

## Privacy Policy Liebherr SmartMonitoring

### A. General

#### *I. What does this Data Protection Declaration regulate?*

We attach great importance to the protection and security of your personal data. Therefore, we consider it vital to inform you about which personal data for which purpose we use in your case and what rights you have in respect of your personal data.

This data protection notice is subject to the DSGVO and any applicable data protection laws of Switzerland.

#### **Liebherr SmartMonitoring**

SmartMonitoring by Liebherr is a digital cloud-based service that allows the recording and visually displaying in a browser-based application of switching status of components as well as alarm conditions and temperatures of one or more professional refrigerators and. In addition, the service can record and display measured variables with the usage of external sensors, which can be purchased in different versions as accessories to the SmartMonitoring service. To use Liebherr SmartMonitoring, a user needs a WLAN module (SmartCoolingHub) and associated accessories, such as cables, RS485 plugs and RS485 adapters for networking refrigerators and/or freezers, a valid SmartMonitoring user license and an active MyLiebherr account. Separate data protection information applies to the use of the MyLiebherr account (available at <https://myaccount.liebherr.com/legal/Pages/tc-ss0.aspx>).

#### *II. What are personal data and what does processing mean?*

1. **"Personal data"** (hereinafter also called "data") are all the details that make a statement about a natural person. Personal data are not just details that allow a direct conclusion to be drawn about a certain person (such as a person's name or email address), but also information with which with suitable additional knowledge a connection can be made with a certain person.

2. **"Processing"** means those actions that are performed to your personal data (such as the collection, recording, organisation, structuring, storage, use or erasure of data).

### B. Data processing

#### *I. Who is responsible for processing your data?*

The controller for processing your data is Liebherr-Hausgeräte GmbH, Memminger St. 77-79, 88416 Ochsenhausen, Germany, contact: [datenschutz.hau@liebherr.com](mailto:datenschutz.hau@liebherr.com).

## ***II. Which data do we collect and for what purpose?***

**When you visit the SmartMonitoring-Service portal, your internet browser transmits in particular the following data to our web, which we store in so-called log files:**

- The date of access of the SmartMonitoring service portal
- The time of access of the SmartMonitoring service portal
- The URL of the linking website on which you were located at the time you accessed the SmartMonitoring service portal
- The files you accessed via the SmartMonitoring service portal
- The volume of data transferred
- The browser type and version and the operating system
- The (external) IP address

**For authentication using an existing Liebherr account of Liebherr-IT Services GmbH, we process the following data from you:**

- Your unique user identifier (UPN)
- Your company address (street, house number, postal code, city and country)
- Your first name and surname
- Your email address
- Your phone number
- A company-ID

**Notice:** Liebherr-IT Services GmbH transmits this data to us during authentication with a Liebherr account.

**After the onboarding of your device to the SmartMonitoring infrastructure, we process the following data from you:**

- Device data of the refrigerators and freezers, integrated sensor and SmartCoolingHub  
(for example model, serial number, part number and telemetry data such as temperature, door open status)
- Network data (such as IP address of the SmartCoolingHub, (W)LAN status)

**Where applicable, we may continue to collect the following data from you when you use the Liebherr SmartMonitoring service portal:**

- Additional telephone numbers for processing service cases
- Further company addresses to the locations of devices
- Device names (alias names)
- Customer-specific device data (e.g. inventory number, order date)
- Customer comments (e.g. for service requests)

**We process these data for the following purposes only:**

- To be able to identify, understand and put a stop to cases of misuse of the SmartMonitoring service portal and thereby guarantee data security on our web servers
- Authentication with an existing Liebherr account from Liebherr-IT Services GmbH
- User and authorization management in the SmartMonitoring service portal
- Provision of the service and provision of your data
- Communication with the user and informing the user about new functions / system faults
- Performance of customer satisfaction survey
- Processing of a service request including technical error analysis

Data processing for other purposes can only be considered if the necessary legal requirements according to Article 6 paragraph 4 DSGVO are met. In this case, we will of course comply with any information obligations according to Article 13 paragraph 3 DSGVO and Article 14 paragraph 4 DSGVO.

### ***III. On what legal basis will we collect your data?***

The legal basis for processing your data is basically – unless there are also specific legal regulations – Article 6 GDPR.

**The processing of your data is effected on the following legal basis:**

- The processing of your data is effected on the basis of weighing up interests (Article 6 paragraph 1 f) GDPR
- The processing of your data is effected to fulfil contracts (Article 6 paragraph 1 b) GDPR

**Our legitimate interests are:**

- to be able to identify, understand and put a stop to cases of misuse of the SmartMonitoring service portal and thereby guarantee data security on our web servers, and
- Improvement of the stability, functionality and security of the app

If we process your data based on balancing interests you have a right to object to the processing of your data, taking the requirements of Article 21 DGPR into account.

We process your data solely to the extent to which this is necessary in order to fulfil the above stated purposes.

#### ***IV. To whom and for what purposes do we transfer which categories of your data?***

If appropriate, we will transfer your data to:

1. Other Liebherr companies of the division as well as sister companies for the marketing/trading of refrigerators and freezers, the provision of maintenance and repair work on such appliances as well as other customer services, insofar as this is necessary for the initiation, execution or termination of a contract or if there is a justified interest on our part in the transmission and your predominantly justified interest is not opposed to this;
2. our service providers that we use in order to achieve the above stated purposes;
3. Courts, courts of arbitration, authorities or legal advisers, if this is required to comply with current law or to assert, exercise or defend legal claims.

#### ***V. Will your data be processed outside the European Union?***

The transfer of data to locations in countries outside the European Union (so-called third countries) is only permissible (1) if you have given us your consent or (2) if the European Commission has decided that an appropriate level of protection is afforded in a third country (Article 45 GDPR). Should the Commission not have taken such a decision we may only transfer your data to third parties that are in a third country provided there are suitable warranties (e.g. standard data protection clauses that are accepted by the Commission or the supervisory authority after a specific procedure), and the assertion of your rights as a data subject is ensured.

#### ***VI. When will we delete or anonymise your data?***

We will process your data so long as this is necessary for the purpose in question, unless you have effectively objected to the processing of your data or effectively withdrawn a consent you have given.

If there exist retention obligations by law, we will be bound to store the data concerned for the period of the obligation to retain. Upon expiry of the retention obligation, we will check whether there is any further necessity for the processing. If there is no longer such a necessity, your data will be deleted.

#### ***VII. To what extent is there automated decision-making in individual cases?***

Basically, to substantiate and pursue business dealings we do not utilize any fully automated decision-making as per Article 22 GDPR. Should we apply this process in individual cases we will inform you separately, provided this is prescribed by law.

## **C. How are your personal data protected against access by unauthorized persons and loss?**

We employ technical and organisational security measures in order to ensure that your data are protected against loss, inaccurate alteration or unauthorized access by third parties. Moreover, for our part in every case, only authorized persons have access to your data, and this only insofar as is necessary in the scope of the above stated purposes.

## **D. Cookies**

In the context of providing the SmartMonitoring-Service portal, so-called cookies are used.

Cookies are small files, which are stored on your device. They may be used to determine whether your device has already communicated with our website. Only the cookie on your end device is identified. Cookies may contain personal data if you have consented to it or it is technically necessary, e.g. to enable protected login.

For more information on cookies, see [www.allaboutcookies.org](http://www.allaboutcookies.org).

### ***I. What do we use cookies for?***

We use cookies for

- to assess the way you use Liebherr SmartMonitoring, to improve the service. For example, we can identify when a process is too complex and users therefore cancel the ongoing process. With this knowledge, the process steps can be simplified and made more customer-oriented;
- to improve usability, traceability for our customers and the online experience

### ***III. What types of cookies do we use and what is their purpose?***

- **Technically necessary cookies**

Technically necessary cookies help to make our service usable by enabling basic functions such as page navigation and access to secure areas of the web application. The web application cannot function properly without these cookies.

- **Web Analysis Cookies**

Liebherr SmartMonitoring uses Google Analytics; a web analysis service provided by Google Ireland Limited, Gordon House, 44-47 Barrow Street Dublin 4 D, Ireland (hereinafter referred to as "Google" or "Google Analytics"). Google Analytics uses cookies that are stored on your end device and that enable an analysis of your use of the SmartMonitoring service portal. The information generated by the cookie about your use of the SmartMonitoring Service Portal is usually transferred to a Google server in the USA and stored there.

IP anonymization is used on the Smart Monitoring-Services portal. The IP address of users is shortened within the member states of the EU and the European Economic Area. Due to this shortening, the personal reference of your IP address is no longer necessary. On behalf of Liebherr-Hausgeräte GmbH, as operator of the SmartMonitoring-Service Portal, Google will

use this information to evaluate your use of the SmartMonitoring-Service Portal, to compile reports on web activities within the SmartMonitoring-Service Portal and to provide further services to Liebherr-Hausgeräte GmbH in connection with the use of the website and the Internet. The IP address transmitted by your browser within the framework of Google Analytics is not merged with other data from Google.

### ***III. On what legal basis do we use cookies?***

- We collect and process **technically necessary cookies** on the basis of a weighing of interests (Art. 6 para. 1 lit. f) DSGVO). Our legitimate interest lies in the improvement and maintenance of the stability or functionality and the security of the SmartMonitoring service portal.
- We collect and process **web analysis cookies** on the basis of your prior and voluntarily given consent (Art. 6 para. 1 lit. a) DSGVO). If we process your data on the basis of your consent, you have the right to revoke this consent at any time with effect for the future.

### ***IV. Can I erase the cookies stored on my device?***

You can erase the cookies stored for the SmartMonitoring-Services portal. If you do so, however, your individual data and content, including your cookie settings, will be lost and you will not be recognized as a returning visitor next time you visit our website.

### ***V. Do you agree to our cookies?***

Our service user concept includes some online features designed to make your visit as enjoyable as possible. However, they only work with cookies. If you continue to browse our website, you agree to the use of cookies. You can withdraw your consent at any time.

### ***VI. How can I withdraw my consent of the use of cookies?***

If you do not want us to recognize your device, you can prevent cookies from being stored on your hard drive by selecting "Do not accept cookies" in your browser settings. For details of how this works, please refer to your browser's user guide.

You can set your browser so that storage of cookies is agreed with only if you give consent. If you do not want to accept the cookies of our service providers and partners, you can select the "Block third-party cookies" setting in your browser.

In general, the help function in your web browser's menu bar will show you how to reject new cookies and switch off ones you already have.

Please note, however, that some "essential" cookies are crucial for unrestricted navigation of our SmartMonitoring-Services portal and for selection and design. We use those cookies only to monitor the website's efficiency and record the frequency of visits.

## **E. Rights of data subjects and right to complain**

Within the legally foreseen scope, you have the right to

1. information about your data;
2. rectification of inaccurate data and completion of incomplete data;
3. erasure of your data, particularly if (1) they are no longer necessary for the purposes stated in this Data Protection Declaration, (2) you have withdrawn your consent and there is no other legal ground for the processing, (3) your data have been unlawfully processed, or (4) you have objected to the processing and there are no overriding legitimate grounds for the processing.
4. restriction of the processing of your data, particularly if the accuracy of the data is contested by you or the processing of your data is unlawful and instead of deletion you demand restriction of use.
5. receive your data in a structured, commonly used and machine-readable format and to have your data transmitted from us directly to another controller.

Please note that the lawfulness of processing based on consent performed prior to the withdrawal will not be affected by your withdrawal.

If you assert any of the above stated rights, please understand that we may require you to provide evidence showing that you are the person you claim to be.

Furthermore, you have the right to lodge a complaint with the relevant supervisory authority.

## **F. Who is my contact for questions concerning data protection, and how can I reach him or her?**

If you have any questions concerning data protection please contact:

**Sinan Sen**

Corporate Privacy Officer

Liebherr-IT Services GmbH

St. Vitus 1

88457 Oberopfingen/Kirchdorf an der Iller

Germany

E-Mail: [datenschutz@liebherr.com](mailto:datenschutz@liebherr.com)

Last updated: March 2021