



H U G O B O S S

Policy Concerning Objection, Erasure, Rectification and Restriction

Policy

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1 Purpose

The purpose of this Policy Concerning Objection, Information, Rectification and Restriction (hereinafter referred to as the “Policy”) is to safeguard the rights of data subjects and create and define minimum standards for addressing issues involving the exercise of rights in connection with the processing of personal data by HUGO BOSS.

2 Territorial Scope

This Policy applies equally to all companies of the HUGO BOSS Group located within the territorial scope of the General Data Protection Regulation of the European Union ([GDPR](#)). The Policy and the provisions contained therein are consistent with the HUGO BOSS Code of Conduct. They are binding upon all employees and must be strictly observed.

In the event that provisions of local law contain other requirements concerning objection, erasure, rectification or restriction of processing, such provisions will take precedence.

The Data Protection Officer of HUGO BOSS AG and the Central Legal Department must be consulted in advance in the case of any deviations.

3 Will of Data Subjects

3.1 Rights of Data Subjects

The intent of the respective data subject and the grounds for his or her request must first of all be examined and interpreted accordingly. Data subjects may in this context assert all rights to which they are entitled (objection (as regards processing and the transfer of data), erasure, rectification and restriction of processing). It is necessary to make a clear distinction between the right to ‘information’, which is the most exhaustive of the rights of data subjects, and the other rights (objection, erasure, rectification and restriction), which data subjects will typically exercise in a second step.

The present Policy addresses exclusively objections of data subjects to the processing of their personal data and requests to have such data erased or rectified or processing restricted. The right to information is addressed by the Information Request Policy.

3.2 Possibility of Lodging Complaints

As soon as it becomes obvious that an objection or request for erasure, rectification or restriction of processing involves a complaint, the provisions of the Data Breach Complaint Policy must be applied immediately and the Data Breach Emergency Response Team designated in the Policy notified accordingly.

4 Authorized Persons (Data Subjects)

4.1 Data Subjects

All identified or identifiable natural persons whose personal data have been or are being processed (e.g., customers or employees) qualify as data subjects and are entitled to exercise their rights pursuant to this Policy.

The police, prosecution authorities, other governmental authorities and other legal entities do not qualify as data subjects and are therefore not entitled to exercise the rights covered by this Policy. Such enquiries are to be immediately forwarded to the Compliance Office.

4.2 Identification / Identity Fraud

HUGO BOSS will make every reasonable effort to verify the identity of any data subjects who seek to exercise their rights. HUGO BOSS will obtain the information required to confirm the identity of data subjects, especially in the case of requests received by electronic means or telephone.

The Data Protection Officer of HUGO BOSS AG must be notified immediately in the case of suspicion of any attempt to exercise rights by a person not authorized to do so. No data are to be erased or otherwise changed until the issue is clarified in such cases.

4.3 Confirmation of Processing

Data subjects who submit enquiries are entitled to receive confirmation (positive or negative) of whether HUGO BOSS processes their personal data.

5 Rights of Data Subjects

5.1 Rights

Data subjects may exercise the following rights in respect of data processed by HUGO BOSS:

- **objection** (as regards processing and the transfer of data),
- **erasure**,
- **rectification** and
- **restriction of processing**.

Data subjects may also lodge complaints with the **competent supervisory authority** at any time.

The various rights of data subjects and corresponding procedures followed by HUGO BOSS are described and explained below.

5.2 General Duties of Notification

HUGO BOSS notifies all data subjects that exercise their rights pursuant to this Policy and under applicable legislation of the outcome of their requests.

Unless notification proves impossible or would entail an unreasonable effort, HUGO BOSS notifies all recipients¹, of personal data of any rectification or erasure of personal data or restriction of processing.

6 Right to Objection

6.1 Objection to Processing

Data subjects may withdraw consent or object to having their personal data processed by HUGO BOSS at any time. Such objection will cover all personal data

¹ A recipient within the meaning of Article 4(9) of the GDPR is a natural or legal person, public authority, agency or other body to which personal data are disclosed, whether a third party or not.

processed by HUGO BOSS on the basis of its legitimate interests unless specified otherwise by the data subject.

6.2 No Right to Objection

According to the law, data subjects may not object to having their personal data processed by HUGO BOSS in the following cases:

- if processing is required for the purposes of 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;
- if processing is required to safeguard the vital interests of the data subject or any other natural person.

Exceptional circumstances may also preclude objection by the data subject.

6.3 Exception to Right to Objection

Objection to the processing of personal data of a data subject may not be possible in the case of compelling legitimate grounds for such processing by HUGO BOSS.

Legitimate grounds that may justify further processing by HUGO BOSS include the following:

- interests of HUGO BOSS that outweigh the rights and freedoms of the data subject;
- processing that serves to establish, exercise or defend legal claims.

HUGO BOSS bears the burden of proving the existence of such grounds. In the case of any objection to further processing, the Data Protection Officer of HUGO BOSS AG will determine whether legitimate grounds justify further processing.

6.4 Treatment of Personal Data in the Future

Objection precludes further processing of the personal data covered by the objection. The data subject is to be notified of the outcome of the objection.

The personal data at issue must then be treated pursuant to this Policy.

7 Right to Erasure (“Right to be forgotten”)

7.1 Erasure

Data subjects may require that HUGO BOSS erase their personal data.

HUGO BOSS must also erase personal data without delay in the following cases:

- if personal data are no longer needed for the purposes for which they were originally recorded or otherwise processed;
- if the data subject withdraws consent to the processing at issue and no other legal basis exists for such processing;
- if the data subject lodges a valid objection to processing (see above) and no overriding legitimate reasons exist for such processing;
- if personal data were processed unlawfully;
- if erasure of personal data is required to comply with legal obligations under European Union or Member State law.

7.2 Period for Compliance

In the case of a legitimate request for erasure, HUGO BOSS must delete personal data without delay and at the very latest within one month following receipt of the request for erasure (or sooner if required by law). The period for compliance may be extended by two months if necessary in view of the complexity and the number of requests. HUGO BOSS will notify the data subject of the extension of the period for compliance within one month after receipt of the request and specify the reasons for the delay.

7.3 No Duty to Erase

HUGO BOSS is under no obligation to erase personal data in the following cases:

- exercise of the right to freedom of expression and information;
- fulfillment of a legal obligation under European Union or Member State law to which HUGO BOSS is subject or on grounds of public interest;
- reasons of public interest in the area of public health;
- establishment, exercise or defense of legal claims.

8 Right to Rectification

8.1 Rectification

Data subjects may require that HUGO BOSS rectify inaccurate personal data. This also includes completion of incomplete personal data, taking into account the purposes of processing.

8.2 Period for Compliance

Section 7.2 applies accordingly in respect of the period of compliance for rectification.

9 Right to Restrict Processing

9.1 Cases of Restriction of Processing

Data subjects may require that HUGO BOSS restrict processing of their personal data in the following cases and under the following conditions:

- if the accuracy of personal data is contested by the data subject (for a period enabling HUGO BOSS to verify the accuracy of the respective personal data);
- in the case of unlawful processing – if the data subject does not accept erasure of the personal data and instead requires restriction of the use of such personal data;
- if HUGO BOSS no longer needs personal data for the purposes of processing, but the data subject needs the personal data to establish, exercise or defend legal claims; and
- if the data subject has objected to processing pending verification of whether the legitimate grounds of HUGO BOSS override those of the data subject.

9.2 Further Processing Despite Objection

HUGO BOSS may process – with the exception of storage – personal data despite restriction of processing:

- if the data subject has given consent;
- if necessary to establish, exercise or defend legal claims;
- if necessary to safeguard the rights of another natural or legal person;

- if necessary for reasons of important public interest of the European Union or of a Member State.

9.3 Notification of Restriction of Processing.

HUGO BOSS informs data subjects who have had the processing of their personal data restricted before such restriction is lifted.

10 Application and Point of Contact

This Policy will enter into force and effect as of 25 May 2018.

Any questions regarding the implementation of this Policy should be addressed to the Data Protection Officer of HUGO BOSS AG.

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