

Data Privacy Policy

Smart Tunnel Drive in Antwerp

Who is responsible for data processing?

Bayerische Motoren Werke Aktiengesellschaft, Petuelring 130, 80788 Munich, with its registered office in Munich, is entered in the commercial register of the Local Court [Amtsgericht] of Munich under HRB 42243 (hereinafter referred to as "BMW"). The BMW Labs service (referred to as "the Service") is a family of applications and services running in the vehicle, and communication via email. BMW provides the service to you and is responsible for related data processing activities.

What information may be collected about you and how is it used?

The Service is designed to assess Customers' behavior as it is exposed to different routing behavior related to strategic information and incentives. The Service is developed and will be tested within the EU-funded research project Socrates2.0 (AGREEMENT No INEA/CEF/TRAN/M2016/1366032; <https://socrates2.org/>, duration 09/2017 – 12/2020). In order to provide the personalised features of the Service, BMW collects, stores and processes your personal data in compliance with applicable law for the following purposes:

A. Fulfillment of the contractual obligation to provide the service (Art. 6(1)(b) GDPR):

Once you have subscribed to the Service, the following potentially personal information is processed by BMW and commissioned service providers:

- Data storage of Customers' Connected Drive Account, Customers' VIN (Vehicle Identification Number), Customers' email address for QR Code sending, support and Service evaluation, Customers' mobile number for support (optional, provided by customer).
The data will also be provided to the Connected Drive Call Center for support.
- When the Service App and the online guidance of the navigation device is active, selected vehicle data parameters are sent to and stored at the BMW's backend server like actual position, destination, initial route, estimated time of arrival, vehicle identification number (VIN) for identification and response and QR Code shipment. At the end of each day the collected data is parsed into a format that allows to evaluate the effectiveness of the traffic management measures and, at the same time, removes all private user data that is not required for evaluation.
- For Service evaluation the Customer agrees to get sent online questionnaires to his/her stated email address. If the Customers fills out the questionnaire the answers will be stored.

You can delete your service subscription at any time. For details, please scroll down to the section on "Your data privacy rights"

B. Assurance of product quality and development of new products (Art. 6(1)(f) GDPR)

Beyond the mere provision of services, the data collected under Section A. are also processed for the purposes of quality assurance and for the development of new products and services by BMW. These processing activities serve the legitimate interests of BMW in our effort to bring you the highest quality products and services as well as new and innovative offerings.

In order to protect your privacy, the data used to improve our products and create new services is stored in a form that it is not directly traceable to you or your vehicle.

The health of the service is constantly monitored. In the event that the monitoring detects critical system fault some data collected under Section A. may be reviewed to help determine the cause in order to correct the problem. Access to this information is strictly limited and is only used when needed to resolve a critical issue.

C. Compliance with legal obligations to which BMW is subject (Art. 13(1)(c), Art. 6(1)(c) GDPR)

BMW will also process personal data if there is a legal obligation to do so. This may be the case if we need to contact you because your vehicle is affected by a recall or technical action.

Collected data is also processed in the course of ensuring the operation of IT systems; such as:

- backup and recovery of data processed in IT systems,
- logging and monitoring of transactions to verify proper functioning of IT systems,
- detection and prevention of unauthorised access to personal data,
- Incident and problem management for troubleshooting IT systems.

Collected data is also processed in the context of internal compliance management, in which we check, whether you have been sufficiently advised in the context of a contract.

BMW is subject to a variety of other legal obligations. In order to comply with these obligations, we process your data to the extent required and, if necessary, pass these on to the responsible authorities within the framework of statutory reporting obligations

How do we collect your personal data?

BMW collects your data in the following conditions:

- If the online route request is actively running, either in the foreground or background
- If the service app is actively running, either in the foreground or background
- If you use the toll-free-voucher sent by email to you, the service will collect depersonalised usage analytics

How do we keep your information safe?

We secure your data using state-of-the-art technology. By way of example, the following security measures are used to protect your personal data against misuse or any other form of unauthorised processing:

- access to personal data is restricted to only a limited number of authorised persons for specified purposes;
- data is transferred only in encrypted form;
- data is stored in encrypted form;
- the IT systems used for the processing of the data are technically isolated from other systems to prevent unauthorised access, e.g. by hacking;
- access to the systems is monitored permanently in order to detect and avert misuse at an early stage.

How long do we store your data?

The data stored by BMW will be deleted 2 years after ending of the EU-project Socrates2.0 (12/2020).

Data provided for evaluation to the Socrates2.0 partners will be stored at the Socrates2.0 data archive for 5 years after project ending for assessment purposes of the European Commission (INEA).

The Socrates2.0 archive will be in the responsibility of and accessible by the Dutch Traffic Ministry Rijkswaterstaat (project coordinator of Socrates2.0).

Who will we share your data with and how will we protect it?

BMW is a global company. Your personal data is processed preferably within the EU by BMW employees, national sales companies, authorised retailers and service providers engaged by us.

If data are processed in countries outside the EU, BMW ensures that your personal data are processed in accordance with the European level of data protection, using EU standard agreements, including suitable technical and organisational measures.

The Socrates2.0 project partners and their subcontracted companies will receive data collected by BMW in the course of this Service in depersonalized form only for evaluation and service assessment.

How you see and change your privacy settings

- You can unlink your vehicle from the service by contacting the specific service email address Manged.City.Drive@bmwgroup.com
- If you contact BMW with a request to have your data deleted – the service data will be deleted

Your data privacy rights, your right to complain and contacting BMW

As BMW is processing your data, you are entitled to claim certain rights under GDPR and other relevant data protection regulations. This section explains your rights under the GDPR.

Your rights

According to the GDPR you are entitled to the following rights:

Right to withdraw Consent (Art. 7 GDPR):

If you wish to withdraw your consent allowing the service to process your data, contact the specific service email address Manged.City.Drive@bmwgroup.com.

Right to access your information (Art. 15 GDPR):

You can request information about the data that we hold about you at any time. This information includes, but is not limited to, the categories of data we process, for which purposes we process them, the source of the data if we have not collected it directly from you, and, if applicable, the recipients to whom we have submitted your information. You will receive 1 free copy of your data. If you are interested in additional copies, we reserve the right to charge for further copies.

Right to correction (Art. 16 GDPR):

You can request BMW to correct your data. We will take reasonable steps to keep the information we hold about you and process on an ongoing basis, accurate, complete, current, and relevant, based on the most up-to-date information available to us.

Right to deletion (Art. 17 GDPR):

You can ask that your data be deleted, if the legal prerequisites exist.

This may be the case under Art. 17 GDPR if:

- The data is no longer required for the purposes for which it was collected or otherwise processed;

- You revoke your consent, which is the basis of the data processing and there is no other legal basis for processing;
- You object to the processing of your data and there is no legitimate reason for the processing, or object to data processing for direct marketing purposes;
- The data was processed unlawfully

unless processing is required:

- To ensure compliance with a legal obligation that requires us to process your data;
- Especially with regard to statutory retention periods;
- To assert, exercise or defend legal claims.

Right to restriction of processing (Art. 18 GDPR):

You may demand that we restrict the processing of your data if:

- You deny the accuracy of the data. Data will be restricted from further processing for the time period we need to verify the accuracy of the data;
- The processing is unlawful and you refuse the deletion of your data. Instead you demand the restriction of use;
- We no longer need your information, but you need it to enforce, exercise or defend your rights;
- You have objected to the processing, as long as it is not certain that our legitimate interest in processing of the data outweigh your personal rights.

Right to data portability (Art. 20 GDPR):

Upon your request, we will transfer your data - as far as is technically possible - to another person in charge. However, you are only entitled to this right if the data processing is based on your consent or is required to carry out a contract. Instead of receiving a copy of your data, you may also ask us to submit the data directly to another person in charge who you specify.

Right to objection (Art. 21 GDPR):

You may object to the processing of your data at any time for reasons that arise from your particular situation, if the data processing is based on your consent or on our legitimate interests or that of a third party. In this case, we will no longer process your data. The latter does not apply if we can prove compelling legitimate reasons for processing that outweigh your interests or we need your data to assert, exercise, or defend legal claims.

Time limits for the fulfillment of data subject rights:

We make every effort to comply with all requests within 30 days. However, this period may be extended for reasons relating to the specific right or complexity of your request.

Restriction of information in the fulfillment of data subject rights:

In certain situations, we may be unable to provide you with information about all of your data due to legal requirements. If we have to reject your request for information in such a case, we will inform you at the time about the reasons of the refusal.

Complaint to regulators:

BMW AG takes your concerns and rights very seriously. However, if you believe that we have not adequately complied with your complaints or concerns, you have the right to lodge a complaint with a competent data protection authority.

Contact BMW

If you have any questions about the way we use your personal data, please contact BMW by email: Managed.City.Drive@bmwgroup.com or

You can also contact the responsible data protection officer:

Stefan Winkler
BMW AG
Petuelring 130
80788 Munich, Germany
datenschutz@bmw.de