

# data protection information

## in connection with procurement

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### 1. Preliminary remarks

This data protection information provides information pursuant to Articles 13, 14 and 21 of the EU General Data Protection Regulation (GDPR) about the procurement-specific processing of personal data by KfW. It applies to procurement activities carried out by KfW for its own needs, within the scope of group-wide procurement (procurement for several group companies: KfW and its subsidiaries DEG mbH KfW, IPEX-Bank GmbH and/or KfW Capital GmbH & Co. KG), as well as for KfW IPEX-Bank GmbH (exclusive procurement carried out by KfW).

This particularly covers processing operations carried out in the context of procurement processes, in particular the implementation of (EU) procurement procedures, the management of contracts resulting from (EU) procurement procedures, as well as contract management including directly related processing activities (e.g. documentation).

This data protection information applies to all natural person (data subjects) whose personal data is processed in the context of procurement activities carried out by KfW. It is primarily addressed to applicants/bidders/(potential) contractors, insofar as they themselves are natural persons, as well as employees of applicants/bidders/(potential) contractors in their capacity as contact persons and external service providers. However, it also applies to other data subjects within the relevant context (e.g. employees of subcontractors, representatives of bidding consortia, other third parties).

If you belong to the aforementioned group of persons, we kindly ask you to carefully read and take note of the following information. Applicants/bidders and (potential) contractors who involve other data subjects or disclose data concerning such person to KfW are requested to pass on this data protection information to those data subjects for their information.

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### 2. Controller, contact details of the Data Protection Officer and information on the rights of the data subject

The controller for the processing is KfW, Palmengartenstraße 5–9, 60325 Frankfurt, telephone: 069 7431-0, fax: 069 7431-2944, [info@kfw.de](mailto:info@kfw.de) (hereinafter “we” or “KfW”).

The contact details of KfW’s Data Protection Officer are: KfW, Data Protection Officer, Palmengartenstraße 5–9, 60325 Frankfurt am Main, [datenschutz@kfw.de](mailto:datenschutz@kfw.de).

Subject to the statutory requirements being met, you have the right to request access to your personal data (Article 15 GDPR), to have it rectified and/or erased (Articles 15, 16 GDPR), to request restriction of processing (Article 18 GDPR), to request that the personal data concerning you be provided in a structured, commonly used and machine-readable format and transmitted to you or to another controller (Article 20 GDPR), as well as the right to object to processing (Article 21 GDPR).

Where the processing of personal data is based on your consent, you are entitled to withdraw this consent at any time without affecting the lawfulness of processing based on consent before its

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withdrawal. You may exercise the aforementioned rights in writing or by e-mail to KfW or KfW's Data Protection Officer using the contact details provided above.

You are also entitled to lodge a complaint with a data protection supervisory authority if you have concerns about how your personal data is being processed. The supervisory authority responsible for KfW is the Federal Commissioner for Data Protection and Freedom of Information (<https://www.bfdi.bund.de/>).

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### **3. Scope of processing, categories of data and sources of data**

KfW primarily processes personal data that it has received in the context of the intended or existing contractual relationship from you, from applicants/bidders/(potential) contractors or from other third parties in a permissible manner (for example for the performance of EU procurement/sub-threshold procurement procedures and for contract management). In addition, KfW processes personal data that it has lawfully obtained from publicly accessible sources (in particular the Competition Register) and is allowed to process.

Relevant personal data includes in particular master and contact details (in particular name, (business) address data, (business) e-mail address/telephone number, where applicable date of birth), communication data in the context of the procurement procedure (e.g. e-mail correspondence/written correspondence in the e-procurement system, meeting minutes prepared for documentation of the procurement procedure), professional qualifications, experience and references (e.g. data from CVs or staff profiles), as well as other data from an existing or previous relevant contractual relationship with KfW (e.g. data relating to service delivery, hours worked, project reference) and other necessary personal data (e.g. data from the Competition Register).

In exceptional cases, the data processed may also include special categories of personal data (e.g. health data, data relating to religious affiliation) as well as information on criminal convictions and offences, in particular where you voluntarily provide us with such data, for example in the context of documents submitted, or where you are obliged to provide such information.

We recommend that you refrain from providing sensitive information to KfW on an unsolicited basis, in particular in free-text fields or e-mail correspondence, and that you redact or remove such data from documents to be submitted if it is not required for the specific submission/processing purposes.

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### **4. Purposes and legal bases for processing your personal data**

KfW processes the personal data specified in section 3 in accordance with the applicable data protection provisions, in particular the General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG). On this basis, we collect personal data for specified, explicit and legitimate purposes. Below we inform you about the purposes for which we process personal data in this context and indicate the legal base on which our processing activities are based. The specific purposes for which your personal data is processed and how it is used

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depend, however, largely on your specific role as a data subject, the intended or existing contractual relationship, the specific KfW infrastructure used (e.g. visitor car parks), and, where applicable, regulatory requirements and/or carefully balanced interests.

### **In detail:**

- Processing for the purpose of conducting (EU) procurement procedures and the associated necessary communication and documentation or archiving: Article 6(1) first subparagraph points (a), (b), (c), (e) and (f) GDPR (consent, performance of a contract including implementation of pre-contractual measures, legal obligations, performance of a task carried out in the public interest, legitimate interests), Article 9(2)(a), (f) and (g) GDPR (consent, establishment, exercise or defense of legal claims, legal obligations), Article 10 sentence 1 GDPR (lawfulness under Union or Member State law).
- Processing for the purpose of managing contracts resulting from (EU) procurement procedures, for other contract management activities (e.g. invoice verification) and for the associated necessary communication and documentation or archiving: Article 6(1) first subparagraph points (a), (b), (c), (e) and (f) GDPR (consent, performance of a contract including implementation of pre-contractual measures, legal obligations, performance of a task carried out in the public interest, legitimate interests), Article 9(2)(a), (f) and (g) GDPR (consent, establishment, exercise or defense of legal claims, legal obligations), Article 10 sentence 1 GDPR (lawfulness under Union or Member State law).

Where processing is carried out for purposes going beyond those specified above, separate information will be provided where necessary. Where you have given us consent to process personal data for specific purposes, this consent is the legal basis for the processing of the data. You may withdraw consent at any time with effect for the future. Withdrawal of consent does not affect the lawfulness of the processing of data carried out prior to the withdrawal.

Legitimate interests of KfW may, for example, consist in efficient contract management (e.g. clear identification of external service providers).

In cases where processing is based on KfW's legitimate interests or is carried out for the performance of tasks carried out in the public interest (Article 6(1) first subparagraph points (f) and (e) GDPR), you have the right to object at any time to the processing of your personal data. If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is necessary for the establishment, exercise or defense of legal claims.

Objections pursuant to Article 21 GDPR may be submitted in writing or by e-mail to KfW or to KfW's Data Protection Officer using the contact details provided in section 2.

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### **5. Information on retention periods and deletion of personal data**

Where necessary, KfW processes your personal data for the duration of the contractual relationship, which also includes the initiation and performance of a contract. Generally, KfW only processes personal data for as long as is strictly necessary to pursue legitimate processing purposes.

If the processing of personal data is no longer necessary to this extent, KfW will only continue to store this data insofar as it is subject to retention obligations, which may arise, among other things, from statutory requirements (in particular the relevant procurement law, the German Commercial Code (HGB), the German Fiscal Code (AO), the German Banking Act (KWG) and the German Money Laundering Act (GwG)). The retention periods stipulated there are up to ten years.

Furthermore, a right to continue storing the personal data may also arise from other statutory limitation periods, which may be up to thirty years in accordance with sections 195 et seq. of the German Civil Code (BGB), with the regular limitation period being three years. This is particularly the case where KfW requires the personal data for handling or examining post-contractual claims.

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### **6. Recipients of personal data and data transfers to third countries**

Within KfW, your data is made available to those units that require it to fulfil contractual and legal obligations and to perform their respective procurement-related tasks.

KfW only discloses information concerning you to third parties in cases other than those specified above where this is necessary for the purposes mentioned, where legal provisions require such disclosure, where you have given your consent or where KfW is otherwise authorized to disclose the data. Under these conditions, recipients of personal data may in particular include: service providers processing data on behalf of KfW (for example data centers), auditors, public authorities and institutions where a statutory or regulatory obligation exists, members of bidding consortia and (sub-)contractors.

Generally, we do not transfer your personal data to recipients located outside the European Union (EU).

Should your data be transferred to countries outside the European Union in exceptional cases, this will be carried out in strict compliance with the requirements of Articles 44 et seq. GDPR and ensuring an adequate level of data protection (for example an adequacy decision by the European Commission, EU standard contractual clauses or other appropriate safeguards within the meaning of Articles 44 et seq. GDPR).

KfW uses central infrastructure and cloud services for certain processes and activities to enable reliable automated data processing with a short processing time and a high level of multi-layered security. In this context, KfW uses only server locations within the European Union and does not intend to transfer your data to third countries. However, the European cloud service provider used by KfW, as part of an international corporate group, may be obliged under non-European legal orders – in particular those of the United States of America (USA) – to disclose personal data to security authorities via its parent company. KfW has implemented extensive safeguards – both

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contractual and technical – to exclude such access risks. In particular, your data is deleted again immediately after it has been processed by the cloud service provider. Any further storage is carried out solely on KfW servers located within the European Union in accordance with the retention periods defined for the respective funding scheme. In addition, the cloud service provider is required to comply with the EU standard contractual clauses.

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## **7. No automated decision-making in individual cases**

There is no automated decision-making within the meaning of Article 22 GDPR.

We reserve the right to update this data protection information from time to time. Updates will be published accordingly and integrated into KfW's business processes. Amendments apply from the time of their publication.