

Fresenius PlusCard Privacy Policy

The processing of personal data is subject to the EU General Data Protection Regulation (GDPR). This privacy policy supplements the general employee data protection information and informs you about how Fresenius SE & Co. KGaA, Fresenius Netcare GmbH, Fresenius Medical Care AG & Co. KGaA, Fresenius Kabi AG, Fresenius Hemocare GmbH, Fresenius Kabi Deutschland GmbH, Fresenius Medical Care Deutschland GmbH, Fresenius Medical Care GmbH, Fresenius Versicherungsvermittlungs GmbH and Hyginus Publisher GmbH (“we”, “us” or “Fresenius”) process your (“your”) personal data when you use the Fresenius PlusCard and which data are involved.

By “**personal data**” we mean all information about you.

By “**processing**” we mean any process that is carried out with personal data, such as collection, storage, organisation, structuring, adaptation or modification, retrieval, query, use, disclosure, distribution or other provision, alignment or combination, restriction, deletion, or destruction.

With this privacy policy we explain, among other things, details of

- who is responsible for processing your personal data and who you can contact if you have any questions or would like to make a complaint (Section 1)
- how we collect your data, what data these are and for what purposes we process these personal data (section 2.1 and 2.2)
- which legal bases we rely on (Section 2.3)
- to whom we may transfer your data (sections 3 and 4)
- how long we keep your data (section 5)
- how you can update, correct, or delete these data and exercise other rights in relation to your data (section 6) as well as
- further information and contact persons (Section 7).

The information in this privacy policy also applies to your family members, if you would like to include family members in the PlusCard insurance cover. Therefore, you must also pass on this data protection information to your family members. In such cases, information that relates to your personal data also relates to the personal data of your family members.

1. Processing station and contact details

1.1 Controller

Your employer, i.e. the Fresenius company with which you have concluded your employment contract, is the responsible party under the DS-GVO, as this company processes your personal data in the context of your employment.

The address and the name of your employer can be found in your employment contract.

Operational contact person:

Fresenius SE & Co. KGaA,
Else-Kröner-Straße 1,
61352 Bad Homburg vor der Höhe
e-mail: zukunftsbeitrag@fresenius.com

1.2 Data protection officer

According to the GDPR, we are obliged to provide you with a data protection officer. You can reach the data protection officer at the address of the responsible person in the data protection department or by e-mail:

Fresenius SE & Co. KGaA
Data protection officer
Else-Kröner-Str. 1
61352 Bad Homburg vor der Höhe
Phone: +49 (0) 6172/608 – 6646
E-mail: datenschutzbeauftragter@fresenius.com

- for Fresenius SE & Co. KGaA, Fresenius Netcare GmbH, Fresenius Versicherungsvermittlungs GmbH and Hyginus Publisher GmbH: datenschutzbeauftragter@fresenius.com

- for Fresenius Medical Care AG & Co. KGaA, Fresenius Medical Care Deutschland GmbH, Fresenius Medical Care GmbH: datenschutzbeauftragter@fmc-ag.com

- and for Fresenius Kabi AG, Fresenius Hemocare GmbH, Fresenius Kabi Deutschland GmbH: dataprotectionofficer@fresenius-kabi.com

2. Processing of your personal data

2.1 How we collect your data and what data we process

We process the personal data you provide in connection with using the Fresenius PlusCard. For this purpose, you are required to fill out a corresponding registration form in which you must provide personal information. In addition to your first and last name, this also includes your address, your email address, your date of birth, your personnel number, and your employer. If you also wish to insure family members, we will also process the surname, first name, address, and date of birth of your family members. You must also provide these.

2.2. Purpose pursued

We process your personal data to enable you to use the Fresenius PlusCard and to comply with the exercise and fulfilment of rights and obligations under existing and applicable collective agreements. You can find more information about the companies involved and recipients of your personal data under Section 3 of this privacy policy.

2.3 Legal basis for processing

The processing of your personal data in connection with the use of the Fresenius PlusCard is based on statutory provisions.

The processing of your personal data by collection via the registration form is necessary for the implementation of the employment relationship¹. With the offer, the performance has become part of the employment relationship. We are also obliged to implement existing and applicable collective agreements². These serve to promote your health and support the possibility of making you appropriate offers in the context of your employment.

The processing of your personal data in the form of transmission to the insurer and the intermediary agent (see also Section 3 of this privacy policy) serves to fulfil the contract that is being initiated between you and the insurer or to fulfil pre-contractual obligations³.

If you wish to include family members in the insurance cover, the aforementioned legal basis also applies, as your family members are to become beneficiaries⁴. In addition, we have a legitimate interest in providing the insurance cover you have chosen also for your family members⁵. In addition, existing and applicable collective agreements provide the possibility to provide your family members with the insurance cover of your choice. These legal principles apply both to the processing of personal data of your family members in the form of the collection through the registration form and in the form of transmission to the insurer and the intermediary intermediary.

3. Possible recipients of your personal data

In order to fulfil the stated purpose, we may have to share your personal data with others. In the present case, this is both the agent, "Wir für Gesundheit GmbH", as well as the subsequent contractual partner, "Debeka Krankenversicherungsverein a.G." These can also be service providers, i.e. companies that offer products and services that are made available to us, such as providers of IT systems and IT support. The internal service provider for the operational implementation of the Fresenius PlusCard is Fresenius SE & Co. KGaA.

¹ Art. 88 GDPR, Section 26 (1) BDSG (Federal Data Protection Act)

² Art. 6 (1) (c) GDPR, Sections 3 and 4 (Collective Agreements Act)

³ Art. 6 (1) (b) GDPR

⁴ Art. 6 (1) (b) GDPR

⁵ Art. 6 (1) (c) GDPR, §§ 3, 4 TVG

4. International data transfers

In order to fulfil the purposes mentioned, it may occur that we transfer your personal data to recipients outside of Germany as part of your participation in the Fresenius PlusCard.

Your personal data may be transmitted internationally, including to countries in which the Fresenius Group is active.

If your personal data are transmitted to recipients within the European Economic Area, data protection corresponds to European requirements.

If your data is transmitted to recipients who are based outside the European Economic Area, we ensure adequate data protection. This data protection then also corresponds to European data protection requirements. The transmission of personal data to recipients based outside the European Economic Area is subject to the following additional requirements of Art. 44 et seqq. GDPR. For this purpose, corresponding contracts with these recipients are usually created, which contain EU standard contractual clauses issued by the EU Commission to safeguard such international data transfers. The EU standard contractual clauses used can be viewed here:

- Clause Set I - Data transfers between controllers: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:181:0019:0031:DE:PDF>;
- Clause Set II - Data transfers between controllers: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:385:0074:0084:DE:PDF>;
- Clause Set III - Data transfers between controllers and processors: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:039:0005:0018:DE:PDF>.

Your personal data can also be transmitted to recipients in countries for which the European Union has already decided that European data protection regulations are complied with. At the present time, these are, for example, Argentina, Canada, New Zealand, Switzerland, and Uruguay. A complete list of the countries with an adequacy decision can be found on the following page of the Hessian data protection authority:

<https://datenschutz.hessen.de/datenschutz/internationales/angemessenheitsbeschl%C3%BCsse>

Ultimately, personal data can be transmitted on the basis of an exception according to Art. 49 GDPR.

5. How long we keep your personal data

We delete your data according to the legal requirements.

6. Your rights

You have the following rights with regard to your personal data:

6.1 Right of access

You have the right to request information from us at any time regarding which personal data we process concerning you⁶.

6.2 Right to rectification

If any data concerning you is incorrect, you have the right to receive rectification of this data from us immediately⁷.

6.3 Right to erasure

Under certain conditions you have the right to request that we erase your personal data⁸. In particular, you can ask us to delete personal data if (i) they are no longer required for the purposes for which they were collected or otherwise processed; (ii) the personal data have been processed unlawfully; (iii) you object to the processing in accordance with Art. 21 (1) GDPR and there are no overriding legitimate reasons for the processing of your personal data, (iv) the personal data must be erased in order to comply with a legal obligation under the law of the Union or the Member State to which we are subject, or (v) you withdraw your consent on which the processing is based, and there is no other legal ground for the processing.

6.4 Right to restriction of processing

You have the right to obtain a restriction on processing from us if one of the following points applies⁹: (i) You dispute the accuracy of the personal data for a period that enables us to verify the accuracy of the personal data, (ii) the processing is unlawful and you object to the erasure of your personal data and instead request restriction of the processing of your

⁶ Art. 15 GDPR

⁷ Art. 16 GDPR

⁸ Art. 17 GDPR

⁹ Art. 18 GDPR

personal data, (iii) we no longer require the personal data for the purposes of the processing, but are required by you to retain the data for the establishment, exercise or defence of legal claims, or (iv) you have objected to the processing pursuant to Article 21 GDPR, pending the verification whether the legitimate grounds of the controller override those of the data subject.

6.5 Right to data portability

You have the right to receive the personal data concerning you that you provided to us, in a structured, commonly used and machine-readable format¹⁰.

In all of the above cases, please use the contact form for the data protection department or send your request to the postal or e-mail address provided above.

6.6 Right to lodge a complaint

You also have the right to lodge a complaint with a supervisory authority. The supervisory authority responsible for Fresenius is:

The Hessian Commissioner for Data Protection and Freedom of Information [Der Hessische Beauftragte für Datenschutz und Informationsfreiheit]
Gustav-Stresemann-Ring 1
65189 Wiesbaden

7. Further information for special situations and contact persons

This privacy policy only informs you about the processing of personal data when you participate in the Fresenius PlusCard. Please note that we may also process your personal data in other contexts. In such cases, please note the specific information on the processing of your personal data.

If you have any questions regarding data protection, please contact the data protection officer responsible for you (see section 1.2).

¹⁰ Art. 20 GDPR