

A. Privacy statement according to GDPR

I. Name and address of the person responsible

The person responsible within the meaning of the basic data protection regulation and other national data protection laws of the member states as well as other data protection regulations is:

*MARIAN GmbH
Berggartenstraße 12
04155 Leipzig
Germany
Tel .: +49 341 589320
E-Mail: info@marian.de
Website: www.marian.de*

II. Name and address of the data protection officer

The data protection officer of the responsible person is:

*Andreas Hellner
MARIAN GmbH
Berggartenstraße 12
04155 Leipzig
Germany
Tel .: +49 341 5893211
E-Mail: hellner@marian.de
Website: www.marian.de*

III. General information about data processing

1. Scope of processing of personal data

We are processing personal data of our users only if necessary to provide a functioning website, content and services. The regular processing of personal data of our users takes place only with the given consent of the user. An exception applies to cases in which prior consent cannot be obtained and the processing of the data is permitted by law.

The preservation of your privacy is very important to us. Therefore, we deliberately refrain from collecting personal data that is not absolutely necessary for the performance of our business activities. Among other things, we therefore dispense with the following functions and mechanisms:

- (1) Cookies (own and third-party)
- (2) Newsletter
- (3) User Registration- Website extensions that share data with third parties

- (4) Website analysis services such as Google Analytics or Adobe Analytics
- (5) Ads and marketing services, such as Google AdSense or AdWords
- (6) User profiling and automatic decision making

Methods we use to process and store personal information are explained in the following paragraphs.

2. Legal basis for the processing of personal data

Insofar as we obtain the consent of the user for the processing of personal data, Art. 6 para. 1 lit. a of the EU General Data Protection Regulation (GDPR) will serve as a legal basis.

In processing the personal data necessary for the completion of a contract of which the subject is a party, Art. 6 para. 1 lit. b GDPR serves as legal basis. This also applies to operations required to carry out pre-contractual actions.

Insofar as processing of personal data is required to fulfill a legal obligation that our company is subject to, Art. 6 para. 1 lit. c GDPR serves as legal basis.

In the event that vital interests of the subject or another natural person require the processing of personal data, Art. 6 para. 1 lit. d GDPR serves as legal basis.

If processing is necessary to safeguard the legitimate interests of our company or a third party, and if the interests, fundamental rights and freedoms of the subject do not prevail over the first interest, Art. 6 para. 1 lit. f GDPR serves as legal basis for the processing.

3. Data deletion and storage duration

The personal data of the subject will be deleted or blocked as soon as the purpose of the storage is ceased. In addition, a storage may occur if intended by the European or national legislator by means of EU regulations, laws or other regulations to which the responsible is subject to. Blocking or deletion of the data also takes place when a storage period prescribed by the standards mentioned before expires, unless there is a need for further storage of the data for the conclusion or fulfillment of a contract.

IV. Provision of the website and creation of logfiles

1. Description and scope of data processing

Each time our website is accessed, our system automatically collects data and information from the computer system of the accessing computer. The following data is collected:

- (1) Information about the browser type and version used
- (2) The operating system of the user
- (3) The Internet service provider of the user
- (4) The IP address of the user (truncated to 3 bytes, e.g., 192.168.1.xxx)
- (5) Date and time of access
- (6) Websites from which the system of the user comes to our website

The data is also stored in the log files of our system. A storage of this data together with other personal data of the user does not take place.

2. Legal basis for data processing

The legal basis for the temporary storage of data and log files is Art. 6 para. 1 lit. f GDPR.

3. Purpose of the data processing

The temporary storage of the IP address by the system is necessary to allow delivery of the website to the computer of the user. To do this, the user's IP address must be kept for the duration of the session.

Storage in log files is done to ensure the functionality of the website. In addition, the data is used to optimize the website and to ensure the security of our information technology systems. An evaluation of the data for marketing purposes does not take place in this context.

These purposes represent our legitimate interest in the processing of data according to Art. 6 para. 1 lit. f GDPR.

4. Duration of storage

The data will be deleted as soon as it is no longer necessary for the purpose of its collection. In case of the collection of data for providing the website, this is the case when the respective session is closed.

In case of storing the data in log files, this is the case after no more than seven days. An additional storage is possible. In this case, the IP addresses of the users are deleted or alienated, so that a mapping of the calling client is no longer possible.

5. Opposition and possibility of removal

The collection of data for the delivery of the website and the storage of the data in log files is essential for the operation of the website. Consequently, there is no possibility for contradiction on the part of the user.

V. Contact form and e-mail contact

1. Description and scope of data processing

On our website a contact form is available, which can be used for electronic contact of our technical support. If a user utilizes this option, the data entered in the input mask will be sent to us as an email and saved. These data are:

a) *Personal information:*

- First name, name of the user (optional)
- Company (optional)
- E-mail address

b) Information about the product used:

- Name of the product
- Serial number of the product (optional)
- Number of installed copies of the product
- driver version

c) Information about the computer used:

- operating system
- Service Pack (optional)
- Mainboard manufacturer
- Mainboard type
- Processor type
- Processor clock frequency
- Memory size (optional)
- Graphics card manufacturer (optional)
- Graphics card type (optional)
- Other sound cards (optional)

d) Information about the problem:

- Situation
- Error messages (optional)
- User program (optional)
- Audio interface (optional)
- Problem Description

e) At the time of sending the message, the following data is also stored:

- Date and time of dispatch

For the processing of the data, during the sending process, this privacy statement is referred to and your consent is requested.

Alternatively, contact via the provided e-mail address is possible. In this case, the user's personal data transmitted by e-mail will be stored.

In this context, there is no disclosure of the data to third parties. The data is used exclusively for processing the conversation.

2. Legal basis for data processing

Legal basis for the processing of the data is Art. 6 para. 1 lit. a GDPR in the presence of the consent of the user.

The legal basis for the processing of the data transmitted in the course of sending an e-mail is Article 6 (1) lit. f GDPR. If the e-mail contact aims to conclude a contract, then Art. 6 para. 1 lit. b GDPR forms the additional legal basis for the processing.

3. Purpose of the data processing

The processing of the personal data from the input mask serves only to process the contact for the technical support. In case of a contact via e-mail, this also includes the required legitimate interest in the processing of the data.

The other personal data processed during the sending process serve to prevent misuse of the contact form and to ensure the security of our information technology systems.

4. Duration of storage

The data will be deleted as soon as the purpose of its collection has ceased. For the personal data from the contact form and those sent by e-mail, this is the case when the respective conversation with the user has ended. The conversation is considered ended when it can be inferred from the circumstances that the relevant facts have been finally clarified.

The additional personal data collected during the sending process will be deleted at the latest after a period of seven days.

5. Opposition and removal possibility

At any time has the user has the possibility to revoke his consent to the processing of personal data. If the user contacts us by e-mail, he may object to the storage of his personal data at any time. In such a case, the conversation can not continue.

The revocation of consent to the processing and storage of personal data can be informal:

- by email to info@marian.de
- or by phone at +49 341 589320

All personal data stored in the course of contacting will be deleted in this case.

VI. Rights of the data subject

If your personal data is processed, you are covered by GDPR and have the following rights to the person responsible:

1. Right to information

You may ask the person in charge to confirm if personal data concerning you is processed by us.

If such processing is happening, you can request information from the person responsible about the following information:

- (1) the purposes for which the personal data are processed;
- (2) the categories of personal data being processed;
- (3) the recipients or categories of recipients to whom the personal data relating to you have been disclosed or are still being disclosed;

- (4) the planned duration of the storage of your personal data or, if specific information is not available, criteria for determining the duration of storage;
- (5) the existence of a right for rectification or erasure of personal data concerning you, a right to restriction of processing by the responsible person or a right to object to such processing;
- (6) the existence of a right of appeal to a supervisory authority;
- (7) all available information on the source of the data if the personal data is not collected by the subject;
- (8) the existence of automated decision-making including profiling by Article 22 part 1 and part 4 GDPR and, at least in these cases, meaningful information about the logic involved, and the scope and intended impact of such processing on the subject.

You have the right to request information about whether your personal information relates to a third country or an international organization. In connection to this, you may request to be informed about the appropriate guarantees in accordance with Art. 46 GDPR.

2. Right to rectification

You have a right of rectification and / or completion, if the personal data processed about you is incorrect or incomplete. The responsible person must make the correction without delay.

3. Right to restriction of processing

You may request the restriction of the processing of your personal data under the following conditions:

- (1) if you contest the accuracy of your personal information for a period of time that enables the responsible to verify the accuracy of your personal information;
- (2) the processing is unlawful and you refuse to the deletion of the personal data and instead demand the restriction of the use of the personal data;
- (3) the responsible no longer needs the personal data for the purposes of processing, but you need it to assert, exercise or defend legal claims; or
- (4) if you have objected to the processing pursuant to Art. 21 part 1 GDPR and it is not yet certain whether the legitimate reasons of the person responsible outweigh your reasons.

If the processing of personal data concerning you has been restricted, this data may only be used with your consent or for the purpose of asserting, exercising or defending legal claims or protecting the rights of another natural or legal person or for reasons of important public interest of the Union or a Member State.

If the limitation of the processing was limited in accordance with the aforementioned prerequisites, you will be informed by the person in charge before the restriction is lifted.

4. Right to cancellation

a) Obligation of deletion

You may require the responsible to delete your personal information without delay, and the controller is required to delete that information immediately if one of the following is true:

- (1) Personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed.
- (2) You revoke your consent, to which the processing according to Art. 6 para. 1 lit. a or Art. 9 para. 2 lit. GDPR was based upon and there is no other legal basis for processing.
- (3) According to Art. 21 para. 1 GDPR you pose an objection to the processing and there are no prior justifiable reasons for the processing, or you pose objection according to Art. 21 para. 2 GDPR
- (4) Your personal data have been processed unlawfully.
- (5) The deletion of your personal data shall be required to fulfill a legal obligation in accordance with a law of the EU or the law of the Member States to which the responsible is subject.
- (6) The personal data concerning you were collected in relation to information society services offered pursuant to Art. 8 (1) GDPR.

b) Information to third parties

If the person in charge has made the personal data concerning you public and is responsible for the deletion according to article 17 (1) of the GDPR, in regards to available technologies and implementation costs, he or she shall take appropriate measures, including technical means, to inform data controllers who process the personal data that you, as affected individual requested the deletion of all links to such personal data or of copies or replications of such personal data.

c) Exceptions

The right to deletion does not exist if the processing is necessary:

- (1) to exercise the right to freedom of expression and information;
- (2) to fulfill a legal obligation required by the law of the EU or of the Member States to which the responsible is subject, or to carry out a task which is in the public interest or in the exercise of an official authority conferred to the responsible;
- (3) for reasons of public interest in the field of public health pursuant to Art. 9 (2) lit. h and i and Art. 9 (3) GDPR;
- (4) for archival purposes of public interest, scientific or historical research purposes or for statistical purposes acc. Article 89 (1) GDPR, to the extent that the law referred to in subparagraph (a) is likely to render impossible or seriously affect the achievement of the objectives of that processing, or
- (5) to assert, exercise or defend legal claims.

5. Right to information

If you have asserted the right of rectification, erasure or restriction of processing to the responsible, he / she is obliged to notify all recipients to whom your personal data have been disclosed of this correction or deletion of the data or restriction of processing, unless: this proves to be impossible or involves a disproportionate effort.

You have a right to be informed about these recipients by the responsible.

6. Right to data portability

You have the right to receive personally identifiable information you provided to the responsible in a structured, common and machine-readable format. In addition, you have the right to transfer this data to another person without hindrance by the person responsible, provided that

- (1) the processing is based on a consent acc. Art. 6 para. 1 lit. a GDPR or Art. 9 para. 2 lit. a GDPR or on a contract acc. Art. 6 para. 1 lit. b GDPR and
- (2) the processing is done by automated means.

In exercising this right, you also have the right to enforce that your personal data relating to you are transmitted directly from one person to another, insofar as this is technically feasible. Freedoms and rights of other persons may not be affected.

The right to data portability does not apply to the processing of personal data necessary for the performance of a task in the public interest or in the exercise of official authority delegated to the responsible.

7. Right to objection

At any time for reasons that arise from your particular situation you have the right to object against the processing of your personal data, which pursuant to Art. 6 para. 1 lit. e or f GDPR; this also applies to profiling based on these provisions.

The responsible will no longer process the personal data concerning you unless he can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purpose of enforcing, exercising or defending legal claims.

If the personal data relating to you are processed for direct marketing purposes, you have the right to object at any time to the processing of your personal data for the purpose of such advertising; this also applies to profiling insofar as it is associated with such direct mail.

If you object to processing for direct marketing purposes, your personal data will no longer be processed for these purposes.

Regardless of Directive 2002/58 / EC, you have the option, in the context of the use of information society services, of exercising your right to object through automated procedures that use technical specifications.

8. Right to revoke the data protection consent declaration

You have the right to revoke your data protection declaration at any time. The revocation of consent does not affect the legality of the processing carried out on the basis of the consent until the revocation.

9. Automated decision on an individual basis including profiling

You have the right not to be subjected to a decision based solely on automated processing - including profiling - that will have legal effects or affect you in a similar manner. This does not apply if the decision

- (1) is required for the conclusion or performance of a contract between you and the responsible,
- (2) is permitted by EU or Member State legislation to which the responsible is subject, and where such legislation contains appropriate measures to safeguard your rights and freedoms and legitimate interests, or
- (3) with your express consent.

However, these decisions must not be based on special categories of personal data under Art. 9 (1) GDPR, unless Art. 9 (2) lit. a or g GDPR applies and reasonable measures have been taken to protect the rights and freedoms as well as your legitimate interests.

With regard to the cases referred to in (1) and (3), the person responsible shall take appropriate measures to uphold the rights and freedoms and their legitimate interests, including at least the right to obtain the intervention of a person by the responsible, to express his / her own position and heard on challenge of the decision.

10. Right to complain to a supervisory authority

Without prejudice to any other administrative or judicial remedy, you shall have the right to complain to a supervisory authority, in particular in the Member State of its residence, place of work or place of alleged infringement, if you believe that the processing of the personal data concerning you violates the GDPR.

The supervisory authority to which the complaint has been submitted shall inform the complainant of the status and results of the complaint, including the possibility of a judicial remedy pursuant to Article 78 of the GDPR.