

## **Privacy Policy for KINTO Share**

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### **A GENERAL INFORMATION AND DETAILS OF THE PERSON RESPONSIBLE**

When you use KINTO Share, we process your personal data. **The controller for the processing of your personal data when you use KINTO Share is the**

KINTO Germany GmbH

Toyota-Allee 5, 50858 Cologne, Germany

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(hereinafter "we" or "us"). Insofar as individual functions are not provided by us, but by third parties (see below Section B Sections 1.3, 2.3, 3.1 and 3.2), this third party is the data controller.

If you have any questions regarding data protection or the exercise of your rights under data protection law (see section 7 below), you can contact our **data protection officer by post** at the address given above. Please address your letter to the data protection officer. You can also reach our data protection officer directly by e-mail at [datenschutz@KINTO.de](mailto:datenschutz@KINTO.de).

### **B DATA PROCESSING WHEN USING KINTO SHARE**

In order to use our KINTO Share offers, you need to download and use our KINTO Share app, as well as create a user account.

#### **1. Provision of the app**

- 1.1. We process your IP address, log files, entries in the app and the operating system used to enable you to use the KINTO Share app. This is done for the purpose of providing you with the functions you need to use the KINTO Share services. The processing activities are necessary for the performance of pre-contractual measures with you and for the performance of the contract between us, so the legal basis is Art. 6 para. 1, letter b) DSGVO.
- 1.2. We process your IP address, log files and input to ensure the functionality and integrity of the app and our systems, as well as to identify and correct errors, which is also a legitimate interest on our part. The legal basis for these processing activities is therefore Art. 6 para. 1, letter f) DSGVO.
- 1.3. In order to show you our vehicles, your position and the way there within our app, we process your location data at your request. The legal basis for this processing is Art. 6 para. 1, letter b) DSGVO. For this purpose, we work together with service providers with whom we have concluded a contract on commissioned processing pursuant to Art. 28 DSGVO. Your personal data will only be processed within the EU.
- 1.4. Involvement of service providers

We use a service provider to make our app and its individual functions available to you. We have concluded an agreement with this service provider on commissioned processing pursuant to Art. 28 DSGVO. Unless otherwise specified, your data is generally stored on servers within the European Union. Should your

personal data be transferred to countries outside the EU or the European Economic Area, this will be done in accordance with the requirements of the GDPR solely on the basis of appropriate guarantees.

- 1.5. For route guidance purposes, you can open your Google Maps or Apple Maps application from our app at your request to navigate to your destination. Apple Inc. or Google LLC then process your location data and other data for navigation purposes under their own responsibility. You can find more information about the data processing at the respective provider. However, in order to make route guidance more convenient, we transmit your location and route destination to the respective provider in this case. The legal basis for this processing is Art. 6 (1) b) DSGVO. Insofar as your personal data is transferred to third countries outside the EU, in particular the USA, this is based on appropriate guarantees.

## **2. Use of the KINTO Share services**

When using the KINTO services, we process your personal data as follows. For this purpose, unless otherwise stated, we use service providers with whom we have concluded order processing agreements pursuant to Art. 28 DSGVO. This also involves a transfer of your personal data to third countries. In this case, the transfer to the third country is based on appropriate safeguards in the form of suitable guarantees.

### **2.1. Creation of a user account and master data**

In order to use the full functionality of KINTO Share, it is necessary to create a user account. As part of the registration process, we collect a number of pieces of information. This includes

- Name, address, age, gender, email address, cell phone number,
- a photograph of yourself (selfie)
- personally chosen password
- Photographs of your driver's license and ID card and the information contained therein (issuing country of the driver's license, driver's license number, expiration date, first and last name, date of birth, other data)

The processing of the aforementioned data is done in order to uniquely identify you so that we can offer you the KINTO Share services. We also process this data in order to contact you, insofar as this is necessary for this purpose. The use of the e-mail address is besides necessary to send you our General Terms and Conditions (Terms of Use) after the creation of the user account, as well as invoices.

The processing is thus necessary for the performance of pre-contractual measures and for the fulfillment of contractual obligations. The legal basis of the processing is thus Art. 6 para. 1, letter b) DSGVO.

We need the information from your driver's license to be able to check your driving authorization. This serves to check whether and to what extent you are entitled to use our services and as proof for insurance companies and authorities, should this proof be necessary. In addition, we use some of the aforementioned data to prevent misuse of our services, as well as to process fines (see point 3. below).

### **2.2. Validation process and registration**

During the registration process, you initially enter only your e-mail address and a password of your choice. The app extracts the remaining data from photos of your driver's license and ID card, as well as from a photo of yourself uploaded by you (selfie), and compares the data including the photos with each other. This matching of the information from the documents is carried out by a service provider who acts for us as a processor pursuant to Art. 28 DSGVO. This serves to be able to verify your identity. In this way, we can ensure that the vehicle used by you is properly insured and that we can comply in the event of accidents or requests

from authorities and insurance companies, as well as not violate § 21 StVG, which at the same time is a legitimate interest on our part. The legal basis of the processing is thus Art. 6 para. 1 lit. c) and f) DSGVO.

For the comparison of the selfie with the photographs on the uploaded documents, in deviation from this, the legal basis is your **consent** pursuant to Art. 9 (2) a) DSGVO, as this involves the processing of **biometric data**. You can revoke your consent at any time with effect for the future. Further information on revocation can be found in section 7. If you revoke your consent before validation is completed during registration, the registration process will be cancelled and you will not be able to use any services and benefits of KINTO Share.

To verify your cell phone number as completion of the registration process, we send codes to your cell phone number via SMS (two-factor authentication). The successful registration will then be confirmed to you by an automatically generated e-mail to the e-mail address you provided, which summarizes your registration data.

If the registration process is not completed successfully, we store the data entered up to this point for three months since you last accessed the app. After deletion of the data, the registration process must be started again from scratch.

### 2.3. Processing of fees for the use of KINTO Share, fraud prevention

- KINTO GmbH is not a payment service provider in the sense of the Payment Services Supervision Act. Therefore, we make use of a third party that can carry out the corresponding payments. For this purpose, we transmit the payment data stored by you in the app (payment means, IBAN, credit card or account number, the name of the holder of the payment means and, if applicable, your personal CVC code), the amount of the monetary debt as well as a reference number to the payment service provider Stripe. Stripe processes this data on the one hand to enable and facilitate payment processing between you and us. In this respect, we have concluded an agreement with Stripe on the processing of personal data on our behalf pursuant to Art. 28 DSGVO. Stripe also processes this data in the USA. As a result of the invalidity of the Privacy Shield between the EU and the USA, the basis for this data transfer is solely your qualified **consent** in the **knowledge of an insufficient level of data protection** in the USA pursuant to Art. 6 (1) a) DSGVO in conjunction with Art. 49 para. 1, letter a) DSGVO.

***Processing in the U.S. does not provide you with the same level of data protection as would be the case for processing under the GDPR or within the EU. This means that U.S. authorities - in particular American security services - could gain access to your personal data. In this case, it cannot be guaranteed that they will learn of this access or further processing. In addition, you have no legal remedies against the processing by these authorities, so you cannot seek judicial review of the processing. You also have no rights against these authorities as provided for by the GDPR for the processing of your personal data (see section 7 below).***

- In addition, Stripe also processes the aforementioned personal data under its own responsibility in order to fulfill the payment order and comply with its own regulatory obligations. Stripe is a third party in this respect. The transfer of your data to Stripe is insofar based on your **qualified consent to the transfer to third countries in knowledge of the insufficient level of data protection** pursuant to Art. 6 para. 1, letter a) DSGVO in conjunction with Art. 49 (1), letter a) DSGVO. You can view the privacy notices of Stripe, insofar as Stripe acts in its own responsibility, under this link <https://stripe.com/de/privacy>.
- We also use Stripe's "Radar" service to detect fraudulent activity. Stripe uses your personal information collected through our services to detect and prevent fraudulent activity against us, our business users, and financial partners, including detecting unauthorized logins using your online activity. Stripe will provide its business users (including card issuers and others involved in payment processing activities) with personal information about you (including your attempted transactions) so

that they can assess the risk of fraud associated with the transaction in question. You can learn more about how Stripe may use technology to assess the risk of fraud associated with an attempted transaction and what information Stripe may share with business users regarding such risks at <https://stripe.com/de/docs/radar/reviews/risk-insights> and <https://stripe.com/de/privacy-center/legal#radar-business-users>. The transfer of your data to Stripe is also based on your **qualified consent to the transfer to third countries with knowledge of the insufficient level of data protection** pursuant to Art. 6 (1), letter a) DSGVO in conjunction with Art. 49 (1), letter a) DSGVO. You can view the privacy notices of Stripe, insofar as Stripe acts in its own responsibility, under this link <https://stripe.com/de/privacy>.

- You may revoke your consent to the aforementioned processing activities at any time for the future. If you revoke this consent to use the payment service provider Stripe, you will no longer be able to use any services of KINTO Share that are billed via Stripe. If no payment method is offered for your User Account that is not billed via Stripe, the possibility to use services of KINTO Share will cease completely with the revocation of consent.
- We only process some of the payment data you have deposited, namely the means of payment, the name of the holder of the means of payment and the last four digits of the credit card or account number, in order to be able to assign and realize our claim to payment of the remuneration owed by you. The processing of this data is necessary for the performance of the contract concluded between you and us, so that the applicable legal basis in this respect is Art. 6 para. 1, letter b) DSGVO.

#### 2.4. Locating, reserving and booking vehicles

We process your location to show you vehicles nearby and show you the route to them, as well as to unlock it. If you book a vehicle, we note the time of the booking, as well as the data necessary for the booking, in order to reserve and provide the vehicle for a certain period.

The processing of the aforementioned data is carried out for the execution and preparation of the contract. The legal basis is therefore Art. 6 para. 1, letter b) DSGVO.

#### 2.5. Vehicle provision at desired location

If you use the option provided for certain bookings to have the booked vehicle provided at a location selected by you, we process the geographical data of the selected location together with the data of your booking first to check your request and transmit only the selected location (without data on the booking) and the provision time to the dealer, partner company or service provider designated by us to provide the vehicle at the selected location at the agreed time.

The processing of the aforementioned data is carried out for the execution and preparation of the contract. The legal basis is therefore Art. 6 para. 1, letter b) DSGVO.

#### 2.6. Data processing from the booking

In addition to data on the status of the vehicle, the condition in the form of any existing damage to the vehicle is also queried and assigned to your booking in order to document and, if necessary, settle any damage. By means of the start and end time of the booking, we determine the fee to be paid. The legal basis for these processing activities is therefore Art. 6 para. 1, letter b) DSGVO.

The processing of geolocation data collected selectively during specific events is carried out only for the purposes indicated below and is linked only to the rented vehicle. The purpose of this data is:

- Provide you with assistance (e.g. in the event of an accident) after you have reported a fault.

- to determine the location of a vehicle that has not been returned to a drop-off point even though the agreed rental period (including extension, if applicable) has elapsed.
- to respond to requests from authorities.

Legal basis: Kinto needs this data to fulfill its contractual rights and obligations to you and to comply with its legal obligations, requests from public authorities.

Retention of data: This data is retained for a maximum of 90 days and then deleted. We may keep your data longer to comply with legal obligations, such as responding to requests from public authorities. In this case, we would limit the processing of your data to the minimum necessary to fulfill this purpose.

## 2.7. Ending the ride

We record the location of the vehicle and whether it has been locked in order to check whether it has been parked and locked in the designated parking zones, which also allows conclusions to be drawn about you. We have an interest in ensuring that the next users of our vehicles find them safely in a certain area in order to serve a certain area and customer segment, in which we have a legitimate interest. The legal basis for this processing is therefore Art. 6 para. 1, letter f) DSGVO.

## 2.8. Statistical analysis for service improvement and marketing purposes

We process the following data on the use of the vehicles, which we already collect as part of the execution of the contract, also for the purpose of evaluating the average use of our services, to improve our offer, as well as to prepare marketing measures, in particular to develop the group of users of the offer for other services of KINTO as well as the dealers: Length of route traveled per booking, (daily) time and duration per booking, number of reported stopovers and its length per booking, number of booking requests by day of the week and hour. All of these data are aggregated by combining a plurality of data records (e.g. bookings) for each evaluation (or data group). Thus, an assignment to individual bookings (and thus customers) is excluded. We transmit this aggregated data to dealers who provide vehicles.

The processing of this aggregated data is necessary in order to exercise our legitimate interest in improving the range of services and our marketing measures (Art. 6 (1) (f) DSGVO). The compatibility of these purposes with the purpose of the data collection (Art. 6 (4) DSGVO) and the overriding of our interest in the processing result in particular from the aggregation of the data, which leads to an anonymization of the data - an assignment of data to a natural person would only be possible in random exceptional constellations.

As a user of KINTO Share, you may also **object to this processing pursuant to para. 7.2** object.

## 3. Requests from authorities, incidents of damage, misuse

### 3.1. Authority requests and procedures, third party requirements.

We process your master and contact data, as well as any further personal data relating to a booking, insofar as this is necessary to comply with legally binding requests from authorities, in particular the fine and police authorities. This is done for the purpose of complying with legal obligations arising from the applicable law of the Federal Republic of Germany and / or the EU Member States. Legal basis of the processing in this case Art. 6 para. 1, lit. c) DSGVO.

In the event of fines or penalties imposed by private third parties such as parking lot operators, we process parts of your payment data as well as information on the sanctioned event in order to invoice you for the respective amount owed. The legal basis in this case is Art. 6 (1), letters b) and f) DSGVO.

### 3.2. Damage events

If a damaging event occurs while you are driving one of our vehicles (e.g. accident, vandalism), we will - if necessary - transmit your personal data to the dealer who provides the vehicle, provided that he (and not we) is the policyholder, and/or to the insurer, so that we can realize our or the dealer's claims under the insurance contract, in which we or the dealer have a legitimate interest. In this case, we will transmit your name, address, telephone number and the details of the loss event required in the individual case, which may also include details of your involvement in the event. The legal basis for the processing is Art. 6 para. 1, letter f) DSGVO.

### 3.3. Abuse of our services

KINTO provides access to its vehicles and other resources as part of its services. This includes the ability to refuel our vehicles using a fuel card provided by us. In order to prevent misuse of the fuel cards, the journey can only be continued as soon as the fuel card is inserted back into the corresponding holder, for which we collect data on the card. In addition, the amount of fuel refueled can also be tracked, in which we have a legitimate interest. The processing of the aforementioned data is based on our legitimate interest, see Art. 6 para. 1, letter f) DSGVO.

## 4. Contact, service and help

### 4.1. General inquiries

If you contact our customer service for general concerns, we process your telephone number, your name, your request and, if necessary, your contact details in order to get in touch with you according to your request. This processing activity is necessary for the fulfillment of pre-contractual measures between you and us, so that the legal basis is Art. 6 para.1, letter b) DSGVO. To respond to your inquiries, in individual cases we use service providers (which may also include dealers) with whom we have concluded a contract on commissioned processing pursuant to Art. 28 DSGVO. Your personal data will be processed solely within the European Union.

### 4.2. Service

If you have specific questions about our service or otherwise need help using KINTO Share, please contact us using the contact options provided in the app, i.e. currently only by phone. For this purpose, we process your cell phone number, your request, your customer number and, if necessary, information about your location, information about the vehicle you are using and, if applicable, information about the accident you have been involved in. In this case, we record all the parties involved in the accident, the other party involved in the accident and details of the operation. The processing of the aforementioned data is necessary to fulfill the contract concluded between you and us. For this purpose, we also use service providers (which may also include dealers) with whom we have concluded a contract on commissioned processing pursuant to Art. 28 DSGVO. The legal basis of the processing is therefore Art. 6 para. 1, letter b) DSGVO. Your personal data will be processed solely within the European Union.

In the event of a damaging event such as an accident, your data will also be processed in accordance with item 3.2 processed.

### 4.3. Interference

If malfunctions occur in our service, we transmit - to the extent necessary - individual personal data to our service providers with whom we have concluded a contract on commissioned processing pursuant to Art. 28 DSGVO. This data may also include your mobile phone number so that our service provider can contact you. In addition, this usually includes your name, other contact details, details of your booking and such information

that we receive from you regarding the incident or can access ourselves. Your data will not be processed outside the European Union.

In the event of malfunctions, accidents or the loss of items, we also work with service providers who record and document damage reports on site. For this purpose, the service providers may also contact you. In doing so, we process in particular your contact data, information on incidents, accidents, persons involved and damage. We also transfer parts of the data - if necessary - to third parties such as insurance companies.

## 5. Further receivables and receivables management

In accordance with our GTC, additional costs may be incurred in special cases, e.g. for fines, the deductible for accidents or for excessive soiling of the vehicle. In this case, we process your master and contact data, as well as information on the triggering event, in order to realize our claim for payment of the respective charges. Legal basis of the processing in this case is Art. 6 para. 1, letter b) DSGVO. Insofar as we use the payment service provider Stripe for this purpose, section 2.3 shall also apply. Within the scope of this, we shall also transmit your personal data to third parties, such as lawyers, if necessary, in order to be able to realize the claim.

## 6. Retention periods

We store your personal data only as long as they are necessary to achieve the purpose for which they were collected. If this is no longer the case, we will delete your personal data. However, if we are obliged by law or by official order to process your personal data beyond the relevant point in time, we will do so in accordance with the obligation by law or the official order. In particular, we store the data that we require for the purposes of commercial and tax documentation requirements for a maximum period of 10 years.

## 7. Your rights

7.1. You may exercise your rights against us at any time at our address set out in section A above or by email to the email addresses set out in section A above.

7.2. You have the following rights under the GDPR with respect to the personal data concerning you:

|                               |   |
|-------------------------------|---|
| <b>Right to information</b>   | You are entitled to request confirmation from us at any time within the scope of Art. 15 of the GDPR as to whether we are processing personal data relating to you. If this is the case, you are also entitled under Art. 15 DSGVO to obtain information about this personal data and certain other information (including processing purposes, categories of personal data, categories of recipients, planned storage period, the origin of the data, the use of automated decision-making and, in the case of third country transfers, the appropriate safeguards) and to obtain a copy of such data. |
| <b>Right to rectification</b> | In accordance with Art. 16 DSGVO, you are entitled to demand that we complete or correct the personal data stored about you if it is inaccurate or incorrect.   |
| <b>Right to deletion</b>      | You have the right, under the conditions of Art. 17 DSGVO, to demand that we delete the personal data concerning you without undue delay. However, the right to erasure does not exist if the processing of the personal data is necessary for (i) the exercise of the right to freedom of expression and information, (ii) compliance with a legal obligation to which we are subject  |

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|  | (e.g. legal obligations to retain records) or (iii) the assertion, exercise or defense of legal claims.   |
| <b>Right to restriction of processing:</b> | According to Art. 18 DSGVO, you are entitled to demand that we restrict the processing of your personal data, insofar as the accuracy of the data is disputed by you or the processing is unlawful.   |
| <b>Right to data portability</b>           | Your right to data portability pursuant to Art. 20 DSGVO provides that, if the legal requirements are met, you may request that we transfer to you - or, if technically feasible, to a third party designated by you - the personal data you have provided in a structured, common and machine-readable format.                                   |
| <b>Objection to the processing</b>         | Insofar as we process your data on the basis of a balance of interests (pursuant to Art. 6 (1) f DSGVO), you have the right to object to this processing (Art. 21 DSGVO) for reasons arising from your particular situation. Such reasons exist in particular if they give special weight to your interests and therefore outweigh our interests. |
| <b>Revocation of consent</b>               | If we process data on the basis of your consent, you can revoke your previously given consent at any time. If you revoke this, we are no longer entitled to process your data in the future on the basis of this consent. The lawfulness of the processing operations carried out until the revocation remains unaffected by the revocation.      |

Without prejudice to any other legal remedies, you have the right to contact the data protection supervisory authority responsible for us or another data protection supervisory authority such as the one in your place of residence if you have questions or complaints regarding the processing of your personal data. The supervisory authority responsible for us is:

*The State Commissioner for Data Protection and Freedom of Information of North Rhine-Westphalia*

*Kavalleriestr. 2-4*

*40213 Düsseldorf*

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