

Privacy Policy for Microsoft 365 and Microsoft Teams

1. Description of the data processing

This information is delivered in regard to the processing of personal data in the context of Microsoft 365 services and Microsoft Teams.

2. Name and contact of the data controller

NEC Laboratories Europe GmbH
Kurfürsten Anlage 36
69115 Heidelberg
Phone: +49 (0) 6221 - 43420
Fax: +49 (0) 6221 - 4342155
E-mail: privacy@neclab.eu

Notice: Microsoft retains controllership over the data processing when you connect to the websites of Microsoft 365 or Microsoft Teams. This is only necessary in order to download the software required for running the Microsoft 365 and Microsoft Teams applications.

If you prefer, it is possible to run the applications directly through your browser, without downloading them. In this case, the services will also be provided through the Microsoft 365 and Microsoft Teams websites.

3. Contact information of the data protection officer of NEC Laboratories Europe GmbH

NEC Laboratories Europe GmbH
Data Protection Officer
Kurfürsten Anlage 36
69115 Heidelberg
Phone: +49 (0) 6221 - 43420
Fax: +49 (0) 6221 - 4342155
E-mail: DSB@neclab.eu

4. Purpose of the data processing

NEC Laboratories Europe GmbH uses the service Microsoft 365 for different purposes. The primary use is to establish convenient communication methods in order to simplify the workflow within NEC Laboratories Europe GmbH, as well as providing our business partners an open and easily available platform. In this regard, we are using the applications in order to create and save content, to plan appointments and meetings and to communicate. To effectively communicate with external contacts, it will be possible to interact with the Microsoft 365 applications as a guest (without a dedicated Microsoft 365 account). Thus, NEC Laboratories Europe GmbH employees and external contacts can easily work on projects together, without being present in the same location. The data processing therefore serves the fulfilment of contractual obligations with NEC Laboratories Europe GmbH and the common realization of projects.

The Microsoft Teams application is used to conduct meetings, phone calls or webinars (collectively described below as "online meetings"). Different types of data are processed through Microsoft Teams. The volume and type depend on what data participants have provided before or during an online meeting.

The following categories of personal data may be processed:

- Information about the user, such as display name, e-mail address, profile picture (optional) and preferred language.
- Meeting metadata, such as date and time, meeting ID, phone numbers and location.
- Text, audio and video data: In order to allow for playback of audio and video data, recordings of your device's microphone or webcam will be processed. You are at all times able to turn off/mute your camera and microphone in the Microsoft Teams application. You may also have permission to use the chat functionality in an online meeting. All content you provide through the chat will be processed in order to display it in the chat log of the online meeting.

We are using Microsoft Teams to conduct online meetings. In case we want to record an online meeting, we will transparently inform you beforehand, and – if necessary – ask for your consent.

For creating protocols about the outcomes of online meetings, we may document the contents of the chat. However, this will be an exception.

There will be no automated individual decision-making as specified in Art. 22 GDPR.

When using Microsoft 365, the services transfer diagnostic data to Microsoft in order to guarantee the functionality of the applications. Since all applications are cloud based, these will be monitored constantly. The processing of diagnostic data also serves the enhancement of the software by means of updates. Lastly, the data processing also enables Microsoft to guarantee the security of the service and to troubleshoot.

5. Legal basis for the data processing

For processing personal data of NEC Laboratories Europe GmbH employees, the relevant legal basis is § 26 BDSG. If the data of employees (in the context of the Microsoft 365 or Microsoft Teams applications) is not being processed for the purpose of commencing, conducting or ending employment relations, but is otherwise necessary for using the Microsoft 365 or Microsoft Teams services, the relevant legal basis for data processing is Art. 6 S.1 f) GDPR. In these cases, we have a legitimate interest to conduct online meetings in order to work effectively with business partners and customers in a flexible manner. In addition, the planning of capacities, the use of convenient communication channels and ensuring that the services run without errors and interruptions are a key focus of NEC Laboratories Europe GmbH.

If online meetings are held in order to perform a contractual obligation, the relevant legal basis for data processing is Art. 6 S.1 b) GDPR.

If no contractual obligations are performed, the legal basis is Art. 6 S.1 f) GDPR. Our legitimate interest lies in effectively conducting online meetings.

In some cases, the data processing may be based on consent by the data subject based on Art. 6 S.1 a) GDPR. In this case, NEC Laboratories Europe GmbH will explicitly request your consent before commencing data processing.

6. Recipients or categories of recipients of the personal data

Personal data processed through Microsoft 365 and Microsoft Teams may be passed on to and viewed by different recipients. In particular, these recipients are all employees of NEC Laboratories Europe GmbH, Microsoft and other business partners of NEC Laboratories Europe GmbH, such as tax advisors and lawyers, as well as cooperating research institutions, such as universities.

Personal data processed through participation in an online meeting is generally not passed on to third parties if it is not explicitly meant to be shared. Please note that often the *contents* from online meetings, like the contents from personal meetings, are meant to be communicated with potential customers or third parties. These are instances where the data is explicitly gathered with the purpose of being passed on to third parties.

7. Data transfers to third countries

Generally, data is not being processed outside of the European Union (EU), since the Microsoft data centers that retain and process your information on our behalf are located inside the EU. However, we cannot exclude the possibility that data may get routed through web servers that are outside of the EU. This may be the case if participants in an online meeting are located outside of the EU. In addition, diagnostic data is regularly being sent to Microsoft and evaluated there.

The data is encrypted during transfer and therefore safe from access by third parties. Because of the so-called CLOUD-Act, it cannot be excluded entirely that US authorities may be granted access to your data. As far as data is transferred to third countries, the Standard Contractual Clauses implemented in the contract between Microsoft and NEC Laboratories Europe GmbH are applicable. In this regard, there are specific measures in place to keep the data of data subjects as protected as possible. You can find the relevant agreement with Microsoft, including the Standard Contractual Clauses, under this URL: <https://www.microsoft.com/licensing/docs/view/Microsoft-Products-and-Services-Data-Protection-Addendum-DPA?isToggleToList=True&lang=1&year=2021>.

8. Retention of personal data

We generally delete personal data once the purpose for storing it expires. It may be necessary to store data for longer periods if it is required to fulfil contractual obligations, like granting warranties or defending against claims. If there is a legal requirement to store data for a longer period, the data will be deleted only after the legal requirement is no longer applicable. With regards to the processing of personal data according to Art. 6 S.1 f) GDPR (legitimate interest), we erase the respective data according to our retention policy.

Microsoft themselves store data for a certain period. You can find their storage duration policies under this URL: www.docs.microsoft.com/de-de/office365/enterprise/office-365-data-retention-deletion-and-destruction-overview.

9. Rights of data subjects

According to the GDPR, data subjects retain these rights:

- If your personal data is processed, you have the right to gain access to the data stored about you (Art. 15 GDPR).
- If incorrect data is being processed about you, you have the right of rectification (Art. 16 GDPR).
- If the legal requirements are fulfilled, you can request erasure or restriction of the processing of your personal data, as well as object to the processing (Art. 17, 18 and 21 GDPR).

- If you consented to the data processing or if there is a contract in place about the data processing and the processing is conducted by automated individual decision-making, you may have the right to data portability (Art. 20 GDPR).

Once the above-mentioned rights are invoked, we will assess if the legal requirements are fulfilled.

In order to invoke your rights, please contact the data protection officer.

In order to file a complaint regarding data protection, please contact the relevant authority, stated below:

Landesdatenschutzbeauftragter für den Datenschutz und
die Informationsfreiheit Baden-Württemberg
Lautenschlagerstraße 20
70173 Stuttgart

Post box / Postfach 10 29 32
D-70025 Stuttgart

e-mail: poststelle@lfdi.bwl.de
Phone: +49 (0) 711 615541 - 0
Fax: +49 (0) 711 615541 – 15

10. Withdrawal of consent

In cases where you have given consent for a specific purpose of data processing, you may withdraw your consent from NEC Laboratories Europe GmbH at any time without formal requirements. Please feel free to contact us by e-mail, post or phone.

11. Changes to the privacy policy

We will revise this privacy policy if the circumstances of data processing change or if it is indicated otherwise. You will always find an updated version of the privacy policy on this website.