



Obligation to protect confidential information pursuant to section 203 StGB (German Criminal Code)

(1) As part of its contract with the Customer, the Contractor will be processing data, including confidential information as defined in section 203 of the German Criminal Code (StGB) (hereinafter referred to as “professional secrets”), and as such will be participating in the occupational duties of a person with professional secrets.

The Contractor undertakes to maintain silence about professional secrets and not to gain any knowledge of such secrets except to the extent absolutely necessary to perform his assigned duties.

The Customer hereby informs the Contractor that persons participating in the occupational duties of a person with professional secrets may be liable to prosecution pursuant to section 203(4)(1) StGB if they disclose, without authorization, a professional secret that they learned in the course of performing their duties.

Such persons may furthermore be liable to prosecution pursuant to section 203(4)(2) StGB if they use the services of other individuals without requiring them to maintain silence and such individuals then unlawfully disclose a professional secret that they learned in the course of performing their duties.

(2) The Contractor is responsible for ensuring that all employees coming into lawful contact with professional secrets, or for whom such contact cannot be excluded, are obliged to maintain secrecy and that they are notified of the penal consequences of violating this obligation pursuant to section 203(4) StGB.

(3) Any further subcontracting shall require the Customer’s prior consent. The following basic principles apply to subcontractors:

Outside of Germany, subcontractors may only be used to fulfill a contract if the level of protection of secrets that is in place in the country in question is comparable with that in Germany, except where a comparable level of protection is not required in view of the secrets concerned.

Any subcontractors must be carefully selected by the Contractor and, where professional secrets as defined in this Agreement become known to them during the course of their activities, they must be obliged in writing to maintain silence and made aware of the consequences of violating such obligations.

In addition, the Contractor shall pledge any subcontractors to oblige all individuals and sub-subcontractors employed by them coming into lawful contact with professional secrets, or for whom such contact cannot be excluded, to maintain silence in line with the aforementioned principles, and to alert them to the consequences of violating such obligations.

This obligation shall extend to all further subcontractors.

(4) The Contractor is advised that professional secrets in the Contractor’s custody are exempted from confiscation by German authorities as set out in section 97(2) of the German Code of Criminal Procedure (Strafprozessordnung, StPO). Data must not be surrendered to German authorities without the consent of the main customer (the custodian of professional secrets). In the event of confiscation by German authorities or by authorities of other countries, the Contractor must object and notify the Customer without delay.