

Privacy policy for KINTO Share

Status: 20.08.2021

A GENERAL INFORMATION AND DETAILS OF THE PERSON RESPONSIBLE

When you use KINTO Share, we process your personal data. The **controller (Verantwortlicher)** for the processing of your personal data (personenbezogene Daten) when using KINTO Share is the

KINTO Germany GmbH

Toyota-Allee 5, 50858 Köln

E-Mail: datenschutz.one@kinto-mobility.de

Telefon: +49 (0) 2234-1023981

Phone:

Fax:

(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 protection controller (Verantwortlicher).

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 contact our data protection officer directly by e-mail at datenschutz@KINTO.de.

B DATA PROCESSING WHEN USING KINTO SHARE

In order to use our KINTO Share offers, it is necessary to download and use our KINTO Share App and to 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 (vorvertragliche Maßnahmen) with you and for the performance of the contract between us, so the legal basis (Rechtsgrundlage) is Article 6(1)(b) of the GDPR.
- 1.2. We process your IP address, log files and inputs 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 (berechtigtes Interesse) on our part. The legal basis (Rechtsgrundlage) 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. For this purpose, we work together with a service provider with whom we have concluded a contract on commissioned processing (Auftragsverarbeitung) pursuant to Art. 28 DSGVO. Your personal data (personenbezogene Daten) will only be processed within the EU.

1.4. For route guidance purposes, you can, at your request, open your Google Maps or Apple Maps application from within our app to navigate to your destination. Apple Inc. or Google LLC will 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 (Rechtsgrundlage) for this processing is Art. 6 (1) b) DSGVO. Insofar as your personal data (personenbezogene Daten) is transferred to the USA, this is based on the standard contractual clause of the European Commission (Standardvertragsklausel der Europäischen Kommission).

1.5. 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 (Auftragsverarbeitung) pursuant to Art. 28 DSGVO. Unless otherwise specified, your data is thereby generally stored on servers within the European Union. Should your personal data (personenbezogene Daten) 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 in the form of approved standard contractual clause of the European Commission (Standardvertragsklausel der Europäischen Kommission).

2. Use of the KINTO Share services

When using the KINTO services, we process your personal data (personenbezogene Daten) as follows. For this purpose, we use service providers with whom we have concluded order processing agreements (Auftragsverarbeitungsverträge) pursuant to Art. 28 DSGVO, unless otherwise stated. This also involves the transfer of your personal data (personenbezogene Daten) to third countries. In this case, the transfer to the third country is based on appropriate safeguards in the form of approved standard contractual clauses of the European Commission (Standardvertragsklausel der Europäischen Kommission).

2.1. Creation of a user account and master data (Stammdaten)

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

- Name, address, age, gender, email address, mobile phone number,
- a photograph of yourself (selfie)
- personally chosen password
- Photographs of your driving licence and identity card and the information contained therein (issuing country of the driving licence, driving licence number, expiry date, first and last name, date of birth, other data)

The processing of the aforementioned data is carried out 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 to the extent necessary for this purpose. The use of the e-mail address is also 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 implementation of pre-contractual measures (vorvertragliche Maßnahmen) and for the performance of contractual obligations (Vertragspflichten). The legal basis (Rechtsgrundlage) of the processing is therefore Art. 6 para. 1, letter b) DSGVO.

We require the details from your driving licence in order to be able to check your driving entitlement. 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 and to process fines (see point 3 below).

2.2. Validation process and registration

As part of the registration process, you initially enter only your email 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 serves 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 (berechtigtes Interesse) on our part. The legal basis (Rechtsgrundlage) 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, the legal basis (Rechtsgrundlage) is, in derogation thereof, your **consent** pursuant to Art. 9 (2) a) DSGVO, since it is so far the processing of **biometric data (biometrische Daten)**. You can revoke (widerrufen) your consent at any time with effect for the future (mit Wirkung für die Zukunft). Further information on revocation (Widerruf) can be found in section 7.

To verify your mobile phone number as the end of the registration process and to ensure that no unauthorized third parties (unberechtigte Dritte) log into your account and use it to book rides, we send codes to your mobile phone number via SMS (two-factor authentication). Successful registration will then be confirmed to you by an automatically generated email sent to the email address you provided, summarising your registration details.

2.3. Processing of fees for the use of KINTO Share

- We store the payment details provided by you, consisting of the means of payment, IBAN or account number, the name of the account holder and your personal CVC code (hereinafter "payment data"), in order to be able to realise our claim to payment of the fee 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 (Rechtsgrundlage) in this respect is Art. 6 (1), letter b) DSGVO.
- KINTO GmbH is not a payment service provider in the sense of the Payment Services Supervision Act (Zahlungsdiensteaufsichtsgesetz). Therefore, we use a third party that can carry out the corresponding payments. For this purpose, we transmit the payment data stored by you in the app, the amount of the debt (Geldschuld) as well as a reference number to the payment service provider Stripe. Stripe processes this data on the one hand to enable and facilitate the payment processing between you and us. In this respect, we have concluded an agreement with Stripe on the processing of personal data (personenbezogene Daten) on our behalf pursuant to Art. 28 DSGVO. Stripe also processes this data in the USA. As a result of the invalidity (Unwirksamkeit) of the Privacy Shield between the EU and the USA, the basis for this data transfer is solely your **qualified consent (qualifizierte Einwilligung)** 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 recourse (Rechtsbehelfe) against the processing by these authorities, so you cannot seek judicial review (gerichtliche Kontrolle) of the processing. You also have no rights against these authorities as provided for by the GDPR for the processing of your personal data (personenbezogene Daten) (see point 7 below).

- In addition, Stripe also processes the aforementioned personal data (personenbezogene Daten) under its own responsibility in order to fulfil the payment order and to comply with its own regulatory obligations (regulatorische Pflichten). Stripe is a third party in this respect. The transfer of your data to Stripe is insofar based on your qualified consent (qualifizierte Einwilligung) 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 Stripe's data protection notice, insofar as Stripe acts under its own responsibility, at this link <https://stripe.com/de/privacy>.

2.4. Locating, reserving and booking vehicles

We process your location to show you vehicles in the vicinity and show you the route to them, as well as to unlock it. If you book a vehicle, we record the time of the booking and the data necessary for the booking 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 (Rechtsgrundlage) is therefore Art. 6 para. 1, letter b) DSGVO.

2.5. Data processing from booking

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

During the journey, we process the location of the vehicle, the speed, as well as the route in order to track the journey and monitor compliance with the terms of use, to detect accidents, as well as to be able to respond to questions and problems from you or from authorities. The legal basis (Rechtsgrundlage) for the processing is Art. 6 para. 1, letter f) DSGVO.

2.6. Ending the journey

We record the location of the vehicle and whether it was locked in order to check whether it was parked and locked in the designated parking zones, which also allows conclusions to be drawn about you. We have an interest in the next users of our vehicles finding them safely in a certain area in order to serve a certain area and customer segment, in which we have a legitimate interest (berechtigtes Interesse). The legal basis (Rechtsgrundlage) for this processing is therefore Article 6 (1) (f) DSGVO.

3. Requests from authorities, insurances, abuse

3.1. Authority requests and procedures, third party requirements.

We process your master and contact data, as well as any further personal data (personenbezogene Daten) 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 (rechtliche Verpflichtungen) arising from the applicable law (anwendbares Recht) of the Federal Republic of Germany and/or EU member states. Legal basis (Rechtsgrundlage) of the processing in this case Art. 6 para. 1, lit. c) DSGVO. D

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

3.2. Insurances

If an insured event occurs while you are driving one of our vehicles (e.g. accident, vandalism), we will - insofar as necessary - transmit your personal data (personenbezogene Daten) to our insurer so that we can realise our claims under the insurance contract, in which we have a legitimate interest (berechtigtes Interesse). In this case, we transmit your name, address and the details of the insured event required in the individual case, which may also include details of your involvement in the insured event. The legal basis (Rechtsgrundlage) for the processing is Art. 6 (1) (f) DSGVO.

3.3. misuse of our services

KINTO provides access to its vehicles and other resources as part of its services. This includes that you can refuel our vehicles by means of a fuel card provided by us. 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 refuelled can also be tracked, in which we have a legitimate interest (berechtigtes Interesse). The processing of the aforementioned data is based on our legitimate interest (berechtigtes Interesse), see Art. 6 para. 1, letter f) DSGVO.

4. Contact, service and help

4.1. General contact form

If you contact us about general matters using the contact form in our app or on our website, we will process your name, email address and your request in order to contact you in accordance with your request. This processing activity is necessary for the performance of pre-contractual measures (vorvertragliche Maßnahmen) between you and us, so that the legal basis (Rechtsgrundlage) is Art. 6 para. 1, letter b) DSGVO.

To respond to your inquiries, in some cases we use service providers with whom we have concluded a contract on commissioned processing (Auftragsverarbeitung) pursuant to Art. 28 DSGVO. Your personal data (personenbezogene Daten) will only be processed within the European Union.

4.2. Service

If you have specific questions about our service or otherwise require assistance in using KINTO Share, please contact us using the contact options provided in the app, i.e. currently only via telephone. For this purpose, we process your mobile 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 in which you have been involved. In this case, we will record all 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 in order to fulfil the contract concluded between you and us. For this purpose, we also use service providers with whom we have concluded a contract on commissioned processing (Auftragsverarbeitung) pursuant to Art. 28 DSGVO. The legal basis (Rechtsgrundlage) for the processing is therefore Art. 6 (1), letter b) DSGVO. Your personal data (personenbezogene Daten) will only be processed within the European Union.

4.3. Malfunctions

If faults occur in our service, we transmit - insofar as necessary - individual personal data (personenbezogene Daten) to our service providers with whom we have concluded a contract on commissioned processing (Auftragsverarbeitung) in accordance with 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 any information we receive from you about the incident or can access ourselves. Your data will not be processed outside the European Union.

In the event of faults, 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 (weitergehende Forderungen) and receivables management (Forderungsmanagement)

Subject to our T&Cs, additional charges may apply in specific circumstances, for example for fines, accident excess or excessive soiling of the vehicle. In this case, we process your master and contact data, as well as details of the triggering event, in order to realise our claim for payment of the respective charges, whereby we do not use Stripe. The legal basis (Rechtsgrundlage) of the processing in this case is Art. 6 (1), letter b) DSGVO. In the context of this, we also transmit your personal data (personenbezogene Daten) to third parties such as lawyers, if necessary, in order to be able to realise the claim (Forderung).

6. Retention periods (Aufbewahrungspflichten)

We store your personal data (personenbezogene Daten) 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. If, however, we are obliged by law or by official order (behördliche Anordnung) to process your personal data (personenbezogene Daten) beyond the relevant point in time, we will do so in accordance with the obligation imposed by law or by the official order. In particular, we store the data that we require for the purposes of commercial and tax documentation obligations (handelsrechtliche und steuerrechtliche Dokumentationspflichten) for a maximum period of 10 years.

7. your rights

- 7.1. You may exercise your rights at any time by contacting us at our address set out in section A above or by emailing us at the email addresses set out in section A above.
- 7.2. You have the following rights under the GDPR with respect to personal data (personenbezogene Daten) relating to you:

Right to information	You are entitled to request confirmation from us at any time within the scope of Article 15 of the GDPR as to whether we are processing personal data (personenbezogene Daten) relating to you. If this is the case, you are also entitled under Article 15 of the GDPR to obtain information about this personal data (personenbezogene Daten) and certain other information (including the purposes of processing, 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 transfers to	Right to information	You are entitled to request confirmation from us at any time within the scope of Article 15 of the GDPR as to whether we are processing personal data (personenbezogene Daten) relating to you. If this is the case, you are also entitled under Article 15 of the GDPR to obtain information about this personal data (personenbezogene Daten) and certain other information (including the purposes of processing, 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 transfers to
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	third countries, the appropriate safeguards) and to obtain a copy of such data.		third countries, the appropriate safeguards) and to obtain a copy of such data.
right of rectification	In accordance with Art. 16 DSGVO, you are entitled to demand that we complete or correct the personal data (personenbezogene Daten) stored about you if it is inaccurate or incorrect.	right of rectification	In accordance with Art. 16 DSGVO, you are entitled to demand that we complete or correct the personal data (personenbezogene Daten) stored about you if it is inaccurate or incorrect.
right of cancellation	You have the right, under the conditions of Art. 17 DSGVO, to demand that we delete the personal data (personenbezogene Daten) concerning you without undue delay. However, the right to erasure does not apply if the processing of the personal data (personenbezogene Daten) 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 (e.g. statutory retention obligations (gesetzliche Aufbewahrungspflichten)) or (iii) the assertion (Geltendmachung), exercise or defence of legal claims.	right of cancellation	You have the right, under the conditions of Art. 17 DSGVO, to demand that we delete the personal data (personenbezogene Daten) concerning you without undue delay. However, the right to erasure does not apply if the processing of the personal data (personenbezogene Daten) 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 (e.g. statutory retention obligations (gesetzliche Aufbewahrungspflichten)) or (iii) the assertion (Geltendmachung), exercise or defence of legal claims.
Right to restrict processing:	According to Art. 18 DSGVO, you are entitled to demand that we restrict the processing of your personal data (personenbezogene Daten) if you dispute the accuracy of the data or if the processing is unlawful (unrechtmäßig).	Right to restrict processing:	According to Art. 18 DSGVO, you are entitled to demand that we restrict the processing of your personal data (personenbezogene Daten) if you dispute the accuracy of the data or if the processing is unlawful (unrechtmäßig).
Right to data portability	Your right to data portability according 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 (personenbezogene Daten) you have provided in a structured, common and machine-readable format.	Right to data portability	Your right to data portability according 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 (personenbezogene Daten) you have provided in a structured, common and machine-readable format.
Objection to processing	Insofar as we process your data on the basis of a balancing of interests (pursuant to Art. 6 para. 1 lit. f DSGVO), you have the right to	Objection to processing	Insofar as we process your data on the basis of a balancing of interests (pursuant to Art. 6 para. 1 lit. 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.		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.
Withdrawal of consent	If we process data on the basis of your consent, you can revoke (widerrufen) this consent at any time. If you revoke (widerrufen) 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 (Widerruf) remains unaffected by the revocation (Widerruf).	Withdrawal of consent	If we process data on the basis of your consent, you can revoke (widerrufen) this consent at any time. If you revoke (widerrufen) 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 (Widerruf) remains unaffected by the revocation (Widerruf).

- 7.3. 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, with 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

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40213 Düsseldorf

Phone: 0211/38424-0

Fax: 0211/38424-10

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