

## **Data Privacy Notice for Ultimate Beneficial Owners and Executives of our Cooperation Partners as well as signatories to the terms of GPS**

The following Data Privacy Notice contains important information for you as Ultimate Beneficial Owner or Executive of one of our Cooperation Partners, i.e. other group companies of VW AGas well as external providers (Programme Operators), operators who are using GPS as a digital marketplace (Marketplace Operators) or merchants, offering goods and services on this digital marketplace (Acceptance Points). The same applies to you as signatory to the terms of GPS.

Ultimate Beneficial Owner refers to natural persons being the ultimate owners of our Cooperation Partners. Executive refers to (managing) directors and management-level employees of our Cooperation Partners.

This Data Privacy Notice addresses the collection and processing of your personal data within the scope of a contract documentation as well as a pre-contract screening to determine with whom we are dealing from an economical perspective when entering into the terms of GPS

In addition, this data privacy notice provides information on your rights you possess with respect to us and how you can exercise them. Any processing of your data will be carried out with the greatest possible care observing the highest security standards and within the scope of the applicable European and national data protection law, in particular, in compliance with the Regulation (EU) 2016/679 (“**GDPR**”). Following we would like to inform you about data we collect in the context of the pre-contract screening and for which purpose this data is processed by us.

### **1. Controller and data protection officer**

Controller according to applicable data protection provisions is

*Volkswagen Payments S.A.  
19-21 route d’Arlon  
Serenity Building – Bloc D  
L 8009 Strassen  
Luxembourg*

To contact the data protection officer provided by the company see the aforementioned contact information.

### **2. Object of data processing**

In the context of documenting the contractual relationships with our Cooperation Partners as well as conducting pre-contract screenings to determine ownership of the entities with whom we are dealing and to exclude dealing with individuals who are on applicable sanctions lists, personal data of Ultimate Beneficial Owners and Executives of Programme Operators, Marketplace Operators and Acceptance Points of GPS as well as the signatories to the terms of GPS may be processed.

In case the pre-contractual screening gives rise to suspicious or illegal behaviour that may have an impact on us, more in-depth business partner screening may be conducted with regard to personal data of Ultimate Beneficial Owners and Executives of our

Cooperation Partners as well as signatories to the terms of GPS. We may provide you with additional data privacy notices addressing such measures, where required.

“Personal data” means any information relating to an identified or identifiable natural person. The data we process include personal details such as first and last name, title, address, date of birth, contact information such as e-mail-address and (mobile) phone number as well as information on place of birth, citizenship, occupation and identity documents, e.g. ID card number.

### **3. Purpose and legal basis of data processing**

The processing of your personal data is necessary to ensure compliance with legal obligations to which the Controller is subject as well as for the purposes of protecting our legitimate interests.

- Your personal data is collected to identify and check up on you as Ultimate Beneficial Owner or Executive of one of our Cooperation Partners or as signatory to the terms of GPS. This is necessary to fulfil our legal obligations pursuant to applicable European and national money laundering and banking regulations (Art. 6 para. 1 lit. c) GDPR). In addition, the processing of personal data serves the screening of sanction lists. This is also necessary to fulfil our legal obligations pursuant to Luxembourgish, European and UN Embargo Regulations (Art. 6 para. 1 lit. c) GDPR).
- Furthermore, the processing of your personal data is required for the purposes of protecting legitimate interests of us as well as of third parties (Art. 6 para. 1 lit. f) GDPR). The collection of data and the identity check serve the interest of the Controller in a dependable and responsible contractual partner. We can only determine this by a pre-contractual screening of the affected persons. These include signatories to the terms of GPS as well as Ultimate Beneficial Owners and Executives of our Cooperation Partners. Furthermore, third parties, i.e. the users of the payment service, have a legitimate interest to have the merchants, Programme / Marketplace Operators and service providers using our service verified to prevent possible abuses as far as possible. Because of that, the interests, the fundamental freedoms and fundamental rights of the affected persons do not outweigh.
- The processing of data of a signatory is further required to conclude and exercise the contract (Art. 6 para. 1 lit. b GDPR). Name, contact information and signature are specifically required to conclude the contract.

### **4. Transfer of data**

The Controller employs external service providers, listed in an annex to this agreement, operating on behalf of the Controller to perform the identity check of the Ultimate Beneficial Owner, Executive or signatory. The Controller ensures to employ only those processors who guarantee that appropriate technical and organizational measures are implemented that the processing is consistent with the requirements of this regulation and ensures the protection of rights of the affected persons. Furthermore, the service providers may only use data for the purposes specified by the Controller and solely in accordance with this data privacy notice as well as in accordance with the applicable data protection regulations.

## 5. Term of data processing and data retention

We will store your data only for as long as necessary to fulfil the purpose of the data processing and due to mandatory legal retention obligations, e.g. to meet requirements of applicable European and national money laundering regulations or requirements of accounting regulations. If your data is no longer required for the aforementioned purposes, we will delete it automatically, unless we are legally obligated or entitled to store your data any longer.

## 6. Rights of data subjects

Upon request, you have the right to obtain information about the data we have stored about you (Right of access, pursuant to Art. 15 GDPR).

You further have the right to receive the personal data concerning you, which you have provided to a Controller, in a common, structured and machine-readable format and the right to transmit those data to another Controller without hindrance from the Controller to which the personal data have been provided (Right to data portability, pursuant to Art. 20 GDPR).

At any time, you also have the right to contact the relevant regulatory authority:

*National Commission for Data Protection, Grand Duchy of Luxembourg – CNPD*  
*1, avenue du Rock'n'Roll*  
*L-4361 Esch-sur-Alzette,*  
<https://cnpd.public.lu/html>

as well as any other supervisory authority of another member state to complain about data protection concerns (Right of appeal, pursuant to Art. 77 GDPR).

Furthermore, you have the right to request the rectification of inaccurate data concerning you and, if applicable, to request the erasure of data or the restriction of its processing. (Right to rectification, erasure and restriction, pursuant to Art. 16, 17 and 18 GDPR).

### **Right to object**

**We would also like to draw your attention to your right to object under Art. 21 para. 1 and 2 DS-GVO, pursuant to which you may object to the processing of your data, in particular insofar as these are used by us for purposes of direct marketing (this also applies to profiling, insofar it is connected with such direct marketing) or if a particular situation concerning you reveals reasons that speak against the processing of your data. In the latter case, the right to object exists only if the data processing was carried out on the basis of a balance of interests (that is, pursuant to Article 6 para. 1 sentence 1 f) GDPR).**

**If you object against the processing for direct marketing purposes, your personal data will no longer be processed for these purposes. In the other cases of legitimate objection, we will no longer process your personal information unless we can demonstrate compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purposes of asserting, exercising or defending legal claims .).**

We would like to point out that as an Electronic Money Institution we are subject to specific legal obligations that do not allow us to delete certain information on demand. These obligations result from tax, banking and money laundering law as well as from accounting regulations and consumer law. However, we may block your data and thereby prevent processing for purposes other than those prescribed by law.

**7. Update to this privacy notice.**

The data protection principles laid down in this Data Privacy Notice may be revised over time, in particular, due to further development of our business model. We reserve the right to amend this Data Privacy Note at any time. We will inform you about an amendment to our Data Privacy Notice in due time before the amendment is implemented unless legally compelling reasons indicate otherwise.

Date of this Data Privacy Notice is 25<sup>th</sup> April 2019.

## **Annex to the privacy notice**

### Risk management partner

CRIF Bürgel GmbH

Leopoldstraße 244

D – 80807 München

<https://www.crifbuergel.de/de/kontakt>

Refinitiv (Thomson Reuters)

30 South Colonnade-Canary Wharf, London E14 5EP,

United Kingdom

<https://www.refinitiv.com>

### External service providers

Arvato Direct Services Potsdam GmbH

Behlertsstraße 3a

D – 14467 Potsdam

<https://crm.arvato.com/de/ueber-arvato/contact1.html>

Contoworks GmbH

Leopoldstrasse 244

D – 80807 München

[contact@contoworks.com](mailto:contact@contoworks.com)

CRIF Bürgel GmbH

Leopoldstraße 244

D – 80807 München

<https://www.crifbuergel.de/de/kontakt>

Volkswagen Financial Services Digital Solutions GmbH

Gifhorner Strasse 57

D – 38112 Braunschweig

[https://www.vwfsag.de/de/home/unternehmen/VW\\_FS\\_Digital\\_Solutions\\_GmbH.htm](https://www.vwfsag.de/de/home/unternehmen/VW_FS_Digital_Solutions_GmbH.htm)  
1