group. Microsoft does not process personal data from Europe outside the European Union (EU). JUWI has been able to restrict the relevant storage location to data centers in the European Union by means of certain possible configurations.

However, we cannot rule out the possibility that personal data may be processed on Microsoft servers located outside the EU. This may be the case in particular if the routing of data takes place over internet servers that are located outside the EU, or participants in an online meeting are located in a third country. However, the data is encrypted during transport over the internet and, therefore, protected against unauthorized access by third parties.

Nevertheless, the possibility of US authorities (law enforcement agencies) accessing personal data cannot be ruled out when using Teams when data is routed through internet servers that are located outside the EU or when participants in an online meeting are in a third country. Microsoft also points this out on its website under the heading "Which third-party providers have access to personal data". Microsoft also processes data for its own purposes (see item 8 below).

In order to ensure an appropriate level of protection for these international transfers, standard contractual clauses have been concluded with Microsoft in accordance with Art. 46 (2) (c) GDPR (EU Commission Decision 2010/87/EU).

The provisions for online services (as of February 2021) and the data protection addendum (as of 09/12/2020) apply to JUWI. If modifications are made here, the current documents will apply.

## 10. Duration of storage of personal data

We generally delete personal data when there is no need for further storage. A need may exist in particular if the data is still required in order to be able to fulfil contractual services, and to check and grant or defend against warranty and, if applicable, guarantee claims. In the case of statutory retention obligations, deletion is only considered after the expiry of the particular retention obligation.

Video and audio data processed during an online meeting will not be stored by JUWI and/or Microsoft Teams.

General metadata collected as a result of participation will be stored by Microsoft for 90 days. User-specific metadata collected as a result of participation will be stored by Microsoft for 30 days.

Account data will be deleted at the end of the respective subscription.

The contents of chats between employees of JUWI are stored for the duration of the respective user subscription and deleted at the end of the respective subscription.

## 11. Rights of data subjects

With respect to your rights as a data subject (information, correction, deletion, restriction of processing, data transferability and right of objection), we refer to our General Privacy Notice [Data Protection Statement \(juwi.com\)](#). You will find detailed explanations there.

To exercise your rights, please contact [data-protection@juwi.de](mailto:data-protection@juwi.de).

In the event of complaints relating to data protection, you can contact a supervisory authority, e.g. the State Data Protection Commissioner of Rhineland-Palatinate:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Rheinland-Pfalz  
Postfach 30 40

55020 Mainz, Germany

Email: [poststelle@datenschutz.rlp.de](mailto:poststelle@datenschutz.rlp.de)

Tel: +49 (0) 6131 208-2449

Fax +49-(0) 6131 208-2497

## 12. Amendment of this Privacy Notice

This Privacy Notice is current as of **September 2021**.

We reserve the right to update this Privacy Notice, if necessary, in compliance with the applicable data protection regulations. This will allow us to bring it into line with current legal requirements and to reflect any changes to our services. The most recent version shall apply to the use of Microsoft Teams