

Obligation on the confidentiality of personal data, according to Article 5 General Data Protection Regulation (GDPR), in connection with Articles 24, 29 and 32 General Data Protection Regulation (GDPR) and on the secrecy of social data, according to § 35 Social Security Code (SGB) I, as well as on § 88 Telecommunications Act (TKG) between SOLARWATT GmbH and:

Name and Address of your company

1. Obligation to confidentiality of personal data

Due to the aforementioned legal norms of the General Data Protection Regulation (GDPR) and the Federal Data Protection Act, our company is forbidden to collect, process or use personal data which are known to us as part of our activities for the client. This applies both to the activities of the company within and outside the enterprise and to the connected facilities. The obligation to maintain confidentiality remains even after the termination of our external activity.

2. Obligation on the telecommunications confidentiality

On the basis of § 88 Paragraph 2, Telecommunications Act (TKG) we and our employees are obligated to maintain the telecommunications' confidentiality, as far as we are involved in the provision of business telecommunications' services, within the scope of our activities for the company.

3. Obligation to protect business secrets

We confirm that we will treat the documents or other information that is not generally accessible to third parties confidentially, in connection, with our activity. We will not use these documents and information for our own commercial purposes or other clients, without prior written agreement, with the company.

4. Obligation, (commitment) to maintain data security in the exchange of data with the client

In order to maintain data security, we undertake to use an up-to-date operating system, that complies with the applicable security standards, to keep the operating system on the current patch level and to use a constantly updated virus scanner.

We have taken note of these obligations. We are aware that in the event of violations of data secrecy, telecommunications' secrecy or trade secrets, our employees can be rendered culpable, in particular according to §§ 42, 43 Federal Data Protection Act - new (BDSG-new) and § 206 Penal Code. We have received the copies of the aforementioned regulations, with appendix.

We will inform our staff accordingly.

City, Date

Name of Managing Director

Signature of Managing Director

Excerpts from the aforementioned laws, as an appendix, to the obligation (commitment) statement on the confidentiality of personal data, on the secrecy of social data and telecommunications' confidentiality

Persons concerned with data processing are not allowed to process personal data, without authorization, they are subject to strict confidentiality and permission reservation, in accordance with General Data Protection Regulation (GDPR) and Federal Data Protection Act (BDSG). The obligation to confidentiality continues even after the termination of the activity.

§ 42 Federal Data Protection Act-new (BDSG-new) penal provisions

1. Penalties of up to three years or a fine are imposed on those who knowingly do not have access to generally accessible personal data of a large number of persons, without being entitled to do so,
 1. transmitted to a third party or
 2. made accessible in another wayand hereby acts commercially (professionally).
2. Imprisonment of up to two years or a fine will punish anyone who has personal data that is not generally accessible,
 1. without being authorized, processed or
 2. misled by incorrect informationand hereby acts for remuneration or with the intent to enrich oneself or another or to harm another.
3. The act is prosecuted, only, on request. Eligible applicants are the affected person, the person responsible, the Federal Commissioner and the supervisory authority.
4. A notification, according to Article 33 of Regulation (EU) 2016/679 or a notification, according to Article 34 paragraph 1 of Regulation (EU) 2016/679 may only be filed in criminal proceedings, against the person liable to report or notify or his or her family members, referred to in § 52 paragraph 1 of the Code of Criminal Procedure to be used, with the consent of the declarant or the notifier.

§ 43 Federal Data Protection Act-new penalty provisions

1. acts illegally, who intentionally or negligently
 1. contrary to § 30 Paragraph 1 fails to properly handle a request for information or
 2. contrary § 30 Paragraph 2 Sentence 1 a consumer is not informed, is not informed correctly, is not completely informed or is not informed timely.
2. The infringement can be punished, by a fine of up to fifty thousand euros.
3. Fines shall not be imposed, against authorities and other public bodies, within the meaning of § 2 Paragraph 1.
4. A notification, according to Article 33 of Regulation (EU) 2016/679 or a notification, according to Article 34 Paragraph 1 of Regulation (EU) 2016/679 may be adopted, in a procedure under the Infringement Act against the notice obligator or notified or its in § 52 Paragraph 1 of the Code of Criminal Procedure designated relatives, shall be used only with the consent of the notifiable or notifying member.

Excerpt from the Telecommunications Act (TKG)

§ 88 TKG – Telecommunications' confidentiality

(1) The telecommunications' confidentiality is subject to the content of telecommunication and its circumstances, in particular the fact that someone is or has been involved in a telecommunications' operation. The secrecy of telecommunications, also, extends to the

circumstances of unsuccessful connection attempts.

(2) In order to maintain the confidentiality of telecommunications, it is the responsibility of those who provide or participate in the business of telecommunications' services. The obligation to confidentiality shall continue even after the end of the activity through which it has been established.

(3) The obligators, under paragraph 2 shall be prohibited from gaining knowledge of the content or the circumstances of telecommunications, beyond what is necessary for the commercial provision of the telecommunications' services. You may only use knowledge of facts that are subject to the confidentiality of telecommunications, for the purpose stated in Sentence 1. The use of this knowledge, for other purposes, in particular the transfer to others, is only permissible if this law or other legal provision so provides and explicitly refers to telecommunications operations. The obligation to report according to § 138 of the Penal Code has priority.

(4) Where the telecommunications' installation is on board a vehicle for navigation or aviation, the obligation to maintain the secrecy shall not be in relation to the driver of the vehicle or his deputy.

Excerpt from the Penal Code

§ 206 Penal Code - Violation of postal or telecommunications' confidentiality

(1) Anyone who makes a non-disclosure to another person, of facts that are subject to the postal or telecommunications' confidentiality and who have become known to him as the owner or employee of a company that provides business postal or telecommunications' services, shall be imprisoned for up to five years or punished with fine.

(2) a person who is the holder or employee of a company referred to in Paragraph 1 shall, also, be penalized

1. a dispatch which has been entrusted to such a company for transmission and is closed, opens or obtains its content without opening the closure, using technical means of knowledge,

2. a dispatch entrusted to such a company for transmission is suppressed or

3. one of the acts referred to in paragraph 1 or in point 1 or 2 shall be permitted or promoted.

(3) Paragraphs 1 and 2 shall, also, apply to persons who use

1. supervision tasks of a company, referred to in paragraph 1,

2. are entrusted with the provision of postal or telecommunications services by such undertaking or with its authorization

3. are responsible for the production of an operation serving the operation of such a company or are entrusted with work on it.

(4) Anyone who without authority, makes a statement to another person, about facts that he has become aware of as a non-post office or telecommunications' officer, on the basis of an authorized or unauthorized interference, with the postal or telecommunications' confidentiality shall be imprisoned for up to two years or punished, with a fine.

(5) Postal secrecy is subject to the circumstances of the postal traffic of certain persons and the content of postal items. The telecommunications' confidentiality is subject to the content of telecommunication and its circumstances, in particular the fact that someone is or has been involved in a telecommunications' operation. The telecommunications' confidentiality, also, extends to the circumstances of unsuccessful connection attempts.