

Annex:

“Data Processing Stipulations”

1 Purpose of Processing

Personal data belonging to the Controller shall be processed by the Processor within the meaning of Art. 4 No. 2 of the GDPR, in particular collected, stored, modified, read, queried, used, disclosed, compared, linked or deleted as required, in order to fulfill the Processor’s obligations under the Main Contract. The purpose of the processing thus depends on the data processing described in the Main Contract.

2 Categories of Personal Data

The categories of personal data affected by the processing depend on how the Controller uses the Processor’s services. Categories of data that may be processed include:

- Master data (e.g. names, addresses, dates of birth)
- Contact details (e.g. e-mail addresses, telephone numbers, messenger services)
- Content data (e.g. text entries, photographs, videos, contents of documents/files)
- Contract data (e.g. subject of the agreement, terms, customer category)
- Payment data (e.g. bank details, payment history, use of other payment service providers)
- Usage data (e.g. usage history on our web services, information about specific content used, times of access)
- Connection data (e.g. device information, IP addresses, URL referrer)
- Location data (e.g. GPS data, IP geolocation, access points)

The Controller is responsible for conducting a risk assessment as to whether the provider’s services are suitable for processing special categories of personal data pursuant to Art. 9 Para. 1 of the GDPR.

3 Categories of Data Subjects

The categories of data subject affected by the processing depend on how the Controller uses the Processor’s services. Possible data subject categories include (former) employees, trainees and interns, applicants, freelancers, shareholders, corporate bodies, family members of employees, customers, interested parties, suppliers, service providers, tenants, business partners, external consultants, visitors and members of the press.

4 Data Processing with Generative AI

d.velop pilot employs generative AI systems that use pre-trained large language models (LLM) to automate document import and analysis and enable the Controller to enter interactive text when working with the documents. All partners with whom we collaborate to provide the LLM undertake to use the data provided by the Controller only for the purpose of providing and improving the services rendered to the Controller and not to further train the LLM. The Controller shall assure the data subjects that it meets the legal bases necessary for processing the data with generative AI systems and that it complies with its obligations to notify the data subjects, where applicable.

5 Subprocessors

Depending on the product, the Processor uses various service providers as subcontractors within the meaning of the GDPR. The subcontractors used for each product are named below:

Product	Subcontractors	Purpose
d.velop documents Cloud & SaaS and all products based on it	Amazon Web Services EMEA SARL ("AWS EUROPE") 38 Avenue John F. Kennedy L-1855, Luxembourg	<ul style="list-style-type: none"> • infrastructure, platform and software services, IaaS/PaaS/SaaS
	Microsoft Ireland Operations Limited One Microsoft Place South County Business Park Leopardstown Dublin 18, D18 P521 Ireland	<ul style="list-style-type: none"> • function: "Edit document from d.velop documents in Office Online"
d.velop documents for Microsoft Office 365	Microsoft Ireland Operations Limited One Microsoft Place South County Business Park Leopardstown Dublin 18, D18 P521 Ireland	<ul style="list-style-type: none"> • infrastructure, platform and software services, IaaS/PaaS/SaaS
d.velop Open Telekom Cloud services, d.velop Open Telekom Cloud interfaces & expansion servers, d.velop storage service – Made in Germany	Telekom Deutschland GmbH Landgrabenweg 151 53227 Bonn	<ul style="list-style-type: none"> • Data center services
d.velop pilot – OpenAI	OpenAI OpCo, LLC 3180 18th Street, San Francisco, CA, United States	<ul style="list-style-type: none"> • Smart import: AI-supported ordering and evaluation of imported documents • Context actions: AI-supported provision of interactive document summaries
d.velop pilot – Aleph Alpha	Aleph Alpha GmbH Grenzhöfer Weg 36 69123 Heidelberg	

Secure Data Transfer to Recipients in Unsafe Third Countries

Amazon and Microsoft

For the infrastructure and platform services, Amazon and Microsoft use only data centers within the EU, usually within Germany. The subprocessors for the infrastructure and platform services are each certified according to various standards (for example, DIN ISO/IEC 27001).

The data is therefore processed within the EU as a rule, usually within Germany. If this is not possible in exceptional cases because the applicable instructions require the data to be disclosed to recipients in third countries, e.g. to maintain the availability of cloud services during a support incident, this shall only be done if the EU Commission has decided that the third country has an adequate level of protection in accordance with Article 45 of the GDPR, or if the recipient of the data in the third country is subject to appropriate safeguards in accordance with Article 46 of the GDPR as well as standard contractual clauses (SCC) or binding corporate rules (BCR).

Amazon Web Services EMEA SARL ("AWS EUROPE") in Luxembourg and Microsoft Ireland Operations Limited in Ireland provide subcontracted hosting services to the Processor. Data is therefore explicitly processed in Europe even in these cases. Data is not transferred to unsafe third countries. However, these subcontractors have parent companies in the United States. The United States is subject to laws that are not fully aligned with the current GDPR (Patriot Act and Cloud Act). In light of this fact and in order to assure compliance for the Controller, the Processor shall conclude corresponding data processing agreements that contain the standard data protection

clauses adopted as of 06/04/2021 and that include additional measures such as (256-bit) encryption of the personal data. This procedure can be deemed an appropriate safeguard pursuant to Art. 46 GDPR to ensure an adequate level of protection within the meaning of Art. 32 GDPR.

OpenAI

The Controller decides whether the subcontractor OpenAI or an alternative subcontractor based in the EU is used to provide d.velop pilot. If the Controller decides to use the OpenAI provider, data is transferred to this subcontractor in the USA. OpenAI in turn uses its own subcontractors in the USA and worldwide. A list of subcontractors used by OpenAI can be found at the following link: <https://platform.openai.com/subprocessors>. We have concluded with OpenAPI a data processing agreement that contains the standard data protection clauses adopted as of 06/04/2021 and that includes additional measures such as encryption of the personal data during transport and at the storage location. This therefore constitutes appropriate safeguards pursuant to Art. 46 GDPR to ensure an adequate level of protection.