Privacy Policy

for using the products and services of secupay AG as a contract partner

secupay AG (hereinafter referred to as "**secupay AG**" or "**We**") consider the protection of your personal data very seriously. We treat your personal data confidentially and in accordance with the statutory data protection regulations and particularly those of the General Data Protection Regulation ("**GDPR**") and German Federal Data Protection Act – Bundesdatenschutzgesetz ("**BDSG**"), our Data Protection declaration in relation with the use of our homepage at https://secupay.com/datenschutz as well as this Privacy Policy for using our products and services as contract partners.
If you are using our products and services as a contract partner, various types of personal data are collected and recorded. It refers to all products from secupay, including the POS-cash brand. Personal data refers to data with which you can be identified personally. This Privacy Policy describes the data that we collect and the purposes for which we use it.

1. Data Controller

secupay AG
Goethestrasse 6
01896 Pulsnitz – Germany
Telephone: +49 35955 7550-0
Mail: info@secupay.com

Represented by the Board of Directors Hans-Peter Weber, Leif Jensen, Eric Weiß

As the Data Controller in line with the GDPR, we define the purposes and means for the types of processing of personal data described here either on our own or jointly with others.

2. Contact information of the Data Protection Officer

In case you have queries and/or concerns on Data Protection, you can reach our Data Protection Officer at the contact information given below:

Ms. Dominika Juszczyk
IBS data protection services and consulting GmbH
Spaldingstraße 218, Kontor 218
20097 Hamburg – Germany
E-mail: privacy@secupay.com

3. Collecting and recording your data

Your data is collected on the one hand by means of information provided by you to us. In the process, for example, this may be data that you enter in a contact form or that you transmit to use in text form or with the help of a form or contract.

Our IT systems collect and record other data automatically or with your consent. This primarily includes technical data (e.g. Internet browser, operating system or time that the page was retrieved or displayed). This data is acquired automatically as soon as you enter this website.

4. Purpose and legal bases

4.1 Performance of our services

We process personal data that we receive in the course of business development or business relationship with you for performing our services, the execution of your orders as well as all activities necessary associated with the operation and administration of a financial transfer service provider (Article 6 para 1 (b) of the GDPR.) To meet the obligations in accordance with the Anti Money Laundering Act (Geldwäschegesetz) - GwG you data is processed on the basis of a legal obligation in accordance with Article 6 para 1 (c) of the GDPR.

The scope of processing your personal data is as follows:

Type of transaction / services	Data categories of the contract partner	Purpose of processing	Category of recipient
All products	Contract partner · company · bank account details · website · industry · transactions Person appearing or authorised to represent · first name · last name · address · date of Birth · Mail address · ID information · if required, copy of ID Beneficial owners · Surname · Forename · Place of residence · ID-Information · If required, copy of ID	Obligations in accordance with the GwG; Storage at secupay for using the contractually agreed service;	Money Laundering reporting centre, to the payment development and authorization of banks involved, regulated service provider, BaFin, tax authorities, Data processors regarding support services
	Anonymized or pseudonymized payment data, contract data, and technical identification data	· Protection of legitimate interests (Art. 6(1) (f) of the GDPR): · Ensuring digital operational resilience · Troubleshooting · Continuous improvement and ensuring product functionality	· Software Development · IT Security Service Provider
Payment initiation services	· company · first name · last name · address · if required, bank account details (in case of direct clearing) · E-mail address	provision of the contractually agreed service	Payment initiation services
Terminal management and authorisation at the POS	· company · first name · last name · address · if required, bank account details (in case of direct clearing) · E-mail address	provision of the contractually agreed service	Networking companies
secupay Acquiring / Credit card acceptance contracts	· company · first name · last name · address · E-mail address · website · industry	provision of the contractually agreed service	Acquirers, credit card processors and credit card organisation
secupay Collecting – Payouts	· company or name of the account holder · bank account details · names and addresses of those with financial authorisation	provision of the contractually agreed service	Executing banks
Debit notes and incoming transfers	· company or name of the account holder · bank account details · names and addresses of those with financial authorisation	provision of the contractually agreed service	Executing banks
Factoring e.g. On-account purchase, debit note with payment guarantee	· first name · last name · address · date of birth · E-mail address · telephone number	provision and purchase of an invoice amount	Credit agencies, factoring partners
	· first name · last name · IBAN	Payment processing	Executing banks

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HRB 27612, District Court Dresden · Management Board: Hans-Peter Weber, Leif Jensen, Eric Weiß · Chairman of the supervisory Board: Peter Rauscher
Payment institution under the German Payment Services Supervision Act (ZAG) BaFin No.: 126737 · VAT Reg No: DE209853849

Type of transaction / services	Data categories of the contract partner	Purpose of processing	Category of recipient
Issuing of debit cards and processing of card payments	· first name · last name · address · date of birth · if required, ID card number · if required, nationality	Obligations in accordance with GwG	Credit card organisations
	· E-mail address · telephone number	Online payments and usage of Google Pay or Apple Pay	

Provided that it is necessary for providing our services, we process data received permissibly from other organisations or from other third parties (e.g. infoscore GmbH). In addition, we process personal data that we have obtained from publicly accessible sources (e.g. List of debtors, land registers, trade and association registers, the press and other media) and which we are permitted to process.

Relevant personal data may include the following:
· Personal data (Name, date of birth, place of birth, nationality and equivalent data)
· Contact data (Address, E-mail address, telephone number and equivalent information)
· Authentication data (Identification, registration and equivalent information)
· Current accounts and credit card information
· Information about your financial situation (creditworthiness information including scoring data, i.e. assessment of the credit risk).

4.2 Use our services and business communication

The processing for the purpose of providing our services and business communication takes place to meet the requirements of the contract in accordance with Article 6 para 1 (b) of the GDPR, for meeting legal obligations according to Article 6 para 1 (c) of the GDPR as well as for securing our justified interests according to Article 6 para 1 (f) of the GDPR. Our justified interests include compliance with the contract as well as the enforcement, exercise and defence of legal claims. If you are already a customer with us, we already have a justified interest to have a publicity-related communication sent to you for our own similar products provided that you have not denied the use of your data. Above this, the processing in certain cases may, about which we shall notify you separately, also take place on the basis of your consent according to Article 6 para 1 (a) of the GDPR or Article 9 para 2 (a) of the GDPR.

If you conclude a contract with us directly as a natural person, we shall collect and record all personal data that is necessary for establishing, performing or terminating the contract. This is also applicable if you are negotiating or concluding a contractual agreement on behalf of another natural or judicial person.

Provided that we do not collect the data directly from you, we receive personal information about you (name, salutation), contact information (e.g. E-mail, telephone) and contract-related data from third parties, who you have appointed as a contact partner or person responsible for establishing, executing or ending the contractual relationship.

For the execution of the contract, the administration of the customer relationship, processing of enquiries as well as the verification and settlement of services provided, we process personal data to the extent that it is necessary. In addition, we process this data in order to facilitate reasonable risk management as a legal person as well as for controlling and complying with other legal regulations (e.g. Trade and tax laws).

As a legal person, we are obliged to comply with various legal regulations, especially those pertaining to trade and tax laws. Additionally, based on our activities, additional measures to combat money laundering, to ensure IT security for the critical infrastructure or the cooperation with audits as a significant outsourcing may be necessary in line with financial supervision.

You are not obliged by law or contractually to provide the personal data. Without the information requested by us, availing of our services is not at all possible or possible only to a limited extent.

4.3 Enquiries by E-mail, contact form and telephone

If you send us enquiries via e-mail, telephone or contact form, your information is used by us for the purpose of processing the enquiry and in case of subsequent matters or issues. We do not disclose this to others or share it with them without your consent. The processing of your data takes place on the basis of Article 6 para 1 (b) of the GDPR provided your enquiry is concerned with fulfilling a contract or if it is necessary for carrying out measures prior to conclusion of the contract. In all other cases, the processing is based on our justified interest on effective processing of the enquiries sent to us (Article 6 para 1 (f) of the GDPR) or on your consent (Article 6 para 1 (a) of the GDPR) provided that this has been requested; the consent may be revoked with the effect for the future.

The data collected from you remains with us until you request us to delete them, revoke your consent for storage of the data or the purpose for data storage no longer exists (e.g. after processing of your enquiry has been completed). Compulsory statutory provisions – especially the time periods for storing the data – remain unaffected.
For contacting us you are obliged neither contractually nor by law to provide the data. The processing of the enquiry is not possible without information regarding certain personal data (compulsory fields), which means that contact cannot take place without providing this information.

4.4. Handling of your rights as a data subject

The processing takes place for the purpose of ensuring the rights of the data subject on the basis of meeting legal obligations according to Article 6 para 1 (c) of the GDPR as well as for securing our justified interests according to Article 1 (f) of the GDPR. Our justified interest includes enforcing, exercising or defending legal claims.

If you contact us in order to enforce your rights as a data subject, we collect and record all personal data from you that you provide to us in the course of the enquiry. Alternatively, we may also receive the data from third parties if you have appointed someone to enforce your rights on your behalf (e.g. authorized representative, attorney, adviser or attendant) or if you have contacted other agencies in advance (e.g. Data Protection officer).

We process this data in order to ensure your identity, to verify the usability of the respective rights, to implement your rights and to communicate with you.

You are under no statutory or contractual obligation to provide your data. However, without providing certain information, which enable your identification or the implementation of your rights, processing of your enquiry is either not possible at all or possible only with restrictions.

5. Transfer of personal data
At secupay AG, only such persons receive knowledge of your personal data who are responsible for its processing (e.g. administrators, administrative assistants).

Certain activities are not carried out by us on our own but by service providers appointed as processors in accordance with Article 28 of the GDPR. These processors are selected carefully by us, bound contractually and verified regularly.

For fulfilling the contract (depending on the type of service) your data is shared with the recipients mentioned in the table.

In certain specific cases, we share personal data with third parties (e.g. legal advisers, auditors, Data Protection Officer, authorities, Courts), provided that this is legally permissible.

Sharing data with recipients in third countries outside the EU/EEA or with international organisations take place only provided that this is necessary for the respective processing and that it is legally permissible. In these cases, sharing takes place on the basis of an adequacy decision adopted by the EU or if this is not available, on the basis of standard clauses agreed or binding corporate rules. Provided that the above-mentioned guarantees are not present, sharing data with third countries outside the EU/EEA is based on an exception according to Article 49 para 1 of the GDPR (express consent, contract fulfilment, enforcement, exercising or defending legal claims).

6. Is there automated decision-making in individual cases (including profiling)?
If you use our payment services, we transmit your data (Name, address and date of birth) for creditworthiness checking and address verification to the companies included in the Association of Vereine Creditreform e.V., Hammfelddamm 13, 41460 Neuss, in summary infoscore Consumer Data GmbH, Rheinstraße 99, 76532 Baden-Baden, Creditreform Munich Ganzmüller, Groher & Kollegen KG, Machtlfinger Str. 13, 81379 Munich and Creditreform Dresden Aumüller KG,Augsburger Str. 4, 01309 Dresden.

The legal basis for sharing this information is provided in Article 6 para 1 (b) of the GDPR.

Information about particularly sensitive data according to Article 9 of the GDPR is not processed.

7. Storage periods
To ensure the principle of storage limitation according to Article 5 para 1 (e) of the GDPR, we store personal data in a form that enables the identification of data subjects only as long as it is necessary for the respective legal purposes.

The following time periods for storage were defined by us:
· Server log files are saved for periods between one week and one year

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depending on the security requirement and then deleted automatically;
- technically necessary cookies are deleted at the end of a session (e.g. Closing the browser) or after reaching the maximum age defined or manually by the user in the browser;

Personal data that have to be saved due to trade or tax regulations in accordance with Article 147 of the AO, Article 257 of the HGB (Commercial Code), are not deleted before the expiry of 6 years, 8 years or 10 years. Storage for longer periods takes place for enforcing, exercising or defending legal claims, e.g. for tax, audit or administrative procedures that have not been completed or closed.

Personal data that we process for enforcing, exercising or defending legal claims, are generally deleted after 3 years (normal limitation period in accordance with Article 195 of the BGB - German Civil Code); in certain cases (e.g. Compensation claims), the limitation period is 10 years or 30 years from the occurrence of the claim according to Article 199 of the BGB - German Civil Code), wherein the maximum storage period is 30 years from the time of the event causing the loss or damage.

8. Your rights as a data subject

8.1 Right to information
Under the requirements of Article 15 of the GDPR you have the right to request for a confirmation from us about whether your personal data is being processed. If this is the case, you have the right to information in accordance with Article 15 para 1 of the GDPR including a copy of your data according to Article 15 para 3 of the GDPR provided that the rights and freedom of other persons is not being affected or impaired. This includes business secrets, rights to intellectual property or copyright.

The right to information may be restricted or denied in accordance with Article 34 of the GDPR. In this case, we shall notify you the reasons for the denial.

8.2 Right to rectification
Under the requirements of Article 16 of the GDPR you have the right to request us for prompt correction of incorrect personal data pertaining to you as well as for the completion of incomplete data depending on the purpose of processing the data.

Provided that this is not impossible or associated with disproportionate level of cost or effort, we notify all recipients, who we have shared your personal data with, about the correction. According to Article 19 para 2 of the GDPR you have the right to be notified about these recipients.

8.3 Right to erasure
Under the requirements of Article 17 of the GDPR you have the right to demand from us that your personal data is deleted. We are obliged to delete your data provided that one of the reasons in accordance with Article 17 para 1 of the GDPR is applicable.

If we have made your personal information public and if the obligation for deletion is applicable, we shall implement reasonable measures in accordance with Article 17 para 2 of the GDPR in order to notify others responsible, if you have requested deletion of all links to this data or copies and replications thereof.

Provided that this is not possible or is associated with a relatively high level of cost and effort, we shall notify all recipients with whom we have shared your personal data about the deletion. According to Article 19 para 2 of the GDPR you have the right to be notified about these recipients.

According to Article 17 para 3 of the GDPR you do not have the right provided the processing of your personal data is necessary for reasons mentioned there. This is particularly applicable if the storage of your data continues to be prescribed based on statutory obligations for the storage (Article 17 para 3 (b) of the GDPR) or your data is required for the enforcement, exercise or defence of legal claims (Article 17 para 3 (e) of the GDPR).

Similarly, you also do not have the right to deletion in accordance with Article 35 para 3 of the BDSG if the storage of your data is necessary due to obligations in accordance with statutes or contractual data storage obligations. In addition, the right to deletion may also be restricted according to Article 35 para 1 of the BDSG. In this case, the processing of your data shall be restricted according to Article 18 of the GDPR.

8.4 Right to restriction of processing
Under the requirements of Article 18 of the GDPR you have the right to demand restriction on processing the data if one of the requirements mentioned there is met.

If processing of your data was restricted, your data will continue to be stored in accordance with Article 18 para 2 of the GDPR, but it will be processed in another way only if you give your consent for this purpose of if this is required to enforce, exercise or defend legal claims, or to protect the rights of another natural or judicial person or for reasons of an important interest of the EU or a member state.

If your data was restricted, you would receive a notification before the restriction is revoked. Provided that this is not possible or it is associated with a disproportionate amount of costs and/or effort, we shall notify all recipients to whom we have disclosed your personal data about the restriction. According to Article 19 page 2 of the GDPR you have the right to be notified about these recipients.

8.5 Right to data portability
Under the requirements of Article 20 of the GDPR you have the right to receive your data, which you have provided to us, in a structured, commercially prevalent and machine-readable format, and you have the right to share this data with another responsible agency without any hindrance by us, provided that the processing is based on your consent in accordance with Article 6 para 1 (a) of the GDPR and the rights and freedom of other natural persons are not affected or impaired by this.

8.6 Right to object
Under the requirements of Article 21 of the GDPR you have the right, based on reasons arising out of your special situations, to file an appeal against the processing of your personal data provided that this takes place on the basis of our justified interest in accordance with Article 6 para 1 (f) of the GDPR.

The right to contest or appeal according to Article 21 para 1 of the GDPR is not applicable if we prove that we have protection-related reasons for the processing, which outweigh your interests, rights and freedom or if the processing is necessary for enforcing, exercising or defending legal claims.

Regardless of this, in accordance with Article 21 para 2 of the GDPR you have the right to contest or appeal against the processing of your data for the purpose of direct advertising including profiling in connection with direct advertising. In this case, we shall no longer process your data for the purpose of direct advertising.

8.7 Withdrawal of consent
If the processing of your personal data is based on a consent in accordance with Article 6 para 1 (a) of the GDPR, you have, in accordance with Article 7 para 3 of the GDPR, to revoke the right of your consent with effect from the future.

8.8 Automated decision making according to Art. 22 GDPR
According to Article 22 para 1 of the GDPR you have the right not to be subjected to a decision based only on automated processing – including profiling – if this unfolds legal impact against you or it affects or impairs you considerably in a similar way.

8.9 Right to complain according to Art. 77 GDPR
Regardless of other legal remedies under administrative law you have the right to appeal with a supervisory authority in accordance with Article 77 of the GDPR, if you are of the view that the processing of your personal data infringes on the GDPR. You may contact any supervisory authority, especially in the member state of your customary place of residence, your workplace or of the location of the alleged violation, including the supervisory authority in charge for us - Saxonian Data Protection and Transparency Officer, Maternistraße 17, 01067 Dresden, https://www.datenschutz.sachsen.de/.

9. Security of personal data
We have implemented a comprehensive information security programme that includes technical and organisational measures in order to secure and to protect your data. We apply the following security measures in particular in order to protect your personal data from unauthorised access, release, use or modification:

- Encryption of the personal data
  - You can identify an encrypted link from the address line of the browser with “https://” replacing the “http://” and from the lock icon in the browser line. If the SSL or TLS encryption is enabled, the data that you transmit to us cannot be read or intercepted by third parties.
  - Storage of important information such as passwords in accordance with their encryption
- Countermeasures against attacks by hackers
- Preparation and execution of the internal security management plan
- Installation and Operation of an access control system
- Measures for preventing falsification or modification of access data

Nevertheless, based on the constantly changing technology and other factors that are beyond our control, we cannot guarantee that the communication between you and our servers is free from unauthorized access by third parties or that we are not affected by security infringements.

This Privacy Policy is applicable with effect from 04/03/2026 and supersede all previous versions.

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