

PRIVACY STATEMENT

1. XXImo and XXImo Group

The German XXImo GmbH (hereinafter referred to as 'XXImo') is part of the Dutch XXImo Group comprising XXImo Holding B.V. and the companies affiliated with it (hereinafter referred to as 'XXImo Group'). The business activities of XXImo Group take place in the European Economic Area (EEA) and XXImo Group stores its data on servers within the EEA, unless otherwise indicated.

2. General

This privacy statement summarises (i) to what extent and for what purposes the processing of personal data in connection with the use of the XXImo Mobility Card and the associated services such as our app and our websites (hereinafter referred to as "Service") takes place, (ii) what rights you as the data subject have and (iii) how we protect your data. Personal data are all data that can be personally related to you, e.g. name, address, e-mail address and user behaviour.

We process your personal data for the purpose of being able to offer our Service to users or holders of a XXImo Mobility Card in accordance with the contract and Service specifications and in the best possible way. We use your personal data for this purpose only. We will only use your personal data for that purpose, unless otherwise allowed to by your explicit consent.

3. Which personal data do we collect?

Personal data can be collected in different ways when you make use of the Service. Below, you can find a list of information XXImo may collect or process. The list describes which personal data is processed, for which purpose, which legal basis the processing is based on and for which period the personal data is stored.

3.1 Processing operations on the basis of a statutory basis (obligations to keep records), processing period 10 years unless otherwise indicated

- Name
- Address
- Invoice data

The personal data specified here is required to comply with our statutory obligations, in particular statutory retention obligations. Legal basis for data processing is Art. 6 (1) lit. c of the General Data Protection Regulation (GDPR).

3.2 Processing operations required for the performance of an agreement (the provision of the Service), processing period up to 2 years after the end of the agreement unless otherwise indicated

3.2.1 General / required for use of the Service

- Name
- Title
- Sex
- Date of birth
- Work-related position
- Employer
- Staff number
- IBAN number
- Username
- Password
- User Identifier (a file to associate your identity across various platforms)
- Car registration number and kilometre count (if mobile parking, refuelling and/or charging has been activated)
- The services you purchase
- Card budget

3.2.2 Card-related data (this data is processed if you use the XXImo Mobility Card to pay)

- XXImo Mobility Card customer number
- Price of the transactions
- Composition of transactions
- Date and time of a transaction
- Purchased products (including, among other things, the type of fuel, travel class)
- Where the product was purchased (business name and location)
- Parking time and location
- Toll trip duration, toll payment location
- Electric charging sessions duration and location of the electric charging session (we receive this data from our electric charging supplier)
- Collection and drop off point in case of taxi, shared car, rental bike use
- Destination and point of departure for flights and train journeys
- Date and time of flights and train journeys
- Other data submitted for the journey
- Hotel location and date of stay
- Point of departure and arrival in case of public transport use

3.2.3 Sorting files

- Time, date & place of use of the service
- Time, date & place of creation of files

3.2.4 Contact details

- Name
- Address
- E-mail address
- Phone number
- Content of correspondence

3.2.5 Employees and employers / resellers

If you obtain the Service through your employer, we will receive your personal data from your employer and we will share personal data with your employer for the provision of the Service.

If you obtain the Service through another party, the reseller, we will receive your personal data from the reseller and we will share personal data with the reseller. In that case we can also receive personal data from and share personal data with your employer.

Personal data that we will receive from your employer or reseller:

- Name
- Address
- The services you purchase
- Card budget

Personal data that we will share with your employer or reseller:

- Name
- Employer
- Staff number
- All card data, as specified under 3.2.2

In order to find out how your employer or reseller handles your personal data, please refer to your employer or reseller.

The personal data in this paragraph 3.2 that is collected and processed by XXImo will be used for:

- Administrative purposes, such as collections and handling disputes
- Drawing up your monthly invoice or the monthly invoice of your employer
- Storing data for your or your employer's obligation to keep records and your or your employer's tax obligation

- Presenting detailed information and reports
- Communicating with you or your employer
- Recording agreements made
- Making the Service usable

The personal data specified here is required to have the Service function properly or to ensure proper performance of the Service. Legal basis for data processing is Art. 6 (1) lit. b GDPR and, as the case may be, your consent (see Art. 6 (1) lit. a GDPR).

3.3 Processing operations in order to protect XXImo's legitimate interests, processing period up to 2 years after the end of the agreement unless otherwise indicated

3.3.1 Improving our provision of services and your user experience

- Operating system
- Settings preferences
- Visit and use history
- Reference address (from which website did you find our website)
- The manner in which you navigate our website and app
- Which of our website pages you visit
- IP address
- Unique identification number to identify you

3.3.2 Keeping the Service secure

- Device ID
- User Identifier
- IP address
- Time, date & place of use of the service

3.3.3 In order to inform you about other services of XXImo

- Name
- E-mail address
- Address
- Sex
- Which services of XXImo you use and how often you use them

The personal data specified here is required to comply with the legitimate interests of XXImo and to prevent misuse of the Service and security incidents. Legal basis for data processing is Art. 6 (1) lit. f GDPR.

3.4 Processing with your permission, processing period up to 2 years after the end of the agreement unless otherwise indicated

3.4.1 If you have given us permission or if you have requested this, we will process the following personal data in order to inform you about the XXImo service followed by you or about other XXImo services, processing period until you deregister.

- Name
- Address
- E-mail address
- Phone number

3.4.2 If you have given us permission or have requested such, we will process the following personal data in order to inform you and answer your questions, processing period up to 6 months.

- Name
- Address
- E-mail address
- Phone number
- Content of correspondence

Legal basis for data processing is Art. 6 (1) lit. a GDPR.

If you no longer wish to receive promotional information about the XXImo Service followed by you or about other XXImo services, please contact us at the e-mail address listed under 'Contact'. You can also unsubscribe by following the instructions to unsubscribe that are included in every promotional e-mail. This will not affect our right and option to send you non-promotional e-mails related to the Service and your account, or to use your personal data as described in this privacy statement otherwise.

3.5 Implications of a lack data provision and of restrictions on the intended use of data

If and to the extent that we are dependent - as explained in detail under this Section 3 above - on the provision of personal data and its processing, we point out that in the event of a lack of provision of required data or an exercise of rights which opposes or restricts the processing of required data in accordance with contractual use, we may not be able to provide our Service or not in accordance with the Service specifications. This applies accordingly if the Service is only provided on the basis of consent and consent is not granted or revoked. Due to a possible blockage or restriction of the Service as well as possible rights of termination, we refer to the contractual agreements (cf. there in particular regarding termination rights for good cause).

4. Sharing of personal data

Unless otherwise specified in this privacy statement we will not share, sell or trade personal information about you with or to third parties.

4.1 Sharing with processors

We may engage third parties, e.g. hosting providers, to assist us in the provision of the Service (hereinafter referred to as "Processor"). Third parties in this meaning can also comprise companies of XXImo Group. Those third parties may process your personal data in that context. The types of Processors we may engage are:

- analytical software (including Google Analytics, set up in such manner that no personal data is shared with Google);
- BIN sponsors (Visa licensee);
- customer relation management software;
- third parties with which you use the XXImo Mobility Card;
- hosting providers;
- marketing;
- software developers;
- support;
- card manufacturer;
- XXImo Mobility Card providers.

In some cases the Processor may collect your personal data on our behalf. We inform and oblige Processors that they may only use personal data that they receive from us or use for us in order to provide the Service. We are not responsible for any additional information that you provide to the Processors directly. You must inform yourself about the Processor and their business before disclosing personal data to such Processors. Legal basis for data processing is Art. 6 (1) lit. a GDPR and Art. 6 (1) lit. f DS-GVO; our legitimate interest is to enable a most efficient and user-friendly Service.

4.2 Sharing with your employer / reseller

If you use our Service as an employee or if our Service is otherwise made available to you through your employer / reseller, the personal data that is processed will be shared with your employer / reseller as specified in paragraph 3.2.5. Legal basis for data processing is Art. 6 (1) lit. b GDPR.

4.3 Our statutory responsibility

We may share personal data if this is reasonably necessary or appropriate to comply with the law or a legal request of an authority. Legal basis for data processing is Art. 6 (1) lit. c GDPR.

We may also share your personal data with third parties in order to respond to any claims by third parties or in order to protect the rights, property or safety of us, our users, our employees or the public and in order to protect us or our users against fraudulent, offensive, inappropriate or unlawful use of the Service. Legal basis for data processing is Art. 6 (1) lit. f GDPR. We will inform you as much as possible and will ask for your permission before we share data for those purposes, unless this is not reasonably possible or the law forbids this; as regards your rights to object under GDPR, please, refer to Section 8.

4.4 Sharing with your permission

Beyond the scope of Sections 4.1 to 4.3 we will only share personal data with other parties if you have given specific permission to do so.

4.5 Anonymised information

We may anonymise personal data so that it cannot be traced back to you. We may use such anonymised information for our own use and share it with third parties without your permission.

5. Push notifications and local notifications

We may send you push and/or local notifications by text message and/or e-mail, for instance in case you have almost reached your spending limit, in case you still need to fill in your kilometre count after refuelling or in case you refuel at a filling station that has not been selected by your employer and/or to remind you of active mobile parking transactions. This information is provided for Service provision on the legal basis of Art. 6 (1) lit. b GDPR.

6. Protection of personal data

We will make sure that we take appropriate technical and organisational security measures for the processing of personal data. We comply with generally accepted standards to protect your personal data, both during the transmission thereof and as soon as we have received the personal data. We have taken the following measures in any case:

- We have implemented physical and technical measures and management procedures designed to prevent unauthorised access, loss or misuse of personal data as much as possible.
- Sensitive information or personal data, such as account passwords and other payment-related identifiable information, is sent in encrypted form.
- Sensitive information (including your password) is stored in encrypted and/or hashed form where possible.
- We restrict the internal access to personal data to employees who require the information to perform their duties. Our employees are bound by a confidentiality clause.
- Our information management systems are set up in such manner that employees who are not authorised to examine specific information or personal data do not, in principle, have access to such information.
- Our servers are located in a secure environment in data centres in the Netherlands. You only have access to the front end of our servers and only by logging in by means of a username and password. You are responsible for keeping your login details safe.
- The personal data is backed up on a frequent basis.

Keep in mind that our Processors are responsible for processing, managing or storing (a part of) the personal data that we receive. Processors are not authorised to use this data to present advertisements to you. These Processors are contractually obliged, by means of a data processing agreements with us, to protect the personal data that they have received from us.

We would like to point out to you that we cannot guarantee absolute security for the processing of personal data via the internet or a method of electronic storage.

7. Links to sites of third parties

Our Service may contain links or refer you to other websites, apps and advertisements of third parties. We have no control over such third party services or their activities. All data, including personal data, which you provide to such third parties might be subject to respective privacy policy of the third party in question. We are not responsible for the content, privacy and security practices and the policies of third parties to which we link, refer or which advertise on our Service and/or websites and in our apps. We advise you to examine the privacy and security practices and the policies of the third party before you submit data to them.

8. Your rights

We like to inform you about your rights under the GDPR as "data subject". According to GDPR you have the following rights with respect to the personal data that concerns you:

- Right of **access** by the data subject (Art. 15 (1), (2) GDPR)
- Right to **rectification** (Art. 16 GDPR) and right to **erasure** (Art. 17 GDPR)
- Right to **restriction of processing** (Art. 18 GDPR)
- Right to **data portability** (Art. 20 GDPR)
- Right to **object** (Art. 21 GDPR)
- Right to **withdraw** (Art. 7 (3) GDPR)
- Right to **lodge a complaint** with a supervisory authority (Art. 77 GDPR)

In addition, we summarise the key points of the rights of those affected under the GDPR. Please, be aware that this presentation is not exhaustive, but merely addresses basic information of the rights under the GDPR:

- **Right of access by the data subject**

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Art. 22 (1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject;
- where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Art. 46 GDPR relating to the transfer.

The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

- **Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

- **Right to restriction of processing**

The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;

- the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
 - the data subject has objected to processing pursuant to Article 21 (1) GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject.
- **Right to erasure**
- The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:
- the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
 - the data subject withdraws consent on which the processing is based according to Art. 6 (1) lit. a GDPR or Art. 9 (2) lit. a GDPR, and where there is no other legal ground for the processing;
 - the data subject objects to the processing pursuant to Art. 21 (1) GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Art. 21 (2) GDPR;
 - the personal data have been unlawfully processed;
 - the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
 - the personal data have been collected in relation to the offer of information society services referred to in Art. 8 (1) GDPR.
- **Right to data portability**
- The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where: the processing is based on consent pursuant to Art. 6 (1) lit. a GDPR or Art. 9 (2) lit. a GDPR or on a contract pursuant to Art. 6 (1) lit. c GDPR; and the processing is carried out by automated means.
- In exercising his or her right to data portability pursuant to paragraph Art. 20 (1) GDPR, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.
- **Right to withdraw**
- The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Prior to giving consent, the data subject shall be informed thereof.
- **Right to lodge a complaint with a supervisory authority**
- Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes GDPR.
- The data protection supervisory authority responsible for us is: Der Hessische Beauftragte für Datenschutz und Informationsfreiheit, Gustav-Stresemann-Ring 1, 65189 Wiesbaden.
- **Rights to object (Art. 21 (1), (2) GDPR)**

The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on Art. 6 (1) lit. e or f GDPR, including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

9. Exercising of rights and contact

If you wish to exercise your rights as a data subject or have general questions about data protection, you can contact us (responsible in the meaning of Art. 4 No. 7 GDPR: XXImo GmbH):

XXImo GmbH
Kaiserswerther Straße 215
40474 Düsseldorf
Tel.: 49 180 6 555 333
E-Mail: privacy@xximo.com

Further information and contact data as well as additional legal notices are available at www.xximo.de (see imprint).

We would also like to point out that some of the functions we make available within the Service enable you to check your data yourself immediately and, if necessary, change, correct or remove it. We will also be happy to answer any questions you may have.