

Legal notices on data protection

360° Mobility App Privacy Statement

Last updated: 01.03.2024

The high standard that you associate with the features of our products and services is the guideline BMW uses in handling your data. In doing so, BMW seeks to create and maintain an environment conducive to a trustworthy business relationship with its customers and interested parties. The confidentiality and integrity of your personal data is especially important to BMW. BMW processes personal data especially in accordance with the EU General Data Protection Regulation ("GDPR") and the German Telecommunications-Telemedia Data Protection Act ("TTDSG").

Who is responsible for data processing?

Bayerische Motoren Werke Aktiengesellschaft, Petuelring 130, 80788 Munich, Germany, headquarters and court of registration: Munich HRB 42243 (hereinafter "BMW"), provides the customer with car-related information, auxiliary services, and the temporary or permanent activation of additional functions under the name "360° Mobility" (collectively hereinafter "Services") and is responsible for data processing in the respective context.

The Services include i.a. the 360° Mobility App as well as applications running in the backend, in a respective car, and integrations with third party services such as Apple services.

The following privacy statement applies to the 360° Mobility App and the respective features and functions (hereinafter "App").

Data Protection Officer
BMW AG
Petuelring 130
80788 Munich
Germany
datenschutz@bmw.de

What data does BMW process about you and for what purpose?

BMW has designed the App (including any features and functions) to be a highly personalized mobility companion. BMW processes your personal data in compliance with applicable law in order to provide the App to you and to provide any personalized features and functions of the App to you. BMW processes the respective personal data for the following purposes:

A. Conclusion and Fulfillment of the App Usage Contract (Article 6 (1) (b), (f) GDPR, Section 25 (2) no. 2 TTDSG)

BMW processes the following data categories, in order to enable the use of the App:

- Account data (BMW Group Login).
- Contact data (last name, first name, address, email address, etc.).

BMW can access and/or store data within your App on your device to the extent necessary to enable the use of the App. BMW may also process personal data based on legitimate interests for the operation of the App, such as IT security measures.

In addition, further data categories may be processed by BMW, BMW NSCs or BMW Partners based on the subscribed BMW Group Labs service. For further details see corresponding terms & conditions and privacy policy of the BMW Groups Labs service.

Consent

When you launch the App for the first time, you will be prompted for your consent for a few specific data types before the service begins collecting the data. If you decline, the features which require that data will be disabled. You can provide your consent in the future, if you choose to do so.

Specific consent may be requested for:

- Receiving notifications.

Third Party Data Transfers

The App includes features that utilize selected third parties in order to provide a specific function or feature. In most cases, BMW provides such data in anonymized form such as the request to the map provider to retrieve the map image for your location. In other cases, BMW may transfer your personal data to a third-party service provider in order to enable a specific function or feature, such as when you schedule a service appointment for your car.

In general, BMW will ask for your consent before sending the respective data to a third party, unless there is another legal basis for such data transfer such as the performance of a contract to which you are party to or in order to take steps at your request prior to entering into a contract.

Data and App Deletion

Data which is processed and stored by the App as part of the subscribed BMW Group Labs service may be deleted upon request. See Data Privacy Statement of subscribed BMW Group Labs service (e.g. via <https://labs.bmwgroup.com/services-overview>).

You may also delete the App application data and/or the App in the corresponding menu of your smartphone OS:

- Delete Application data from your device.
- Delete the App from your device.

B. Using our services / BMW Group Login (Article 6 (1) (b) GDPR, Section 25 (2) no. 2 TTDSG)

The use of certain services may require a registration via the My BMW / MINI Portal. When you register, you will receive an online customer account that gives you access to other BMW Group portals and offers. In order to provide you the BMW Group Login service, your data is passed on to the respective BMW Group company that acts as a provider of applications you use. BMW processes the data with regard to your customer account. Such data is separated from any other (even potentially identical) data about your person that may be available to other companies of the BMW Group.

You may delete your online customer account at any time. Please note that some services, features and/or functions might not be available to you anymore.

C. Assurance of Product Quality and Development of new Products (Article 6 (1) (f) GDPR)

Beyond the mere provision of services, BMW also processes collected data 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 car. BMW is constantly monitoring the proper functioning of the App and its features and functions. BMW may also process your personal data based on legitimate interests to secure product quality, improve its services and to take IT security measures.

D. Fulfillment of Legal Obligations of BMW (Article 6 (1) (c), (f) GDPR)

BMW will process your personal data if there is a legal obligation to do so. BMW is subject to a number of legal obligations. In order to comply with these obligations, BMW processes your personal data to the extent needed and passes on this data to the responsible authorities, if necessary, as part of legal reporting requirements. Furthermore, BMW may process your personal data to the extent it is necessary for the establishment, exercise, or defense of legal claims.

E. Safeguarding and Internal Compliance Management (Article 6 (1) (f) GDPR)

BMW processes collected data based on the legitimate interest of safeguarding the operation of IT systems (back-end and car systems). Safeguarding in this context includes, but is not limited to, the following actions:

- Backup and restoration of data processed in IT systems.
- Logging and monitoring transactions to check the specific functionality of IT systems.
- Detecting and protecting against unauthorized access to data to guarantee the integrity and security of IT systems as well as incident and problem management for resolving problems in IT systems.

BMW also processes collected data as part of its internal compliance management, wherein BMW reviews aspects such as whether a customer has received sufficient information as part of concluding an agreement and whether dealers have complied with all legal requirements.

F. Storing of Information and/or Access of Information already stored in your Device (Section 25 (1), (2) no. 2 TTDSG)

In some instances, accessing and/or storing of data in your device is necessary in order to provide you with the respective Services, such as functions and/or features of your App). Other than that, BMW will ask for your consent in order to access and/or store data in your device. We subsequently process personal data based on the GDPR in accordance with the purposes described above.

How do we collect your personal data?

BMW collects your personal information in the following conditions:

- The App is actively running, either in the foreground or in background, on your mobile device.
- You actively use features of the App.
- If you access the App via an integrated device, the App will collect anonymized usage analytics.
- When you use the App for BMW ConnectedDrive / MINI Connected services such as executing a remote command (e.g., locking your doors) or viewing your car status the data is generated by your car. All BMW ConnectedDrive / MINI Connected data is collected and processed under your BMW ConnectedDrive / MINI Connected contract and is detailed under the BMW ConnectedDrive / MINI Connected legal notices on data protection included separately in the App.

How long do we store your data?

BMW stores your personal data only for as long as required for the respective specific purpose. BMW deletes your personal data when no further storing is necessary with regard to the respective data processing purpose and BMW does not need to comply with a statutory provision regarding the retention of certain personal data. If BMW cannot delete your personal data, BMW will restrict further processing of such personal data.

If BMW processes data for several purposes, BMW deletes such data automatically or saves such data in a form that cannot be traced directly back to you once the last specified purpose has been met.

See Data Privacy Statement of subscribed BMW Group Labs service (e.g. via <https://labs.bmwgroup.com/services-overview>) for details.

How is your data stored?

BMW stores your data in accordance with state of the art of technology. The following security measures serve as an example of the measures applied to protect your personal data from misuse or other unjustified processing:

- The availability of access to personal data is restricted to just a limited number of authorized persons for the specified purposes.
- Collected data is transferred only in encrypted form.
- Sensitive data is also saved only in encrypted form.
- The IT systems for processing the data are compartmentalized from other systems, e.g., to prevent hacking.
- In addition, access to these IT systems is monitored continuously in order to ward off and detect misuse early.

To whom is the data passed and how do we protect it along the way?

BMW is a global company. Personal data is processed preferably in the EU / EEA by BMW employees, national sales companies, authorized dealers and by commissioned service providers.

If BMW processes data in countries outside the EU / EEA, BMW uses in general EU standard contractual clauses, including suitable technical and organizational measures, to ensure that your personal data is processed in accordance with the European level of data protection. If you want to access the actual protections for data transfer to other countries, please contact BMW using the communications channels specified below.

The EU has already issued adequacy decisions regarding the comparable data protection level for some countries outside the EU / EEA, e.g., Israel and Switzerland. Due to the comparable data protection level, data transfer to such countries does not require any special approval or agreement.

How can you view and modify your data privacy settings?

You can review and change your settings regarding granted permissions (e.g. notifications) for the App in the system settings of your mobile device. Depending on the car model, you can also access a privacy menu in your car in which you can also change the car related settings.

In case data is transferred to BMW Partners and you would like to request a change or deletion of such data, kindly contact the respective BMW Partner directly. For further information regarding any data transfer to a BMW Partner, please see the descriptions of the relevant services.

Your rights as a data subject and your right to lodge complaints with a supervisory authority.

In the event of questions regarding BMWs use of your personal data, please contact BMW customer support, either by email at kundenbetreuung@bmw.de or by phone at +49 89 1250-16000 (daily 08:00 AM – 8:00 PM, German time). In addition, you can contact the responsible data protection officer at datenschutz@bmw.de or by mail at the address stated above.

As data subjects to the processing of your data, you can assert certain rights in accordance with the GDPR and in accordance with other applicable data protection provisions. The following section contains explanations regarding your rights as a data subject in accordance with the GDPR.

Right of access by the data subject (Article 15 GDPR):

At any time, you can request information about the data that BMW processes about you. This information includes the data categories processed by BMW, the purposes for which data is processed, the source of the data if BMW did not collect it from you directly and, where applicable, the recipients to which BMW has transferred your data. You can obtain a free copy of your data from BMW. If you are interested in additional copies, BMW reserves the right to charge you for any additional copies.

Right to rectification (Article 16 GDPR):

You can request that BMW rectifies your data. We will take appropriate measures to maintain, based on the latest information available to us, the correctness, completeness, and timeliness of the data BMW has and continue to process regarding you.

Right to erasure (Article 17 GDPR):

You can request that BMW erases your data if the legal requirements exist for doing so. In accordance with Article 17 GDPR, this could be the case if

- the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
- you withdraw your consent on which the processing is based and where there is no other legal ground for the processing;
- you object to the processing of your data and there are no overriding legitimate grounds for the processing, or you object to data processing for direct marketing purposes;
- the personal data has been unlawfully processed;

and if such process is not necessary

- for compliance with a legal obligation that requires that we process your data;
- especially with respect to retention periods required by law;
- for the establishment, exercise or defense of legal claims.

Right to restriction of processing (Article 18 GDPR):

You can request the restriction of processing of your data by BMW if

- you contest the accuracy of the personal data for a period enabling us to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of its use instead;
- BMW no longer needs your data, but you require it for the establishment, exercise or defense of legal claims;
- you have objected to processing pending the verification whether legitimate grounds of BMW override yours.

Right to data portability (Article 20 GDPR):

Upon your request, we will transfer your data, where technically feasible, to another controller. You can exercise this right only insofar as data processing is based on your consent or is necessary in performance of an agreement.

Right to object (Article 21 GDPR):

You can object, on grounds relating to your particular situation, at any time to processing of your personal data if data processing is based on your consent or on legitimate interests of BMW or a third party. BMW will cease processing your data in such a case. The latter shall not apply if BMW can demonstrate compelling legitimate grounds for the processing which override your interests or where BMW requires your data for the establishment, exercise, or defense of legal claims.

Information restriction for fulfillment of rights as a data subject

In certain situations, BMW may be unable to provide you with any information about any of your data due to legal requirements. If BMW is required to decline a request for information in such a case, BMW will also notify you of the reasons for the refusal.

Complaints to supervisory authorities

BMW takes your rights and concerns very seriously. However, if you are of the opinion that we have not adequately complied with your complaints or concerns or that the processing of your personal data infringes the GDPR, you have the right to lodge a complaint with a data protection supervisory authority.