

ANNEX 3: PRIVACY NOTICE FOR CONTRACTING PARTIES AND/OR EMPLOYEES OF CONTRACTING PARTIES

As part of the sublicense and certification agreement (hereinafter referred to as “the Agreement”), FoodPLUS GmbH, Spichernstrasse 55, 50672 Cologne, Germany, email: info@globalgap.org, (hereinafter referred to as “GLOBALG.A.P.”) is a responsible, independent data controller alongside the certification body

Name:

Address:

Email address:

(hereinafter referred to as “CB”) for the processing of certain personal data of producers, producer groups, producer organizations, packers, resellers, traders, and manufacturers who are contracting parties (hereinafter referred to “CPs”) of CB under the Agreement and who are natural persons, as well as personal data of certain employees of CPs nominated as contact persons by the respective CP and legal representatives of CPs (hereinafter referred to together as “Data Subjects”). The purpose of this document is to notify such Data Subjects about the processing of their personal data as required by law, in particular the European Union’s General Data Protection Regulation (hereinafter referred to as “GDPR”).

1. CATEGORIES OF DATA COLLECTED AND PURPOSES OF PROCESSING

In the context of the Agreement, CB will collect personal data of Data Subjects. This personal data includes names, contact information, bank details, payment history, and may also include information about their professional qualifications and information related to their field of work.

CB will process personal data for the following purposes:

- To take steps at CPs’ request prior to entering into the Agreement, as well as for the performance of the Agreement (in particular the conducting of audits, invoicing of fees, conducting of offline and/or online trainings and exams)
- Provision of name, position, and business contact details of Data Subjects, the status of the certification as well as checklists including details of audits to GLOBALG.A.P. to enable GLOBALG.A.P. to publish the data in the GLOBALG.A.P. IT systems (as defined in the Agreement) maintained by GLOBALG.A.P., for which GLOBALG.A.P. is the controller in terms of data protection law.

GLOBALG.A.P. will process the personal data provided by CB (see above) or CPs (including but not limited to data provided by CPs to GLOBALG.A.P. via interfaces in the (farm management) software solutions used by CPs) for the purposes set forth in the Agreement and in the GLOBALG.A.P. data access rules which can be accessed in the GLOBALG.A.P. document center under https://www.globalgap.org/uk_en/documents/.

The legal basis for the processing of personal data is Art. 6 (1) b) GDPR. Moreover, CB and GLOBALG.A.P. may process and use personal data for their legitimate interests, in particular to increase transparency about the plausibility of the GLOBALG.A.P. standards through the publication of checklists or to enforce or defend claims (Art. 6 (1) f) GDPR). For any other purposes, CB will obtain the Data Subjects’ proper consent prior to the processing (Art. 6 (1) a) GDPR).

2. DATA SHARING

As set forth above, (i) CB may share personal data with GLOBALG.A.P., which operates the GLOBALG.A.P. IT systems on its own behalf for administration purposes and for the provision of the GLOBALG.A.P. system (as defined in the Agreement); and (ii) GLOBALG.A.P. may share personal data with third parties as described in the GLOBALG.A.P. data access rules which can be accessed in the GLOBALG.A.P. document center under https://www.globalgap.org/uk_en/documents/. Furthermore, CB and GLOBALG.A.P. may share personal data with their service providers that process personal data on behalf and in accordance with their instructions on basis of a data processing agreement within the meaning of Art. 28 GDPR.

In addition, personal data may be transferred to public authorities if CB or GLOBALG.A.P. is legally required to disclose certain personal data due to court orders or requests by prosecution or regulatory authorities or authorized third parties for investigative procedures or because of suspected crimes, unlawful acts, or other actions that may result in liability for CPs, CB, or GLOBALG.A.P. (Art. 6 (1) c) GDPR).

3. DATA TRANSFER TO COUNTRIES OUTSIDE OF THE EEA/EU

CB and GLOBALG.A.P. may share personal data with third parties outside of EEA/EU member states. In such cases, before transferring the personal data, CB and GLOBALG.A.P. will ensure that the data transfer takes place under an adequate privacy protection level, especially by first obtaining the Data Subjects' consent for the processing, and through additional specific safeguards pursuant to Art. 44 et seq. GDPR, e.g., by ensuring that an adequacy decision of the European Commission exists for the concerned third country or by concluding what are termed EU Standard Contractual Clauses for the third country in their latest version.

The GLOBALG.A.P. IT systems may be connected with Google Translate and Google Maps, which are provided by Google, LLC, USA, as well as with BI functionalities connected with Microsoft Corporation, USA. This is necessary for the provision of checklists and CP entries. However, CB shall not enter any personal data into comment fields which may be subject to translations by Google Translate. Further information on processing by Google or Microsoft can be found in Google's and Microsoft's privacy policies under: <https://policies.google.com/privacy> and <https://privacy.microsoft.com/de-de/privacystatement>, respectively.

4. RIGHTS OF DATA SUBJECTS

CB and GLOBALG.A.P. will respond to all legitimate requests for information about personal data stored and, where applicable, to all requests to correct, update, or erase personal data or to restrict the processing of personal data according to Art. 15 to 19 GDPR. Furthermore, Data Subjects have the right to withdraw any consent given in terms of Art. 6 (1) b) GDPR at any time (Art. 7 (3) GDPR) and may be entitled to the right of data portability (Art. 20 GDPR). In any of these cases or to request a copy of the Standard Contractual Clauses (if applicable), Data Subjects can contact CB or GLOBALG.A.P. under the contact details specified above.

Data Subjects can also contact CB or GLOBALG.A.P. to object to the processing of personal data based on a legitimate interest (Art. 6 (1) e), f) GDPR).