



## **Data protection leaflet for customers of nextbike GmbH**

In the following leaflet we want to inform you our customer about, the data nextbike processes, in connection with the use of our services and the rights to which you are entitled to under the GDPR/data protection regulation (EU) 2016/679 and German data laws.

### **1. Contact person responsible**

nextbike GmbH, Erich-Zeigner-Allee 69-73, 04229 Leipzig,

### **2. Contact data of the data protection officer**

Attorney Peter Hense, Spirit Legal LLP, Petersstraße 15, 04109 Leipzig, Germany

### **3. Personal data**

Personal data refers to any information relating to an identified or identifiable natural person (hereinafter referred to as "data subject"); an identifiable natural person is one who can be identified directly or indirectly, in particular by assignment to an identification such as a name, an identification number, location data, an online identifier or to one or more special features that assist in the description of a person.

### **4. Purposes and legal bases of data processing**

We process personal data within the framework of the General Data Protection Regulation (GDPR EU 2016/679 and German data laws), for the following purposes.

#### **4.1 Contract performance/implementation of pre-contractual measures according to Article 6.1 a – f of the General data protection regulation (EU) 2016/679.**

Personal data of the users is collected for some the following reasons, the rental of nextbike bicycles, registration of customers on the nextbike system done via app, telephone hotline, terminal, websites and the services thereby connected. 7. When contacting nextbike, the information is stored for the purpose/s of processing the enquiry and in the event that follow-up questions arise.



Within the framework of a registration or rental process, we process personal data that is necessary for the establishment, content design, modification or termination of the registration or the respective contractual relationship, for example: Name, title, address, date of birth, telephone number, bank details/credit card information, monthly sums of the invoice turnover, the bicycles used by you in our system and inquiries to us regarding your contract. Personal data is processed in order to execute a contract with you or to fulfil or terminate a contract that has already been established. This includes, for example, data processing that is carried out in connection with our customer service/s.

Personal data of the users is collected for some the following reasons:

1. the rental of nextbike bicycles,
2. registration of customers on the nextbike system, this is done via app, telephone hotline, terminal, websites and the services,
3. nextbike services,
4. bike usage data (e.g. location of the rental bike at the beginning and end of the rental period, parking processes and location of the bike, shall be collected insofar as it is necessary for the purpose of carrying out the contractual relationship with the customer. (This also includes the use of the data to detect and eliminate errors and malfunctions in the rental process and in the overall operation.

#### **4.2 Protection of legitimate interests (Art. 6.1. f of the GDPR (EU) 2016/679)**

We process your personal data only when necessary to: protect our interests, interests of third parties and only if in the course of this process your interests are not outweighed. We process personal data to protect the following legitimate business interests:

1. for collection procedures including the transfer of personal data to collection service providers for the collection or sale of outstanding receivables for internal purposes to control and improve our business processes,
2. business management analysis, company analysis, for the further development of Services and products for direct advertising, in order to contact you for your individual needs, with your permission,
3. Need to offer suitable own similar products, to ensure legal compliance aspirations to,
4. ensure the security and availability of our IT systems, and
5. for the avoidance of damage for the performance of contracts with the provision and distribution of our services participants for settlement

#### **4.3 Fulfilment of a legal obligation (Art. 6.1. c of the GDPR (EU) 2016/6790)**



We are subject to various legal requirements that may result in an obligation to process personal data e.g. commercial, corporate, competition and tax laws, data protection laws and other general legal obligations.

#### **4.4 Processing on the basis of consents (Art. 6.1. a of the GDPR (EU) 2016/679)**

We process your personal data if you have given us your consent (you will receive further information e.g. for the purposes and your “opt out/revocation” options when you give your consent).

#### **5. Recipients of personal data**

Certain employees, that have been given the appropriate permission of our company, have access to your personal data to the extent necessary to fulfil the above-mentioned purposes. We use service providers who support us in data processing within the scope of order processing (service providers for the following services:

1. IT and network operations,
2. call centers,
3. customer service,
4. mail processing,
5. file/volume destruction,
6. printing, archiving,
7. sales partners,
8. advertising and marketing,
9. market research,
10. operation of online offerings,
11. websites and apps,

\*These service providers are subject to strict contractual agreements, including confidentiality. On a contractual basis, recipients outside our company who do not work for us in the context of order processing also process your personal data to the required extent:

12. Telecommunication service providers, e.g. for making calls, sending SMS, etc.;
13. Sales partners and other companies that support us in selling our products; banks, e.g. for the execution of direct debit procedures; providers of payment services,
14. Banks, for client payments,
15. Tax consultants/auditors, to guarantee and review the bookkeeping of legal requirements (e.g. tax regulations),
16. lawyers, to represent and enforce our legal interests, and



\*These recipients are further subject to legal or professional duties or obligations of contractual agreements to secrecy. We are legally obliged in individual cases to transmit personal data to authorities (e.g. requests for information from investigating authorities) or natural/legal persons (e.g. to assert claims).

## 6. Data processing in third countries

We process your personal data in Germany and in the European Union. Service providers who process personal data on our behalf outside the European Union (so-called third countries) will only be used if the European Commission has issued an "adequacy decision" (Art. 45 of the GDPR (EU) 2016/679), "appropriate guarantees" (Art. 46 GDPR (EU) 2016/679) or "internal data protection regulations" (Art. 47 GDPR (EU) 2016/679) for this third country. General information on the adequacy decisions can be found at:

[https://ec.europa.eu/info/law/lawtopic/dataprotection/datatransfersoutsideeu/adequacyprotection-personal-data-non-eu-countries\\_de](https://ec.europa.eu/info/law/lawtopic/dataprotection/datatransfersoutsideeu/adequacyprotection-personal-data-non-eu-countries_de), on the present suitable guarantees at [https://ec.europa.eu/info/law/law-topic/dataprotection/datatransfersoutsideeu/modelcontracts-transfer-personal-data-third-countries\\_de](https://ec.europa.eu/info/law/law-topic/dataprotection/datatransfersoutsideeu/modelcontracts-transfer-personal-data-third-countries_de) and [https://ec.europa.eu/info/law/law-topic/dataprotection/data-transfers-outside-eu/eu-usprivacy-shield\\_de](https://ec.europa.eu/info/law/law-topic/dataprotection/data-transfers-outside-eu/eu-usprivacy-shield_de) and on the internal data protection regulations at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/bindingcorporate-rules\\_de](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/bindingcorporate-rules_de). For further information, please contact our data protection officer.

In addition, your personal data will be processed in third countries if it is necessary to fulfil the contract (e.g. rental transactions in third countries following "roaming procedures"), if you have given your consent or if there is a legal obligation for said processing.

## 7. Deletion of personal data

We always delete personal data if it is no longer necessary for the purposes that it was collected (as mentioned in the document).

We delete your customer data, at the latest one year after the end of the calendar year following the cancellation of your user account with us, unless we are obliged by law to do otherwise (e.g. commercial law or tax law requirements); in these cases we delete the data at the end of these legal periods (usually after 6-10 years).

At the end of a rental process, we determine which parts of your data are relevant for billing and our services (e.g. repair or redistribution of bicycles). We delete data not relevant for billing or services immediately. We will delete the traffic data on which the invoice is based no later than six (6) months after dispatch of the invoice. If you have raised objections to your invoice, we may store your data until the objections have been finally clarified. As far as we are legally obligated, we may also store your data beyond that.



If you have given your consent to the processing of personal data, we will delete your personal data at the latest as soon as you revoke your consent and if there is no other legal basis for the processing of said data.

## **8. Origin of personal data**

We do not only process personal data that we receive directly from you, as we also receive personal data from third parties that may concern or be primarily about you.

## **9. Choice and design options**

If you register with us under a contract or at any time while your registration continues or rental procedures are carried out, we offer you options to decide on the collection and use of your data in certain areas. You can exercise your options and design options via your user account. As a business customer you can also contact your contact person.

## **10. Your rights**

As the person concerned within the meaning of the GDPR (EU) 2016/679, you have the following rights:

1. You have the right to obtain information about your processed data (Art. 15 GDPR (EU) 2016/679). Please contact our customer care service in this regard,
2. If your data is incorrect or incomplete data you can complete them in your online self- service area. or have it corrected by our customer service (Art. 16 GDPR (EU) 2016/679).
3. Under certain legal conditions, you have the right to have your data deleted, (Art. 17 GDPR (EU) 2016/679). You can delete your data in your user account or contact customer care
4. You can store your data in your online user accounts area.
5. Under certain legal conditions, you have a right to restrictions processing (Art. 18 GDPR (EU) 2016/679). You can do this in your online self-service area or contact customer service.
6. You have the right to transfer personal data concerning you (Art. 20 GDPR (EU) 2016/679), you can do this by contacting customer service
7. You have the right of appeal to a supervisory authority (Art. 77 GDPR (EU) 2016/679), for example, by contacting the data protection supervisory authority.
8. You have the right to revoke your consent in regards to the usage of your data:
9. You have the right to withdraw your submitted data,
10. You can consent to the processing of your personal data at any time with effect for the future.  
The legality of the data collected on the basis of the consent until processing that



has been revoked remains unaffected by the revocation. You will be informed on how to initiate this revocation when obtaining the consent. But revocation can be initiated by contacting our data protection to declare such.

11. You have a right of objection in relation to the usage of your data under certain legal conditions; we will inform you about this at the conclusion of the contract and at the end of this leaflet.
12. You have the right to object to profiling or automated decision making that could impact you.

## **11 Changes to the Privacy Policy**

Since changes in the law or changes in our internal company processes may make it necessary to adapt this data protection leaflet, which we reserve the right to do so, please consult the data protection leaflet regularly (at [nextbike.com/data-protection](https://nextbike.com/data-protection)).

## **12 Your right of objection (Article 21 GDPR (EU) 2016/679)**

You have the right, at any time, for reasons arising from your particular situation against the processing of your personal data which, on the basis of Art. 6.1. e or Art. 6.1.1 f of the GDPR (EU) 2016/679.

For reasons arising from your particular situation, we then shall no longer process this personal data for these purposes, unless we can prove compelling reasons to do so, which outweighs your individual rights and or freedoms, or the processing serves to assert, exercise or defend a legal claim.

If personal data is processed for direct marketing purposes, of which we have obtained your consent, you have the right to object at any time to the processing of this personal data for the purpose of such advertising. You can make this declaration to our customer service.