

Privacy statement

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Data processing

With the use of our website www.gentherm.com and its functionalities as well as with your contacting with us and your request to us, you transmit personal data to us which we process for the purpose of handling your requests. We use this data exclusively for this specific purpose and in accordance with the data protection laws.

I. Controller by means of data protection laws

Gentherm Inc.
21680 Haggerty Road
Northville, MI 48167
USA

The European representative of the controller is:

Gentherm GmbH
Rudolf-Diesel-Straße 12
85235 Odelzhausen
Germany
Represented by its managing director, Mr. Jörg Evers

II. General remarks on data processing

General scope of data processing

In general, we only process personal data insofar this is necessary for the provision of a functional website as well as of our contents and services.

Legal bases for the data processing

The applicable legal basis arises from the General Data Protection Regulation (GDPR), namely Article 6 Paragraph 1 lit. a)-f) GDPR.

In the case of a consent of the data subject, the legal basis is Art. 6 Para. 1 lit. a) GDPR.

Art. 6 Para. 1 lit. b) GDPR is legal basis for the data processing which is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

If processing is necessary for compliance with a legal obligation to which the controller is subject, the legal basis will be Art. 6 Para. 1 lit. c) GDPR.

Insofar as processing is necessary in order to protect the vital interests of the data subject or of another natural person, the legal basis is Art. 6 Para. 1 lit. d) GDPR.

In the case that processing is necessary for the **performance of a task** carried out **in the public interest** or in the exercise of official authority vested in the controller, the legal basis is Art. 6 Para. 1 lit. e) GDPR.

In the case that processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, and the interests or fundamental rights and freedoms of the data subject do not prevail, the legal basis is Art. 6 Para. 1 lit. f) GDPR.

Provision of personal data due to statutory retention obligations

In the case that you get in contact with us, we collect your personal data. We store this data due to statutory provisions. We have statutory retention obligations according to tax and commercial law, which we have to comply with. Otherwise, we possibly cannot render our services towards you.

Prior to the provision of your personal data, you may inform yourself at our competent contact person in our company, whether we need your data due to statutory retention obligations and which consequences arise when you do not provide your data.

Data deletion and duration of storage

We store your personal data, as long as this is necessary for the fulfilment of the purpose or a retention is required according to statutory obligations, Art. 6 Para. 1 lit. c) GDPR.

In the case that the purpose for the storage of the personal data is no longer applicable, we will delete your data after the expiration of 6 months or we will restrict the processing, unless there is a necessity for further storage by means of a conclusion or performance of contract.

A storage beyond of that will only take place, if this has been intended by the European or national legislator.

SSL- / TSL-encryption

We use an SSL- / TSL-encryption on the entire website.

III. Data processing by automated means when visiting the website www.gentherm.com

IP address

1. Description and scope of the data processing

When visiting this site, requests are sent to and have to be answered by the server. Therefore, your IP address has to be collected and processed in order to be able to answer these server requests.

2. Legal basis for the data processing

Legal basis for the processing of this data is Art. 6 Para. 1 lit. f) GDPR.

3. Purpose of the data processing

The purpose of the processing of your IP address is the functionality of the website and the provision of the technical retrieval option.

4. Legitimate interest

The legitimate interest on the temporary storage of your IP address is that the functionality and the provision of the technical retrieval option of the website would not be possible without such practice.

5. Storage period

The data will be deleted as soon as the further storage is not necessary anymore due to achievement of the purpose. In connection with the data collection for providing the website, this is the case when the retrieval process has been closed.

6. Recipients of personal data

Your IP address is processed by the following hosting provider based on a contract according to Art. 28 Para. 2-4 GDPR:

Amazon Web Services Inc.
410 Terry Avenue North
Seattle
WA 98109
USA

Hosting

1. Description and scope of the data processing

We use services of our hosting provider for the technical realization of the website and its availability as well as for its technical maintenance. This involves the provision of storage and database services as well as their maintenance and care.

2. Legal basis for the data processing

Legal basis for the processing of this data is Art. 6 Para. 1 lit. f) GDPR.

3. Purpose of the data processing

The purpose of the processing is the realization of the online offer as well as the detection of malfunctions and burglary attempts.

4. Legitimate interest

The legitimate interest on commissioning the hosting provider is the external technical competence and the provision of a functional and uncompromised website environment.

5. Recipients of personal data

The following hosting provider operates for us based on a contract according to Art. 28 Para. 2-4 GDPR:

Amazon Web Services Inc.
410 Terry Avenue North
Seattle
WA 98109
USA

6. Concerned categories of personal data are:

- User data
- Communication data
- Contact data

Server log files

1. Description and scope of the data processing

The IP addresses collected in connection with the visit of this website are additionally stored in so-called server log files in order to detect and to make repairable technical malfunctions and/or manipulation and burglary attempts into the server structure.

In addition, the hosting provider of this website automatically collects, stores and processes information in so-called server log files which are automatically transmitted by your browser.

This information is:

- Referrer URL (location)
- Time of the server request

This information though is not brought together with other data sources.

2. Legal basis for the data processing

Legal basis for the processing of this data is Art. 6 Para. 1 lit. f) GDPR.

3. Purpose of the data processing

The purpose of the processing of your IP address and the other information mentioned above is the detection of malfunctions and burglary attempts.

4. Legitimate interest

The legitimate interest on processing your IP address and the other information mentioned above is the provision of a functional and uncompromised website environment.

5. Storage period

The data will be deleted within 7 days.

6. Recipients of personal data

Your IP address and the other information mentioned above is processed by the following hosting provider based on a contract according to Art. 28 Para. 2-4 GDPR:

Amazon Web Services Inc.
410 Terry Avenue North
Seattle
WA 98109
USA

IV. Use of cookies

1. Description and scope of the data processing

The site www.gentherm.com uses so-called "cookies". Cookies are text files which are stored on the cache and/or on a data carrier of the device that you use for the visit of our website and which are processed by your internet browser according to its settings.

Content of these cookies is:

Session cookies which are necessary in order to be able to meet the user's expectations of great functionality of our website and to select the chosen language when visiting other websites.

2. Legal basis for the data processing

Legal basis for the processing of this data is Art. 6 Para. 1 lit. f) GDPR.

3. Purpose of the data processing

These cookies contain technical information on the provision of the website functionalities within the use. The technical realization of the website is hereby enabled.

4. Legitimate interest

The cookies exclusively contain technical information. The use of these cookies is necessary in order to be able to meet the user's expectations of great functionality of our website and to select the chosen language when visiting other websites.

5. Storage period as well as objection and elimination opportunities

The cookies used on this site are so-called "session cookies". After the end of your website visit and/or closing of your browser, they will automatically be deleted out of the cache of your computer, provided that you have activated this functionality in your browser.

For this purpose, please check the settings of your browser (e.g. Firefox, Internet Explorer, Edge, Chrome, Opera, Safari). Your browser gives you moreover the opportunity to control the handling of cookies or even to deactivate them at all. Cookies which are already stored can be deleted at any time. This can also take place by automated means. Please consider that in the case cookies are deactivated for our website, possibly not all functionalities of the website can be fully used anymore.

V. Processing of personal data via the contact form

1. Description and scope of the data processing

There is a contact form on our website which only serves as platform for getting in contact with us electronically. We process your personal data only insofar as you provide us with them when getting in contact with us.

Within requests via the contact form, the following personal data is processed:

- First name*
- Last name*
- E-mail address*
- Telephone
- Company*
- Request*
- Products/services
- Country
- Comments

The fields marked with a "*" symbol are mandatory fields without which no request can be sent to us via this contact form.

Please only provide us with your telephone number if you wish us to get in contact with you via telephone.

The disclosure of your name serves as personal address within handling your request.

The pure input of your data does not lead to a transmission of this data, this will apply not until you click the "submit" button.

At the time of sending your message, the following data is processed moreover:

- Date of the request
- Time of the request

2. Legal basis for the data processing

Legal basis for the processing of personal data for handling and answering your request is Art. 6 Para. 1 lit. f) GDPR.

Legal basis for the data processing which is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract is Art. 6 Para. 1 lit. b) GDPR.

3. Purpose of the data processing

The processing of the personal data via the contact form exclusively serves for the purpose of getting in contact with us and enabling the informational address of the customer by the company on initiative of the customer.

Depending on intention and content of your request, the purpose can also be the initiation or performance of a contractual relationship. In this case, the purpose is also to maintain the customer relationship.

4. Legitimate interest

The legitimate interest in the data processing can be seen in the possibility to handle your request and to be able to answer according to your request. The collected data is processed due to a request initiated by you. The processing is also in your own interest because we want to be able to react to your request according to your expectations.

5. Storage period

The data will be deleted within 6 months after they are not necessary anymore due to the achievement of the purpose, unless they are not subject to further statutory retention periods (e.g. 10 years according to German Fiscal Code or 6 years according to German Commercial Code). For the data submitted via the contact form, this is the case when the conversation with the user has been closed.

Thereby the conversation is closed as soon as the case has been finally clarified according to the concrete circumstances.

VI. Processing of personal data via e-mail

1. Description and scope of the data processing

In case of requests by e-mail, personal data will be processed depending on the content of your e-mail.

This is any case your e-mail address, date and time as well as the content of your message. In addition, and depending on the content of your e-mail, there may be a processing of the following personal data like, for example:

- First name
- Last name
- Telephone number

The data will exclusively be processed for the conversation and/or initiation and/or performance of a contractual relationship.

2. Legal basis for the data processing

According to the expressive request of the user via e-mail, legal basis for the processing of the data is Art. 6 Para. 1 lit. f) GDPR. If the request is also targeting at the conclusion and/or performance of a contract, additional legal basis for the processing will be Art. 6 Para. 1 lit. b) GDPR.

3. Purpose of the data processing

The processing of the personal data via e-mail exclusively serves for the purpose of getting in contact with us and enabling the informational address of the customer by the company on initiative of the customer.

Depending on intention and content of your request, the purpose can also be the initiation or performance of a contractual relationship.

4. Legitimate interest

The legitimate interest in the data processing can be seen in the possibility to handle your request and to be able to answer according to your request. The collected data is processed due to a request initiated by you. The processing is also in your own interest because we want to be able to react to your request according to your expectations.

5. Storage period

The data will be deleted within 3 months after they are not necessary anymore due to the achievement of the purpose, unless they are not subject to further statutory retention periods (e.g. 10 years according to German Fiscal Code or 6 years according to German Commercial Code). For the data submitted via the contact form, this is the case when the conversation with the user has been closed.

Thereby the conversation is closed as soon as the case has been finally clarified according to the concrete circumstances.

VII. Processing of personal data via telephone

1. Description and scope of the data processing

In case of requests by telephone, personal data will be processed depending on the content of the conversation.

Depending on the information given by you in the course of the call, this can also contain the following personal data:

- First name, last name
- Telephone number
- Customer number
- Payment details
- Contract details

The data will exclusively be processed for the conversation and/or initiation and/or performance of a contractual relationship.

2. Legal basis for the data processing

According to the expressive request of the user via telephone, legal basis for the processing of the data is Art. 6 Para. 1 lit. f) GDPR. If the request is also targeting at the conclusion and/or performance of a contract, additional legal basis for the processing will be Art. 6 Para. 1 lit. b) GDPR.

3. Purpose of the data processing

The processing of the personal data via telephone exclusively serves for the purpose of getting in contact with us and enabling the informational address of the customer by the company on initiative of the customer.

Depending on intention and content of your request, the purpose can also be the initiation or performance of a contractual relationship or the maintenance of the customer relationship.

4. Legitimate interest

The legitimate interest in the data processing can be seen in the possibility to handle your request and to be able to answer according to your request. The collected data is processed due to a request initiated by you. The processing is also in your own interest because we want to be able to react to your request according to your expectations.

5. Storage period

The data will be deleted within 6 months after they are not necessary anymore due to the achievement of the purpose, unless they are not subject to further statutory retention periods (e.g. 10 years according to German Fiscal Code or 6 years according to German Commercial Code). For the data submitted via the contact form, this is the case when the conversation with the user has been closed.

Thereby the conversation is closed as soon as the case has been finally clarified according to the concrete circumstances.

VIII. Processing of personal data via fax

1. Description and scope of the data processing

In case of requests by telephone, personal data will be processed depending on the content of the conversation.

This is any case your fax number, date and time as well as the content of your message. In addition, and depending on the content of your fax, there may be a processing of the following personal data like, for example:

- First name, last name
- Telephone number
- Customer number
- Payment details
- Contract details

The data will exclusively be processed for the conversation and/or initiation and/or performance of a contractual relationship.

2. Legal basis for the data processing

According to the expressive request of the user via fax, legal basis for the processing of the data is Art. 6 Para. 1 lit. f) GDPR. If the request is also targeting at the conclusion and/or performance of a contract, additional legal basis for the processing will be Art. 6 Para. 1 lit. b) GDPR.

3. Purpose of the data processing

The processing of the personal data via fax exclusively serves for the purpose of getting in contact with us and enabling the informational address of the customer by the company on initiative of the customer.

Depending on intention and content of your request, the purpose can also be the initiation or performance of a contractual relationship.

4. Legitimate interest

The legitimate interest in the data processing can be seen in the possibility to handle your request and to be able to answer according to your request. The collected data is processed due to a request initiated by you. The processing is also in your own interest because we want to be able to react to your request according to your expectations.

5. Storage period

The data will be deleted within 6 months after they are not necessary anymore due to the achievement of the purpose, unless they are not subject to further statutory retention periods (e.g. 10 years according to German Fiscal Code or 6 years according to German Commercial Code). For the data submitted via the contact form, this is the case when the conversation with the user has been closed.

Thereby the conversation is closed as soon as the case has been finally clarified according to the concrete circumstances.

IX. Use of Google Analytics

1. Description and scope of the data processing

This website uses Google Analytics, a web analytics tool of Google Inc., 1600 Amphitheatre Parkway Mountain View, CA 94043, USA („Google“). Google Analytics uses so-called “cookies”, viz. text files which are stored on your computer and which enable an analysis of your use of the website. The information about your use of this website generated by the cookie are usually transmitted to a server of Google in the USA and stored there. In case of activation of the IP anonymization on this website, your IP address though will be previously shortened by Google within the member states of the European Union or in other contracting states of the Agreement on the European Economic Area. The uncut IP address will be transmitted to a server of Google in the USA and stored there only in exceptional cases. On behalf of the operator of this website, Google will use this information in order to evaluate your use of the website, to compile reports on the website activities and to render further services associated with the use of the website and of the internet. The IP address transmitted by your browser in the course of Google Analytics is not brought together with other data of Google.

Google uses this information in order to evaluate the use of the website on behalf of the operator of this website. Furthermore, this information is used in order to compile reports on the website activities and to render further services associated with the use of the website and of the internet.

2. Legal basis for the data processing

Legal basis for the processing of this data is Art. 6 Para. 1 lit. f) GDPR.

3. Purpose of the data processing

The purpose of the data processing is the service delivery of Google towards the operator of the website.

4. Legitimate interest

This purpose can also be interpreted as the legitimate interest for the data processing according to Art. 6 Para. 1 lit. f) GDPR.

5. Storage period

The data transmitted by us to Google, including those combined with cookies, usernames (e.g. User-ID) or Promo-ID, will automatically be deleted after 14 months. The deletion will automatically take place once a month, as soon as the retention period has been reached.

6. Objection and elimination opportunities

You may avoid the storage of the cookies through appropriate settings of your browser software; we nevertheless want to point out that in this case you probably won't be able to fully use any and all functionalities of this website. Furthermore, you may avoid the collection of the data generated by the cookie and related to your use of the website (including your IP address) as well as the processing of this data by Google by downloading and installing the browser plugin available under the following link:

<http://tools.google.com/dlpage/gaoptout?hl=en>

A data collection by Google Analytics can be avoided by clicking the following link. By doing so, an opt-out cookie will be placed which will prevent the collection of your data during the visit of the website in future.

`Google Analytics deaktivieren`

At this website, Google Analytics has been extended with the code "anonymizeIP". Due to this extension, IP addresses are shortened before they eventually are transmitted into the USA in order to ensure an anonymization.

Further information on terms of use and data privacy of Google Analytics can be found on <https://marketingplatform.google.com/about/analytics/terms/us/> or on <https://policies.google.com/?hl=en&gl=de>.

7. Reports on demographic characteristics

This website uses the reports of Google Analytics on demographic characteristics in which data from interest-based advertising of Google as well as visitor data of third-party providers (e.g. age, sex and interests) are used. This data cannot be traced back to a concrete person and they can be deactivated through the display settings in your Google account at any time, or you can generally forbid the data collection by Google Analytics, as already presented in cipher 6. above.

X. Rights of the data subject

In the case that your personal data is being processed, you are the concerned data subject according to the General Data Protection Regulation. You thus have the following rights against the controller.

In order to exercise your rights against us as a controller, please contact the following e-mail address: Benjamin.Ferner@gentherm.com

1. Right of access – Art. 15 GDPR

You have the right to obtain from the controller confirmation as to whether or not personal data concerning you are being processed.

Where that is the case, you have the right of access to the personal data and the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

You have also the right to request the information whether your personal data are transferred to a third country or to an international organization. In that context, you have the right to be informed of the appropriate safeguards pursuant to Article 46 GDPR relating to the transfer.

2. Right to rectification – Art. 16 GDPR

You have the right to obtain from the controller without undue delay the rectification and/or completion of your personal data, insofar as the processed personal data is inaccurate or incomplete.

3. Right to erasure – Art. 17 GDPR

Erasur obligation:

You have the right to obtain from the controller the erasure of personal data concerning you without undue delay where one of the following grounds applies:

- the personal data concerning you are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- you withdrew your consent on which the processing is based according to point (a) of Article 6 (1) GDPR, or point (a) of Article 9 (2) GDPR, and where there is no other legal ground for the processing;
- you objected to the processing pursuant to Article 21 (1) GDPR and there are no overriding legitimate grounds for the processing, or you objected to the processing pursuant to Article 21 (2) GDPR;
- the personal data have been unlawfully processed;

- the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
- the personal data have been collected in relation to the offer of information society services referred to in Article 8(1) GDPR.

Exceptions:

The right to erasure does anyhow not exist to the extent that processing is necessary

- for exercising the right of freedom of expression and information;
- for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9 (2) GDPR as well as Article 9 (3) GDPR;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) GDPR in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing;
- for the establishment, exercise or defense of legal claims.

4. Right to restriction of processing – Art. 18 GDPR

You have the right to obtain from the controller restriction of processing where one of the following applies:

- you contested the accuracy of the personal data, for a period enabling the controller to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- the controller no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defense of legal claims;
- you have objected to processing pursuant to Article 21 (1) GDPR pending the verification whether the legitimate grounds of the controller override those of you.

Where processing has been restricted, such personal data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defense of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

Where processing has been restricted due to the mentioned requirements, you shall be informed by the controller before the restriction of processing is lifted.

5. Notification obligation – Art. 19 GDPR

Insofar as you have made use of your right to rectification, erasure or restriction, we have the obligation to communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort.

You also have the right to get informed about those recipients.

6. Right to data portability – Art. 20 GDPR

You have the right to receive the personal data concerning you, which you have provided to a controller, in a structured, commonly used and machine-readable format and you have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

- a) the processing is based on consent pursuant to point (a) of Article 6 (1) GDPR or point (a) of Article 9 (2) GDPR or on a contract pursuant to point (b) of Article 6 (1) GDPR; and
- b) the processing is carried out by automated means.

In exercising this right to data portability, you have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

7. Right to object – Art. 21 GDPR

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on point (e) or (f) of Article 6 (1) GDPR, including profiling based on those provisions.

The controller shall no longer process your personal data unless the controller demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the establishment, exercise or defense of legal claims.

Where personal data are processed for direct marketing purposes, you have the right to object at any time to processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing.

Where you object to processing for direct marketing purposes, your personal data shall no longer be processed for such purposes.

In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, you may exercise your right to object by automated means using technical specifications.

8. Right to withdraw consent

You have the right to withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

9. Right to lodge a complaint with a supervisory authority – Art. 77 GDPR

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the General Data Protection Regulation.

The supervisory authority with which the complaint has been lodged shall inform you on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78 GDPR.

This privacy statement will be periodically updated.