



ON! TRACK - DATA PROCESSING AGREEMENT (DPA) - FREQUENTLY ASKED QUESTIONS

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At Hilti, trust is our number one value. Nothing is more important than the success of our customers and the protection of our customers' data. We know you may have questions about the Data Processing Agreement (“DPA”) that Hilti offers to its customers, when subscribing to On! Track. To help you develop a better understanding of the Hilti DPA, we have created this FAQ to answer some of the most common questions we are asked. All defined terms used in this FAQ are as set out in the DPA.

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GENERAL

a. Does Hilti make a DPA available to its Customers?

Yes, Hilti offers a DPA to its Customers. The DPA is an agreement that sets out the legal framework under which Hilti processes **Customer Personal Data**. The DPA covers all of Hilti's On! Track services and forms an addendum or exhibit to the Software and Services Subscription Agreement ("**Agreement**") between Hilti and its Customer.

b. Why can my organization not use its own DPA?

The Hilti DPA is specific to Hilti's On! Track services and covers our processes in relation to these. For example, the DPA covers our processes around privacy related notifications, audits, certifications, security measures, and sub-processing activities, all of which are aligned to the way in which Hilti's services and its infrastructure work. The Hilti DPA is also drafted to seamlessly interoperate with the Agreement and other relevant Hilti documentation.

c. What is the scope of the DPA?

Although the DPA uses certain terminology from specific laws, e.g. Controller and Processor from the GDPR, it covers Customers globally and sets out relevant legal obligations and commitments related to the processing of Customer Personal Data.

d. Does the DPA apply to my organization if we don't have offices in Europe?

Yes, the majority of the DPA applies to Customers regardless of their connection to the European Economic Area ("**EEA**"), Switzerland and the United Kingdom ("**UK**") (together, "**Europe**"). Most of the commitments in the DPA are general privacy-related commitments that are not only specific to European laws.

e. What are Hilti and the Customer's respective roles under the DPA?

Hilti acts as the Processor with respect to Customer Personal Data submitted by Customers to Hilti's services. The Customer acts as a Controller of such Customer Personal Data. This is set out in the DPA at Section 2.1 ("*Scope of the Processing*").

f. What's the scope of Customer Personal Data being processed?

All data processing operations are being described in the Services Description and Service Specific Terms of ON! Track (available [here](#)).

Furthermore, it is the Customer as the data controller to control what kind of Customer Personal Data is actually being processed by Hilti.

g. Why do we need a new DPA and what has changed?

The new DPA is needed to address the European High Court decisions on Schrems II and to implement the associated EDPB Recommendations 01/2020. Besides the changes that resulting therefrom, Hilti has updated (i) the processing operations and the (ii) engaged sub-processors (available [here](#)).

h. How do Customers execute the DPA?

When executing the Agreement, also the DPA, which forms an integral part of the Agreement, is being entered into. Furthermore, reference is made to Section 8.g below.

2 DATA SUBJECT REQUESTS

How does Hilti handle requests from Data Subjects?

If Hilti receives a Data Subject Request from a Customer's customer or end user, Hilti will, to the extent legally permitted, ask the Data Subject to contact the Customer directly about the request. Hilti will also, in accordance with the commitments set out in our DPA, promptly notify the Customer although we will not further respond to the Data Subject Request without the Customer's prior consent.

3 SUB-PROCESSORS

a. Does Hilti use Sub-processors?

An effective and efficient performance of Hilti's services requires the use of sub-processor. These sub-processors can include affiliates of Hilti as well as third party organizations. Hilti's use of sub-processors may require the transfer of Customer Personal Data to sub-processors for purposes like hosting Customer Personal Data, providing customer support, and ensuring the services are working properly. As described in the DPA, Hilti takes responsibility for the actions of its sub-processors.

Up-to-date information about all processing operations of each sub-processor can be found in the Services Description and Service Specific Terms of ON! Track (available [here](#)).

b. How does Hilti notify its Customers of new Sub-processors?

Hilti will notify all Customers of a new sub-processor before authorizing the new sub-processor to process Customer Personal Data. Customers may object to the intended use of a new sub-processor using the procedure set out in Section 7.2. of the DPA ("*Engagement of sub-processors*").

4 TECHNICAL AND ORGANIZATIONAL MEASURES

What security measures are in place to protect Customer Personal Data?

Hilti maintains appropriate technical and organizational measures to protect Customer Personal Data, as set forth in the Annex 1 to the DPA ("*technical and organizational measures*").

5 SECURITY BREACH NOTIFICATION

How would Hilti notify its Customers in the event of a security breach?

Hilti maintains security incident management processes. In Section 9.1 of the DPA ("*Notification and Support Obligations of Service Provider*"), Hilti commits to notify Customers without undue delay after becoming aware of the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to Customer Personal Data processed by Hilti or its sub-processors.

If your organization is impacted by a security breach, your organization will be notified.

6 GOVERNMENT ACCESS REQUESTS

What happens if Hilti receives a government access request in respect of Customer Personal Data?

At Hilti, trust is our number one value. The protection of Customer Personal Data is paramount, and we safeguard that data with a robust, comprehensive, and transparent privacy and security program. Our privacy and security program is designed to protect Customer Personal Data against unauthorized access or disclosure.

Hilti may on occasion receive a request from a government agency or law enforcement authority seeking access to data belonging to a Customer. Hilti is not the owner of Customer Personal Data and, accordingly, if we receive a government request for Customer Personal Data, if permitted by law, we try to refer the request to the affected customer so that the Customer can work with the governmental agency directly to

respond. We do not disclose Customer Personal Data to government agencies unless compelled by law and we also challenge unlawful requests.

7 RETURN AND DELETION OF CUSTOMER DATA

What happens to Customer Data after termination or expiration of an agreement with Hilti?

After termination or expiration of the Agreement and/or of the DPA, Hilti will delete the Customer Personal Data promptly, unless and to the extent being obligated by applicable law to further store certain Customer Personal Data. If Customer would prefer the Customer Personal Data to be returned, then Customer must inform Hilti to extract the Customer Personal Data by itself.

8 EUROPEAN DATA TRANSFERS

a. What is a transfer mechanism?

Under European privacy laws, Personal Data cannot be transferred outside of Europe unless (i) the importing country has been deemed adequate by the relevant governmental body; or (ii) the data exporter has appropriate safeguards in place to ensure that the Personal Data transferred is subject to an adequate level of data protection. The “appropriate safeguards” include transfer mechanisms such as standard data protection clauses (i.e. the Standard Contractual Clauses) and binding corporate rules.

b. Which transfer mechanisms does Hilti offer in its DPA?

Hilti has incorporated into its DPA:

- Standard Contractual Clauses published in 2021 (the “**2021 SCCs**”) - legal contracts entered into between contracting parties who are transferring personal data outside of jurisdiction to countries that have not been deemed adequate.

c. Does the DPA include the 2021 SCCs?

Yes, Hilti has updated its DPA to incorporate the 2021 SCCs by way of reference.

d. How does the latest DPA address the *Schrems II* decision and associated EDPB Recommendations 01/2020?

The DPA contains the following commitments:

- **2021 SCCs.** The DPA incorporates the 2021 SCCs, allowing Customers to apply the protections in the 2021 SCCs to Customer Personal Data transferred outside of Europe as being set forth in Section 7.4. of the DPA (“Engagement of sub-processors”).
- **Compliance with local laws.** Under the DPA, and the 2021 SCCs, Hilti commits that it has no reason to believe that any local laws applicable to Hilti would prevent Hilti from fulfilling its obligations under the DPA or 2021 SCCs. Hilti will notify Customers if it no longer believes that it can make this commitment.
- **Government access requests.** In addition to the commitments made in the 2021 SCCs, the DPA further includes a government access request clause (Section 4.4.=) that requires Hilti to notify Customers of any government access requests applying to Customer Personal Data, unless legally prohibited.
- **Transfer impact assessments.** Transfer impact assessments have been conducted for all Customer Personal Data processing operations being subject to third country data transfer.
- **Security.** Hilti commits to implement appropriate technical and organizational safeguards to protect Customer Personal Data as well as to implement additional safeguards, where according to Hilti’s latest assessment currently no such additional safeguards are required. Future changes (if any) hereto will be made available [here](#).

e. Which Module of the 2021 SCCs applies to my relationship with Hilti?

Hilti has incorporated Module 3 (Processor to Processor) of the 2021 SCCs into the DPA.

f. Why are the 2021 SCCs not attached to the DPA?

Due to (i) the 2021 SCCs not being directly applicable to Customer`s and Hilti`s contractual relationship, but only if Hilti engages non-EU sub-processors for the provisioning of the services and (ii) due to the length of the 2021 SCCs, Hilti has chosen to incorporate the 2021 SCCs by reference into the DPA. A complete copy of the SCCs is set out [here](#).

g. How do Customers enter into the 2021 SCCs?

Hilti has updated its DPA to incorporate the 2021 SCCs. Newly signed Agreements will therefore include the 2021 SCCs. For Customers with an existing Agreement and DPA in place, Customer will together with an Agreement`s Change Notification be provided with the new DPA, where the new DPA shall entirely replace the existing DPA and shall become applicable, unless objected by Customer within two (2) weeks prior not the Change Notification becomes effective.

h. What if I have additional questions not answered in this FAQ?

If you have additional questions, please contact your Hilti customer support team available [here](#).