PRIVACY NOTICE (INFORMATION ACCORDING TO ARTICLE 13 GDPR) TO N-PILOT® USERS

1. Objectives

We process certain categories of your Personal data which we receive from you in the course of our business relationship or while accessing Borealis L.A.T online applications. For the purpose of transparency and in accordance with Article 13 of the General Data Protection Regulation (GDPR), we therefore want to inform you about the data processing as follows:

2. Definitions

- **“GDPR”** shall mean the Regulation (EU) 2016/679 of the European Parliament and the Council of 27th April 2016 on the protection of natural persons with regard to the processing of Personal data and on the free movement of such data, and repealing Directive 95/46/EC.
- **“EU Data Protection Law”** shall mean all laws and regulations, including laws and regulations of the European Union (e.g. GDPR), the European Economic Area and their member states, applicable to the processing of Personal data (as defined therein).
- **“Personal data”** shall mean any information relating to an identified or identifiable natural person as defined in article 4 para 1 GDPR; 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, gender, age or mental, economic, cultural or social identity of that natural person.
- **“Controller”** shall mean the natural or legal person, public authority, agency or another body which, alone or jointly with others, determines the purposes and means of the processing of Personal data.
- **“Processor”** shall mean a natural or legal person, public authority, agency or another body, which processes Personal data on behalf of the Controller.
- **“Processing”** shall mean any operation or set of operations performed upon Personal data or 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.
- **“Third party”** shall mean a natural or legal person, public authority, agency or body other than the Data Subject, Employees and any company within the Borealis Group including majority-owned joint ventures (e.g. Rosier).
- **“Third country”** shall mean a country outside the EEA which does not offer an adequate level of data protection. The European Commission has so far recognised Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay and the US (limited to the Privacy Shield framework) as providing adequate protection.
“Consent” - shall mean any freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to Personal data relating to them being processed.

“Data breach” shall mean a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal data transmitted, stored or otherwise processed.

“Data exporter” shall mean a controller (or, where permitted, a processor) established in the EU that transfers Personal data to a data importer.

“Data importer” shall mean a controller or processor located in a third country that receives Personal data from the data exporter

“Process owner” shall mean the employee who is initiating a process, which involves processing of Personal data.

“Initiation of a process” shall mean, and is not limited to downloading information from an internal system, organising the information in any form (excel, ppt. etc.), sending the information internally or externally, gathering Personal data from third parties and use them in internal processes etc.

“Model clauses” shall mean the various sets of Standard Contractual Clauses for Cross-Border (International/outside EEA) Data Transfers, published by the Commission. Currently, until new clauses will have been issued based on the GDPR, the three sets of Standard Contractual Clauses available at https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en can be used

“Privacy notice” shall mean the procedure through which organisations explain, at the point of data collection, what users can expect will happen to their data.

3. General information

3.1 Controller

The controller of the data processing is Borealis L.A.T GmbH, St.-Peter-Straße 25, 4021 Linz, Austria. For any request and further information regarding the processing of your Personal data, please contact: gdprquestions@borealisgroup.com

3.2 Lawfulness of processing

The lawfulness of the data processing is based on the necessity for the performance of the contract concluded with you (Art. 6 Abs. 1b GDPR) and on our legitimate interests (Art. 6 Abs. 1f GDPR), namely regarding the use of your data for the purposes of promoting our products and services, in particular by the sending promotional information by e-mail or other electronic means and operation, functioning and improvement of N-Pilot®.
3.3 Information - How is N-Pilot® working?

N-Pilot® is processing agronomical user data, in particular terms of size of land, geographic location, crops planted, development status, yield expectations, previous crop, fertilization and soil properties.

N-Pilot is using these data in order to recommend an optimal and legal compliant fertilization strategy for the field of the user. By the measurement of field reflectance, the N-Pilot® determines the nitrogen nutrition status of crops (chlorophyll content of foliage + quantity of biomass). The N-Pilot® User gets an immediate advice expressed in kg of nitrogen per ha to be applied on the relevant field.

3.4 What specific user data does N-Pilot® require?

3.4.1 Personal data:

Prename and Surname, Address and postal code, E-Mail address, phone number and IP-Address

3.4.2 Personal field data:

Farm name, field name, field size, zip code, location, growing season, crop, variety, yield expectation, crop development, previous crop, yield of the previous crop, crop residues, catch crop, farm fertilizer, mineral fertilizer, soil texture, soil depth, soil organic matter, coarse fraction.

4. Data processing

For the purposes of performing the contractual relation with you, promoting the Borealis L.A.T goods and services, in particular by sending promotional information by e-mail or other electronic means and operation, functioning and improvement of N-Pilot® Borealis L.A.T processes the above mentioned Personal data, including users personal field data.

We disclose your Personal data to the following categories of recipients (but not necessarily all Personal data to all recipients), and such transfer is based on the necessity for the performance of the contract concluded with you or on our legitimate interests, namely regarding the use of your data for the purposes of promoting our products and services and operation, functioning and improvement of N-Pilot®.

• Advertising agencies

The period for which your Personal data will be processed and stored by us is determined by the following criteria:

• During the term of our business relationship
• After the business relation is terminated, for an additional period of three years
• To fulfil statutory record retention requirements.
5. Your rights

5.1 Information and Access

You are entitled to obtain information by Borealis L.A.T GmbH as to which Personal data are being processed and to get access to that Personal data upon your request. We will provide you with one copy of the Personal data undergoing processing free of charge, unless the disclosure may adversely affect the rights and freedoms of others.

To request information or access to Personal data concerning you please contact: 
gdprquestions@borealisgroup.com

5.2 Rectification and Erasure

You are entitled to request rectification of inaccurate Personal data or completion of incomplete Personal data concerning you without undue delay.

You are entitled to request erasure of Personal data without undue delay, if:

(i) Personal data are no longer necessary in relation to the purposes for which they were collected

(ii) You withdraw your consent in case processing is based only on consent

(iii) Your Personal data have been unlawfully processed

(iv) Personal data have to be erased for compliance with a legal obligation to which Borealis L.A.T GmbH is subject.

However, Borealis L.A.T GmbH is not obliged to execute such erasure if processing is necessary:

(i) For exercising the right of freedom of expression and information

(ii) For compliance with a legal obligation to which Borealis L.A.T GmbH is subject

(iii) For the performance of a task carried out in the public interest or in the exercise of official authority

(iv) For reasons of public interest in the area of public health

(v) For processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
(vi) For the establishment, exercise or defence of legal claims.

To request rectification/ completion or erasure of Personal data concerning you please contact: gdprquestions@borealisgroup.com

5.3 Right to Object

Regarding the processing of your Personal data for our purposes of use mentioned above you have a right to object. Upon receipt of and to the extent of your objection, we will stop processing your Personal data for the relevant purpose.

To object to the processing of your Personal data please contact: gdprquestions@borealisgroup.com.

5.4 Restriction of Processing

You are entitled to request the restriction of processing of Personal data in the following circumstances and for the following periods:

(i) You contest the accuracy of the Personal data concerning you; restriction of processing may be effected for a period enabling us to verify the accuracy of the relevant Personal data

(ii) The processing is unlawful and you oppose the erasure of the Personal data and request the restriction of their use instead

(iii) We do no longer need the Personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims

(iv) You have objected to processing, for the period until the verification whether our legitimate grounds override those of you.

To request restriction of processing of your Personal data please contact: gdprquestions@borealisgroup.com

5.5 Data Portability

You are entitled to data portability, namely to receive your Personal data which you have provided to Borealis L.A.T and which is processed:

(i) Based on your consent or the concluded contract

(ii) And by automated means

in a structured, commonly used and machine-readable format.
You are entitled to request that the Personal data is transmitted directly to another Controller by us, where technically feasible. This right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority.

To request data portability of your Personal data please contact: 
gdprquestions@borealisgroup.com

5.6 Complaint

You have the right to lodge a complaint with the Austrian Data Protection Authority (Österreichische Datenschutzbehörde, Wickenburggasse 8, 1080 Vienna, E-Mail: dsb@dsb.gv.at) if you believe that your rights to data protection are being infringed.