

Privacy Policy - Customers

The company **Gurkerl.at GmbH**, based in 1230 Vienna, Gutheil-Schoder-Gasse 17 ("**Gurkerl.de**" or "**We**"), as the company responsible for data processing, informs our customers who purchase goods or use services offered in our e-shop, which is accessible via the web portal www.gurkerl.at or via the mobile application Gurkerl.de ("**Gurkerl.de E-Shop**"), about the processing of personal data described below and about our privacy policy.

To help you find your way around our privacy policy, we have provided an overview of the most important points in the sections below.

CHAPTER	WHAT WILL YOU LEARN THERE?
1. SCOPE OF THE PROCESSING OF PERSONAL DATA, PURPOSE AND LEGAL BASIS OF THE PROCESSING	Information on the processing of personal data for the purposes of: <ul style="list-style-type: none">- Answering inquiries, questions, suggestions, termination of the customer account- Invoicing- Create a customer account- Sending commercial messages- Satisfaction questionnaires- of recording telephone conversations- Sale of tobacco and alcohol products- Carrying out marketing analyses and statistics- Operation of the Gürkchen Club- Customization of the content of the e-shop Knuspr.de- Non-conclusion of contracts/cancellation of customer account
2. WHO HAS ACCESS TO YOUR PERSONAL DATA	Information about access to personal data: <ul style="list-style-type: none">- in general- in relation to payment services- regarding our partner pharmacies
3. PERIOD OF PROCESSING OF PERSONAL DATA	Information about the period of processing of personal data: <ul style="list-style-type: none">- for the purpose of contract fulfillment, the fulfillment of legal obligations- on the basis of a legitimate interest- within the customer account- for age verification- for the sending of commercial communications- Non-conclusion of contracts/cancellation of customer account
4. INFORMATION ABOUT COOKIES	Information about cookies and links to social media on the scope: <ul style="list-style-type: none">- Tools from third-party providers- Set cookies- Social media buttons- a link to a separate document with detailed information
5. CONSENT TO MARKETING	In this chapter you will find information about: <ul style="list-style-type: none">- what consent to marketing is- which personal data we use in connection with the marketing consent- how we obtain approval for marketing- where you can change your marketing settings- who our partners are and what information we give them- how long we use personal data on the basis of marketing consent- which tools we use for targeted and personalized advertising

6. WHAT RIGHTS YOU HAVE IN RELATION TO YOUR PERSONAL DATA	Information about the rights you have in relation to your personal data: <ul style="list-style-type: none"> - Right of - Right to rectification - Right to erasure - Right to restriction of processing - Right of appeal - Right to lodge a complaint with a supervisory authority
7. FINAL PROVISIONS	Information on the effectiveness of and changes to the privacy policy and the contact details of the data protection officer

If you would like us to explain any part of the text to you, advise you or discuss the further processing of your personal data with you, you can contact us at any time at kunden@gurkerl.at or privacy@rohlikgroup.com .

1. SCOPE OF THE PROCESSING OF PERSONAL DATA, PURPOSE AND LEGAL BASIS OF THE PROCESSING

In this section, we inform you about which personal data we process about you. To make it easier for you, we have subdivided the section according to the purposes of processing. For each processing purpose, the legal basis that allows us to process the data is also listed. The legal basis is based on Article 6 of the General Data Protection Regulation (EU) 2016/679 (GDPR).

1.1 Response to inquiries, questions, suggestions

If you contact us with a request, question or suggestion, you may be asked to provide certain information about yourself or your company.

This data may include the following:

- a. First and last name,
- b. Address,
- c. Business name,
- d. registered office of the company,
- e. Identification number and tax identification number,
- f. Telephone number,
- g. E-mail address.

We use the information you provide to us to contact you and provide you with the information you request. The provision of personal data to respond to your requests, questions or the provision of required information is our obligation and failure to provide this data may result in us being unable to respond.

The legal basis for this processing is usually our legitimate interest, which is to process your request, inquiry or suggestion.

1.2 Completion of the order

If you purchase goods in the knuspr.de e-shop, we need your personal data in order to conclude and fulfill the contract.

These personal data are

- a. First and last name,
- b. Delivery address,
- c. Telephone number,
- d. E-mail address,

- e. Information about the goods ordered,
- f. Information on the choice of payment method,
- g. Payment card information,
- h. Communication with you, including any photos you provide to us (e.g. in the event of a complaint).

The provision of personal data for the purpose of fulfilling the contract is our contractual obligation and failure to provide it may result in the contract not being concluded.

When you shop in the Knuspr.de e-shop, we save the data you enter (mainly first and last name, delivery address, telephone number and e-mail address) for your next purchase so that you do not have to enter it again. We also save the products you have purchased in a "*My favorites*" list so that you can find these products more quickly the next time you shop at Knuspr.de. If you would like to access your order history under your e-mail, you can set a password for this.

The legal basis for this processing is the performance of a contract with you, the fulfillment of legal obligations applicable to us and the protection of our legitimate interest, which consists primarily in documenting the essential circumstances of our contractual relationship with you.

1.3 Create a customer account

If you create a password-protected customer account in the Gurkerl.at e-shop or use a customer account set up by us, we also process the personal data you provide via your account, including your purchase history in the Gurkerl.at e-shop, to manage your customer account, create a list of favorite items for your next purchase and customize the content of the website to make your purchase more convenient and faster (see chapter 1.10. Customizing the content of the Gurkerl.at e-shop below).

You can also access your customer account via **Facebook**. In this case, you do not have to fill in your data manually and we receive your personal data (your first and last name, your e-mail address), which we need to properly create a customer account for you on Facebook or Google, Apple. The personal data transmitted to us in this way will be used to the extent and for the purposes specified in your account settings on Facebook or in your Google or Apple account.

The legal basis for this processing is the fulfillment of a contract with you.

1.4 Sending commercial messages

If you become our customer, we are entitled to use your name, surname, e-mail address and telephone number to send you commercial communications by electronic means (e-mail, SMS), i.e. to inform you about the goods or services we offer, unless you have refused such communication on the basis of a legitimate interest and an exemption under Section 7(3) of Act No. 480/2004 Coll. on Certain Information Society Services. You can opt out of receiving commercial communications through the communication settings in your customer account as part of the registration process.

If you give us your consent, we may prepare special offers for you according to the category of goods you have already purchased from us. In this case, we will send you commercial communications to your e-mail about our goods and services and those of our partners, taking into account your purchases and preferences or otherwise tailored to select the goods and services that best suit your needs.

You can change your preferences, i.e. **opt out of receiving commercial communications, withdraw your consent or change the receipt of commercial communications at any time** via the communication settings in your customer account or by sending a message to **kunden@gurkerl.at**. You can also unsubscribe from receiving commercial communications by following the link provided in each of our commercial communications.

We may also send/provide you with our offers, information about news and discounts or other commercial communications:

- a. **by post**, we will process your name, surname and address for these purposes;
- b. **by telephone** (live call), we process your name, surname and telephone number for these purposes.

Please let us know if you do not wish to receive commercial communications from us by phone or post.

Legal basis:

If you are our customer and do not opt out of receiving commercial communications, the legal basis for the processing is our legitimate interest, which is primarily to promote the sale of our goods and services to our customers.

If you are our customer and refuse to receive commercial communications on the basis of a legitimate interest and then actively select the option to receive commercial communications in your customer account settings, the legal basis for the processing is your consent.

If you fill out a satisfaction questionnaire, a market survey, a questionnaire on the appropriateness of Gurkerl's e-shop offer, etc., we process the data you provide in the questionnaire/survey in order to improve the quality of our services. We add the completed satisfaction questionnaire to your order data after you have made a purchase. Completing the questionnaires/surveys is completely voluntary.

Legal basis:

If you are our customer and do not opt out of receiving satisfaction surveys, the legal basis for the processing is our legitimate interest in improving our services.

If you are our customer and refuse to receive satisfaction surveys on the basis of a legitimate interest and then actively select this option in the settings of your customer account, the legal basis for the processing is your consent.

1.6 Recording telephone conversations

When you communicate with us by phone, all our calls are recorded. The call recordings are stored in our internal system and, if you are a customer, linked to your customer account. The call recordings are primarily used to document the fulfillment of our contractual obligations, to fulfill your requests and to answer your questions. If you do not agree to the recording of calls, please answer no to the corresponding question at the beginning of the call.

The legal basis for this processing is our legitimate interest, which primarily consists of documenting the essential circumstances of our contractual (or other) relationship.

1.7 Sale of tobacco products and alcohol

If you buy tobacco products and e-cigarettes from us, we are legally obliged to check your age. We must ensure that tobacco products, smoking accessories, herbal smoking products or e-cigarettes are only sold by us to persons who are of the appropriate minimum age under the Youth Protection Act. When delivering a purchase containing a tobacco product and/or alcohol, the courier must ask the person accepting the purchase for identification. In order to be able to prove the age verification system to the control authorities, the courier enters the first name, last name, date of birth and the last four numbers of the ID card (we do not process the full ID card number) into our internal system.

The legal basis for this processing is the fulfillment of a legal obligation applicable to us.

1.8 Performing marketing analyses and statistics

If you give us your consent in the Knuspr.de e-shop, we will also process the personal data you provide, including your purchase history, to carry out marketing analyses and statistics. Giving this consent is voluntary and you are not required by law to give it. You can withdraw your consent at any time. The withdrawal of your consent does not affect the lawfulness of the processing of your personal data prior to the withdrawal.

The legal basis for this processing is your consent.

1.9 The operation of the Gürkchen-Club

In order to register for the Gürkchen-Club, it is necessary to provide information about your already born or expected child in the areas of child's name, date of birth/expected date of birth and gender. Providing this information is completely voluntary, but it is necessary for membership in the Gürkchen-Club, and you will not become a member of the Gürkchen-Club without filling in this information.

If you give us your consent, we will process the data you provide, including your purchase history and information about the fact that you are expecting a baby, that you have a child under the age of 12 and information about the child's date of birth and gender, also for the following purposes:

- a. Perform marketing analyses and statistics;
- b. sending commercial communications about our goods and services and those of our partners to your email, taking into account your purchases, preferences or otherwise tailored to select the goods and services that best meet your needs.

You can withdraw your consent at any time without affecting the lawfulness of the processing of your personal data prior to the withdrawal. Further information on the processing of personal data of Gürkchen-Club members can be found in a separate document, the current version of which is available [here](#).

1.10. Customizing the content of the Gurkerl.at e-shop

The Gurkerl.at e-shop uses your customer account number and your purchase history to show you customized content in the Gurkerl.at e-shop. Displaying personalized content simply means that your favorite products are displayed first in each product category to make shopping easier for you. The purpose of the processing is to offer the shopping service with as few clicks as possible. Please note that the service of enabling shopping with as few clicks as possible is an essential part of the Gurkerl.at e-shop. The display of personalized content does not serve the purpose of marketing, advertising or motivating the purchase of certain products.

We have carried out a data protection impact assessment for this processing in cooperation with our data protection officer to verify that this processing, which serves to provide you with a functional service that saves you time, does not pose an increased risk to your privacy.

The legal basis for this processing is the fulfillment of a contract with you.

1.11. Non-conclusion of contracts/cancellation of customer account

In the event that you have been our customer and we repeatedly register unpaid orders, fraudulent behavior or you have significantly harmed us in any way, we are entitled to refuse to provide you with services. For this purpose, we process your basic identification data, in particular your first and last name, your address, your e-mail address, your telephone number and your previous problematic behavior.

Legal basis:

The legal basis for this processing is our legitimate interest, which is to protect our legal rights and our business and to prevent further losses.

2. WHO HAS ACCESS TO YOUR PERSONAL DATA

We only disclose your personal data to authorized employees and cooperating persons or individual data processors or other data controllers, but only to the extent necessary to fulfill the individual purposes and on the basis of the relevant legal title for the processing of personal data.

These include, for example:

- a. external auditing companies;
- b. commissioned transportation company;

- c. external law firms;
- d. Processors who provide us with server, web, cloud marketing or IT services.

Please note that we are part of a group of companies managed by Rohlik Group a.s. with its registered office at Sokolovská 100/94, Karlín, 186 00 Prague 8, Czech Republic (the "**Group**"). All companies in the Group are based entirely in the EU. The sharing of personal data for internal administrative and operational purposes within the Group is based on the legal basis of Article 6(1)(f) GDPR, i.e. legitimate interest in accordance with Recital 48 of the GDPR.

2.1 Payment services

We make your personal data available to payment service providers to an appropriate extent, depending on the payment method you choose. Please note that the payment service provider may be in the position of an independent data controller and the processing of your personal data for the purpose of payment initiation (enabling payment from your account to our account) or payment via a payment gateway is then governed by the privacy policy of the respective payment service provider. These policies are available for the payment initiation service provider Everifin [here](#) and for the payment gateway provider Adyen [here](#)

2.2 "Pharmacy" section

If you purchase goods in the store of our partner pharmacy, we transmit your selected data to the respective partner pharmacy in order to process your order in the pharmacy. This includes information about the products you have purchased in the pharmacy section, as well as your first and last name, your telephone number, your e-mail address and your delivery address.

3. PERIOD OF PROCESSING OF PERSONAL DATA

We process your personal data for as long as we provide you with our services or fulfill a mutual contract, or as long as it is necessary to fulfill archiving or other obligations under applicable law, such as the Accounting Act, retention laws or the Value Added Tax Act.

After fulfillment of the contract (payment of the price and delivery of the goods), we will continue to process your personal data for our legitimate interests, i.e. the protection of our claims, for the necessary period, but no longer than 4 years.

We process personal data that we process on the basis of your consent until you withdraw your consent. To withdraw your consent, simply **send an email with the relevant request to kunden@gurkerl.at**.

3.1 Customer account

We process the personal data relating to your customer account, including the data contained therein, for the purpose of managing the customer account for as long as the account is active. For the purpose of sending you offers of our goods, we process this personal data until you delete your account or decline to receive our offers. If you create a customer account (or log in via Facebook) and do not make any purchases with us, we will process the data for 5 months after its creation. We keep the data about your purchases in your customer account for 4 years and then delete it, unless:

- a. you have made a purchase from us in the last 6 months; or
- b. you have logged into your customer account in the last 12 months; or
- c. if you have given us your consent to process your personal data.

3.2 Proof of age

We retain the personal data required to prove age verification for the sale of tobacco products and alcoholic beverages for 4 years from the date of the last purchase of tobacco products or alcoholic beverages.

3.3 Commercial communication

We process personal data for the purpose of sending commercial communications on the basis of a legitimate interest (direct marketing) for the duration of our contractual relationship and for a maximum of 12 months after its termination or until you object to this processing.

We process personal data for the purpose of sending commercial communications on the basis of your consent for as long as you have given your consent. You can object to the processing of your personal data for the purpose of sending commercial communications at any time without this affecting our other relationships. You can opt out of receiving further communications by clicking on the link contained in the commercial communication sent to you or by us an email to kunden@gurkerl.at with the relevant request. You can also easily specify how we may contact you and which areas are of interest to you via your profile in the "Communication settings" section.

3.4 Non-conclusion of contracts, termination of customer account

In the event that we are forced to deny you our services for the reasons described in section 1.14, we will retain the data necessary to protect our rights and legally protected claims for a maximum of 3 years.

4. ONLINE SERVICES AND SOCIAL MEDIA

We use both our own online services and third-party services on our website. The services generally use cookies or similar technologies. Cookies are small text files with short data that can be stored on the user's device when visiting a website. In the Gurkerl.at e-shop we use cookies for the following purposes:

- a. the reminder to the logged-in user;
- b. Add to shopping cart and order;
- c. practical web functions;
- d. Anonymized evaluation of user movements on the web;
- e. Customer chat;
- f. obtain voluntary feedback from users and
- g. Personalization of advertisements.

All personal data is processed in a lawful and transparent manner; only adequate, relevant and necessary data in relation to the purpose of the processing is required. You can find more information in the current version [here](#).

4.2 Settings of the online services

You can specify which online services you allow us to use in our consent management banner. You can change the settings for your online services at any time by reopening the consent management banner. You can also manage cookies in your browser settings. You can find out how to set cookies in the most common browsers under the following links:

- a. [Chrome](#)
- b. [Firefox](#)
- c. [Opera](#)
- d. [Microsoft Edge](#)

4.2 Buttons for social media

The social media buttons are mainly placed in the Gurkerl.at e-shop for possible interaction with social media in order to make the Gurkerl.at e-shop more interesting for you as a user. The connection with the respective social media is only established when you actively click on the respective button. In this case, your web browser initiates a connection to the servers of the respective social media.

5. MARKETING-CONSENT

5.1. Processing of personal data for the purpose of adapting our advertising and the advertising of our [partners](#) to your preferences

If you give us your consent to use your data (see below for the exact scope) to tailor our advertising and that of our [partners](#) to your interests, you allow us to show you advertising from us and our partners that we believe may be of interest to you. We call such consent "**marketing consent**".

If you give us marketing consent, we can evaluate the success of campaigns based on an analysis of your behavior using pseudonymized data. If you have given your consent, we may also use a unique identifier (user ID) to track your behavior on different websites, browsers or devices.

Please note that providing marketing consent is entirely voluntary and that failure to provide consent will not affect our business relationship in any way.

5.2. What personal data do we use in connection with marketing consent?

The specific data used for targeting and personalization depends on how the ad is targeted/customized. In most cases, the following categories of personal data are involved:

- Data about where you shop is mainly used for **geographical targeting**;
- Data about your previous purchases, your movements in our e-shop, your preferred product categories, whether you like special offers, how often you shop, what the average value of your order is, whether you are a member of one of our clubs (Premium, Rohlicek), whether you shop via the website or the app, etc. are used for **interest and behavioral targeting**

In addition, data about your reaction to the advertising displayed (e.g. clicks, switching to the e-shop, etc.) is processed in order to evaluate the success of the campaigns.

We use pseudonymized data for the targeting and personalization of advertising. Pseudonymization is the processing of personal data in which the data can no longer be associated with a specific person without the use of additional information, whereby this additional information is stored separately and is subject to technical and organizational measures that ensure that the data cannot be unlawfully associated with a specific person.

5.3. How do we obtain approval for marketing?

On the banner or our e-shop pages, you can decide whether to give us your consent via the active "Yes" field or not via the active "No" field. As soon as you have made your choice, the banner will be hidden. If you do not give us your consent, we will offer you the opportunity to give your marketing consent again 30 days after your refusal. From then on, we will leave it up to you to decide. If you change your mind at any time, you can change your preferences as described below.

5.4. Where can you change your marketing settings?

You can manage (grant/ revoke) your marketing consent at any time in the communication center of your profile on Knuspr.de. You can find the communication center under your initials (the symbol on knuspr.de top right) and then click on "My account". On the page that opens, you will find the "*Communication settings*" tab on the left.

5.5. Who are our partners and what data do we pass on to them?

Our partners are: Endemic advertisers (vendors), such as FMCG, and non-endemic advertisers (non-vendors), such as automotive, telecommunications, travel & hospitality, media & entertainment, consumer electronics & technology, financial services (banking, payments, insurance) and retail.

We do not share any of your specific data with our partners. The above-mentioned categories of personal data (as part of the advertising targeting method) are only used to create the so-called target

group segments for the display of a specific advertisement according to the parameters that we choose (if it is our advertisement) or that our partner gives us. The whole thing works on the basis of the data that we have at our disposal and that we have collected as part of your purchase and movement in the Gurkerl.at e-shop. We include you (via your device) in one of the target groups and show you the selected advertising (ours or that of our partner). We then use the data about your reaction to the display of the advertising to evaluate the success of a particular advertising campaign and to increase the effectiveness of the targeting/customization of the advertising.

5.6. How long do we use personal data with marketing consent?

If you give us your consent for marketing purposes, we will process your personal data for the duration of the consent (i.e. until it is withdrawn).

Please note that if you give us your consent, we will include all data (see categories above) that we have stored about you from the beginning of our business relationship in the processing.

5.7. Which tools are used for targeted and personalized advertising?

We use Criteo tools to target and personalize advertising outside the Gurkerl.at e-shop. However, only pseudonymized data is processed with the Criteo tools. [Criteo](#) is our data processor.

6. YOUR RIGHTS ARISING FROM THE PROCESSING OF PERSONAL DATA

You have the following rights in relation to the processing of your personal data by us:

- a. the right of access to personal data;
- b. the right to rectification;
- c. the right to erasure ("right to be forgotten");
- d. the right to restriction of data processing;
- e. the right to object to the processing; and
- f. the right to lodge a complaint about the processing of personal data.

Your rights are explained below so that you can get a better idea of their content.

You can exercise all your rights by contacting us at kunden@gurkerl.at or privacy@rohlikgroup.com.

You can complain to the supervisory authority if you feel that we are not processing your data properly. The Bavarian State Office for Data Protection Supervision is responsible for us. However, if you are in another federal state or not in Germany, you can also contact the data protection authority there.

6.1 Right to information

You can request confirmation from us at any time as to whether the personal data concerning you is being processed and, if so, for what purposes, to what extent, to whom it is disclosed, how long we process it, whether you have the right to rectification, erasure, restriction of processing or objection, where we obtained the personal data and whether automated decision-making, including possible profiling, takes place on the basis of the processing of your personal data. You also have the right to obtain a copy of your personal data, whereby the first provision is free of charge and we may charge reasonable administrative costs for further provision.

6.2 Right to rectification

You can ask us to correct or complete your personal data at any time if it is inaccurate or incomplete.

6.3 Right to erasure

We must erase your personal data if (i) it is no longer necessary for the purposes for which it was collected or otherwise processed, (ii) the processing is unlawful, (iii) you object to the processing and there are no overriding legitimate grounds for the processing, or (iv) we are required to do so by law.

6.4 Right to restriction of processing

Until we have resolved the problems with the processing of your personal data, we must restrict the processing of your personal data so that we can only store it and, if necessary, use it for the establishment, exercise or defense of legal claims.

6.5 Right to object

You can object to the processing of your personal data that we process for direct marketing purposes or on the basis of a legitimate interest. If you object to processing for direct marketing purposes, your personal data will no longer be processed for these purposes.

7. FINAL PROVISIONS

7.1 Contact information of the data protection officer

If you have any questions about the processing of your personal data, you can contact our data protection officer, this is legal data Schröder Rechtsanwaltsgesellschaft mbH, Prannerstraße 1, 80333 Munich, Germany, e-mail: datenschutz@legaldata.law, phone +49 (0)89 954 597 520.

7.2 Effectiveness, updates

This privacy policy has been valid since May 25, 2018 and is constantly updated.

Last update: January 2025