Data Privacy Statement in accordance with the GDPR
of beyerdynamic GmbH & Co. KG, Theresienstraße 8, 74072 Heilbronn, Germany

We take data protection seriously and ensure that your privacy and personal data are protected when you use our app. We have therefore created this Data Privacy Statement to explain how we handle your data.

Given that legal requirements change and to reflect advances in the technologies we use, we reserve the right to update the content of this Data Privacy Statement as warranted. You are therefore advised to read and take note of this Data Privacy Statement regularly.

1. Definitions
   The terms used in this Data Privacy Statement are as defined by European legislators in the General Data Protection Regulation (GDPR). Our Data Privacy Statement is intended to be easy to read for and understandable to the general public, as well as our customers and business partners. In order to ensure that, we would first like to explain the terms used.

   The terms we use in this Data Privacy Statement include:

   1. Personal data
      “Personal data” means any information relating to an identified or identifiable natural person (hereinafter referred to as “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.

   2. Data subjects
      A “data subject” is any identified or identifiable natural person whose personal data is processed by the controller.

   3. 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.

   4. Restriction of processing
      “Restriction of processing” means the marking of stored personal data with the aim of limiting its processing in the future.
5. **Profiling**

“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.

6. **Pseudonymisation**

“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 is not attributed to an identified or identifiable natural person.

7. **Controller**

“Controller” 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.

8. **Processor**

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

9. **Recipient**

“Recipient” means a natural or legal person, public authority, agency or another body, to which the personal data is 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.

10. **Third-party**

“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.

11. **Consent**

“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.

II. **Name and address of the controller**

The controller within the meaning of the General Data Protection Regulation, other national data protection laws of the Member States and other data protection regulations is:

beyerdynamic GmbH & Co. KG
Theresienstraße 8
III. Name and address of the Data Protection Officer

The controller’s Data Protection Officer is:

Bernhard Wallstein-Flachmeier
Wallstein-Flachmeier Consulting e.K.
Pflastergasse 5, 74889 Sinsheim, Germany
Phone: +49 (0)7261 945 20 202
E-mail: datenschutz@wfc-it.com

IV. General information on data processing

1. Scope of processing of personal data

   In principle, we process our users’ personal data only insofar as that is required to provide a well-functioning app and our content and services. Personal data is usually processed only subject to the user’s prior consent. An exception to that is when such prior consent cannot be obtained for factual reasons and we are permitted by law to process the data.

2. Legal grounds for processing of personal data

   If we obtain consent from data subjects to process their personal data, the legal basis for that is laid down by Article 6 (1) point (a) of the EU General Data Protection Regulation (GDPR).

   The legal basis for processing personal data required in order to perform a contract to which the data subject is a party is Article 6 (1) point (b) GDPR. That also applies to processing activities required to take steps prior to entering into a contract.

   If processing of personal data is necessary for compliance with a legal obligation on the part of our company, the legal basis for that is Article 6 (1) point (c) GDPR.

   If vital interests of the data subject or another natural person necessitate processing of personal data, the legal basis for that is Article 6 (1) point (d) GDPR.

   If processing is necessary to safeguard legitimate interests of our company or a third party and the data subject’s interests, fundamental rights and freedoms do not override the interests of our company or the third party, the legal basis for that is Article 6 (1) point (f) GDPR.
3. **Erasure and length of storage of data**  
   The data subject’s personal data shall be erased or blocked as soon as the purpose for which it has been stored no longer applies.

   The data can also be stored if this is envisaged by European or national legislators in EU regulations, laws or other provisions to which the controller is subject. The data shall also be blocked or erased when a period of time prescribed for its storage under the above legal provisions expires, unless it is necessary for the data to still be stored so that a contract can be concluded or performed.

V. **Data processing for personalising sounds**

1. **Description and scope of data processing**  
The user’s year of birth is asked for and processed as part of the personalisation of sounds. One or more hearing tests may be conducted to optimise personalisation of the individual sounds.

   This information, along with a user ID and IP address, is transmitted to Mimi Hearing Technology GmbH in order to create a presetting for the headphones in question. The user ID that is generated is unique. It can be linked to the user only in conjunction with physical access to the user’s smartphone. No names in plain text or other clearly personal data or data that can be used to identify the user are transmitted. If multiple hearing tests are conducted, a more precise result and so better presetting can be achieved by means of the user ID and its being linked to the hearing tests. This data is stored by Mimi’s service for this purpose.

   The test is conducted and analysed and its results are transferred using the SDK (software development kit) and the backend systems of Mimi Hearing Technology GmbH.

   Our beyerdynamic MIY app therefore uses the offering of Mimi Hearing Technologies GmbH. Its address is: Neue Schönhauser Str. 19, 10178 Berlin, Germany. As part of that, the user’s data is only pseudonymised initially, i.e. is collected and processed in a way that does not allow the identity of the person to be deduced directly. More information can be found in the privacy policy at [https://mimi.io/de/datenschutz](https://mimi.io/de/datenschutz).

2. **Legal grounds for processing data**  
The legal basis for processing the data is to safeguard the legitimate interests pursued by the controller, namely in accordance with Article 6 (1) point (f) GDPR.

3. **Purpose of data processing**  
The purpose of data processing with the MIY app is to personalise the sound profile for the user and related creation of presettings for the beyerdynamic headphones with the aid of Mimi’s services.

4. **Duration of storage**  
The data is stored for an unlimited period of time. It is erased from the device as soon as the app is removed.
5. Means of objection and rectification of data
   As the user of the app, you can fully remove the app and so the stored data from your device at any time.

   The data transferred to Mimi Hearing Technology GmbH is fully anonymised after the app has been removed and can no longer be linked to a user. Due to the fact that the data is anonymised, it loses its character as personal data or data that can be used to identify a person.

   If you have any further questions on the collection, processing or use of personal data, or wish to obtain information on data or have it rectified, blocked or erased, simply contact our Data Protection Officer.

VI. Data processing for analysing and rectifying errors
   1. Description and scope of data processing
      Program errors may occur when the app is being executed. Error reports in which technical data is recorded are created in order to rectify these errors.

      We use a plug-in from fabric for that (https://fabric.io/terms). No personal data or data that can be used to identify the user is recorded as part of that.

   2. Legal grounds for processing data
      The legal basis for processing the data is to safeguard the legitimate interests pursued by the controller, namely in accordance with Article 6 (1) point (f) GDPR.

   3. Purpose of data processing
      The purpose of data processing for analysing and rectifying errors is to create a basis for correcting, optimising and further developing the app.

   4. Duration of storage
      The data is erased as soon as it is no longer required for achieving the purpose for which it was collected.

      If the data is required for the purpose of performing a contract or steps prior to entering into a contract, premature erasure of the data is possible only if there are no contractual or statutory obligations that prevent it from being erased.

   5. Means of objection and rectification of data
      As the user of the app, you can fully remove the app and so the stored data from your device at any time.

      The data transmitted to fabric.io in the form of diagnostic and error logs is used to improve and further develop the MIY app. Potential personal data is at least pseudonymised by the developers and usually anonymised or erased.

      If you have any further questions on the collection, processing or use of personal data, or wish to obtain information on data or have it rectified, blocked or erased, simply contact our Data Protection Officer.
VII. Data processing when users contact us by e-mail

1. Description and scope of data processing
   If users contact us by e-mail, their personal data sent with the e-mail is stored.

2. Legal grounds for processing data
   The legal basis for processing data sent with an e-mail is Article 6 (1) point (f) GDPR. If the purpose of the e-mail contact is to conclude a contract, the additional legal basis for processing of the data is Article 6 (1) point (b) GDPR.

3. Purpose of data processing
   We process personal data when we are contacted by e-mail solely for handling contacts.

4. Duration of storage
   The data is erased as soon as it is no longer required for achieving the purpose for which it was collected. As regards personal data sent by e-mail, this is the case when the particular conversation with the user is over. The conversation is over when it is clear from circumstances that the matter in question has been definitely resolved.

5. Means of objection and rectification of data
   Users can withdraw their consent to their personal data being processed at any time. If users contact us by e-mail, they can object to their personal data being stored at any time. That then means the conversation cannot be continued. Please contact our Data Protection Officer in such cases. All personal data stored as part of the contact is erased in this case.

VIII. Further data processing within the MIY app

   No personal data other than that specified above is processed within the MIY app.

IX. Rights of data subjects

   If your personal data is processed in our app, you are a data subject within the meaning of the General Data Protection Regulation (GDPR) and you have the following rights vis-à-vis the controller:

1. Right to access and obtain information
   You can demand confirmation from the controller as to whether personal data concerning you is processed by us.

   If it is processed by us, you can demand the following information from the controller:

   (1) the purposes for which the personal data is processed;

   (2) the categories of personal data processed;

   (3) the recipients or categories of recipients to whom the personal data concerning you has been or is to be disclosed;

   (4) the planned length of time for which the personal data concerning you will be stored or, if concrete details of that are not possible, the criteria used to determine that length of time;
(5) the existence of a right to rectification or erasure of personal data concerning you, a right to restriction of processing of the data by the controller, or a right to object to such processing;

(6) the existence of a right to lodge a complaint with a supervisory authority;

(7) all available information on the origin of the data if the personal data has not been collected from you;

(8) the existence of automated decision-making, including profiling, referred to in Article 22 (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 you.

You have the right to demand information on whether the personal data concerning you is transferred to a third country or an international organisation. You can demand to be informed about the appropriate safeguards in accordance with Article 46 GDPR that have been provided in connection with such transfer of your data.

2. Right to rectification

You have a right to demand that the controller rectify and/or complete processed personal data concerning you if it is incorrect or incomplete. The controller shall rectify the data without undue delay.

3. Right to restriction of processing

You can demand that processing of personal data concerning you be restricted under the following circumstances:

(1) if you contest the accuracy of the personal data concerning you, processing of the data will be restricted for a period enabling the controller to verify the accuracy of the personal data;

(2) the processing is unlawful and you oppose the erasure of the personal data and request restriction of its use instead;

(3) the controller no longer needs the personal data for the purposes of processing, but it is required by you for the establishment, exercise or defence of legal claims; or

(4) you have objected to processing pursuant to Article 21 (1) GDPR and it has yet to be verified whether the legitimate grounds of the controller override your grounds.

Where processing of personal data concerning you has been restricted, the data shall, with the exception of storage, only be processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of a Member State.

If processing of data has been restricted pursuant to the above circumstances, you will be informed by the controller before the restriction is lifted.

4. Right to erasure

a) Obligation to erase data

You have the right to obtain from the controller the erasure of personal data concerning you without undue delay and the controller has the obligation to erase that data without undue delay where one of the following grounds applies:
(1) the personal data concerning you is no longer necessary in relation to the purposes for which it was collected or otherwise processed;

(2) you withdraw consent on which the processing was based in accordance with Article 6 (1) point (a) or Article 9 (2) point (a) GDPR, and where there is no other legal ground for the processing;

(3) you object to the processing pursuant to Article 21 (1) GDPR and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to Article 21 (2) GDPR;

(4) the personal data concerning you has been unlawfully processed;

(5) the personal data concerning you has to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;

(6) the personal data concerning you has been collected in relation to the offer of information society services referred to in Article 8 (1) GDPR.

b) Notification of third parties

Where the controller has made the personal data concerning you public and is obliged pursuant to Article 17 (1) GDPR to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that you as the data subject have requested the erasure by such controllers of any links to, or copy or replication of, that personal data.

c) Exceptions

You do not have a right to demand erasure of your data if processing of it is necessary

(1) for exercising the right of freedom of expression and information;

(2) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

(3) for reasons of public interest in the area of public health in accordance with Article 9 (2) points (h) and (i) and Article 9 (3) GDPR;

(4) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) GDPR insofar as the right referred to in a) above is likely to render impossible or seriously impair the achievement of the objectives of that processing; or

(5) for the establishment, exercise or defence of legal claims.

5. Right to notification

If you have asserted your right to rectification, erasure or restriction toward the controller, the controller must communicate any rectification or erasure of personal data or restriction of processing to each recipient to whom the personal data concerning you has been disclosed, unless this proves impossible or involves disproportionate effort.
You have the right to be informed by the controller about who these recipients are.

6. **Right to data portability**

You have the right to receive the personal data concerning you which you have provided to the controller, in a structured, commonly used and machine-readable format. You also have the right to transmit this data to another controller without hindrance from the controller to which the personal data has been provided, if

(1) processing of the data is based on consent in accordance with Article 6 (1) point (a) GDPR or Article 9 (2) point (a) GDPR or on a contract in accordance with Article 6 (1) point (b) GDPR and

(2) the processing is carried out by automated means.

In exercising this right, you also have the right to have the personal data concerning you transmitted directly from one controller to another controller, where technically feasible. This must not adversely affect the rights and freedoms of others.

The right to data portability shall not apply to processing of personal data necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

7. **Right to object**

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on Article 6 (1) point (e) or (f) GDPR, including profiling based on those provisions.

The controller shall no longer process the personal data concerning you unless it demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Where personal data concerning you is processed for direct marketing purposes, you have the right to object at any time to processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing.

If you object to processing for direct marketing purposes, the personal data concerning you will no longer be processed for such purposes.

In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, you may exercise your right to object by automated means using technical specifications.

8. **Right to withdraw the declaration of consent under data protection law**

You have the right to withdraw your declaration of consent under data protection law at any time. The withdrawal of consent shall not affect the lawfulness of processing based on your consent before you withdrew it.

9. **Automated individual decision-making, including profiling**

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. This does not apply if the decision
(1) is necessary for entering into, or performance of, a contract between you and the controller; (2) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests; or (3) is based on your explicit consent.

However, these decisions must not be based on special categories of personal data referred to in Article 9 (1) GDPR, unless Article 9 (2) point (a) or (g) GDPR applies and suitable measures to safeguard your rights and freedoms and legitimate interests are in place.

In the cases referred to in (1) and (3), the controller will implement suitable measures to safeguard your rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express your own point of view and to contest the decision.

10. Right to lodge a complaint with a supervisory authority

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, your place of work or place of the alleged infringement, if you consider that the processing of personal data concerning you infringes the General Data Protection Regulation (GDPR).

The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78 GDPR.

If you wish to exercise your right to lodge a complaint, you can do so with the following authority:

Landesbeauftragte für den Datenschutz und die Informationsfreiheit Baden-Württemberg
(The Baden-Württemberg State Commissioner for Data Protection and Freedom of Information)

Postfach 10 29 32
70025 Stuttgart, Germany

or:

Königstraße 10a
70173 Stuttgart, Germany
Phone: +49 (0)7 11/61 55 41-0
Fax: +49 (0)7 11/61 55 41-15
E-mail: poststelle@lfdi.bwl.de
Homepage: www.baden-wuerttemberg.datenschutz.de

11. Exercise of rights by data subjects

If data subjects wish to exercise one or more of their above rights, they can contact our Data Protection Officer at any time.
X. Application of our Data Privacy Policy on the website

Moreover, our Data Privacy Statement is subordinate to our Data Privacy Policy, which can be found on the website Privacy Policy.