

Data Protection Declaration of Clatronic

Clatronic International GmbH

Clatronic CL 3750 / mobile air conditioner

(As of: November 25th, 2019)

Ladies and Gentlemen,

You have purchased a product that may also be operated/accessed via a smartphone app. When installing and using the app, personal data will almost inevitably be collected, stored and used. We would, therefore, like to draw your attention to the following issues:

- 1.) The app is programmed by a third party and available via Apple App Store and Google Play Store (described below as App Store). Clatronic has no influence and claims no responsibility for this procedure. The Clatronic has no influence on the program code or possible app support. All the features available remain exclusively under the responsibility of the third party.
- 2.) The download and installation of the app is carried out via the respective App Store. We have no influence on your registration with this App Store, as well as on the application's security features, the publication of your name + data in the App Store and/or the processing of a possible feedback regarding your person (rating stars and texts).
- 3.) Data is transmitted to the App Store provider and the programmer of the app when using the application. Clatronic has no influence on it. We ourselves have no access to any data, nor can we configure and/or guarantee the privacy within the app.
- 4.) The role of the Clatronic is limited to the fact that our appliances provide an interface which can be used by an appropriate application. By nature, we have no influence on such applications. However, it is ensured that our products provide and guarantee all relevant basic functions, even without using the respective app. So, there is no “compelling” reason for using such applications. Please note that the head offices of the App Store provider and the programmer of the application are located outside Europe. Therefore, the high level of data protection of the EU General Data Protection Regulation cannot be guaranteed. To that extent, you are using the app at your own discretion or rather “at your own risk”.

- 5.) The Clatronic cannot be held responsible in terms of the data protection legislation. We will therefore reject any complaint that has been lodged with a European data protection supervisory authority. We will not accept any claims for damages.
- 6.) Although the Clatronic has neither influence nor concrete access to data, we still don't want to provide data protection information at this stage. Please note that the underlying facts we have been able to find out from the app programmer refer to the status at February 20th, 2019. Since then, all the details may have potentially changed at any time.

Name of the application:

Smart Life

Purpose of the application:

Communication with Clatronic CL 3750 / Storage of various data

Who is responsible for such processing:

The respective application provider in China. The exact company name and contact details can be found in the App Store.

Who is the appointed Data Protection Officer:

We cannot provide information about an appointment in the App Store. No data protection officer has been appointed at the application programmer. We cannot provide information on whether the App Store or the application provider has appointed an EU representative. At the Clatronic, Mr. Nicholas Vollmer is appointed as data protection officer (datenschutz@clatronic.de).

What is the legal basis? Why this processing is allowed?

With the installation and usage of the application you have either given your consent or entered into an agreement with the providers. In either case, this does not refer to Clatronic.

Who are the recipients that are authorized to access?

The App Store (e.g. regarding the installation, your potential feedback and the use, if applicable) or the app programmer.

When will the data be deleted?

Once you uninstall the application the data on your device will be deleted. If you don't uninstall the app (for example, because the smartphone is defective), the data is then theoretically stored for an indeterminate time. We cannot provide information about data that is stored on the respective server. For this purpose, please contact the corresponding app provider and/or App Store.

Which categories of data are being processed?

When installing or uninstalling: Presumably at least the date. Your App Store provider gives further information on the issue.

When using: e.g. date, IP address, name, gender, e-mail, measuring data

Which persons are affected?

All persons that are installing and using this application.

The right to “Access” (in accordance with Article 15 DS-GVO)

You are entitled to access your data. This is exactly what the document before us is to ensure to the utmost. If you have any further questions, please contact the App Store or the programmer of the application. On the part of Clatronic we cannot provide information on any further facts.

The right to “Correct” inaccurate data (in accordance with Article 16 DS-GVO)

You have the right to demand correction of inaccurate data. To do so, please contact the App Store or the programmer of the application. The Clatronic does not hold any data and we therefore have no possibility of influencing other companies in this respect.

The right to “Delete your data” (in accordance with Article 17 DS-GVO)

You have a right to have your data deleted, provided that (a) the data is no longer necessary, (b) you may have revoked your consent or there is no other legal basis (anymore), (c) you have rightly contradicted, (d) the data has been unduly processed, (e) the erasure is forbidden by law, (f) the data originates from children and is to be deleted. Please note that in accordance with Article 17 (2) DS-GVO the data may/shall not be deleted.

In your case, we do not know to what extent all of this will be taken into account by the App Store or programmer of the application.

We have been assured by the app programmer that your data is erased when deleting the user account.

The right to “Restrict the processing” (see Article 18 DS-GVO)

You are entitled to “Block” your personal data provided that (a) you deny the correctness of the data, (b) the processing is unlawfully and you deny a deletion of the data, (c) the data is no longer needed by the providers, (d) you still need the data due to legal claims.

In your case, we do not know to what extent all of this will be taken into account by the App Store or programmer of the application.

The right to “Object to the processing” (see Article 21 DS-GVO)

You are entitled to object to the processing provided that there are reasons for doing so which are relating to your PARTICULAR SITUATION. On the part of the operator it is considered whether you have compelling legitimate grounds for a processing.

In your case, we do not know to what extent all of this will be taken into account by the App Store or programmer of the application.

The right to “Revoke consents” (see Article 7 (3) DS-GVO)

You have the right to revoke consents (provided that this is relevant to the processing described herein). The revocation is only applicable for the future. In your case, we do not know to what extent all of this will be taken into account by the App Store or programmer of the application.

The right of “Data transmission” (see Article 20 DS-GVO)

You have a right to have your data turned over provided that (a) the legal basis is based on a consent or agreement, (b) you have made this data personally available, (c) the data is automatically processed. If these conditions are right, you may also require that we pass the data to a recipient of your choice.

In your case, we do not know to what extent all of this will be taken into account by the App Store or programmer of the application.

The right of “Appeal” (see Article 77 DS-GVO)

You have the right to submit a complaint to a data protection supervisory authority.

Such a complaint is difficult, given that the App Store and the programmer of the application reside outside Europe.

The App Store and app programmer may have appointed an EU representative you can contact; presumably, the competent supervisory authority can be found at his whereabouts within Europe.

In your case, we do not know to what extent all of this will be taken into account by the App Store or programmer of the application.

Data collection by third parties

No, no data is being collected by third parties (without your knowledge). All data is actively stored by yourself.

Is profiling taking place? Are personal aspects analyzed or predicted? Is an automated individual decision carried out? (See Article 4 (4) DS-GVO)

No, to our knowledge nothing of the sort is taking place.

Are there data transmissions to recipients in non-member countries (i.e. outside the EU)? (See Article 44 DS-GVO)

Yes, the data is stored on Chinese servers, if necessary.