



# DATA PROTECTION INFORMATION OF FUNK VORSORGEBERATUNG GMBH IN ACCORDANCE WITH ART. 13 FF. GDPR

Information about the collection and processing of your personal data

Last updated May 2019

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Conscientiousness and transparency are the foundations for trust-based collaboration with our clients. For this reason, we would like to inform you of how we process your data and how you can exercise the rights afforded to you under the General Data Protection Regulation. The personal data we process and the purposes for this depend on the specific contractual relationship in each case.

## 1 Who is responsible for data processing?

The controller is:

Funk Vorsorgeberatung GmbH  
Valentinskamp 20  
20354 Hamburg  
Germany  
Tel. +49 (0)40 359 140  
Fax +49 (0)40 3591 4407  
Email: [datenschutz@funk-gruppe.de](mailto:datenschutz@funk-gruppe.de)

## 2 How can you get in touch with the Data Protection Officer?

You can contact our Data Protection Officer at [datenschutz@funk-gruppe.de](mailto:datenschutz@funk-gruppe.de) or by using our postal address with the add-on 'FAO Data Protection Officer'.

## 3 What personal data do we use?

We process your personal data if you have sent us a query, asked us for a quote, if we have concluded a contract with your employer for your benefit or if you have concluded a contract with us directly.

Among other reasons, we also process your personal data in order to fulfil legal requirements, to protect a legitimate interest or because you have given us your consent to do so.

Depending on the legal basis for data processing, the following categories of personal data are processed:

### 3.1 Personal data

- › First name, surname and title
- › Address (home/work)
- › Telephone no, email address and other communication data (private/business)
- › Date and place of birth, nationality
- › Gender, marital status, other family data
- › Signature (including digital)
- › Personnel number
- › Employer, occupation and job history, certificates and references
- › Relationship to policy holder, insured party, beneficiary or claimant

### 3.2 Identification data

- › Social security number
- › Passport number
- › ID card number
- › Tax identification number
- › Tax class
- › Driving licence data
- › Health insurance number



### 3.3 Information about insurance offers and contracts

All contract master data, specifically the contract number, contractual term, termination notice period, type of contract, cash value

Information about the insured risk

### 3.4 Financial data

- › Bank details/account information
- › Payment data
- › Invoice data
- › Income
- › Company figures (e.g. turnover figures, annual financial statements)

### 3.5 Health data

To enable the conclusion and fulfilment of certain (employee benefit) contracts, it may be necessary to process your health data, such as when assessing risk or handling a claim. This data may include

Information about current or prior physical or mental illnesses

Health status, injuries or disabilities, type and duration of medical treatments, relevant personal habits (e.g. smoking or consuming alcohol)

Information about prescribed medications, previous illnesses (medical history)

### 3.6 Information about current and prior insurance claims

This includes the aforementioned categories of personal data and may also include the aforementioned health data.

### 3.7 Information about court rulings

e.g. rulings by family courts in maintenance adjustment proceedings

### 3.8 Data on criminal convictions

### 3.9 Account information, especially registration and logins

### 3.10 Videos or images

## 4 Where does the data come from?

We process personal data that we receive from our (prospective) clients.

In individual cases, we also receive personal data from:

- › Insurers and reinsurers

- › Cooperating insurance brokers and other intermediaries (including partners in the 'Funk Alliance' broker network)
- › Family members of a (prospective) client
- › Employers
- › Support and pension funds
- › Claimants and other third parties, e.g. medical experts
- › Databases for the purposes of observing sanctions and combating fraud
- › Official agencies and courts
- › Publicly accessible sources, such as commercial or association registers, debtor lists, websites
- › Other companies within the [Funk Group](#)

## 5 For what purposes do we process your data and on what legal basis?

We process your personal data especially in accordance with the General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG) as well as all other applicable laws.

### 5.1 Due to consent provided by you (Article 6 [1a] GDPR)

If you have given us your voluntary consent to collect, process and/or transfer certain personal data, this consent constitutes the legal basis for processing this data.

We process your personal data on the basis of your consent in the following cases:

- › To process special categories of personal data (e.g. health data in the course of brokering insurance contracts and processing payouts or other insurance claims)
- › To send an email newsletter
- › Personalised newsletter tracking
- › Market research (e.g. customer satisfaction surveys)
- › Marketing and advertising
- › To create customer profiles
- › To publish a client testimonial (name and picture) or use a client reference in tendering processes

### 5.2 For the performance of a contract (Article 6 [1b] GDPR)

We use your personal data to perform our contractual obligations as an insurance broker and/or consultant.



As part of this contractual relationship, we process your data especially to perform the following tasks:

- › Setting up a client relationship
- › Providing ongoing support and communicating with our clients and insurers
- › Assessing risks to be insured, including on an ongoing basis
- › Obtaining insurance offers
- › Managing contracts
- › Fulfilling reporting obligations in relation to insurance contracts
- › Adding clients to the Funk client portal
- › Processing insurance claims (including pension and other benefit claims)
- › Defending or pursuing legal claims

More information on the purposes of data processing can be found in the relevant contract documents, insurance terms and General Terms and Conditions.

**5.3** To fulfil legal obligations (Article 6 [1c] GDPR) or for the public interest (Article 6 [1e] GDPR)

As an insurance broker and/or consultant we have different legal obligations. To fulfil these obligations, it may be necessary to process personal data.

- › Checks and reporting to insurance, data protection and other authorities as well as external auditors
- › Age and identity checks
- › Prevention/interception of criminal acts
- › Data checks for the purpose of combating money laundering and/or the financing of terrorism (e.g. as a result of EU sanctions)

**5.4** For the purposes of a legitimate interest (Article 6 [1f] GDPR)

In certain cases we process your data to protect our legitimate interest or that of a third party.

- › Central client data administration within the Funk Group
- › Assurance of IT security and IT operations
- › Direct advertising or market and opinion research
- › Measures for building and asset security
- › Video surveillance to protect our domestic authority

- › Consultation and data exchange with information agencies
- › Establishing, exercising and defending against legal claims

**6 To whom is your data passed on?**

To fulfil our contractual and legal obligations your personal data is disclosed to different internal and external offices and service providers as well as public agencies.

Companies within the Funk Group

- › Via Funk Gruppe GmbH, Funk Vorsorgeberatung GmbH/Funk Pensionsmanagement GmbH maintains a central client database to which the employees of all affiliated companies also have access, in order to offer our clients the entire spectrum of the services we provide from a single source. The companies of the Funk Group can be found via this link.

- › Insurers and reinsurers
- › Cooperating insurance brokers and other intermediaries (including partners in the 'Funk Alliance' broker network)
- › Employers
- › Support and pension funds
- › Courts (especially family courts in the case of a maintenance adjustment)
- › External service providers

We also work with selected external service providers to fulfil our contractual and legal obligations:

- › Experts (especially in the assessment of claims and payouts)
- › IT service providers (e.g. maintenance service providers, hosting providers)
- › Service providers for file and data destruction
- › Service providers for telecommunications
- › Banks and other payment service providers
- › Service providers for advice and consultancy
- › Service providers for public relations, marketing or sales
- › Financial/credit agencies
- › Service providers for telephone support (call centres)
- › Printing service providers, letter shops



- › Tax advisers and accountants
- › Public bodies

We may also be required to transfer your personal data to other recipients, such as authorities, for the purposes of fulfilling legal reporting obligations:

- › Supervisory and approval authorities
- › Insurance ombudsmen
- › Financial authorities
- › Customs authorities
- › Social security providers
- › The Pension Assurance Association (PSVaG)
- › Databases for the purposes of observing sanctions and combating fraud

Should you have any questions about the individual recipients, contact us at [datenschutz@funk-gruppe.de](mailto:datenschutz@funk-gruppe.de) or by using our postal address with the add-on 'FAO Data Protection Officer'.

## 7 Is your data transferred to countries outside of the European Union ('third countries')?

Countries outside of the European Union (and the European Economic Area 'EEA') handle the protection of personal data differently than countries within the European Union. To process your data we may employ service providers located in third countries outside of the European Union. There is currently no ruling by the EU Commission that these third countries offer an adequate level of protection in general.

For this reason we have employed special measures to ensure that your data is processed as securely in third countries as it is within the European Union. We conclude agreements containing the standard data protection clauses provided by the European Union Commission with service providers in third countries. These clauses stipulate suitable guarantees for the protection of your data when handled by service providers in third countries.

## 8 How long is your data stored?

We store your personal data as long as it is required in order to fulfil our legal and contractual obligations.

If the data is no longer necessary in order to fulfil legal or contractual obligations, your data is deleted, unless further processing is necessary for the following purposes:

- › To fulfil retention obligations set out in commercial and tax law, such as the retention periods stipulated in the German Commercial Code (HGB) or German Revenue Code (AO), which call for retention periods up to ten years.

- › To retain evidence under legal regulations governing limitation periods. According to the limitation regulations set out in the German Civil Code (BGB), these limitation periods can run up to 30 years in some cases, but the regular limitation period is three years.

## 9 What are your rights concerning the processing of your data?

According to the GDPR, every data subject has the right of access (Art. 15), the right of rectification (Art. 16), the right of erasure (Art. 17), the right to restrict processing (Art. 18), the right of objection (Art. 21) and the right of data portability (Art. 20). The restrictions set out in Sections 34 and 35 of the BDSG apply to the right of access and right of erasure.

### 9.1 Right of objection

You can object to the use of your data for advertising purposes without incurring any charges, with the exception of the transmission fees under the basic tariff.

- › What are your rights concerning data processing due to your legitimate or the public interest?

According to Art. 21 (1) of the GDPR, you have the right, on grounds relating to your particular situation, to object at any time to processing of the personal data concerning you based on Art. 6 (1e) of the GDPR (data processing in the public interest) or based on Art. 6 (1f) of the GDPR (data processing to protect a legitimate interest); this also applies to profiling based on this regulation.

If you object, we shall no longer process your personal data unless we can demonstrate compelling and legitimate grounds for processing which outweigh your interests, rights and freedoms, or if processing serves to establish, exercise or defend legal claims.

- › What are your rights concerning data processing for the purposes of direct advertising?

Insofar as we process your personal data for the purpose of carrying out direct advertising, you have, at any time, the right according to Art. 21 (2) of the GDPR to object to processing of the personal data concerning you for the purposes of such advertising; this also applies to profiling if it is in conjunction with such direct advertising.

If you object to processing for the purposes of direct advertising, we shall no longer use your personal data for these purposes.

### 9.2 Withdrawing consent

You can withdraw your consent for us to process your personal data at any time. Please note that this withdrawal of consent only affects future processing.



### 9.3 Right of access

You can demand information from us as to whether we have stored your personal data. Upon your request, we will inform you of what type of data we have, the purposes for which the data is being processed, the parties to which this data has been disclosed, how long the data has been and will be stored and what further rights you have in relation to this data.

### 9.4 Further rights

You also have the right to rectify incorrect data or erase your data. If there is no reason to continue storing your data, we will delete it. Otherwise we will restrict its processing. You can also request that we provide all of the personal data you have given us in a structured, conventional, machine-readable format either to you or to a person or company of your choice.

Furthermore, you have the right to lodge a complaint with the responsible data protection supervisory authority (Article 77 of the GDPR in connection with Section 19 of the BDSG).

### 9.5 Exercising your rights

You can contact the data controller or the Data Protection Officer using the aforementioned contact details in order to exercise your rights. We will process your query immediately and in accordance with legal requirements.

### 10 Do you have to provide your personal data?

In order for us to fulfil our obligations as an insurance broker and/or consultant, especially when obtaining insurance offers and assessing risks to be insured, you must provide us with the personal data we require for the performance of the contract or that we are compelled to collect for legal reasons (e.g. due to stipulations of the German Money Laundering Act). If you do not provide us with this data, we will not be able to execute and process the contract.

### 11 Is there an automated decision-making process or does profiling take place?

We do not use any automated decision-making processes and no profiling takes place.

### 12 Changes to this information

If the purpose for or the manner and method of processing your personal data substantially change, we will update this information and inform you of the changes in due course.