

## Privacy Statement for Customers and Business Partners – KWS Vegetables

**We, KWS Benelux B.V., Ettenseweg 4, 4706 PB Roosendaal, The Netherlands, KWS Vegetables B.V., Plus Ultra II, Bronland 10G, 6708 WH Wageningen, The Netherlands, and KWS Vegetables Netherlands B.V., Middenweg, 52, 1619 BN Andijk, the Netherlands, (hereinafter referred to as "KWS", "we" or "us"), take the protection of personal data very seriously. KWS typically does not distribute its products directly to farmers (our "customers"), but to companies such as wholesalers, distributors, dealers, suppliers, and other partners (collectively referred to as "Business Partners"). That is why KWS only collects and processes a limited amount of personal data from customers. Data relating to business partners is generally not considered personal data. However, KWS processes the business data and contact details of employees and other contact persons of customers and business partners. This Privacy Statement sets out how and for what purposes KWS processes personal data of customers and business partners and their contact persons.**

**KWS only protects and processes personal data in accordance with the applicable legal provisions for the protection of personal data and data security.**

**KWS Vegetables B.V. typically has no customers; therefore, for KWS Vegetables B.V. this privacy statement is addressed to its business partners, other than customers, and, then, specific information below regarding data of customers would not be applicable.**

### **1. On what legal basis do we process your personal data?**

We ensure that personal data is only processed in an appropriate manner. The processing of personal data must be justified by at least one of a number of "legal bases" in accordance with EU data protection law and we set out the legal bases for the different types of processing in this Privacy Notice.

Below you will find the legal bases that justify the processing of your data:

- **Consent**, where you have given us consent to process your data (you have received a consent form in relation to such processing). You can revoke your consent at any time and with effect for the future.
- **Performance of a contract**, if your data is required for the conclusion or performance of our contract with you.
- **Legal obligation**, if we process your data to comply with our legal obligations.
- **Legitimate interest**, if we have a legitimate interest in processing your data and our legitimate interest in the processing outweighs any impairment of your rights to privacy.

### **2. Why and for what purposes do we process your data?**

#### **2.1. Data of customers and their contact persons**

In the context of cooperation with our customers, KWS processes personal data for the following purposes:

- Communication with customers about products, services and projects, e.g. to handle customer inquiries.  
Legal basis: performance of a contract, legal obligation, legitimate interests (for marketing our products and services), consent.

- Planning, execution and management of the (contractual) business relationship between KWS and the customer, e.g. processing orders for products and services, collecting payments for accounting, invoicing, collecting receivables and carrying out deliveries.  
Legal basis: performance of a contract, legal obligation, legitimate interests (managing a business relationship).
- Conducting customer surveys, marketing campaigns, market analyses, contests or similar promotions and events.  
Legal basis: legitimate interests (marketing of our products and services), consent.
- Compliance with legal obligations (e.g., tax and commercial and prevention of money laundering laws); data comparison with official sanctions and anti-terrorist lists (e.g. in accordance with EU Regulations No. 2580/2001 and 881/2002); as well as KWS guidelines and industry standards.  
Legal basis: performance of a contract, legal obligation, legitimate interests (compliance with the law and avoidance of violations).
- To resolve legal disputes, enforce existing agreements, and to establish, exercise or defend legal claims.  
Legal basis: performance of a contract, legal obligation, legitimate interests (defence of our legitimate interests).

## **2.2. Data of business partners, their contact persons and ultimate beneficial owners**

In the context of cooperation with our business partners, KWS processes personal data for the following purposes:

- Communication with business partners about products, services and projects, e.g. to handle requests from our business partners.  
Legal basis: performance of a contract, legal obligation, legitimate interests (for the marketing of our products and services), consent (for electronic marketing via e-mail or telephone).
- Planning, execution and management of the (contractual) business relationship between KWS and our business partners, e.g. processing orders for products and services, collecting payments for accounting, invoicing, collecting receivables and carrying out deliveries.  
Legal basis: performance of a contract, legal obligation, legitimate interests (managing a business relationship).
- Conducting surveys of our business partners, marketing campaigns, market analyses, lotteries or similar promotions and events.  
Legal basis: legitimate interests (marketing of our products and services), consent.
- Compliance with legal obligations (e.g., tax, commercial and prevention of money laundering laws); data comparison with official sanctions and anti-terrorist lists (e.g. in accordance with EU Regulations No. 2580/2001 and 881/2002), as well as KWS guidelines and industry standards.  
Legal basis: performance of a contract, legal obligation, legitimate interests (compliance with the law and avoidance of violations).

- To resolve legal disputes, enforce existing agreements, and to establish, exercise or defend legal claims.  
Legal basis: performance of a contract, legal obligation, legitimate interests (defence of our legitimate interests).
- Management of seed production and plant cultivation by farmers/contractors under an agreement (e.g. to enable highly efficient fieldwork processes and the support of data analysis and integration by KWS).  
Legal basis: performance of a contract, legitimate interest (to guarantee the high quality of the seed and to optimize the processes within seed production).

### **3. What kind of personal data can KWS collect about customers, business partners and contact persons?**

KWS processes the following categories of personal data, if the above-mentioned criteria are met:

#### **3.1. Data of customers, their contacts and ultimate beneficial owners**

- Contact information, such as first and last name, address, telephone number, mobile phone number, date of birth (if voluntarily provided to us), fax number and email address.
- Payment information, such as information about the processing of payment transactions.
- Additional information that needs to be processed in the context of a customer project or the execution of a contractual agreement with KWS or that is voluntarily provided by our customers, such as orders placed, questions or project data.
- Company information, such as acreage, disease and soil conditions, quantity and type of products used by KWS and competitors, fidelity values.
- If required as part of compliance screenings: Identity data, ID number and/or copy of your ID (ID card or Passport), commercial register number, tax number, details of ownership structure, bank details, residential address, date and place of birth.
- History of the interaction between the client and KWS, such as participation in KWS events, mailings, interaction with KWS representatives and/or freelancers, messages sent, as well as other data requested in this context (crop types, field history, etc.) in order to answer your request in sufficient detail.

#### **3.2. Data of business partners, their contact persons and ultimate beneficial owners**

- Contact information, such as first and last name, business address, business phone number, business mobile phone number, business fax number, and business email address.
- Payment information, such as information about payment transaction processing or fraud prevention, including credit card information and social security numbers.
- Additional information that needs to be processed in the context of a project or the execution of a contractual agreement with KWS or that is voluntarily provided by our contact persons, such as orders placed, questions or project data.

- Information obtained from publicly available sources, information databases or from credit agencies.
- As needed within the scope of compliance screenings: identity data, ID number and/or copy of your ID (ID card or Passport), commercial register number, tax number, details of ownership structure, bank details, residential address, date and place of birth, information on relevant legal disputes and other legal disputes with business partners.
- For the management of seed production and plant cultivation by farmers/contractors under an agreement, the following data also applies: field data such as drone and satellite imagery, environmental data (e.g. weather and soil data), seed counts and machine data, as well as field data measurements, digital field plans, field boundaries and histories.

#### **4. How do we collect your personal data?**

##### **4.1. Data of customers, their contacts and ultimate beneficial owners**

We normally receive your personal data from you. However, we may also receive data from our business partners, suppliers, freelancers or data brokers.

##### **4.2. Data of business partners and their contact persons**

We may obtain your personal data from you or from third parties, such as our business partners or credit and anti-fraud agencies, sanctions and politically exposed persons lists and public records.

#### **5. Who are the recipients, and do they live in third countries?**

KWS transfers personal data to subsidiaries of KWS or other private parties, but only if this is necessary for the realization of one or more of the above-mentioned purposes.

KWS transfers personal data to courts, authorities and law firms to the extent permitted by law and necessary to comply with applicable law or to establish, exercise or defend legal claims.

KWS works with internal and external service providers (processors), such as service providers for IT maintenance services. These service providers may only act in accordance with KWS's instructions, and are contractually obliged to comply with the applicable data protection requirements.

The recipients described in this Section 5 may be located in countries outside the European Economic Area ("third countries") where applicable law does not provide the same level of data protection. In this case, if we transfer your personal data to recipients outside the European Economic Area, we will ensure an adequate level of protection for your personal data, unless this is in accordance with a legal authorisation. Please contact the Data Controller using the contact details below if you would like to receive a copy of the safeguards we use in relation to the export of your personal data.

#### **6. How long do we keep your personal data?**

If KWS has not specified the retention period during the collection of data (e.g. in a declaration of consent), your personal data will be deleted if its storage is no longer necessary for the purpose of storage, unless a statutory retention obligation (e.g. under company or tax law) requires a longer retention period.

## 7. What rights do you have?

Within the context of the applicable legal provisions, you have certain rights in relation to your personal data. Please note that there are certain exceptions to exercising these rights, and therefore you may not be able to exercise them in all cases.

- **Information:** You have the right to obtain information about all personal data stored about you by KWS.
- **Rectification:** You can demand that we change inaccurate personal data.
- **Erasure:** You can ask us to erase personal data under certain circumstances, and we will take appropriate steps to inform other controllers processing the data that you wish links to your data, copies of your data and duplication of your data to be erased.
- **Withdrawal of your consent:** You can withdraw your consent to the data processing you have provided to us and prevent further processing if there is no other reason why KWS can or must process your personal data.
- **Restriction:** In certain cases, you can request that we restrict the processing of your data.
- **Portability:** If you have provided us with data on the basis of a contract or consent, you can request to receive the data you have provided in a structured, commonly used and machine-readable format, or for us to transmit it to another controller.

### **Right to object**

#### **Right to object on a case-by-case basis**

You have the right to object at any time to the processing of your personal data which is based on legitimate interests on grounds relating to your particular situation; This also applies to profiling based on these provisions. These personal data will then no longer be processed for these purposes, unless compelling legitimate grounds for the processing are established which outweigh your interests, rights and freedoms, or the processing is related to the establishment, exercise or defence of legal claims.

#### **Right to object to data processing for direct marketing purposes**

In individual cases, your data will be processed for the purpose of carrying out direct marketing. You have the right to object at any time to the processing of your personal data for purposes related to such marketing. This also applies to profiling, insofar as it is related to such direct advertising. If you object to processing for direct marketing purposes, your personal data will no longer be processed for those purposes.

To exercise the above rights, please contact us using the contact details provided.

- **Lodge a complaint:** You may lodge a complaint about our processing with a data protection authority.

## 8. Contact details

The relevant data controller for you is the company with whom you have a commercial relationship with.

Below you will find the relevant contact information of the controllers:

KWS Benelux B.V.  
Ettenseweg 44706 PB Roosendaal  
The Netherlands  
Phone: +31 76 50 30003  
E-mail: [dataprotection.bnl@kws.com](mailto:dataprotection.bnl@kws.com)

KWS Vegetables B.V.  
Plus Ultra II, Bronland 10G, 6708 WH Wageningen, The Netherlands  
Phone: +31 6 28 20 58 32  
Email: [dataprotection.vegetablesnl@kws.com](mailto:dataprotection.vegetablesnl@kws.com)

KWS Vegetables Netherlands B.V  
Middenweg, 52, 1619 BN Andijk,  
the Netherlands  
Phone: +31 228 591 462  
Email: [dataprotection.vegetablesnl@kws.com](mailto:dataprotection.vegetablesnl@kws.com).

Roosendaal, Wageningen and Andijk, October 2024