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**Privacy statement in accordance with the EU General Data Protection Regulation (GDPR) for the use of a digital whistleblowing system at Flughafen Stuttgart GmbH**

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## Privacy statement in accordance with the EU General Data Protection Regulation (GDPR) for the use of a digital whistleblowing system at Flughafen Stuttgart GmbH

### I. Who does this privacy statement apply to?

The following privacy statement applies to all natural persons who visit the web-based interface of Flughafen Stuttgart GmbH's digital whistleblowing system ('**whistleblowing system**'). The following privacy statement also applies to all natural persons who submit a report or information via the whistleblowing system.

**Please read this privacy statement carefully before submitting a report or information.**

### II. Name and address of the controller

Flughafen Stuttgart GmbH  
Flughafenstrasse 32  
70629 Stuttgart, Germany  
  
Postbox 23 04 61  
70624 Stuttgart, Germany  
  
Telephone: +49 711 948-0  
Fax: +49 711 948-2241  
Email: info@stuttgart-airport.com

Legal representatives:

represented by the executive management:  
Ulrich Heppe (spokesperson)  
Carsten Poralla

### III. What are the contact details of the company data protection officer?

You can reach the company data protection officer at Flughafen Stuttgart GmbH ('**FSG**') by post or email.

#### **By post:**

Flughafen Stuttgart GmbH  
Data protection officer  
Flughafenstrasse 32  
70629 Stuttgart, Germany

#### **By email:**

DSB@stuttgart-airport.com

### IV. Basic information on data processing

We process personal data ('**data**') in accordance with the applicable data protection laws, particularly the General Data Protection Regulation (GDPR) and the German Data Protection Act (BDSG). Processing includes the activities described in Art. 4 No. 2 of the GDPR, particularly the collection, recording, storage, disclosure and transmission of data.

#### **1. Where does my data come from?**

When you submit information or a report, your personal data is collected and processed using our digital whistleblowing system 'BKMS Incident Reporting'.

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## 2. Which data is processed?

We collect and process the following personal data and information when you submit a report or information using the whistleblowing system:

- Your first and last name, if you provide or disclose them;
- your relationship to FSG (e.g. employee, external employee, customer, supplier, service provider);
- login data for the secured postbox (user name/pseudonym and password) which is only known by yourself, if you set up a secured postbox;
- personal content included in the reports/information, if you have provided such content (for example, your first and last names or the first and last names of third parties mentioned by you (e.g. affected, harmed, involved or accused persons)) as well as other personal data (e.g. personal information on actions/incidents/damages);
- personal content included in attached files, if you provide such content;
- personal content that the examiner of a report additionally enters into the whistleblowing system.

Your IP address will not be stored during your use of the whistleblowing system. A cookie will be stored on your computer in order to maintain the connection between your device and the whistleblowing system. This cookie only contains a session ID (session cookie). It is only valid until the end of your session and expires when you close your browser.

### **Important note on sending attachments:**

When submitting a report, an addition or further messages, you can simultaneously send attachments to the responsible FSG report examiner.

**If you would like to submit a report or information anonymously, please note that files can contain hidden personal data.** Please remove all such information before sending a file so that your anonymity is not compromised. If you are unable to delete this data or if you are unsure of how to do so, copy the text of your attachment into your report text or send the printed document anonymously, citing the reference number received at the end of the reporting process, to the following address:

Flughafen Stuttgart GmbH  
fairport  
Postbox 23 04 61  
70624 Stuttgart, Germany

## 3. For what purposes and on what legal basis is the data processed?

The whistleblowing system enables the secure and confidential receipt, processing and management of reports of (compliance/legal) violations. The data is processed particularly for the following purposes:

- Preventive measures and repressive action to clarify failure and avert damage to FSG. In particular, (compliance/legal) violations should be prevented or detected (e.g. through internal investigations and taking follow-up action based on the report or information), also in order to avoid liability, reputational damage and criminal prosecution;
- the enforcement, exercise or defence of legal claims;
- prosecution of administrative offences and criminal offences;
- defence in case of prosecution of employees for criminal or administrative offences;
- fulfilment of the EU legal requirements from the EU Whistleblower Directive (EU 2019/1937).

The legal basis for this processing of data is Article 6 (1) (f) GDPR. The aforementioned purposes of data processing are at the same time the legitimate interests that Flughafen Stuttgart GmbH wishes to pursue and protect with the processing.

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Another legal basis is Art. 6 (1) (c) GDPR, if there is a legal obligation to disclose the data to investigative authorities or other government agencies (legal obligation to pass on data).

Examples of legal obligations to pass on data:

- Investigative powers of the police under section 163 (1) of the German Code of Criminal Procedure (StPO) (if applicable, in conjunction with section 161 (1) sentence 2 of the StPO (in the case of an order by the public prosecutor's office));
- Investigative powers of the public prosecutor's office pursuant to sections 161, 161a StPO;
- Intervention measures pursuant to sections 100 et seq. StPO.

## V. To which recipients is my data forwarded?

### 1. General information

Data will be disclosed by Flughafen Stuttgart GmbH to third party recipients insofar as the disclosure is prescribed within the framework of legal provisions, the disclosure is necessary for the processing of contractual relationships or business initiations, a legal or official obligation to disclose exists or the disclosure is based on another legal basis.

Disclosure to third party recipients may occur, for example, in the following cases:

- Disclosure of data to processors or other third parties commissioned by us (e.g. IT service providers within the scope of IT system maintenance);
- Disclosure of data to authorities or public bodies, insofar as there is a legal or official obligation (e.g. customs, federal police, state police, trade associations).
- Disclosure of data to partners or other third parties, insofar as the disclosure is necessary in the context of the specific processing and the disclosure is carried out in accordance with the provisions of data protection laws.

### 2. Internal FSG recipients

Within FSG, your personal data will only be disclosed to those persons who absolutely need to know about the data to fulfil their duties with regard to the above-mentioned purposes. Further information on this can be found in this privacy statement in section [IX. How is the confidential handling of reports and information ensured?](#)

### 3. Disclosure of data to Business Keeper GmbH

The whistleblowing system is technically operated by a specialised company, Business Keeper GmbH, Bayreuther Strasse 35, 10789 Berlin, Germany.

Business Keeper GmbH acts as a processor for Flughafen Stuttgart GmbH. Therefore, Flughafen Stuttgart GmbH has concluded an agreement with Business Keeper GmbH in accordance with Art. 28 GDPR. However, only the competent, specially trained and authorised employees of Flughafen Stuttgart GmbH have access to the data. Business Keeper GmbH and other third parties do not have access to the data.

### 4. Disclosure of data to investigative authorities and government agencies

Disclosure of data to investigative authorities and government agencies (e.g. police, the public prosecutor's office, courts) only takes place if and insofar as the disclosure of the data is necessary for the enforcement, exercise or defence of legal claims, for the prosecution of administrative offences or criminal offences as well as for defence in the case of the prosecution of employees of Flughafen Stuttgart GmbH for criminal offences or administrative offences.

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## 5. Disclosure of data to persons mentioned in the report or information

Disclosure of data to persons mentioned in the report or information will only take place if and to the extent that we are legally obliged to do so. Further information on this can be found later on in this privacy statement in section X. [Are persons mentioned in the report or information informed?](#)

## VI. Is my data disclosed to third countries or international organisations?

There is no disclosure or processing of data outside the European Union (EU) or the European Economic Area (EEA).

## VII. How does the secured mailbox work?

You can set up a mailbox within the whistleblowing system that is secured with an individually-selected pseudonym / user name and password. This allows you to send reports to the responsible report examiner at Flughafen Stuttgart GmbH either by name or in an anonymous, secure way. This system only stores data inside the whistleblowing system, which makes it particularly secure. It is not a form of regular email communication.

## VIII. How secure is my data?

Communication between your computer and the whistleblowing system takes place over an encrypted connection (SSL). Your IP address will not be stored during your use of the whistleblowing system. A cookie will be stored on your computer in order to maintain the connection between your device and the whistleblowing system. This cookie only contains the session ID (session cookie). It is only valid until the end of your session and expires when you close your browser.

Personal data and information entered into the whistleblowing system is stored in a database operated by Business Keeper GmbH in a high-security data centre. Only the competent, specially trained and authorised employees of Flughafen Stuttgart GmbH have access to the data.

Business Keeper GmbH as the technical operator of the whistleblowing system and other third parties do not have access to the data. This is ensured in the certified procedure through extensive technical and organisational measures.

All data is stored encrypted with multiple levels of password protection according to a system of permissions so that access is restricted to the very small selection of expressly authorised persons at Flughafen Stuttgart GmbH.

## IX. How is the confidential handling of reports and information ensured?

Incoming reports and information are received by a small selection of expressly authorised and specially trained employees of Flughafen Stuttgart GmbH (**'report examiners'**) and are always handled confidentially. The responsible report examiner will evaluate the matter and carry out any further investigation that may be required in the specific case.

While processing a report or conducting a special investigation, it may be necessary to share reports and information with additional employees of Flughafen Stuttgart GmbH or employees of other group companies, e.g. if the reports or information refer to incidents in group subsidiaries. We always ensure that the applicable data protection regulations are complied with when sharing reports.

All persons who receive access to the data are under a special obligation to maintain confidentiality.

## X. Are persons mentioned in the report or information informed?

We are legally obliged to inform persons mentioned in the report or information that we have received a report about them. For example, we are subject to the duty to inform pursuant to Art. 14 (1) GDPR. In addition, persons

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mentioned in the report or information may request information from us pursuant to Art. 15 (1) GDPR and request a copy of their data pursuant to Art. 15 (3) GDPR. However, informing or disclosing the data only takes place when this information no longer jeopardises the investigation of the information or report and the interest in confidentiality does not outweigh, or no longer outweighs, the interests of these persons. Your identity as a whistleblower will not be shared unless we are legally bound to do so.

#### XI. For how long is the data stored or what are the criteria for determining the storage period?

Personal data is stored for as long as necessary to clarify the situation and perform a final assessment of the report or for as long as this is required by law or a legitimate interest exists on the part of FSG or a third party. However, personal data may be stored for the period during which claims can be made against FSG.

#### XII. What rights do I have as a data subject vis-à-vis Flughafen Stuttgart GmbH?

If your personal data is processed, you are a data subject within the meaning of the GDPR. You are therefore entitled to rights vis-à-vis Flughafen Stuttgart GmbH as the controller. If you wish to exercise such a right, please contact:

Flughafen Stuttgart GmbH  
Flughafenstrasse 32  
70629 Stuttgart, Germany

Email: [Betroffenenrechte@stuttgart-airport.com](mailto:Betroffenenrechte@stuttgart-airport.com)

#### **You have the following rights:**

##### **1. Right of access according to Art. 15 GDPR**

According to Art. 15 GDPR, you have the right to request access regarding your personal data processed by us. In particular, you may access information on the purposes of the processing, the category of personal data, the categories of recipients to whom your data has been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, restriction of processing or objection, the existence of a right of complaint, the origin of your data (if not collected by us) as well as the existence of automated decision-making including profiling and, if applicable, meaningful information about its details.

You also have the right to request information on whether your personal data is disclosed to recipients in a third country or to an international organisation. In this context, you can ask to be informed about the appropriate safeguards in connection with the transmission as per Article 46 GDPR.

##### **2. Right to rectification according to Art. 16 GDPR**

According to Art. 16 GDPR, you have the right to rectification and/or completion of your personal data by us as the controller in cases in which the processed personal data concerning you is incorrect or incomplete. As the controller, we must make this correction without delay.

##### **3. Right to erasure ('right to be forgotten') according to Art. 17 GDPR**

According to Art. 17 (1) GDPR, you have the right to request the erasure of your personal data stored by us unless the processing is necessary to exercise the right to freedom of expression and information, to fulfil a legal obligation, for reasons of public interest or to assert, exercise or defend legal claims (see Art. 17 (3) GDPR).

Where we as the controller have made the personal data concerning you public and are obliged pursuant to Art. 17 (1) GDPR to erase this personal data, we shall, taking account of available technology and the cost of implementation, take reasonable steps, including technical measures, to inform other controllers which are

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processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copies or replications of such personal data.

#### **4. Right to restriction of processing according to Art. 18 GDPR**

According to Art. 18 GDPR, you have the right to demand the restriction of processing of your personal data in cases where you dispute the accuracy of the data, where the processing of data is unlawful but you object to its erasure, where we no longer need the data, but you require it to assert, exercise or defend legal claims, or where you have objected to processing according to Art. 21 GDPR.

#### **5. Right to data portability according to Art. 20 GDPR**

According to Art. 20 GDPR, you have the right to receive personal data that you have provided to us in a structured, commonly-used and machine-readable format, or to request its transfer to another data controller.

#### **6. Right to object according to Art. 21 GDPR**

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

**We, as the controller, will then no longer process the personal data concerning you unless we can demonstrate legitimate reasons for the processing that outweigh your interests, rights or freedoms or the processing serves the establishment, exercise or defence of legal claims.**

#### **7. Right to withdraw consent under data protection law according to Art. 7 (3) GDPR**

You have the right to withdraw any consent you have given under data protection law. The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

#### **8. Automated decision-making in individual cases, including profiling, according to Art. 22 GDPR**

You have the right to not be subject to a decision based solely on automated processing, including profiling, which has a legal effect on you or which significantly negatively affects you in a similar way.

#### **9. Right to lodge a complaint with a supervisory authority according to Art. 77 GDPR**

According to Art. 77 GDPR, you have the right to lodge a complaint with a supervisory authority. For this purpose, you can usually contact the supervisory authority at your place of residence, work or of our company's registered office. The supervisory authority responsible for Flughafen Stuttgart GmbH is:

The State Representative for Data Protection and Freedom of Information

Postbox 10 29 32

70025 Stuttgart, Germany

Telephone: +49 (0) 711/615541-0

Fax: +49 (0) 711/615541-15

Email: Poststelle@lfdi.bwl.de

#### **XIII. Does automated decision-making take place in individual cases, including profiling?**

Automated decision-making or profiling in individual cases according to Art. 22 GDPR does not take place.

#### XIV. Is there an obligation to provide data?

You are under no contractual or legal obligation to provide your data. Use of the whistleblowing system is voluntary. Nobody is obligated to submit reports or information via the whistleblowing system of Flughafen Stuttgart GmbH.

#### XV. What happens if I object to the processing of my data?

If you object to the aforementioned data processing, we will repeat the assessment of interests that has already been carried out in accordance with Art. 6 (1) (f) GDPR and take into account the circumstances of your individual situation that you have described.

If we come to the conclusion that we are not permitted to process your data, we will delete your data.

If we come to the conclusion that the interests we wish to pursue and safeguard with the data processing (for more information on this, see above [IV. Basic information on data processing](#), section 3) must be regarded as compelling reasons worthy of protection within the meaning of Art. 21 (1) sentence 2 GDPR, any objections are not significant.

#### XVI. Where can I find further information on data protection at Flughafen Stuttgart GmbH?

You can find further information on data protection at Flughafen Stuttgart GmbH at: [www.flughafen-stuttgart.de/Datenschutz](http://www.flughafen-stuttgart.de/Datenschutz)