

## **Privacy notice for users of the telecommunications network operated by Telefónica Germany GmbH & Co. OHG**

In the following, Telefónica Germany GmbH & Co. OHG (hereinafter referred to as "we") informs you about the processing of personal data in connection with the use of our services as a user of telecommunications services and the rights to which you are entitled under the data protection laws. Insofar as you have concluded a contract with us, you can find all relevant information on data processing in the respective brand-specific data protection sheet for customers (e.g. at <https://www.o2online.de/recht/datenschutz/>).

### **1. Contact details of the Controller**

Telefónica Germany GmbH & Co. OHG, Georg-Brauchle-Ring 50, 80992 Munich, encrypted contact form: <https://www.telefonica.de/datenschutz-kontakt>

### **2. Contact details of the data protection officer**

Telefónica Germany GmbH & Co. OHG, Data Protection Officer, Georg-Brauchle-Ring 50, 80992 Munich, encrypted contact form: <https://www.telefonica.de/datenschutz-kontakt>

### **3. Personal data**

Personal data is any information relating to an identified or identifiable natural person (hereinafter "data subject").

In the context of the use of our telecommunications network, we process the resulting traffic data (see below) even if users have not concluded a direct contract with us. This is the case if

- a) another service provider provides the service for its customers via our network ("service providing"),
- b) customers of other network operators use our network ("roaming"),
- c) telecommunications traffic of other service providers is only routed through our network or in the case of telecommunications connections between our customers and customers of other network operators ("interconnection").

### **4. Purposes and legal bases of data processing**

We process personal data within the framework of data protection law. In contrast to our customers, we only process traffic data regarding the users of our telecommunications network.

Traffic data is the following data which is collected, processed or used in the course of providing our telecommunications services: the number or identification of your connection and your terminal equipment; the telecommunications services you use, the location data obtained, IP addresses, the start, end and scope of the connections as well as the data volumes transmitted.

Traffic data will only be used to the extent necessary for the provision of our telecommunication services (§ 96 TKG), the billing of charges (§ 97 TKG), the detection, containment and elimination of faults as well as the safeguarding of our claim to charges in order to detect and prevent unlawful use of the telecommunication service (§ 100 TKG). Furthermore, we use your data as far as we are legally entitled to do so (§ 96 TKG).

We are subject to various legal requirements which may result in an obligation to process personal data in accordance with Art. 6 para. 1 c) GDPR:

according to the TKG for the provision of information, telecommunications monitoring and the establishment of emergency calls, according to data protection laws and other general legal obligations (e.g. Corona Ordinance) or official orders (e.g. from the Federal Network Agency).

### **5. Caching of message content**

In principle, we do not store the content of your communication. The exception is intermediate storage for the provision of certain services (e.g. SMS, MMS and mailbox systems), where necessary (§ 107 TKG).

## 6. Recipients of personal data

Employees of our company have access to your personal data to the extent necessary to fulfil the above-mentioned purposes.

We use service providers who support us in data processing within the framework of order processing (service providers for the following services: IT and network operation, call centre, mail processing, file/data carrier destruction, lettershop, print shop, archiving, fraud prevention, sales partners). These service providers are subject to strict contractual agreements, including confidentiality.

On a contractual basis, recipients outside our company who do not work for us within the scope of order processing also process your personal data to the extent required:

- Telecommunications service providers, e.g. for making calls, sending SMS, billing for roaming services, etc.;
- other companies involved in providing the service requested, e.g. companies providing music services if a service is requested;
- Tax advisors/auditors, to ensure and check the accounting of the legal requirements (e.g. tax law requirements);

These recipients are also obliged to comply with data protection on the basis of legal or professional obligations or contractual agreements.

In individual cases, we are legally obliged to transmit personal data to government agencies (e.g. requests for information from investigative authorities) or natural/legal persons (e.g. to assert claims under the Copyright Act or the TKG such as interception).

## 7. Data processing in third countries

In principle, we only process your personal data in Germany and in the European Union.

Personal data is only processed outside the European Union (so-called third countries) if an "adequacy decision" of the European Commission (Art. 45 GDPR) exists for this third country, "appropriate safeguards" (Art. 46 GDPR) or "internal data protection rules" (Art. 47 GDPR) exist at the recipient. General information on adequacy decisions can be found at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_de](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_de), and on available suitable safeguards at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en) and on internal data protection rules at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules\\_de](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules_de). For further information, you can contact the data controller.

Furthermore, your personal data will be processed in third countries insofar as it is necessary for the performance of the contract (e.g. provision of the telecommunication service - calls to third countries/roaming connections), you have consented or there is a legal obligation.

## 8. Deletion of personal data

After the end of your telecommunication connection, we determine which of your traffic data is relevant for billing with other service providers. We immediately delete data that is not relevant for billing. We delete the traffic data required for billing no later than six months after sending the bill.

Insofar as we are legally obliged, we also store your traffic data beyond this (e.g. §§ 113a ff. TKG).

**Temporarily stored message contents** are deleted after 4 days following unsuccessful delivery.

## 9. Call number display/suppression

Your call number is transmitted to the called line by default for outgoing connections, depending on the settings with your telecommunications provider and your terminal device. Please note that if the call number is suppressed, you may not be able to use individual personalised services. If you receive

a call with a suppressed call number, you can reject the call on your terminal free of charge. When sending SMS messages, the call number is always displayed for technical reasons - even if you have suppressed your call number.

## 10. Data subject rights

As a data subject within the meaning of the GDPR, you generally have the following rights:

- You have the right to obtain information about your processed data (Art. 15 GDPR).
- You have the right to have inaccurate personal data corrected or incomplete data completed (Art. 16 GDPR).
- You have the right to have your personal data deleted under certain legal conditions (Art. 17 GDPR).
- You have a right to restriction of processing under certain legal conditions (Art. 18 GDPR).
- You have a right to receive or transfer the personal data concerning you under certain legal conditions (Art. 20 GDPR).
- You have a right to object under certain legal conditions (Art. 21 GDPR).

However, in contrast to contract customers, we cannot allocate your traffic data to your specific person, as we do not have the additional data required for this unless you expressly provide it to us. However, you can assert these rights against your service provider.

In addition, you have the right to complain to a supervisory authority (Art. 77 GDPR). You can contact the data protection supervisory authority for this purpose.

## 11. Your right to object (Art. 21 GDPR)

**You have the right to object at any time, on grounds relating to your particular situation, to the processing of your personal data carried out on the basis of Art. 6(1)(f) GDPR; this also applies to profiling based on these provisions. We will then no longer process your personal data for these purposes unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims. You can lodge such objections via <https://www.telefonica.de/datenschutz-kontakt>.**

**We will then no longer process your personal data for this purpose. In connection with our telecommunications contracts, you can lodge this objection at <https://permissions.telefonica.de/telefonica.html>, in all other cases at <https://www.telefonica.de/datenschutz-kontakt>.**

**Alternatively, you can submit your objections in writing to: Telefónica Germany GmbH & Co. OHG, Data Protection Department, Georg-Brauchle-Ring 50, 80992 Munich, Germany.**

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