

Data Privacy Statement pursuant to Art. 13 GDPR for the FRONIUS Smart Meter IP

1 Introduction

The purpose of this data privacy statement is to inform you which personal data will be processed in connection with use of the Smart Meter IP.

For the sake of simplicity, we do not say he/she, him/her, etc. All references apply to all genders equally.

2 Controller

The controller responsible for processing personal data is:

FRONIUS INTERNATIONAL GmbH
Froniusstrasse 1
4643 Pettenbach
Austria
Tel.: +43 (0) 72 42 241-0
Fax: +43 (0) 72 42 241-3940
E-mail: contact@fronius.com
hereinafter referred to as "we" or "FRONIUS"

3 Processing activities

3.1 Data processing when using the Smart Meter IP

3.1.1 Scope of processing of personal data

The "Smart Meter IP" is a complementary product to FRONIUS's photovoltaic inverters. Provided you establish an internet connection with the Smart Meter IP, you can choose to have the Smart Meter IP connect to the internet on a regular basis (approximately every 24 hours) so that it automatically asks FRONIUS whether an update is available for the Smart Meter IP and – if available – automatically downloads and installs this update. In connection with this request, the following personal data will be transmitted to and processed by FRONIUS:

- IP address from which the request is made
- Timestamp of the request
- Unique ID of the meter of the Smart Meter IP from which the request is made

3.1.2 Purpose and legal basis for the processing of personal data

The processing of this personal data is necessary for the maintenance of the user relationship via the Smart Meter IP, in particular for the regular automatic implementation of function and security updates (Art. 6 (1) (b) GDPR).

We collect and process this personal data for the purpose of automated requests for available updates and – if available – the automatic downloading of updates only if you have given your consent to do so. You can withdraw your consent at any time with effect for the future. Withdrawal of consent can be notified by post or e-mail sent to the contact details of FRONIUS indicated in Section 2 above. The legal basis for the processing of this personal data is your consent (Art. 6 (1) (a) GDPR).
No storage of data takes place.

3.2 Obligation to provide personal data and possible consequences of non-provision

You are not obliged to provide this personal data. If you do not provide this personal data, regular automatic function and security updates of the Smart Meter IP cannot be carried out. Consequently, either you must download such function and security updates from FRONIUS's online platform and install them yourself, or you must ask Fronius Technical Support to install such updates, for which a fee may be payable. Failure to install a provided function or security update of the Smart Meter IP within a reasonable period of time may affect the functionality or security of the Smart Meter IP. Furthermore, FRONIUS and the distributor of the Smart Meter IP shall not be liable for any product defect of the Smart Meter IP that is solely due to the absence of this update.

3.3 Information about the use of automated decision making

We do not carry out automated decision-making, including profiling, pursuant to Art. 22 (1) and (4) GDPR, and therefore do not use it.

4 Data transfer to third parties

To be able to provide our services, we pass on your personal data to third parties. Your personal data will only be passed on to third parties if this is permitted by data protection law, in particular if the transfer is necessary for the performance of a contract (Art. 6 (1) (b) GDPR), for the purposes of our legitimate interests (Art. 6 (1) (f) GDPR) or if it is absolutely necessary in order to provide you with an expressly requested service.

Categories of recipients of personal data not bound by instructions are:

To be able to provide the services you require and to keep the components always at the current security level, it is necessary to share the MAC address of the component with our partners.

For this purpose, your data is hosted on two Microsoft Azure servers in the Western Europe region.

The service provider bound by instructions and obligated in accordance with the provisions of data protection law, who operates the cloud service through which the update requests are carried out and updates for the Smart Meter IP are provided and who may not use the data for any other purpose, is: MEC electronics Handels- und Beteiligungs GmbH, Dresdnerstr. 45 1200 Vienna, Austria – automatic data processing and information technology services.

5 Your rights as a data subject

5.1 Right of access

You have the right to obtain access to all personal data concerning you that is processed by us. In particular, you can access the following information:

- the purposes for which the personal data is processed;
- the categories of personal data which are processed;
- the recipients or categories of recipients to whom the personal data concerning you have been or will be disclosed;
- the envisaged period for which the personal data concerning you will be stored, or, if this cannot be stated specifically, the criteria used to determine that period;
- the existence of a right to rectification or erasure of personal data concerning you, a right to restriction of processing by the controller or a right to object to such processing;
- the existence of a right to lodge a complaint with a supervisory authority;
- where the personal data is not collected from the data subject, any available information as to its source;
- the existence of automated decision-making, including profiling, referred to in Art. 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 the data subject.

You have the right to request information about whether personal data concerning you is transferred to a third country or to an international organisation. In this context, you may request to be informed about the appropriate safeguards pursuant to Art. 46 et seq. of the GDPR in connection with the transfer.

5.2 Right to rectification and right to restriction of processing

You have the right to obtain the rectification of inaccurate data or to have incomplete data completed. Under certain circumstances you may, for example, if the accuracy of data is contested and until such time as its accuracy has been verified, obtain restriction of the processing of data such that it may 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.

5.3 Right to data portability

You may request that we send you – or, where technically feasible, a third party designated by you – a copy of your data that you have provided to us in a structured, commonly used and machine-readable format. You also have the right to transfer this data to another controller without hindrance from the controller to whom the personal data was provided, if

- the processing is based on consent pursuant to Art. 6 (1) (a) GDPR or Art. 9 (2) (a) GDPR or on a contract pursuant to Art. 6 (1) (b) GDPR; and
- the processing is carried out by automated means.

In exercising this right, you further have the right to have the personal data concerning you transmitted directly from us to another controller, insofar as this is technically feasible. This right shall not adversely affect the rights and freedoms of others.

5.4 Right to erasure

You have the right to obtain the complete erasure of the data provided by you from the customer account at any time.

Under the GDPR you also have the right to obtain the erasure of data under certain circumstances, such as when it is not processed in accordance with data protection requirements.

The so-called "right to be forgotten" applies insofar as we have made your data public. This is the case, for example, if we have uploaded data (e.g. photos) to the internet. After you have informed us of the third-party controller within the meaning of Art. 17(2) of the GDPR, we will contact them accordingly and communicate the request for erasure.

5.5 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 Art. 6 (1) (e) or (f) GDPR, including profiling based on those provisions.

In this case we will no longer process your personal data, unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or show that the processing serves for the establishment, exercise or defence of legal claims.

5.6 Right to withdraw consent under data protection law

You have the right to withdraw your consent under data protection law at any time without giving reasons by sending us an e-mail at dataprotection@fronius.com. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

5.7 Supervisory authority

Notwithstanding the possibility of bringing an action before the Regional Court pursuant to Section 29 (2) of the Austrian Data Protection Act (*Datenschutzgesetz*) and any other legal remedies, you have the right to lodge a complaint with the national supervisory authority of your place of residence if you believe your personal data is being processed unlawfully. The competent authority in Austria is the Data Protection Authority (*Datenschutzbehörde*), Vienna.