

# Privacy Policy

Last revised: 10/07/2020

In this Privacy Policy, KGaA mbH ("CLAAS") provides information on the processing of your personal data on its Instagram profile.

## A. General Privacy Policy

### I. Name and contact details of the controller

The controllers are:

*CLAAS KGaA mbH*  
*Mühlenwinkel 1*  
*33428 Harsewinkel*  
*infoclaas@claas.com*

and

Facebook Ireland Ltd  
4 Grand Canal Square  
Grand Canal Harbour  
Dublin 2 Ireland  
[impressum@support.instagram.com](mailto:impressum@support.instagram.com)  
("Facebook")

CLAAS and Facebook are jointly responsible for the data processing on the Instagram profile in line with Art. 26 GDPR. You can view the contract on the joint responsibility, the "Page insights addendum concerning the controllers", at: [https://de-de.facebook.com/legal/terms/page\\_controller\\_addendum](https://de-de.facebook.com/legal/terms/page_controller_addendum)

Facebook processes your personal data collected via the CLAAS Instagram profile in the USA, among other locations. Facebook is certified in accordance with the EU-US Privacy Shield. You can find more information at [www.privacyshield.gov](http://www.privacyshield.gov).

In its Data Policy, Cookies Policy and Terms of Service, Facebook provides a general description of the personal data that Facebook obtains about you and how these data are used.

Please note that you are solely responsible for your use of our Instagram profile and its functions. This particularly applies for the use of the interactive functions (e.g. commenting, sharing).

### II. Contact details of the data protection officer

You can contact the CLAAS Group Data Protection Officer at:

*CLAAS KGaA mbH*  
*Data Protection Officer*  
*Mühlenwinkel 1*

33428 Harsewinkel  
Germany  
[privacy@claas.com](mailto:privacy@claas.com)

The Facebook Data Protection Officer can be reached via a [contact form](#).

### III. Rights of data subjects

In line with Art. 15 GDPR, you have the right to **access** the data saved concerning you. If incorrect personal data has been processed, you have a right of **rectification** in line with Art. 16 GDPR. If the legal requirements are met, you can request the **erasure** or **restriction of the processing** as well as **object** to the data processing (Art. 17, 18 and 21 GDPR). According to Art. 20 GDPR, you may assert the right of **data portability** to the data that are automatically processed based on your consent or a contract with you.

#### Information about your right of objection in line with Art. 21 GDPR

1. You have the right to object, on grounds relating to your particular situation, to the processing of your personal data which is based on Article 6(1) sentence 1, lit. f GDPR at any time (data processing based on a balancing of interests). This also applies for profiling based on this provision as defined in Art. 4 no. 4 GDPR.

If you submit an objection, CLAAS will no longer process your personal data unless CLAAS can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing takes place for the assertion, exercise or defence of legal claims.

2. CLAAS processes your personal data in order to carry out direct advertising. You are entitled to object to the processing of your personal data for the purpose of such advertising at any time; this also applies for profiling, if this is connected with this kind of direct advertising.

If you object to the processing for the purposes of direct advertising, CLAAS will no longer process your data for these purposes.

You can submit an informal objection, which should be sent to:

[privacy@claas.com](mailto:privacy@claas.com)

#### Right to withdraw your consent in line with Art. 7(3) GDPR.

If you have consented to the processing of your personal data, you have the right to withdraw your consent at any time. The withdrawal of consent does not affect the lawfulness of the processing based on your consent before its withdrawal.

Withdrawal may take place informally. You can use the contact details provided under Section A II. If CLAAS provides other options to withdraw your consent (e.g. via an unsubscribe link in every newsletter email), the relevant information is provided in the Special Privacy Policy.

**You may assert your rights in relation to CLAAS as well as Facebook using the contact details provided in Section A. II. If we are not able to process your request because we have no influence on the data processing, we will forward your concerns to Facebook.**

The “Instagram settings” provide information on how you can access and erase the information collected by Facebook.

If you are of the opinion that the data processing is in violation of the data protection legislation, you have a **right to lodge a complaint** with a data protection supervisory authority of your choice. (Art. 77 GDPR).

You can naturally also submit a complaint to the CLAAS Data Protection Officer ([privacy@claas.com](mailto:privacy@claas.com)) or the Facebook Data Protection Officer (contact form) at any time.

## **B. Special Privacy Policy: Data processing via the Instagram profile**

The manner in which Facebook uses your personal data from your visit to the Instagram profile for its own purposes, the extent to which activities on our Instagram profile are assigned to individual users, how long Facebook stores the data and whether data from visiting our Instagram profile is transferred to third parties are described in Facebook’s Data Policy and Cookies Policy. We are not aware of any further information.

The following provides an overview of the data processing operations that are possible via our Instagram profile as well as the information that is provided by Facebook.

### **I. Provision of our Instagram profile for the general public**

At the time that you visit our Instagram profile, your browser establishes a connection to Instagram. This allows Facebook to collect information about the device (e.g. device attributes, identifiers, cookies). Facebook combines this information across the various devices used by you. Facebook uses this information to personalise and improve the products provided by Facebook across all the devices. CLAAS has no influence on Facebook’s data processing operations in relation to our Instagram profile.

If you are registered with Instagram and log in to our Instagram profile during your visit, Instagram automatically links the data collected via our profile with your user account. If you do not wish for this to occur, you need to log out before visiting our Instagram profile.

In addition, after a visit during which you were logged in to Instagram, you should erase the cookies on your device and exit and restart your browser.

### **II. Interaction and communication between CLAAS and the users**

Besides the use of our Instagram profile for purely information purposes, you can also access additional functions; for example, you can follow our Instagram profile and comment on contents as well as write us a private message.

Facebook records the contents, correspondence and other information that you provide when you use various functions on our profile (e.g. sharing our contents and commenting on our contents). Metadata are also recorded (e.g. time at which you commented on our contents). Information on how you use our Instagram profile is also collected (e.g. about the nature of content that you view and how you interact with us as well as the duration and frequency of your activities). Facebook uses this information to personalise and improve the products provided by Facebook across all the devices. CLAAS has no influence on Facebook's data processing operations in relation to our Instagram profile.

CLAAS processes your personal data to review and assert claims as well as to defend against legal claims. The legal basis is Art. 6(1) sentence 1, lit. f GDPR based on our legitimate interest in asserting our rights/claims and for defence in legal disputes.

As part of the interaction and communication between CLAAS and users, we may transfer your data to third parties (e.g. service providers from the categories of compliance and telecommunications, providers of analysis tools, IT service providers, marketing agencies, service providers from the areas of call centre services, customer management, lettershops, marketing). We comply with the obligation to observe instructions, to ensure data security and the confidential handling of your data through data processing contracts. We may also use other service providers if you submit a request to us, e.g. request product brochures.

## **1. Public interaction**

CLAAS can see if a user is following our Instagram profile, you leave comments on our contents, you share our contents, you mark us on your profile or you repost our articles, etc. This can be assigned to individual users in your user account. The legal basis is Art. 6(1) sentence 1, lit. f GDPR based on our legitimate interest in interacting and communicating with you as well as the display of targeted advertising.

We reserve the right to review comments on our profile to prevent inappropriate contents from being posted on our profile. This also shows the user account under which certain comments were posted. A review may result in reporting a user to Facebook, hiding or removing a comment. The legal basis is Art. 6(1) sentence 1, lit. c GDPR and Art. 6(1) sentence 1, lit. f GDPR.

## **2. Private communication**

As a user, you have the option of contacting CLAAS with a direct message or via email. We process personal identification data concerning you (e.g. first name and surname), contact data (e.g. email address), communication content data (e.g. messages sent/posted) as well as usage and traffic data (e.g. IP address) to process your requests, send you a response or to track a complaint.

This is based on our legitimate interest in line with Art. 6(1) lit. f GDPR in the processing of the requests you submit to us and to process and track complaints as well as to communicate with (potential) customers. You have the right to object to the processing, cf. Section A. III. If the data processing takes place to establish a contractual relationship, this processing is based on Art. 6(1) sentence 1, lit. b GDPR.

We also use the data for the purposes of direct advertising, cf. Section C. of this Privacy Policy.

In certain cases, we may also transfer your data to third parties, e.g. CLAAS sales partners, responsible for you or selected by you, or CLAAS group companies, if this is necessary to track and implement your requests.

CLAAS exclusively stores your personal data as long as required to achieve the purpose of the collection and processing. If necessary, CLAAS will store your data for the duration of the business relationship. This particularly includes the implementation and performance of the contract.

In addition, CLAAS stores your personal data to the extent and as long as this is necessary to fulfil contractual or legal obligations. For instance, we process your data to fulfil documentation and retention obligations under business and tax law. The storage and documentation periods specified in this legislation amount to six years according to the commercial requirements under Section 257 HGB (German Commercial Code) and up to ten years based on the tax provisions under Section 147 AO (German Tax Code). The periods commence at the end of the calendar year in which the document was drafted.

If the data are no longer required to fulfil contractual or legal obligations, they are regularly erased, unless you have authorised CLAAS to process your data and/or further processing is necessary based on the legitimate interests of CLAAS, e.g. to win back customers or to defend against statutory claims in legal disputes. When processing data to defend against statutory claims in legal disputes, the storage period is also based on the statutory limitation periods. In accordance with Sections 195 et seq. of the BGB (German Civil Code), these can amount to up to 30 years, while the regular limitation period is 3 years and starts to run at the end of the year in which the claim arose. In this case, the processing is restricted, i.e. to the minimum amount necessary, and blocked for other purposes.

### **III. Statistics and reports on the use of the Instagram profile**

CLAAS receives statistical data on the users (e.g. age and gender) of our Instagram profile from Facebook. We are not able to assign this to an identifiable person. This statistical information lets us better adapt our site to the needs and interests of the users of our Instagram profile. The legal basis for the data processing is Art. 6(1) sentence 1, lit. f GDPR.

### **IV. Display of targeted advertising**

Facebook displays targeted advertising on Instagram on behalf of CLAAS. Posts may be shown to the user irrespective of whether they do or do not follow the CLAAS Instagram profile. CLAAS has no influence on the users to which the posts are displayed. CLAAS merely provides target group-specific criteria (e.g. interest in agriculture). CLAAS is also not aware of the users to which the posts are shown, unless the user reacts to the posts by commenting or the like (cf. Section B. II.). The legal basis for this is Art. 6(1) sentence 1, lit. f GDPR.

### **C. Special Privacy Policy: Direct advertising (including customer satisfaction surveys, market and opinion research)**

In the future, CLAAS would like to keep you up to date with exciting promotions and news about the products of the CLAAS and 365FarmNet brands. For this reason, CLAAS processes your contact data, personal identification data and information about your interests for the purpose of direct advertising. Advertising communication includes advertising for agricultural products and services marketed under the CLAAS and 365 Farmnet brands, as well as for third-party agricultural products marketed by the companies of the CLAAS Group or CLAAS sales partners (e.g. soil cultivation equipment, fertilisation, fertilisation technology, sowing technology, crop protection).

The legal basis for the processing of your personal data for the purpose of direct mail advertising is Art. 6(1) sentence 1, lit. f GDPR. This purpose also includes the legitimate interest in data processing. **You have the right to object to the processing of your personal data at any time. For further information on your right of objection, please refer to Section A. III of the General Privacy Policy.**

In individual cases and only after careful consideration, CLAAS will contact you for advertising purposes for the CLAAS and 365FarmNet brands (e.g. to offer additional services, advertise products and services, invite you to events such as product presentations, conduct market and opinion research or customer satisfaction surveys) by email or by telephone/messenger, even without marketing consent. The legal basis for this is Art. 6(1) sentence 1, lit. f GDPR. **You can object to data processing based on legitimate interest at any time with effect for the future, see Section A. III.** A prerequisite for direct marketing based on legitimate interests is that the applicable legal requirements for this are fulfilled and that you have not objected to the processing of your data for the purpose of advertising and are aware of your right of objection under Art. 21 GDPR (see also Section A. III. of this Privacy Policy).

We also pass on the contact data, personal identification data and information on interests collected by us to group companies of the CLAAS Group (e.g. CLAAS KGaA mbH, CLAAS Service and Parts GmbH, Mühlenwinkel 1, 33428 Harsewinkel, 365FarmNet GmbH, Hausvogteiplatz 10, 10117 Berlin, respectively, the CLAAS sales company or CLAAS importer<sup>1</sup> responsible for you), as well as to the CLAAS sales partner selected by you or responsible for your territory. We transmit the data based on our and their legitimate interest in direct advertising, new customer acquisition, customer retention and customer recovery. The legal basis for this is Art. 6(1) sentence 1, lit. f GDPR. **You can object to data processing based on legitimate interest at any time with effect for the future, see Section A. III.**

Furthermore, we will only process your data for purposes of direct advertising if you have given your consent beforehand.

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<sup>1</sup> for Germany: CLAAS Vertriebsgesellschaft mbH, for France: CLAAS France S.A.S., for Austria: CLAAS CLAAS Regional Center Central Europe GmbH, for the United Kingdom: CLAAS U.K. Ltd., for Italy: CLAAS Italia S.p.A., for Poland: CLAAS Poska Sp. z o o, for Russia: CLAAS Vostok, for Spain: CLAAS Ibérica S.A., for Rumania: CLAAS Regional Center Southern East Europe S.R.L., for the United States of America: CLAAS of America Inc, for Argentina: CLAAS Argentina S.A., for Denmark: Danish Agro Machinery A/S, for Sweden: Swedish Agro Machinery AB, for Norway: Norwegian Agro Machinery AS, for the Netherlands: Kamps de Wild BV, for Luxembourg: Servatius & Ehlenz S.àr.l. Luxembourg, for the Czech Republic & Slovakia: AGRALL zemědělská technika a.s., for Switzerland: Serco Landtechnik AG, for Latvia: SIA Konekesko Latvija, for Estonia: Konekesko Eesti AS, for Lithuania: Konekesko Lietuva Vilnius, for Finland: Hankkija Oy, for Australia & New Zealand: Lanpower Australia PTY. LTD.

Advertising communication is usually carried out by service providers (e.g. marketing agencies, lettershops) who act as processors for CLAAS. Service providers may process personal data in third countries. In the absence of a decision by the EU Commission on a level of data protection appropriate to European data protection requirements for the country concerned, we will conclude appropriate agreements to ensure that your rights and freedoms are adequately protected. Such an agreement ensures either that the recipient of the data has an adequate level of data protection (e.g. through the self-certification of the recipient under the EU-US Privacy Shield) or by agreeing with the recipient on 'EU standard contractual clauses' of the European Union. We would be happy to send you more detailed information free of charge upon request to the above mentioned contact details.

If you withdraw your consent to the use of your personal data for marketing purposes or assert your objection to advertising, the data will no longer be processed for marketing purposes as of this date, but will remain stored with a blocking note in accordance with the general principles.