

## **Appendix A 7. Data Privacy Notice**

### **of the German Wine Institute/the German Wine Fund/the German Wine Academy**

This data privacy notice is to inform you about the processing of your personal data by the administration of Deutsches Weininstitut GmbH / Deutscher Weinfonds AdöR / Deutsche Weinakademie GmbH and thus enable you to make informed decisions regarding the handling of your personal data.

#### **The body responsible for data processing**

is, depending on the body issuing the invitation to tender in the specific award procedure, either the Deutsches Weininstitut GmbH (DWI), the Deutscher Weinfonds AdöR (DWF) or the Deutsche Weinakademie GmbH (DWA). You can reach each of them at the following contact details:

Deutsches Weininstitut GmbH / Deutscher Weinfonds AdöR / Deutsche Weinakademie GmbH  
Platz des Weines 2  
55294 Bodenheim  
Telephone: +49 6135 9323-0  
Fax: +49 6135 9323-110  
Email: [datenschutz@deutscheweine.de](mailto:datenschutz@deutscheweine.de)

In case of specific questions regarding the protection of your data please contact the data security engineer of DWI/DWF/DWA:

Mario Arndt  
Deudat GmbH  
Zehntenhofstr. 5b  
65201 Wiesbaden, Germany  
Telephone: +49 611 950008-32  
Fax: +49 611 950008-5932  
Email: [kontakt@deudat.de](mailto:kontakt@deudat.de)

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

The personal data you provide in the course of the award procedure and the submission of tenders will be processed to the necessary extent exclusively in connection with this procedure and in preparation for a possible contractual relationship on the basis of Article 6 (1) (b) and (c) of the General Data Protection Regulation (GDPR) in conjunction with sections 7, 55 Federal Budget Code (BHO) and the public procurement regulations stipulated in Part 4 of the Act against the Restraints of Competition (GWB) and the Public Procurement Ordinance (VgV) or the Regulation on sub-threshold procurement (UVgO).

In case a contract is awarded, the necessary personal data such as name, address, bank details etc. of you and/or your subcontractor(s) or the member(s) of the bidding consortium will be processed in accordance with Article 6 (1) (b) GDPR for the purpose of fulfilling the contractual relationship.

If we ask you for the transmission of personal data of your employees within the scope of an award procedure or the subsequent execution of a contract, we assume that you have obtained the consent of the employees concerned, insofar as this is necessary.

### **Transfer**

Under section 19 (4) of the Minimum Wage Act, section 21 (4) of the Posting of Workers Act and section 21 (1) of the Act to Combat Undeclared Work and Unlawful Employment, with orders exceeding EUR 30,000 without value added tax the DWI/DWF/DWA are obliged to request information on the bidder who is to be awarded the contract from the central trade register in accordance with section 150a of the German Trade Regulation Act (Gewerbeordnung) before the contract is awarded. For this purpose, your personal data (name and address) will be passed on to the responsible office (Federal Ministry of Justice).

From June 1st, 2022, the person responsible as the awarding authority is obliged to query the competition register. The legal basis for the establishment and operation of the competition register is the Competition Register Act (WRegG). The competition register is managed by the Federal Cartel Office as an electronic database. If this information contains personal data relating to you, we will also process it.

### **Europe-wide award procedure**

In Europe-wide award procedures, in accordance with section 134 (1) GWB, prior to conclusion of contract the bidders who are not to be taken into account shall be informed about the name of the company whose bid is to be accepted. After conclusion of contract, pursuant to section 62 (2) VgV, the candidates and bidders not taken into account shall also, at the request of the respective candidates or bidders, be informed about the features and advantages of the successful tender.

### **National award procedure**

Upon completion of a national award procedure, pursuant to section 46 UVgO, the unsuccessful candidates and bidders will be informed, at the request of the respective candidates or bidders, about the name of the successful bidder and the features and advantages of the successful tender.

### **Duration of data storage**

We will delete your data as soon as they are no longer required for the above-mentioned purposes. We store your data due to existing proof and retention obligations resulting from the relevant legal provisions.

- Following an award procedure, the tenders, requests to participate, expressions of interest, confirmations of interest and their annexes shall be retained until the end of the term of the contract or framework agreement, but at least for three years from the date of the award (section 8 (4) VgV and section 6 (2) UVgO).
- We are obliged to store personal data required for the execution of awarded contracts until the end of the respective contract term and any warranty periods. The warranty periods are based on the provisions of the German Civil Code; they depend on the type of contract in question.
- According to the administrative regulations of the Federal Ministry of Finance, the retention periods for documents relating to a payment are five years from the end of the year in which a payment was made.
- If the data is forwarded to the tax office responsible for DWI/DWF/DWA, the storage period under the German Tax Code is ten years from the end of the year in which the respective notice of assessment became final.

### **Rights of data subjects**

At the above address you can request information about the data stored about you as well as, under certain circumstances, the correction or deletion of your data. You may also have a right to restrict the processing of your data and a right to have the data provided by you released in a structured, common and machine-readable format.

Furthermore, you have the possibility of contacting a data protection supervisory authority. The authority responsible for DWI/DWF/DWA is:

**The Federal Commissioner for Data Protection and Freedom of Information in Bonn.**