



Intervention procedure for non-compliance with the GDPR

1.- Purpose.

The purpose of this procedure is to determine the actions to be taken with regard to the prevention, resolution and monitoring of situations in relation with the protection of personal data, in compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council (hereinafter, GDPR).

This procedure is divided into actions grouped into:

- Actions to prevent breaches related to the protection of personal data.
- Actions to intervene in the event of non-compliance.

2.- Scope.

This procedure applies to all personnel working for Schmidt-Clemens Spain, irrespective of the type of employment relationship.

It also applies to all agents who interact with the company (such as suppliers, clients, consultants, visitors, etc.) both in their usual operation and in specific cases.

3.- Statement of principles and intentions in relation to the rights and obligations arising from the GDPR.

Schmidt-Clemens Spain in its compliance with the obligations derived from the GDPR has drawn up the following protocol based on the data protection policy established by the same and which can be found at the following url: <https://www.scspain.com/rgpd>.

This statement shall be brought to the attention of all Schmidt-Clemens Spain personnel and compliance with it shall be their responsibility.

4.- Complaints Committee.

The Complaints Committee shall be responsible for receiving complaints about breaches of the rights and obligations deriving from the GDPR and for issuing the mandatory report once the procedure has been completed.

The Committee shall be made up of five members.

In the event that any of the members of the Committee is involved in a complaint for non-compliance with the rights and obligations derived from the GDPR, he/she will temporarily cease to be part of the Committee. The other members must determine whether or not to nominate a substitute for this process. These points must be set out in writing in the response of the Complaints Committee (Appendix I), as well as the name of the substitute, if any.

5.- Preventing non-compliance with the rights and obligations arising from the GDPR at work.

The following measures will be implemented to prevent any breach of the GDPR:

- a) Make known the statement of principles and intentions in relation to the rights and obligations arising from the GDPR.
- b) Spread the procedure for dealing with situations of non-compliance so that all staff know how to act.
- c) Develop all necessary measures for the implementation of the procedure for dealing with situations of non-compliance.



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- d) Train staff, especially managers or middle managers, on data protection policy, especially on how to detect such situations and how to intervene.
- e) Incorporate information of this protocol in the "reception plan".

These measures may be complemented by other measures not included in this procedure.

6.- Action in situations of non-compliance with the GDPR.

6.1.- Preliminary procedure.

It is recommended that the person who considers himself/herself affected by an inappropriate use of his/her personal data should, in the first instance, try to solve the issue through direct dialogue with the person or group of persons involved.

If this channel is not considered adequate, or if the proceedings are unsuccessful or unnecessarily prolonged, the person concerned may submit a written complaint to the Complaints Committee.

6.2.- Complaint to the Complaints Committee.

Anyone who considers themselves to be the victim of a situation of inappropriate use of their personal data may submit a written complaint to the Complaints Committee in person or by email to rgpd@schmidt-clemens.com. To do so, please complete the form provided in Appendix I.

For the purposes of this procedure, complaints that are not made in writing, are made anonymously or do not contain a list of facts that could constitute such a situation of non-compliance shall not be taken into consideration.

The complaint may be submitted in writing by the person concerned, or by his or her representatives, with his or her previous express consent.

Whoever receives the complaint shall notify the rest of the Committee to evaluate the existence or non-existence of the non-compliance, initiating or rejecting the action. In the event of refusal, reasons must be given for such refusal and the person concerned must be notified.

In cases where there is a complaint and sufficient evidence of non-compliance, precautionary measures deemed appropriate and proportionate shall be taken until the procedure is closed.

The Complaints Committee may request these reports if they are considered necessary to clarify the complaint. In turn, the interested parties may, at any time, submit allegations and provide documents or other elements to be taken into account.

Any interested party may act with external advice when considered appropriate in the defense of its interests.

Whoever participates in the process, whose intervention is necessary and required, shall take the necessary measures to ensure full respect for the principles of contradiction and equality in the procedure. They shall also be responsible for ensuring confidentiality in their actions and the rights of all persons concerned.

The final report shall be submitted to the management of the company for appropriate action if necessary, and the persons concerned shall be informed of the relevant decisions.

The actions recommended to be taken in the report, which may consist of organizational and/or disciplinary measures, shall be carried out as quickly as possible by the persons or departments concerned.



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Approved by:
Complaints Committee.

Murieta, 5 November 2020.



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Appendix I

Complaint form for breach of rights and obligations deriving from the GDPR	
Schmidt-Clemens Spain, S.A.U.	Investigation nº: __ / 20__
Name:	Signature:
Relation with the company:	Date: __ / __ / __
Description of the facts:	
Received from the representative of Complaints Committee:	Signature:
	Date: __ / __ / __
Response from Complaints Committee:	Signature:
<i>Attach annexed documents if necessary.</i>	Date: __ / __ / __
Received from the complainant:	Signature:
	Date: __ / __ / __

Please complete this form and give it to any member of the Complaints Committee at Schmidt-Clemens Spain, S.A.U. or send it to the email address rgpd@schmidt-clemens.com. The identity of the complainant will be preserved at all times.



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We inform you that the personal data included in the internal complaint that you submit, as well as those that may be provided in connection with the management and investigation of the same, will be treated in accordance with the following Privacy Policy:

Data Controller. Schmidt-Clemens Spain, S.A.U. located at Pol. Industrial nº2 · 31280, Murieta (Navarra), with telephone number 948 534 600 and email address rgpd@schmidt-clemens.com.

Purpose of the data processing. Management and investigation of complaints made through the Company's complaints intervention procedure.

Legal basis for the processing. Performance of a task carried out in the public interest or in the exercise of official authority in accordance with article 6.1.e of Regulation 2016/679.

Retain period. The data will be kept for the time necessary for the management and investigation of the complaint filed and, for a period not exceeding 30 days, once this period has elapsed, the data will be blocked and subsequently destroyed in accordance with the regulations in force.

Personal data recipients. Unless legally obliged or required by the administration and/or jurisdictional authorities, the communication and/or transfer of data to third parties is not envisaged. However, the data may be communicated to third parties necessary for the investigation of the reported event or, where appropriate, the initiation of disciplinary or judicial actions, such as the State Security Forces and Corps.

Data subject rights. The data subject might at any time, exercise the right of access, rectification, erasure, restriction of processing or opposition. The exercise of the aforementioned rights may be made by means of a written request addressed to the data controller at the e-mail address rgpd@schmidt-clemens.com, in accordance with the terms of the legislation in force. Likewise, a complaint may be lodged with the competent supervisory authority, which in Spain is the Spanish Data Protection Agency (www.aepd.es).