

# **Privacy Policy according to Art. 13 GDPR for the CORE Link APP and WTS CORE Series Product**

## **1. Scope of this Privacy Policy**

This Privacy Policy applies to the data processing by SHENZHEN BYD ELECTRONIC CO., LTD (in the following “BYD”) in connection with customer’s use of the CORE Link APP and WTS CORE Series Product. More information about BYD and their contact details can be found at the end of this Privacy Policy.

When you request aftersales or trouble-shooting services, BYD can give BYD Authorized Service Partner access to the data as described in section 2 of this Privacy Policy. BYD and BYD Authorized Service Partner are both responsible for the processing of your data. Information on BYD Authorized Service Partner and its contact details and on how your data is processed in the event of aftersales or trouble-shooting service requests will be made available to you by BYD Authorized Service Partner if it is not already described below.

Please also note that when you download the CORE Link APP from Google Play or the Apple App Store, your data are processed in a way for which BYD is not the controller under data protection law. Rather, the operators of the respective app stores are responsible for this processing. Further information is available under <https://policies.google.com/privacy> (for Google Play) and under <https://www.apple.com/legal/privacy/en-ww/> (for the Apple App Store).

The processing of your data is made in accordance with the EU General Data Protection Regulation (GDPR) and with the national data protection laws where applicable. Personal data means any information relating to an identified or identifiable natural person. In

the following BYD informs you in detail about which data BYD process, in which way and on which legal basis. Moreover, BYD informs you about your rights and about the duration of storage of your data.

## **2. Collection and processing of data; categories of data; purpose of data processing**

BYD collects and processes personal data insofar you provide BYD with for example via contacting BYD or if BYD ask you for, for example when it is necessary to provide services to you.

The WTS CORE Series Product can be used without being connected to the internet. However, connecting the WTS CORE Series Product to the internet offers a lot of advantages to you:

- The WTS CORE Series Product embedded software may be updated automatically. Thus, you do not have to care for updates which can contain new features but also bug fixing.
- In case of a defect, BYD or BYD Authorized Service Partner may provide you with remote services because they can have a look in your WTS CORE Series Product and provide trouble-shooting services. However, this will happen only upon your request. Costs can arise if your request is made beyond contractual warranty according to WTS CORE Series Product Limited Warranty Letter or after contractual warranty period according to WTS CORE Series Product Limited Warranty Letter has expired.

BYD collects and processes the following data when you connect the WTS CORE Series Product to the internet and when you use the CORE Link APP:

- information of status and performance of WTS CORE Series Product
- the location (only the municipality) of the WTS CORE Series Product

- the location of the phone to be able to connect the CORE Link APP with the WTS CORE Series Product via Wi-Fi: the location tracking must be activated on your mobile phone

The purpose of processing the data described above is to enable you to retrieve and display information about the status and performance of the WTS CORE Series Product. Moreover, this information is sent to BYD via internet, and it is used by BYD to the extent necessary for the provision of aftersales or trouble-shooting services through BYD Authorized Service Partner. For these purposes, BYD Authorized Service Partner may link the transferred data with the serial number of the WTS CORE Series Product and thus with your person, i.e., with your name and other data that you have provided BYD Authorized Service Partner with.

### **3. Categories of recipients of the personal data; data transfer to a third country**

Service providers and auxiliary agents used by BYD such as host or mail providers or IT agencies may have access to your personal data. However, insofar these service providers and auxiliary agents process data on behalf of BYD they only act according to BYD's instructions and are bound by adequate contracts. This applies accordingly to service providers which are based in a third country (outside the EU/EEA). Your data as mentioned in sec. 2 of this Privacy Policy will be transferred to China, where BYD is based. According to Art. 3 para. 2 GDPR the GDPR applies directly to BYD. However, the European Commission has not confirmed the existence of an adequate level of data protection in China, i.e. the national laws may not ensure a level of protection of personal data comparable to that provided by EU law. BYD engages other service providers based in third countries such as China and Singapore who have or may have access to your personal data. These are BYD's processors within the meaning of Art. 28 GDPR. Here, BYD provides appropriate safeguards within the meaning of Art.

46 GDPR by entering into the standard contractual clauses (SCC), module 2. The SCC are available here. If you have any further questions about this and the sets of SCC we use, please contact us using the contact details below.

In the event of an aftersales or trouble-shooting service request from a customer, BYD can give BYD Authorized Service Partner access to the data from the WTS CORE Series Product as described above.

#### **4. Encryption**

Data is transferred in encrypted form (SSL) to BYD's monitoring system. BYD takes technical and organizational measures to secure BYD's monitoring system and other systems against loss, destruction, access, modification or dissemination of your data by unauthorized persons.

#### **5. Rights of Data Subjects**

In the following BYD informs you about your rights which you may assert against BYD and against BYD Authorized Service Partner. However, please note that BYD only processes the data as described in section 2 and has no further information of your person as long as you have not given them to BYD voluntarily. According to Art. 11 GDPR, BYD is not obliged to maintain, acquire or process additional information in order to identify you for the sole purpose of complying with the GDPR. If BYD cannot identify you, Art. 15 to 20 of GPDR shall not apply except where you, for the purpose of exercising your rights under those articles, provide additional information enabling your identification. BYD will assist BYD Authorized Service Partner in fulfilling your rights if you make a request to the BYD Authorized Service Partner and the data is stored by BYD, provided we can associate the data we have stored with your person.

You have the following rights:

- If we process personal data on the basis of your consent, to withdraw your consent at any time in accordance with Art. 7 para.

3 GDPR; as a result, we may no longer continue to process the data based on this consent in the future; the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal;

- To obtain information from us about the personal data we process according to Art. 15 GDPR. In particular, you may request information about the purposes of the processing, the categories of personal data, the categories of recipients to whom your personal data have been or will be disclosed, the envisaged period for which the personal data will be stored, the existence of the right to request rectification, erasure, restriction of processing or to object, the right to lodge a complaint, the source of your data if they were not collected by us, as well as the existence of automated decision-making, including profiling, as well as meaningful information about the associated details;
- To request without undue delay the rectification of incorrect or incomplete personal data stored by us according to Art. 16 GDPR;
- To request, according to Art. 17 GDPR, the erasure of personal data stored with us, unless the processing is necessary for exercising the right of freedom of expression and information, full compliance with legal obligations, for reasons of public interest, or for the establishment, exercise or defence of legal Claims;
- To request restriction of processing your personal data according to Art. 18 GDPR, if you contest the accuracy of the data, if the processing is unlawful but you oppose the erasure of the data, and if we no longer need the personal data but you require them for the establishment, exercise or defence of legal claims, or if you exercised your right to object to processing according to Art. 21 GDPR;
- To request your personal data, which you have provided to us, in a structured, commonly used and machine-readable format or to demand the transmission to another controller according to Art. 20 GDPR;

- To the extent your personal data is processed on the basis of legitimate interests pursuant to Art. 6 subsection 1, sentence 1, lit. f, GDPR, you have the right to object to the processing of your personal data pursuant to Art. 21 GDPR on grounds relating to your particular situation;
- To the extent your personal data is processed for direct marketing purposes, you have the right to object at any time to the processing of your data for such marketing, including profiling, insofar as it is related to such direct marketing, in accordance with Art. 21 subsection 2 GDPR;
- To lodge a complaint with a supervisory authority in accordance with Art. 77 GDPR. You can generally contact the supervisory authority at your usual place of residence or workplace or at our seat for this purpose.

If you wish to exercise your aforementioned rights, please contact us using the contact details provided below.

## **6. Period of Data Storage and routine deletion**

Insofar nothing else is explicitly stated above BYD process and store personal data only for the period, which is required to meet the purpose of processing, or as long and to the extent as statutory laws require BYD to process and/or store such data.

If the purpose of processing does not apply anymore or the applicable statutory retention requirement expires, BYD will as a matter of routine erase or overwrite data or restrict the processing of data in accordance with the applicable statutory laws.

## **7. Responsible for data processing (controller):**

SHENZHEN BYD ELECTRONIC CO., LTD

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518118

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In the event of an aftersales or trouble-shooting service request BYD Authorized Service Partner is responsible for all data BYD Authorized Service Partner processes in this context. BYD Authorized Service Partner will provide you with all necessary information and its contact details.

There is an agreement on joint controllership between BYD and BYD Authorized Service Partner, which determines who processes which data and for which purposes, and who fulfils the rights of the data subjects. The most important provisions from this agreement are included in the respective sections in this Privacy Policy.

#### **8. BYD's representative in the European Union:**

BYD Smart Device Hungary Kft.

Contact person: Shen Dezhi

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