

# Data Protection Statement of HVJ GmbH & Co. KG

We appreciate you visiting our websites and we thank you for your interest in our hotel. Protection of personal data is a very important issue for us. Therefore, the processing of personal data of a data subject, for instance of names, postal or e-mail addresses and phone numbers, is carried out in accordance with the applicable European and national legislation.

If data processing is necessary, but there is no legal basis for such processing, we generally request a consent from the data subject.

**You can revoke your declaration of consent with future effect at any time. Please contact then the controller. Contact information is indicated at the end of this data protection statement.**

In the following chapters, our company HVJ GmbH & Co. KG (hereinafter called "our company", "we", "us" etc.) would like to inform the general public about nature, extent and purpose of the data processed. In this data protection statement the persons concerned shall furthermore be informed of the rights granted to them.

## Definitions

The data protection statement of our company is based on the terms, which the European legislative and regulatory authority uses in the EU General Data Protection Regulation (hereinafter called "GDPR"). Our data protection statement aims to be easy to read and to understand by general public as well as by our customers or business partners. To guarantee this we shall first explain the terms used.

We use in this data protections statement and on our internet homepage, inter alia, following terminology:

**Personal data** means any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Data subject** means any identified or identifiable natural person whose personal data is processed by the party responsible for the processing.

**Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Restriction of processing** means the marking of stored personal data with the aim of limiting their processing in the future.

**Profiling** means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

**Pseudonymisation** means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

**Controller or the party responsible for the processing** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

**Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

**Recipient** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients.

**Third party** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

**Consent** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

## **Rights of the data subject**

**Right to confirmation:** Every data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed. If a data subject wishes to make use of this right of confirmation, he/she can contact the controller at any time.

**Right of access by the data subject:** Any data subject affected by the processing of personal data shall have the right at any time and free of charge to obtain from the controller information concerning the personal data stored about him or her and to get a copy of such information. Furthermore, the European legislative and regulatory authorities have granted to the data subject rights on the following information:

- the purposes of the processing
- the categories of personal data concerned
- the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations
- 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 the Art. 22 Para. 1 and 4 GDPR 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

Further, the data subject has also right of access to information, whether personal data are transferred to a third country or to an international organisation. If that is the case, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer.

When the data subject wishes to make use of this right of access, he or she can at any time contact the data processing controller.

**Right to rectification:** Every data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Further, taking into account the purposes of the processing, the data subject shall also have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

If the data subject wishes to make use of this right of rectification, he or she can at any time contact the data processing controller.

**Right to erasure (right to be forgotten):** Every data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay, where one of the following grounds applies and data processing is not necessary:

- The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed.

- The data subject withdraws consent on which the processing is based according to Art. 6 Para. 1 lit. a GDPR, or Art. 9 Para. 2 lit. a GDPR, and where there is no other legal ground for the processing.
- The data subject objects to the processing pursuant to Art. 21 Para 1 GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Art. 21 Para 2 GDPR.
- The personal data have been unlawfully processed.
- The personal data must 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 Art. 8 Para. 1 GDPR.

If one of the abovementioned reasons applies and the data subject would like to demand erasure of his or her personal data, which have been stored by us, he or she can at any time contact the controller. The request of the data subject will be fulfilled promptly.

If the personal data have been made public by our company and if we as controller are obliged pursuant to Art. 17 Para 1 GDPR to erase the personal data, our company taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform other controllers which process the disclosed personal data that the data subject has requested from these other data controllers the erasure of all links to such personal data or of copies or replications of such personal data. This paragraph shall not apply if processing is necessary. The controller will then case-by-case make the necessary arrangements.

**Right to restriction of processing:** Each data subject affected by the processing of personal data shall have the right to request from the controller restriction of processing where one of the following condition applies:

- The accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data.
- The processing is unlawful and the data subject opposes the erasure of the personal data and requests 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 the data subject for the establishment, exercise or defence of legal claims.
- The data subject has objected to processing pursuant to Art. 21 Para. 1 GDPR and the verification is pending, whether the legitimate grounds of the controller override those of the data subject.

If one of the abovementioned reasons is present and the data subject would like to request restriction of his or her personal data, which have been stored by us, he or she can at any time contact the controller. The restriction of processing will be effectuated without delay.

**Right to data portability:** Each data subject affected by the processing of personal data shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format. He or she has also the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where the processing is based on consent pursuant to Art. 6 Para. 1 lit. a GDPR or Art. 9 Para. 2 GDPR or on a contract pursuant to Art. 6 Para. 1 lit. b GDPR and the processing is carried out by automated means. Right of data portability shall not apply to processing necessary for the performance of a task to be carried out in the public interest or in the exercise of official authority delegated to the controller.

In exercising his or her right to data portability pursuant to Art. 20 Para. 1 GDPR, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible and provided that this right shall not adversely affect the rights and freedoms of others.

In order to enforce the right to data portability the data subject can at any time contact the controller.

**Right to object:** Each data subject affected by the processing of personal data shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on Art. 6 Para. 1 lit. e GDPR or Art. 6 Para. 1 lit f GDPR. This also applies to profiling based on those provisions.

In case of an objection our company shall no longer process the personal data, unless we can show compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or the processing serves the purposes of establishment, exercise or defence of legal claims.

Where personal data are processed by our company for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing. This includes also profiling to the extent that it is related to such direct marketing.

Where the data subject submits an objection to us against processing for direct marketing purposes, the personal data shall no longer be processed for such purposes by us.

Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Art. 89 Para. 1 GDPR, the data subject, on grounds relating to his or her particular situation, shall have the right to make an objection to us against processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

In order to exercise the right to object, the data subject may directly contact the controller. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.

**Automated individual decision-making, including profiling:** Each data subject affected by the processing of personal data shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects on him or her, or in a similar manner significantly affects him or her. The aforementioned right shall not apply, if the decision

- is necessary for entering into, or performance of, a contract between the data subject and a data controller;
- is authorised by Union or Member State law to which the controller is subject, and this legislation lays down suitable measures to safeguard the rights, freedoms and legitimate interests of the data subject; or
- is based on explicit consent of the data subject

If the decision to enter into, or to perform, a contract between the data subject and the controller is required, or if the decision is made with the explicit consent of the data subject, our company shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

If the data subject wishes to assert the right of automated individual decision-making, he or she can contact the controller at any time.

**Right to revoke the declaration of consent:** Each data subject affected by the processing of personal data shall have the right to withdraw his or her consent at any time.

If the data subject wishes to make use of the right to revoke the declaration of consent, he or she can contact the controller at any time.

**Right to lodge a complaint with a supervisory authority:** Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes this Regulation. A list of the state data protection officers and their contact details can be found at the following link:

[https://www.bfdi.bund.de/DE/Service/Anschriften/anschriften\\_table.html](https://www.bfdi.bund.de/DE/Service/Anschriften/anschriften_table.html) (in German)

The data protection supervisory authority responsible for us is:

The Hamburg Commissioner for Data Protection and Freedom of Information

Ludwig-Erhard-Str. 22, 7.OG

20459 Hamburg

Phone +49 (0) 40 428 54-40 40

mailbox@datenschutz.hamburg.de

## **Cooperation with processors and third parties**

If we disclose data to other people and companies (processors or third parties) as part of our processing, transmit them to them or otherwise grant them access to the data, this will only be done on the basis of legal permission (e.g. if the data is transmitted to third parties, as to payment service providers, in accordance with Art. 6 Para. 1 lit. b GDPR for the fulfillment of the contract), you have consented, a legal obligation provides for this or on the basis of our legitimate interests (e.g. when using agents, web hosts, etc.).

If we commission third parties to process data on the basis of a so-called "order processing contract", this is done on the basis of Art. 28 GDPR.

## **Routine deletion and blocking of personal data**

The controller processes (in this connection also: stores) the personal data of the data subject only for the period necessary to achieve the purpose of the storage or,

if the processing is required by the European legislative and regulatory authorities, or laid down in another law or regulation to which the controller is liable.

If the purpose of the storage ceases to apply, or if a storage period prescribed by the European directives and regulations or by any other relevant legislator expires, the personal data will be routinely blocked or deleted in accordance with the statutory provisions.

## **Privacy in recruitment and in the application process**

The controller collects and processes personal data for the purposes of the application procedure. The processing can also be done electronically. This is particularly the case where an applicant submits the corresponding documents to the controller by means of electronic communications, e.g. by e-mail. If the controller concludes a contract of employment with one applicant, the transmitted data are stored for the purpose of executing the employment relationship in compliance with the statutory provisions. If the controller does not conclude a contract of employment with any of the applicants, the application documents will automatically be deleted six months after the notification of letter of rejection, provided that deletion does not conflict with any other legitimate interests of the controller. In this context other legitimate interest means for instance a burden of proof in legal proceedings pursuant to the General Law on Equal Treatment (AGG).

## **Information on video surveillance in our properties (ggf. Löschen, wenn die nachgelagerte Information auf einem anderen Weg stattfindet)**

Video surveillance is a particularly intensive form of processing personal data. Almost everyone feels uncomfortable when they are under video surveillance. This is also referred to as "surveillance pressure". Not being exposed to this pressure is almost one of the basic human needs.

Another human need, however, is the desire for security. Individuals and communities, but also inanimate things such as objects and systems, derive great benefit from an environment that is free of security risks or dangers.

Video surveillance is subject to strict data protection requirements for good reasons. On the other hand, the security interests of the controller must also be fairly assessed. Because often these interests are not limited to the controller alone. Employees, interested parties, suppliers, customers, tenants, guests, visitors, etc. may also have a need for security, which can be satisfied by a moderate and sensible use of video surveillance.

Even if some of the following information is already mentioned elsewhere in this data protection declaration, we would like to list all the information in this section of the text as it can also be found in a detailed information sign for video surveillance (information sheet according to Art. 13 GDPR):

**Name and contact details of controller and, if applicable, his representative:**

To be found at the bottom of this Data Protection Statement.

**Contact details of the data protection officer:**

To be found at the bottom of this Data Protection Statement.

**Purposes and legal basis of data processing:**

Investigation and detection of criminal offences as well as other security-related events.

Art. 6 Para. 1 lit. f EU General Data Protection Regulation.

**Legitimate interests pursued:**

Safety of employees, suppliers, guests, visitors, etc.

Protection of property, exercise of domiciliary rights.

**Duration of storage or criteria for determining the duration:**

In our properties, image data is usually deleted after **72 hours** at the latest, insofar as the purpose of the storage has also ceased to apply at this time.

In doing so, we follow a recommendation of the independent data protection authorities of the federal and state governments (Data Protection Conference - DSK).

With a storage period of 72 hours, according to the DSK's justification, the supervisor can regularly pursue his security interests, while at the same time the interests of the data subjects worthy of protection remain protected.

If necessary, a special monitoring purpose may justify longer storage. However, this must be adequately justified.

### **Recipients or categories of recipients of the data (if data transfer takes place):**

The data controller will not transfer the personal data to a third country or an international organisation.

### **Information on the rights of the data subject**

See also the section "Rights of the data subject" at the top of this Data Protection Statement. For video surveillance in summary:

The data subject has the right to obtain confirmation from the controller as to whether personal data concerning him or her are being processed; if this is the case, he or she has a **right of access** to such personal data and to the information specified in Article 15 of the GDPR.

The data subject has the right to obtain from the controller the **rectification** without delay of inaccurate personal data concerning him or her and, where applicable, the **completion** of incomplete personal data (Article 16 GDPR).

The data subject has the right to obtain from the controller the erasure without delay of personal data concerning him or her, where one of the grounds listed in detail in Article 17 of the GDPR applies, e.g. where the data are no longer needed for the purposes pursued (**right to erasure**).

The data subject has the right to request the controller to **restrict processing** if one of the conditions listed in Art. 18 GDPR applies, e.g. if the data subject has objected to the processing, for the duration of the controller's review.

The data subject shall have the **right to object** at any time, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her. The controller shall then no longer process the personal data unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims (Article 21 GDPR).

Without prejudice to any other administrative or judicial remedy, any data subject shall have the **right to lodge a complaint with a supervisory authority** if the data subject considers that the processing of personal data relating to him or her infringes the GDPR (Art. 77 GDPR). The data subject may exercise this right before a supervisory authority in the Member State of his or her residence, place of work or the place of the alleged infringement. In Hamburg, the competent supervisory authority is:

The data protection supervisory authority responsible for us is:

The Hamburg Commissioner for Data Protection and Freedom of Information

Ludwig-Erhard-Str. 22, 7.OG

20459 Hamburg

Phone +49 (0) 40 428 54-40 40

mailbox@datenschutz.hamburg.de

## **Security of personal data**

Our company shall take numerous technical and organizational measures in order to protect your personal data against accidental or illegal destruction, alteration, loss, unlawful disclosure or unauthorized access.

Nevertheless, for instance internet-based data transfer can principally bear gaps in the security, and therefore absolute protection cannot be guaranteed. For this reason, any data subject is free to communicate personal data to us in an alternative way, for instance by telephone.

## **Website Encryption**

This site uses SSL- or rather TLS-encryption for security reasons and to protect the transmission of confidential content, such as the requests you send to us as the site operator. You can recognize an encrypted connection by the fact that the address line of the browser changes from "http: //" to "https: //" and by the lock symbol in the browser line.

If encryption is activated, the data that you transmit to us cannot be read by third parties.

## **Sentry**

We use the Sentry service from Functional Software Inc., 132 Hawthorne Street, San Francisco, California 94107, USA, to improve the technical stability of our service by monitoring the system stability and identifying code errors. Sentry only serves these objectives and does not evaluate any data for advertising purposes. The user data, such as information about the device or the time of the error is collected anonymously and not used personally and is then deleted.

The legal basis for using Sentry is a legitimate interest according to Art. 6 Para. 1 lit. f GDPR. Our legitimate interest lies in the user-friendly design of our offers.

You can find more information on this in Sentry's privacy policy: <https://sentry.io/privacy/>

## **Collection of general data and information**

Our website collects a number of general data and information each time the website is accessed by data subject or an automated system. This general data and information is stored in the log files of the server. Following data can be collected:

- browser types and versions used
- operating system used by the accessing computer
- website from which an accessing system gets to our website (so called referrers)
- sub-websites, which are accessed via an accessing system on our website
- date and time of access to our website
- web protocol address (IP address)
- Internet service provider of the accessing system
- other similar data and information, which is used to protect our information technology systems against possible attacks

When using this general data and information, our company does not draw any conclusions about the data subject. In fact, this information is needed in order:

- to deliver the contents of our website correctly
- to optimize the content of our website as well as possibly the advertising for it
- to ensure long-term functionality of our information technology systems and of the technology on our website
- to provide law enforcement authorities with necessary information related to criminal prosecution in case of a cyberattack

This collected data and information is therefore evaluated by our company on the one hand statistically, and on the other hand to increase data protection and data security in our company, and last but not least to ensure the best possible level of protection for the personal data processed by us. The anonymous data of the server log files are stored separately from all personal data provided by the data subject.

This data is not amalgamated with other data sources.

This data is recorded on the basis of Art. 6 Para. 1 lit. f GDPR. The website operator has a legitimate interest in the technically error-free presentation and optimization of his website - the server log files must be recorded for this.

## **Request by E-Mail, Phone or Fax**

If you contact us by e-mail, phone or fax, your request, including all personal data resulting from it (name, request), will be stored and processed by us for the purpose of processing your request. We will not pass on this data without your consent.

This data is processed on the basis of Art. 6 Para. 1 lit. b GDPR, if your request is related to the fulfilment of a contract or is necessary to carry out pre-contractual measures. In all other cases, the processing is based on our legitimate interest in the effective processing of inquiries addressed to us (Art. 6 Para. 1 lit. f GDPR) or on your consent (Art. 6 Para. 1 lit. a GDPR) if this was queried.

The data you send to us via contact requests will remain with us until you request deletion, revoke your consent to storage or the purpose for data storage no longer applies (e.g. after your request has been processed). Mandatory statutory provisions - especially legal storage periods - remain unaffected.

## **Data transmission via web form**

Data subject has an option to register on the website of the controller stating his or her personal data. During the registration process the respective entry windows indicate, which personal data are transmitted to the controller. The personal data entries made by the data subject are exclusively intended for internal use of the controller, this data is collected and stored for the purposes of own use. The controller can transmit the data to one or to several processor(s), e.g. to parcel service which also makes only internal use of the personal data and acts under the responsibility of the controller.

By registration on the website of the controller the following data is also stored: data subject's IP address, which the internet service provider has assigned, the date and the exact time at the moment of the registration. These data are stored against the background of being the only way to prevent misuse of our services. If necessary, these data can enable clearing up offences or copyright infringements committed. Insofar it is necessary to store this data as to protect the controller. In general, these data are not transmitted to a third party, unless there is a legal obligation to a transmission, or the data transmission serves legal pursuit of rights or criminal prosecution.

When the data subject registers himself or herself on the website and voluntarily supplies personal data, it enables the controller to offer to him or her content and services, which can by the very nature of the issues only be offered to registered users.

This data is processed on the basis of Art. 6 Para. 1 lit. b GDPR, if your request is related to the fulfilment of a contract or is necessary to carry out pre-contractual measures. In all other cases, the processing is based on our legitimate interest in the effective processing of inquiries addressed to us (Art. 6 Para. 1 lit. f GDPR) or on your consent (Art. 6 Para. 1 lit. a GDPR) if this was queried.

The data you send to us via contact requests will remain with us until you request deletion, revoke your consent to storage or the purpose for data storage no longer applies (e.g. after your request has been processed). Mandatory statutory provisions - especially legal storage periods - remain unaffected.

## **Room booking via Fairmont**

Clicking on the "BOOK NOW" button will open a browser window that will redirect you to the Fairmont website. Fairmont Hotels and Resorts, based in Toronto, Canada, operates numerous luxury hotels and resorts worldwide and is part of Accor Société anonyme, a French international hospitality company based in Issy-les-Moulineaux, France.

If you would like to book a room with us, it is necessary for the conclusion of the contract that you provide your personal data, which we need to process your booking. Mandatory information required for the execution of the contracts is marked separately, further information is voluntary. The data is entered in an input mask and transmitted to us and saved.

Data is also passed on to the relevant payment service providers. The data will only be passed on to third parties if the transfer is necessary for the purpose of contract execution or for billing purposes or for collecting the fee or if you have given your express consent. In this regard, we only pass on the data required in each case. The data recipients are: the respective delivery / shipping company (transfer of name and address), collection agencies, insofar as the payment has to be collected (transfer of name, address, order details), payment institutions for the purpose of collecting claims, insofar as you have chosen direct debit as the method of payment and payment service providers - depending on the choice of payment method.

The legal basis is Art. 6 Para. 1 lit. b GDPR. Regarding the voluntary data, the legal basis for the processing of the data is Art. 6 Para. 1 lit. a GDPR.

The compulsory information collected is required to fulfill the contract with the user (for the purpose of providing the goods or service and confirming the content of the contract). We therefore use the data to answer your inquiries, to process your booking, if necessary, to check the creditworthiness or recovery of a claim and for the purpose of technical

administration of the website. The voluntary information is provided to prevent abuse and, if necessary, to investigate crimes.

The data will be deleted as soon as it is no longer required to achieve the purpose for which it was collected. Due to commercial and tax regulations, we are obliged to store your address, payment and order data for a period of 10 years after the contract has been carried out. However, after 6 years, we restrict processing, i.e. H. Your data will only be used to comply with legal obligations. If there is a permanent obligation between us and the user, we save the data for the entire term of the contract and for a period of ten years thereafter (see above). With regard to the voluntarily provided data, we will delete the data 6 years after the contract has been executed, provided that no further contract is concluded with the user during this time; In this case, the data will be deleted 6 years after the last contract has been carried out.

If the data is necessary to fulfill a contract or to carry out pre-contractual measures, the data can only be deleted prematurely unless there are contractual or legal obligations to prevent deletion. Otherwise, you are free to have the personal data provided during registration completely deleted from the data base of the person responsible. Regarding the voluntary data, you can revoke your consent to the person responsible at any time. In this case, the voluntary data will be deleted immediately.

Information on data protection at Fairmont can be found here:

[https://all.accor.com/information/legal/data-protection.de.shtml?merchantid=MS-MULTI-FAIRMONT&sourceid=Direct\\_Access](https://all.accor.com/information/legal/data-protection.de.shtml?merchantid=MS-MULTI-FAIRMONT&sourceid=Direct_Access) (in German)

## **Table reservation via The Fork**

You have the option of making a table reservation via our website. For this we work together with the provider The Fork (La Fourchette SAS, 70, rue Saint-Lazare, 75009 Paris, France). The Fork is responsible for the processing of your personal data. Before entering your personal data, The Fork will inform you about their terms of use and their data protection guidelines.

The legal basis for using The Fork is our legitimate interest in enabling a simple and user-friendly reservation system in accordance with Article 6 Para.1 lit. f GDPR.

If you make a reservation, we will then receive the personal data you have provided from The Fork to make the reservation in our restaurant. The legal basis for data processing is Article 6 Para. 1 lit. b GDPR.

Further information on data protection at The Fork can be found at:

<https://www.thefork.com/legal#PrivacyPolicy>

## **Newsletter dispatch**

If you would like to receive the newsletter offered on the website, we need an e-mail address from you as well as information that allows us to verify that you are the owner of the e-mail address provided and that you agree to receive the newsletter. Further data will not be collected or only on a voluntary basis. We use these data exclusively for sending the requested information and for the purpose of statistical analysis of the newsletter campaigns.

By opening a sent e-mail, a file contained in the e-mail (so-called "web-beacon") connects to our servers. This allows us to determine whether a newsletter message has been opened and how many links have been clicked on. The results of these analyses can be used to better adapt future newsletters to the interests of the recipients.

If you do not agree with these analyses, you must unsubscribe from the newsletter. For this purpose, we provide a corresponding link in every newsletter message.

The data processing is based on your consent in accordance with Art. 6 Para. 1 lit. a GDPR. You can revoke this consent at any time by unsubscribing the newsletter. The legality of the data processing operations that have already taken place remains unaffected by the revocation.

The data you have provided us with for the purpose of subscribing to the newsletter will be stored by us until you unsubscribe from the newsletter and will be deleted from our servers after you have cancelled your subscription. Data that has been stored by us for other purposes remains unaffected by this.

## **Links to other websites**

Our websites contain links to other websites (so called external links).

Our company is as a supplier responsible for the contents of our own as required by the European and national legislation in force. Our own contents are to be distinguished from links to contents provided by other suppliers. We have no influence over whether or not operators of other websites comply with the European and national data protection regulations in force. Please learn more about the data protection statements on the websites of the respective suppliers.

## **Cookies**

We use cookies in order to further improve our internet presentation for you, make it more user-friendly and to tailor it as well as possible to meet your needs. Cookies are small text data files, which a webserver sends to your internet browser when you visit a website. The

cookies are stored locally on your terminal (personal computer, notebook, tablet, smartphone etc.).

Numerous websites and servers use cookies. Many cookies contain so called cookie ID, which is a unique identifier of the cookie. Cookie ID consists of a string of characters through which websites and servers can trace back the actual web browser, on which the cookie is stored. This allows the visited web pages and servers to distinguish the individual browser of the data subject from other web browsers that contain other cookies. A specific web browser can be recognized and identified by the unique cookie ID. The purpose of this information is to automatically recognize you and to facilitate your navigation, when you visit the website again with the same device.

You can also consent or reject cookies - also for web tracking - via the settings of your web browser. You can configure your web browser so that it blocks cookies generally, or you will be warned in advance when a new cookie is about to be stored. In this case, however, the functionality of the website may be impaired (for example when placing orders). Your browser also offers a function to delete cookies (for instance by choosing "Clear browsing data". This is possible in all common web browsers. Further information can be found in the user manual or in the settings of your browser.

**First-party cookies:** First-party cookies are permanent cookies that are stored on the computer and only lose their validity when the expiry date assigned to them has expired. The word "party" refers to the domain from which the cookie originated. In contrast to third-party cookies, first-party cookies usually come from the website operator itself. They are therefore not accessible to browsers across domains. For example, website A assigns a cookie A, which is not recognized by website B, but can only be recognized by website A. This means that data cannot be passed on to third parties.

**Third-party cookies:** With a third-party cookie, the cookie is set and recorded by a third party. These cookies are mostly used by advertisers who use their cookies on other websites to collect information about website visitors using the cookies. These are data records that are stored in the user's web browser when he visits a page with the advertisement. If he visits a page with advertising from the same provider again, he will be recognized.

## Google Tag Manager

We use the Google Tag Manager on our website. "Google" is a group of companies and consists of Google Ireland Ltd. (provider of the service), Gordon House, Barrow Street, Dublin 4, Ireland as well as Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA and other affiliated companies of Google LLC.

The Google Tag Manager is an auxiliary service and only processes personal data itself for technically necessary purposes. The Google Tag Manager takes care of loading other components, which in turn may collect data. The Google Tag Manager does not access this

data. If a deactivation has been made at domain or cookie level, this remains in place for all tracking tags implemented with Google Tag Manager.

The legal basis for the use of this service is your consent in accordance with Art. 6 Para. 1 lit. a GDPR and § 25 Para. 1 TTDSG.

For more information on Google Tag Manager and Google's privacy policy, please see the following link: <https://policies.google.com/privacy>

## **Google DoubleClick**

A web service from Google Ireland Limited, Gordon House, Barrow Street, 4 Dublin, Ireland (hereinafter: DoubleClick) is loaded on our website. We use this data to ensure the full functionality of our website. In this context, your browser may transmit personal data to DoubleClick.

You can prevent DoubleClick from collecting and processing your data by refusing your consent when you enter the website, deactivating the execution of script code in your browser or installing a script blocker in your browser.

The legal basis for the use of Google Double Click is your consent in accordance with Art. 6 Para. 1 lit. a GDPR and § 25 Para. 1 TTDSG.

The data will be deleted as soon as the purpose of their collection has been fulfilled. Further information on the handling of the transferred data can be found in the DoubleClick data protection declaration: <https://policies.google.com/privacy>

## **Google**

A web service from Google Ireland Limited, Gordon House, Barrow Street, 4 Dublin, Ireland is loaded on our website. We use this data to ensure the full functionality of our website. In this context, your browser may transmit personal data to Google.

You can prevent the collection and processing of your data by this web service by refusing your consent when entering the website, deactivating the execution of script code in your browser or installing a script blocker in your browser.

The legal basis for the use of this web service is your consent in accordance with Art. 6 Para. 1 lit. a GDPR and § 25 Para. 1 TTDSG.

The data will be deleted as soon as the purpose of their collection has been fulfilled. Further information on the handling of the transferred data can be found in Google's data protection declaration: <https://policies.google.com/privacy>

## YouTube

On our website, we use plug-ins from the video platform YouTube.de or YouTube.com, a service that - represented by Google - is operated by YouTube LLC, 901 Cherry Avenue, San Bruno, CA 94066, USA (hereinafter "YouTube"). Using the plug-ins, we can also integrate audio-visual content ("videos") that we have published on Youtube.de and possibly YouTube.com on this website. The videos are all integrated in the "extended data protection mode", i.e. that no data about you as a user will be transmitted to YouTube if you do not play the videos. Conversely, this means that data is only transferred when you play the videos. We have no influence on this data transmission.

When you visit the website, YouTube receives the information that you have accessed the corresponding subpage of our website. In addition, the data mentioned under the section "Access data" will be transmitted. This takes place regardless of whether YouTube provides a user account that you are logged in to or whether there is no user account. If you are logged in to Google, your data will be assigned directly to your account. If you do not want your YouTube profile to be assigned, you must log out before activating the button.

The legal basis for the use of YouTube is your consent in accordance with Art. 6 Para. 1 lit. a GDPR and § 25 Para. 1 TTDSG. We have no knowledge of the storage period at YouTube and have no influence on it.

Further information on the purpose and scope of processing by YouTube can be found in the data protection declaration at <https://policies.google.com/privacy>

## Google Fonts

Google Fonts (<https://fonts.google.com/>) are used to visually improve the presentation of various information on this website. The web fonts are transferred to the cache of the browser when the page is called up so that they can be used for display.

When the page is called up, no cookies are stored by the website visitor. Data that are transmitted in connection with the page view are sent to resource-specific domains such as fonts.googleapis.com or fonts.gstatic.com. You will not be associated with data that may be collected or used in connection with the parallel use of authenticated Google services such as Gmail.

You can prevent the collection and processing of your data by this web service by refusing your consent when entering the website, deactivating the execution in your browser or installing a script blocker in your browser. If your browser does not support the Google Fonts or you prevent access to the Google servers, the text is displayed in the system's standard font.

The legal basis for the use of this web service is your consent in accordance with Art. 6 Para. 1 lit. a GDPR and § 25 Para. 1 TTDSG.

You can find information on the data protection conditions of Google Fonts at:

<https://developers.google.com/fonts/faq#Privacy>

General information on data protection can be found in the Google Privacy Center at:

<https://policies.google.com/privacy>

## **Gstatic**

A web service from Google Ireland Limited, Gordon House, Barrow Street, 4 Dublin, Ireland (hereinafter: Gstatic) is loaded on our website. We use this data to ensure the full functionality of our website. In this context, your browser may transmit personal data to Gstatic.

The legal basis for the use of this web service is your consent in accordance with Art. 6 Para. 1 lit. a GDPR and § 25 Para. 1 TTDSG.

You can prevent Gstatic from collecting and processing your data by refusing your consent when you enter the website, deactivating the execution of script code in your browser or installing a script blocker in your browser.

The data will be deleted as soon as the purpose of their collection has been fulfilled. Further information on the handling of the transferred data can be found in Google's data protection declaration: <https://policies.google.com/privacy>

## **Google – Content Delivery Network (CDN)**

We use the jQuery Javascript library on our website. In order to increase the loading speed of our website and to provide you with a better user experience, we use the CDN (content delivery network) from Google to load this library. It is very likely that you have already used jQuery on another Google CDN page. In this case, your browser can access the cached copy and it does not have to be downloaded again. If your browser has not saved a copy in the cache or is downloading the file from the Google CDN for another reason, data will be transferred from your browser to Google Inc. (“Google”).

The legal basis for data processing is Art. 6 Para. 1 lit. f GDPR. The legitimate interest is to optimize the function and speed of our website.

Further information on Google's terms of use and data protection can be found at

<https://www.google.com/analytics/terms/de.html> and

<https://www.google.de/intl/de/policies/>

## **Our social media presences**

### **Data processing through social networks**

We maintain publicly accessible profiles on social networks. The social networks used by us in detail can be found below.

Social networks such as Facebook, Twitter, etc. can generally analyze your user behavior extensively when you visit their website or a website with integrated social media content (e.g. like buttons or advertising banners). By visiting our social media presences, numerous data protection-relevant processing operations are triggered. In detail:

If you are logged into your social media account and visit our social media presence, the operator of the social media portal can assign this visit to your user account. However, your personal data may also be collected under certain circumstances if you are not logged in or do not have an account with the respective social media portal. In this case, this data collection takes place, for example, via cookies that are stored on your end device or by recording your IP address.

With the help of the data collected in this way, the operators of the social media portals can create user profiles in which your preferences and interests are stored. In this way, you can be shown interest-based advertising inside and outside the respective social media presence. Provided you have an account with the respective social network, the interest-based advertising may be displayed on all devices on which you are or were logged in.

Please also note that we cannot track all processing on the social media portals. Depending on the provider, further processing operations may therefore be carried out by the operators of the social media portals. For details, please refer to the terms of use and data protection provisions of the respective social media portals.

### **Legal basis**

Our social media presences are intended to ensure the most comprehensive presence possible on the Internet. This is a legitimate interest within the meaning of Art. 6 Para 1 lit. f GDPR. The analysis processes initiated by the social networks may be based on different legal bases, which are to be specified by the operators of the social networks (e.g. consent within the meaning of Art. 6 Para. 1 lit. a GDPR).

### **Responsible party and assertion of rights**

If you visit one of our social media sites (e.g. Facebook), we are jointly responsible with the operator of the social media platform for the data processing operations triggered during this visit. In principle, you can assert your rights (information, correction, deletion, restriction

of processing, data portability and complaint) both vis-à-vis us and vis-à-vis the operator of the respective social media portal (e.g. vis-à-vis Facebook).

Please note that despite the joint responsibility with the social media portal operators, we do not have full influence on the data processing operations of the social media portals. Our options are largely determined by the corporate policy of the respective provider.

### **Storage period**

The data collected directly by us via the social media presence will be deleted from our systems as soon as the purpose for storing it no longer applies, you request us to delete it, revoke your consent to store it, or the purpose for storing the data no longer applies. Stored cookies remain on your terminal device until you delete them. Mandatory legal provisions - in particular retention periods - remain unaffected.

We have no influence on the storage period of your data, which is stored by the operators of social networks for their own purposes. For details, please contact the operators of the social networks directly (e.g. in their privacy policy, see below).

### **Facebook**

We have a profile on Facebook. The provider of this service is Meta Platforms Ireland Limited, 4 Grand Canal Square, Dublin 2, Ireland (hereinafter referred to as "Facebook"). According to Facebook, the collected data is also transferred to the USA and other third countries.

We have concluded a joint processing agreement (Controller Addendum) with Facebook.

This agreement specifies which data processing operations we or Facebook are responsible for when you visit our Facebook page. You can view this agreement at the following link:

[https://www.facebook.com/legal/terms/page\\_controller\\_addendum](https://www.facebook.com/legal/terms/page_controller_addendum)

You can adjust your advertising settings independently in your user account. To do so, click on the following link and log in:

<https://www.facebook.com/settings?tab=ads>

For details, please refer to Facebook's privacy policy:

<https://www.facebook.com/about/privacy/>

### **Instagram**

We have a profile on Instagram. The provider is Instagram Inc, 1601 Willow Road, Menlo Park, CA, 94025, USA. For details on how they handle your personal data, please refer to Instagram's privacy policy: <https://help.instagram.com/519522125107875>

## **YouTube**

We have a profile on YouTube. The provider is Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland. For details on their handling of your personal data, please refer to YouTube's privacy policy:

<https://policies.google.com/privacy?hl=en>

## **LinkedIn**

We have a profile on LinkedIn. The provider is LinkedIn Ireland Unlimited Company, Wilton Plaza, Wilton Place, Dublin 2, Ireland. LinkedIn uses advertising cookies. If you wish to disable LinkedIn advertising cookies, please use the following link:

<https://www.linkedin.com/psettings/guest-controls/retargeting-opt-out>

## **Name and address of the controller:**

Party responsible for the processing of personal data for the purposes of the European Union General Data Protection Regulation (GDPR), or of other applicable data protection laws in the Member States of the European Union, and of other provisions relating to protection of personal data, is

HVJ GmbH & Co. KG

Fairmont Hotel Vier Jahreszeiten Hamburg

Neuer Jungfernstieg 9 - 14

20354 Hamburg, Germany

Phone +49 (0) 40 34 94 0

[hamburg@fairmont.com](mailto:hamburg@fairmont.com)

Managing Directors:

Ingo C. Peters, Nicolas von Loeper

## **Name and address of the data protection officer:**

SHIELD GmbH

Martin Vogel

Ohrattweg 5

25497 Prisdorf

Phone +49 (0) 4101 80 50 600

info@shield-datenschutz.de

Hamburg, February 2023

### **Amendments in Data Protection Statement**

We reserve the right to amend our data protection practices and this data protection statement in order to adjust the aforesaid to reflect possible changes in relevant laws or regulations, or to meet your needs better. Possible amendments in our data protection practices will correspondingly be published here. Please inform yourself about the current date of our data protection policy.