

**PRIVACY STATEMENT  
BUSINESS RELATIONS**



July 2018

# PRIVACY STATEMENT BUSINESS RELATIONS

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## ENZA ZADEN PRIVACY STATEMENT - BUSINESS RELATIONS VERSION JULY 2018

Enza Zaden Beheer B.V. and its subsidiaries and corporate bodies within the Europe, (hereafter “**Enza Zaden**”) are committed to protecting the privacy and security of personal data of its **Business Relations** as defined under chapter 1. Enza Zaden has created this privacy statement (hereafter: “**Privacy Statement**”) to inform Business Relations on how Enza Zaden collects and uses personal data.

The contact information for the main establishment is: Enza Zaden Beheer B.V., Haling 1E, 1602 DB Enkhuizen, the Netherlands, telephone +31 (0) 228 350 100. Our Privacy Officer is: Sheila Grondhout, [privacy@enzazaden.nl](mailto:privacy@enzazaden.nl).

### Overview

This Privacy Statement answers the following questions:

1. Does this Privacy Statement apply to you?
2. Why and on which legal basis does Enza Zaden process personal data?
3. Who has access to your personal data?
4. How long will Enza Zaden keep your personal data?
5. What measures does Enza Zaden take to protect your personal data?
6. Where does Enza Zaden store and transfer your personal data?
7. What rights can you exercise in relation to your personal data?
8. What if you have other questions or a complaint?
9. Updates to this Privacy Statement

### 1. Does this Privacy Statement apply to you?

This Privacy Statement applies to you if you are a customer, supplier or other business relation of Enza Zaden, for example if you are a contact person, director, manager, authorized representative, shareholder, member of the supervisory board or employee acting for a customer, a sole proprietor of a customer, a potential customer, a producer, a recipient of Enza Zaden’s goods, a supplier, a partner company, a transport agency or a plaintiff.

This Privacy Statement also applies to you if you are an individual that is sponsored by Enza Zaden, a breeder, developer or inventor contracted by Enza Zaden, a plaintiff, a visitor of our website [www.enzazaden.nl](http://www.enzazaden.nl), a visitor of our buildings, premises or properties.

Where we refer to all of the above individuals in the below, we refer to them as “**Business Relations**”.

This Privacy Statement does not contain information on the processing of personal data of prospective, current and former employees, temporary hires and interns.

### 2. Why and on which legal basis does Enza Zaden process personal data?

Enza Zaden collects, processes, and stores personal data of Business Relations in connection with the following activities:

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- **Administration and financial management**

- **Customer relationship management.** For managing and processing orders, deliveries and invoicing.

The following personal data may be processed for this purpose:

- *Contact information* - name, telephone, fax number, e-mail address, business address, private telephone, email address and function of contact persons, location and shipping address, Chamber of Commerce registration number, VAT number, customer category, website and other company information (such as estimated turnover, number of employees, purchase history and accounts receivable) of customers, producers and other recipients of Enza Zaden goods,
- *Communication* - email messages with contact persons,
- *Order information* - information on the order.

The legal basis for this processing of personal data is that processing is necessary for the performance of the contractual relationship with customers, producers and other recipients of Enza Zaden goods and/or that processing is necessary to fulfill Enza Zaden's legitimate interest in an adequate customer relationship management system.

- **Know your customer obligations** Acceptance of new customers and suppliers and revision of existing customer and supplier information.

The following personal data may be processed for this purpose:

- *UBO information* - name of ultimate beneficial owners of customers and suppliers, percentage of interest of ultimate beneficial owners in customers and suppliers,
- *Other information* - financial background information for risk profiling purposes on customers and suppliers, compliance and risk profile information on customers and suppliers (such as ownership of other companies, (suspected) convictions and offences, political exposure, involvement in fiscal discussions). This information is gathered from external sources, such as Creditsafe.com.

The legal basis for the processing of personal data is that processing is necessary to comply with a legal obligation of Enza Zaden and/or necessary to fulfill Enza Zaden's legitimate interest in risk management.

- **Financial management** Following up on outstanding payments of customers as a result of invoiced seed deliveries and other products or services to customers and processing of incoming invoices of and payment to suppliers.

The following personal data may be processed for this purpose

- *General information* - name, address, phone number, registration Chamber of Commerce, VAT number, bank account number of customer or supplier, name and e-mail address of contact person at customer or supplier.

The legal basis for this processing of personal data is that processing is necessary for the performance of the contractual relationship with customers and suppliers.

- **Procurement.** Purchase of various goods and services from suppliers.

The following personal data may be processed for this purpose

- *Contact information* - name, e-mail address, telephone number, department of contact person at supplier, company name of supplier.

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The legal basis for this processing is that processing is necessary to fulfill Enza Zaden's legitimate interest to purchase goods and services in order to be able to execute business.

- **Communication, advertisement and marketing**

- **Communication with Business Relations.** Providing our Business Relations with relevant information, such as brochures, newsletters, magazines, product information and invitations for events, for information and marketing purposes.

The following personal data may be processed for this purpose:

- *Contact information* - name, e-mail address, company of Business Relations and its contact persons.

The legal basis for this processing of personal data is the consent of the Business Relation and /or that processing is necessary for the performance of the contractual relationship with (potential) Business Relations and /or that processing is necessary to fulfill Enza Zaden's legitimate interest in maintaining the relationships with Business Relations.

- **Pictures.** Enza Zaden may process pictures of Business Relations and/or its contact persons to develop and distribute marketing material.

The following personal data may be processed for this purpose:

- *Personal information* - name, function and picture of customers and contact persons of Business Relations.


The legal basis for this processing of personal data is the consent of the Business Relation and/or contact person involved. You may be invited for a photo shoot and you are free to decide whether you wish to cooperate. There will be no negative consequences in case you do not wish to cooperate. Furthermore, please note that you are free to withdraw your consent at any time as explained further below in this Privacy Statement (see under "*What rights can you exercise in relation to your personal data?*"). Furthermore, processing of personal data for this purpose is necessary to fulfill Enza Zaden's legitimate interest in developing and distributing marketing material.

- **Sponsoring** Advertisement and marketing via sponsoring of e.g. sportsmen and sportswomen, sport activities, cultural activities, community support projects.

The following personal data may be processed for this purpose

- *Contact information* - name, address, telephone number and e-mail address of sportsmen and sportswomen,
- *Other information* – information regarding sport and pictures of sportsmen and sportswomen or other sponsored subjects.

The legal basis for this processing of personal data is that processing is necessary for the performance of the contractual relationship and /or that processing is necessary to fulfill Enza Zaden's legitimate interest in advertisement and marketing.

- **Website.** The Enza Zaden websites ([www.enzazaden.nl](http://www.enzazaden.nl) / [nl.biovitalis.eu](http://nl.biovitalis.eu)) keep track of cookies to see what people visit on our website and to measure statistics and traffic of the Enza Zaden websites.  More information is provided in the [Enza Zaden Cookie policy](#) at the website of Enza Zaden.

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- **Webshop Vitalis.** To maintain the relationship with the Vitalis customers and to manage and process orders, deliveries and invoicing. The following personal data may be processed for this purpose:
  - *Contact information* – name and email address of contact persons, customer number,
  - *Communication* - email messages with contact persons,
  - *Order information* – information on the order, history of orders, product wish list.
  - *Security related information* – access details (date, time, location, granted/refused).

The legal basis for this processing of personal data is that processing is necessary for the performance of the contractual relationship with customers, producers and other recipients of Vitalis' goods and/or that processing is necessary to fulfill Enza Zaden's legitimate interest in an adequate customer relationship management system.

- **Security**

- **Access Security.** To provide access to Enza Zaden premises, buildings and properties. The following personal data may be processed for this purpose
  - *Contact information* - name, company, telephone number of suppliers, visitors, customers, transport agencies and contact persons,
  - *Security related information* - reason for access, expected time of stay, Enza Zaden contact, access details (date, time, location, granted/refused), video recording.

The legal basis for this processing of personal data is that processing is necessary to fulfill Enza Zaden's legitimate interest in securing access to Enza Zaden premises, buildings and properties and in securing the security for Enza Zaden, its employees and all other persons present at the Enza Zaden locations.

- **Airfreight security.** To ship products and comply with airfreight legislation. The following personal data may be processed for this purpose:
  - *Contact information* - Company name of the transport agency, name of the chauffeur, driving license/ identification card number of the chauffeur,
  - *Screening and security related information* - date and time of arrival and departure.

The legal basis for this processing of personal data is that processing is necessary to comply with a legal obligation of Enza Zaden and/or necessary to fulfill Enza Zaden's legitimate interest in airfreight security.

- **Legal and internal management.** For corporate housekeeping, contract management, IP registration, Variety Registration and to resolve disputes, complaints or legal procedures. The following data may be processed for this purpose:
  - *Corporate housekeeping and contract management related information* - company name, name, address, date of birth, place of birth (of directors, managers, authorized representatives, shareholders, members of the supervisory board of contract parties) and registration code of contract parties, contract details,
  - *IP registration, Variety Registration related information* - name, function, home address (of breeders, developers/inventors),
  - *Information on disputes, complaints or legal procedures* - name, address, e-mail address, telephone number, job title, place of work of plaintiff and content of complaint.

The legal basis for this processing of personal data is that processing is necessary to comply with a legal obligation of Enza Zaden (e.g. corporate housekeeping) and/or to fulfill Enza Zaden's legitimate interest in protecting its IP-rights and keeping overview of contractual

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arrangements and /or to fulfill Enza Zaden's legitimate interest in dealing with disputes, complaints or legal procedures.

### 3. Who has access to your personal data?

Enza Zaden may share your personal data with the following parties and individuals in the following circumstances:

- Enza Zaden may share your personal data with data processors, i.e. parties processing personal data on our behalf. In such cases, these other third parties may only use your personal data for the purposes described above and only in accordance with our instructions;
- Enza Zaden's employees may have access to the personal data, for example employees working at the customer services, sales, legal, logistics and production departments. Access will be granted only if necessary for the purposes described above and only if the employee is bound by an obligation of confidentiality;
- Enza Zaden may share your personal data if this is necessary to pursue the purposes set out above, for example to transport companies on an order by order base, to bureaus of investigation for credit safe purposes and Know your customer obligations, to patent offices for IP registration;
- Enza Zaden may share your personal data if required to do so by law or court order, for example with law enforcement agencies or other governmental agencies.

### 4. How long will Enza Zaden process your personal data?

Unless a specific retention period is mandated or permitted under applicable law, for example under fiscal law, Enza Zaden will only retain your personal information for the duration of time necessary to fulfill the purposes described in this Privacy Statement. This means that, in some cases, we may retain your personal information for a period of time following termination of your relationship with Enza Zaden. As a rule we will retain customer data for as long as needed to comply with applicable (tax) law and company accounting purposes, however data will be cleared where possible during this retention period.

However, if special situations arise, for example in the event of a dispute or claim, we may secure evidence and store data for a longer period.

Our retention policies reflect applicable local statute of limitation periods and national statutory obligations of Enza Zaden. If you wish to have more information about Enza Zaden's retention policy applicable to your data, please contact [privacy@enzazaden.nl](mailto:privacy@enzazaden.nl).

### 5. What measures does Enza Zaden take to protect your personal data?

Enza Zaden has taken appropriate technical and organizational measures to protect your personal data against accidental or unlawful processing, including by ensuring that:

- your personal data is protected against unauthorized access;
- the confidentiality of your personal data is assured;
- the integrity and availability of your personal data will be maintained;
- personnel are trained in information security requirements;
- actual or suspected data breaches are reported in accordance with applicable law.

If you wish to have more information about the protection of your personal data please contact our privacy officer - [privacy@enzazaden.nl](mailto:privacy@enzazaden.nl).

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## **6. Where does Enza Zaden store or transfer your personal data?**

As a rule your personal data are stored on servers located in the European Union. However, due to the nature of our business and the services to our clients, Enza Zaden may transfer information, including limited personal data of Business Relations to locations outside the European Union. Specifically, your data may be transferred to the countries where our business, clients and suppliers are located.

In any case where we transfer personal data outside the European Union, Enza Zaden shall ensure that such a transfer is subject to appropriate safeguards. In most cases, such transfer will be governed by a contract based on the model contractual clauses for data transfer approved by the European Commission.

If you wish to have more information about the transfer of your personal data to a country outside the EU and wish to obtain details about the legal basis for such transfer, please contact our privacy officer - [privacy@enzazaden.nl](mailto:privacy@enzazaden.nl).

## **7. What rights can you exercise in relation to your personal data?**

You can exercise a number of rights in relation to your personal data, which are explained below. In each case, please use the contact details below if you would like to exercise any of your rights. Note that in many cases, your rights are not absolute and we may not be required to comply with your request.

### *Right of access*

You are entitled to a copy of the personal information we hold about you and to learn details about how we use it. Your personal data will usually be provided to you digitally.

### *Right to rectification*

We take reasonable steps to ensure that the information we hold about you is accurate and complete. However, if you do not believe this is the case, you can ask us to update or amend it.

### *Right to erasure*

In certain circumstances, you have the right to ask us to erase your personal information, for example where the personal information we collected is no longer necessary for the original purpose or where you withdraw your consent. However, this will need to be balanced against other factors. For example, we may not be able to comply with your request due to certain legal or regulatory obligations.

### *Right to restriction of processing*

In certain circumstances, you are entitled to ask us to (temporarily) stop using your personal information, for example where you think that the personal information we hold about you may be inaccurate or where you think that we no longer need to use your personal information.

### *Right to data portability*

In certain circumstances, you have the right to ask that we transfer personal information that you have provided to us to a third party of your choice.

### *Right to object*

You have the right to object to processing which is based on our legitimate interests. Unless we have a compelling legitimate ground for the processing, we will no longer process the personal data on that

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basis when you file an objection. Note however, that we may not be able to provide certain services or benefits if we are unable to process the necessary personal data for that purpose.

#### *Rights relating to automated decision-making*

You have the right not to be subjected to automated decision-making, including profiling, which produces legal effect for you or has a similar significant effect. Enza Zaden does not apply automated decision-making.

#### *Right to withdraw consent*

We may ask for your consent to process your personal data in specific cases. When we do this, you have the right to withdraw your consent at any time. Enza Zaden will stop the further processing from the moment of withdrawal of your consent. However, this does not affect the lawfulness of the processing before consent was withdrawn.

### **8. What if I have other questions or complaints?**

Questions or complaints regarding the processing of your personal information should be directed to the privacy officer of Enza Zaden via [privacy@enzazaden.nl](mailto:privacy@enzazaden.nl).

You also have the right to lodge a complaint with the local data protection authority in the jurisdiction where your company is established, where you work, where you live or where an alleged infringement takes place. You can find a listing of the EU Data Protection Authorities (“DPAs”) at the website of the European Commission. Nevertheless, we encourage you to express any concerns or complaints through our Privacy Officer first.

### **9. Updates to this Privacy Statement**

Enza Zaden may update this Privacy Statement from time to time and in case an amendment will have serious impact on Business Relations, Enza Zaden will actively inform them about such amendment. Enza Zaden will publish an up-to-date Privacy Statement on the website [www.enzazaden.nl](http://www.enzazaden.nl) at all times, indicating the latest amendments including a time stamp.