

## General information about the processing of your data

The Organic Law 3/2018 of December 5, 2018, on the Protection of Personal Data and Guarantee of Digital Rights (hereinafter, LOPDGGD) and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (hereinafter, GDPR), require us to inform you about the processing of your personal data (hereinafter, "data") when using our apps. We take the protection of your personal data very seriously. This data protection notice informs you about the details of the processing of your data and about your legal rights in this regard. For terms such as "personal data" or "processing", the legal definitions from Art. 4 GDPR are authoritative. We reserve the right to adapt the data protection declaration with effect for the future, in particular in the event of further development of the apps, the use of new technologies or changes to the legal basis or the corresponding case law. We recommend that you read the privacy policy from time to time and take a printout or copy for your records.

### 1. Controller

The controller responsible for processing personal data within the scope of application of this Privacy Policy is:

nextbike GmbH

Erich-Zeigner-Allee 69-73

04229 Leipzig

E-Mail: [datenschutz@nextbike.de](mailto:datenschutz@nextbike.de)

Tel.: +49 (0)341 / 3089889-0

Fax: +49 (0)341 / 3089889-13

And

Ayuntamiento de León with CIF P-2409100A,

Address: Avd. Ordoño II, 10, 24001, León Avd. Ordoño II, 10,  
24001, León.

Email: [dpd@aytoleon.es](mailto:dpd@aytoleon.es)

### 2. Data Protection Officer

Spirit Legal LLP Rechtsanwälte

Rechtsanwalt und Datenschutzbeauftragter

Peter Hense

Postanschrift:

Datenschutzbeauftragter

c/o nextbike GmbH, Erich-Zeigner-Allee 69 – 73, 04229 Leipzig

and

The City Council of León has the support and appointment of the Delegate of Data Protection, whose contact details are:

[dpd@aytoleon.es](mailto:dpd@aytoleon.es)

### 3. Security

We have taken comprehensive technical and organizational measures to protect your personal data from unauthorized access, misuse, loss and other external interference. To this end, we regularly review our security measures and adapt them to the state of the Art.

### 4. Your rights

You have the following rights with respect to personal information concerning you which you may enforce against us:

- Right to information: According to Art. 15 GDPR, you can demand information on the personal data which we process.
- Right to rectification: Should the information in question not (no longer) be correct, you can demand rectification according to Art. 16 GDPR. Should your data be incomplete, you can demand that your data be completed.
- Right to erasure: According to Art. 17 GDPR, you can demand erasure of your personal data.
- Right to restriction of processing: According to Art. 18 GDPR, you have the right to demand restriction of your personal data.
- Right to object: According to Art. 21(1) GDPR, you have the right at all times to object to the processing of your personal data as performed on the basis Art. 6(1)(1) point e) or point f) for reasons relating to your particular situation. In this instance, we will not continue processing your data unless we can demonstrate mandatory grounds for processing that require protection and which are superior to your interests, rights, and freedoms, including if such processing is being undertaken to establish, exercise or defend legal claims (Art. 21(1) GDPR). According to Art. 21(2) GDPR, you are furthermore entitled to the right to object to the processing of personal data relating to your person for the purposes of direct marketing at any time; this also applies in the event of any profiling insofar as such is directly connected to such direct marketing. We refer you to the right to object in this Data Protection Policy with regards to the respective processing.
- Right to withdraw your consent: Insofar as you have given your consent to processing, you have the right to withdraw such according to Art. 7(3) GDPR.

- Right to data portability: You have the right to receive such personal data concerning you which you have provided to us in a structured, commonly used and machine-readable format (“data portability”), and the right to have these data transmitted to a further controller, provided the prerequisite under Art. 20(1) point a), b) GDPR has been fulfilled (Art. 20 GDPR).

You may enforce your rights by sending communication using the contact details named under “Controller”, or the Data Protection Officer we have named.

If you are of the opinion that the processing of your personal data breaches data protection law, you also have the right to lodge a complaint with a data supervisory authority of your choice according to Art. 77 GDPR.

#### 5. Use of our websites

In principle, you can use our websites for purely informational purposes without disclosing your identity. When you call up the individual pages of the respective websites in this sense, only access data is transmitted to our web space provider so that the website can be displayed to you. The following data is processed here:

- browser type/browser version
- operating system used
- language and version of the browser software
- host name of the accessing end device
- IP address
- Website from which the request comes
- Content of the request (specific page)
- Date and time of the server request
- Access status/HTTP status code
- Referrer URL (the previously visited page)
- Amount of data transferred
- Time zone difference to Greenwich Mean Time (GMT)

The temporary processing of this data is necessary in order to technically enable the course of a website visit and a delivery of the website to your end device. The access data is not used to identify individual users and is not merged with other data sources. Further storage in log files takes place in order to ensure the functionality of the websites and the security of the information technology systems. The legal basis for the processing is Art. 6 para. 1 p. 1 lit. f) GDPR. Our legitimate interests lie in ensuring the functionality of the websites and the integrity and security of the websites. The storage of access data in log files, in particular the IP address, for a longer period of time enables us to detect and prevent misuse. This includes, for example, the defense against requests that overload the service or any bot use. The access data is deleted as soon as it is no longer required to achieve the purpose of its processing. In the case of the collection of data for the provision of the websites, this is the case when you end your visit to the website. The log data is basically stored directly and exclusively accessible to administrators and deleted after seven days at the latest. After that, they are only indirectly available via the reconstruction of backup tapes and are finally deleted after a maximum of four weeks.

You can object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details listed in the section “Responsible provider”.

## 6. Tracking

### 6.1 Technically necessary elements

Some elements of our Internet pages require that the calling browser can be identified even after a page change. In the technically necessary elements, such as in particular cookies or similar methods of terminal access, the following data are processed for the purpose of carrying out or facilitating electronic communication and providing an information society service requested by the user:

- Language settings
- Log-in information

The user data collected through technically necessary elements are not processed to create user profiles. We also use so-called “session cookies”, which store a session ID that can be used to assign various requests from your browser to the common session. “Session cookies” are necessary for the use of the websites. In particular, we can use them to recognize the end device used when returning to the website. We use this cookie to recognize customers on subsequent visits to the websites; otherwise, they would have to log in again on each visit. The legal basis for this processing is Art. 6 para. 1 p. 1 lit. f) GDPR. Our legitimate interests in the processing are to provide the aforementioned special functionalities and thereby make the use of the websites more attractive and effective. The “session cookies” are deleted after logging out or after closing the browser (depending on browser type and setting). You can object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details listed in the “Responsible party” section.

## 6.2. Technically unnecessary elements

We also use cookies, pixels, browser fingerprinting and other tracking technologies on the websites that enable an analysis of the user's surfing behavior. For example, the following data is stored and processed:

- Search terms entered
- Frequency of page and app views
- Utilization of website and app functions

The legal basis for this processing is your consent pursuant to Art. 6 (1) s. 1 lit. a) GDPR. The technically unnecessary cookies, pixels and other tracking technologies are automatically deleted after a specified duration, which may differ depending on the tracking method. Insofar as we integrate third-party cookies or pixels and similar tracking technologies into our website, we will point this out to you separately below.

### 6.2.1 Cookie banner notice

When you access the websites, you will be informed by an information banner about the use of cookies and referred to this data protection declaration. In this context, there is also a note on how the storage of cookies can be prevented in the browser settings. Via this information banner, you have the option of selecting our cookies for you individually. Technically necessary cookies must be activated in order to ensure the smooth use of our website or app. You can activate or deactivate technically unnecessary cookies via the info banner.

### 6.2.2 Consent Tool "Klaro"

In order to request consent for the processing of your end device information and personal data by means of cookies or other tracking technologies on our websites, we use the consent tool "Klaro" of the company "KIProtect GmbH", Bis-marckstr. 10-12, 10625 Berlin (hereinafter "KIProtect"). With the help of "KIProtect", you have the possibility to consent or refuse the processing of your end device information and personal data by means of cookies or other tracking technologies for the purposes listed in the tool of "KIProtect". Such processing purposes may include, for example, the integration of external elements, integration of streaming content, statistical analysis, reach measurement and personalized advertising. You can use "KIProtect" to give or refuse your consent for all processing purposes or to give or refuse your consent for individual purposes or individual third-party providers. The settings you have made can also be changed by you afterwards. The purpose of the integration of "KIProtect" is to leave the decision about the setting of cookies and similar functionalities to the users of our websites and to offer the possibility to change already made settings in the course of the further use of our websites. In the course of using "KIProtect", personal data (IP address), information of the end devices used and the settings you have made are processed by us and "KIProtect". The legal basis for the processing is Art. 6 para. 1 p. 1 lit. c) GDPR in conjunction with Art. 7 (1) GDPR, insofar as the processing serves to fulfill the legally standardized obligations to provide evidence for the granting of consent. Otherwise, Art. 6 para. 1 p. 1 lit. f) GDPR is the relevant legal basis. Our legitimate interests in the processing lie in the storage of user settings and preferences in relation to the use of cookies and the evaluation of consent rates. The data is stored pseudonymously for a maximum of 12 months. Twelve months after the user settings have been made, the consent is queried again. The user settings made will then be stored again for this period, unless you yourself delete the information about your user settings in the end device capacities provided for this purpose beforehand. Further data protection information is available at <https://kipro-TECT.com/de/ressourcen/datenschutz>.

You may object to the processing insofar as the processing is based on Art. 6 (1) p. 1 lit. f) GDPR. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details listed in the "Responsible party" section.

## 7. Registration and tariff options

During or after registration, we offer you options to decide on the collection and use of your data in certain areas. You can exercise your choices and options via your user account. As a business customer, you can also contact your contact persons.

### 7.1 Registration/login area of the websites and apps

If you want to use the password-protected area on our websites and in our apps, you generally have to register using the following information:

- Address
- E-mail address
- First/last name
- Phone Number
- Location / City / Postcode
- RFID chip number (optional)
- If applicable, specification of co-user/partner (optional)
- Means of payment
- Ticket number (optional)

When registering for the use of nextbike in different cities and countries, different data is requested that is required for the registration in the respective cities/countries. Furthermore, at the time of registration, your IP address and the date and time of registration are processed. We use the double opt-in process for registration on the websites and in our apps. After you have submitted the data required for registration, you will receive an SMS with a personalized PIN code to activate your customer account. Only after successful activation by entering the PIN code is access to the customer account created and registration successfully completed. For subsequent registrations (logins), the access data (user ID, password) selected by you during the first registration must be entered. If confirmation by entering the transmitted PIN code is not received within 24 hours, we will block the information transmitted to us and automatically delete it after one month at the latest. Otherwise, your data will be deleted as soon as they are no longer required to achieve the purpose of their processing. This is the case for the data collected during the registration process when the registration on the website or in the apps is cancelled or modified and your customer account is balanced.

The following functions are available in the login area of the websites and the apps:

You can:

- Check your nextbike account balance
- Edit your profile data (enter and change name, contact details, PIN code)
- Change payment methods
- Cancel your customer account
  
- Link your user account with your customer accounts of selected partner companies
- Redeem vouchers

If you use the password-protected area of the websites or apps, e.g. to edit your profile data, we also process the personal data required to initiate or fulfill the contract, in particular address data and information on the method of payment. The legal basis for the processing is Art. 6 para. 1 (1) point b) GDPR. The provision of your data is necessary and mandatory for the conclusion or performance of the contract. If you do not provide your data, you can neither register nor use the login area, i.e. a contract conclusion and / or execution is not possible. The data will be deleted as soon as they are no longer required to achieve the purpose of their processing, or processing will be restricted if legal retention periods exist. Due to mandatory commercial and tax regulations, we are obliged to store your address, payment and order data for a period of ten years. 6 months after termination of the contract, we restrict the processing and reduce the processing to compliance with existing legal obligations.

## 7.2 Partner program

As part of the use of your customer account, we offer you the opportunity to benefit from customer advantages and special conditions, such as free rides, with our partner program. You can select the respective partner companies/associations within your user account on our websites or in our apps by confirming the associated fields. In order to enable you to benefit from the respective customer advantages and special conditions, we process the following data from you depending on the design of the customer account of the partner company:

- Code
- Customer number
- Subscription number

In addition, you can enter your e-mail addresses in the user settings, with which you are registered with the respective partner companies or have a customer account there. The legal basis for the processing is Art. 6 para. 1 point b) GDPR. The provision of your data is necessary for the performance of the contract, and you are contractually obliged to provide your data.

If you do not provide your data, it will not be possible to conclude and / or execute the contract in the form of enabling customer benefits and special conditions. Your personal customer data will not be passed on to the respective partner companies. The respective partner companies may receive anonymized statistics on the number of customers who have made use of a customer benefit or special conditions by providing their customer data.

## 7.3 Ticket subscription / season tickets

You also have the option to select different fare options and timecards on the websites or in our apps, manage your selected options and subscribe to our annual and monthly cards. Registration to receive timecards is done via our online form within your user account. We process the data you provide during registration, such as your first and last name, address, etc., to execute the contract. The provision of your data is required for the execution of the contract and you are contractually obliged to provide your data. If you do not provide your data, it will not be possible to conclude and / or execute the contract. The legal basis is Art. 6 para. 1 (1) point b) GDPR. We delete the data accruing in this context after the storage is no longer necessary or restrict the processing if legal retention

obligations exist. Due to mandatory commercial and tax regulations, we are obliged to store your address, payment data and order data in accordance with §§ 257 HGB, 147 Para. 1 point 4, Para. 3 AO for a period of ten years. Two years after termination of the contract, we restrict the processing and reduce the processing to compliance with existing legal obligations.

#### **7.4 Cooperation in the course of joint responsibility**

Nextbike processes personal data with partner companies in the course of a so-called "joint responsibility" according to Art. 26 (2) sentence 2 GDPR. The reasons for the cooperation as joint controllers result from the respective contractual relationships and responsibilities of the controllers in the course of the operation of a bicycle rental system and may differ with respect to the different systems. The following is a list of the partners with whom nextbike cooperates as joint responsible parties, and in each case a further link to the information sheet in which the essential background to the responsibilities can be viewed. These can also be found at [nextbike.de/datenschutz](https://nextbike.de/datenschutz) under notes on joint responsibility according to Art. 26 GDPR.

### **8. Collection and processing of location data**

#### **8.1 Collecting in the course of the rental process**

For the purpose of faster traceability and billing, we locate the location (coordinate-based) of the respective bicycles within our business areas when renting and returning each bicycle. We do not track the distance traveled during the time the bicycle is borrowed. Insofar as we use the location data (GPS data) for billing purposes, the legal basis for the processing is Art. 6 para. 1 lit. b) GDPR. Otherwise, we base the processing of location data on the legal basis of Art. 6 (1) (f) GDPR, as we pursue the purpose of improving the service for our customers by being able to distribute the bicycles evenly in the city area. In addition, the GPS tracking serves the prevention and detectability of criminal offenses in connection with the use of the bicycles. After the purpose has been achieved (e. g. after the bicycle has been returned), the GPS data is blocked for further processing or deleted, unless we are entitled to further storage and processing required in the respective context on the basis of a consent granted by you, a contractual agreement, a legal authorization or on the basis of legitimate interests (e. g. storage for the enforcement of claims). Due to mandatory commercial and tax regulations, we are obliged to store GPS data that serve as a basis for accounting in accordance with §§ 257 HGB, 147 para. 1 No. 4, para. 3 AO for a period of ten years.

You may object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details mentioned in the section "Controller".

#### **8.2 Push notification: Location query**

When you register as a new customer on our websites or in our apps, a (push) message usually opens asking for the use of your current location. In the event that you allow location access, we process this information for the analysis of the use of our websites and apps and to make our web offer more attractive as well as to provide you with additional service. The legal basis for the processing is Art. 6 para. 1 p. 1 lit. f) GDPR. We store this data for a maximum of 2 years after the page is accessed. Your data will not be passed on to third parties.

You can object to the processing. Your right to object is on grounds relating to your particular situation. You can send us your objection via the contact details mentioned in the section "Controller".

### **9. Payment / Payment provider**

#### **9.1 Payment Service Provider (PSP)/ Payment service provider / Credit check - Credit assessment via Abilita**

Within the framework of payment processing, e.g. SEPA direct debit, we reserve the right to forward the bank details you have provided to external companies for the purpose of a credit check. For this purpose, we use the services of the online platform "Abilita" of Abilita GmbH (Prüfeneringer Straße 20, 93049 Regensburg, Germany; hereinafter: Abilita) under the domain [www.debitcheck.de](https://www.debitcheck.de) to compare creditworthiness and economic information. The bank details (IBAN/BIC) you provide when creating a user account or depositing a means of payment within the user account are processed by us primarily for the purpose of processing payments. The legal basis in this case is Art. 6 para. 1 p. 1 lit. b) DSGVO. The provision of your payment data is necessary and obligatory for the conclusion or execution of the contract. If the payment data is not provided, it will not be possible to conclude and/or execute the contract by SEPA Direct Debit.

In order to carry out the creditworthiness query and for the purposes of fraud prevention and the avoidance of default risks, the bank connection data (IBAN/BIC) provided by you will be forwarded to "Abilita" and subjected to a check there. "Abilita" then checks the transmitted data with the help of available information from credit agencies, retail and mail-order trade databases, public debtor lists and registers of telecommunications companies and compares them with data-bases of the following recipients:

- CRIF Bürgel GmbH, Leopoldstraße 244, 80807 München
- infoscore Consumer Data GmbH, Rheinstraße 99, 76532 Baden-Baden

- SCHUFA HOLDING AG, Kormoranweg 5, 65201 Wiesbaden

With the help of the return debit prevention pool (RPP) used here, the validity of the bank account, the existence of known return debits and the existence of a block on the bank account are then checked. In the process, a mathematical-statistical procedure is used to determine or predict the payment behaviour. From this, after completion of the credit-worthiness check via the online platform used by "Abilita", both the positive or negative prognosis of the credit risk in the context of soft, medium or hard negative features is transmitted to us as well as a score value which enables us to make a decision on the establishment, implementation or termination of the contractual relationship with you as our customer. The determined score or probability values also allow conclusions to be drawn about the payment behaviour to be expected in the future. If the result of the creditworthiness check is negative, i.e. a poor creditworthiness or a low score value is determined, this may lead to restrictions in the payment methods provided by us and we may only be able to offer you a payment via selected, restricted payment methods.

The legal basis for processing by Abilita is Art. 6 para. 1 p. 1 lit. f) DSGVO. Our legitimate interests lie in the prevention of abuse and fraud, automated decision-making in relation to the determination of payment behaviour and the avoidance of default risks in accordance with Art. 22 (1) DSGVO. Further information on data protection at "Abilita" is available at <https://www.debitcheck.de/datenschutz/> and <https://abilita.de/datenschutz>. We delete the data accruing in this context after the storage is no longer necessary or restrict the processing if there are statutory retention obligations. Due to mandatory commercial and tax regulations, we are obliged to retain your address, payment and order data for a period of up to ten years. Two years after termination of the contract, we restrict processing and reduce processing to compliance with existing legal obligations.

You can object to the processing. You have the right to object on grounds relating to your particular situation. You can send us your objection via the contact details mentioned in the section "Person responsible".

## 9.2 PayPal

On our websites and in our apps, we offer you payment via PayPal. The provider of this payment service is PayPal (Europe) S.à.r.l. et Cie, S.C.A., 22-24 Boulevard Royal, L-2449 Luxembourg (hereinafter: "PayPal"). If you select payment via "PayPal", the payment data you enter will be transmitted to "PayPal". The processing of your data at "PayPal" is based on Art. 6 para. 1 sentence. 1 point b) GDPR (processing for the performance of a contract). The provision of your payment data is necessary and mandatory for the conclusion or performance of the contract. If the data is not provided, a contract conclusion and / or execution with the payment method "Paypal" is not possible. The data required for payment processing are transmitted securely via the "SSL" procedure and processed exclusively for payment processing. We delete the data accruing in this context after the storage is no longer necessary, or restrict the processing if legal storage obligations exist. Due to mandatory commercial and tax regulations, we are obliged to store your address, payment and order data for a period of up to ten years. Two years after termination of the contract, we restrict the processing and reduce the processing to compliance with existing legal obligations. Further information on data protection and the storage period at "PayPal" can be found at <https://www.paypal.com/de/webapps/mpp/ua/privacy-full>.

## 9.3 Credit card payments

For the purpose of payment processing, the customer provides the payment data required for the credit card payment to the credit institution commissioned with the payment. nextbike subsequently only stores an ID created by the payment service provider as well as a token in order to process future payments.

Payment service providers used by us are:

- Adyen (Adyen N.V., Simon Carmiggeltstraat 6-50, 1011 DJ Amsterdam)

The processing is carried out on the basis of Art. 6 para. 1 s. 1 point b) GDPR. The provision of your payment data is necessary and mandatory for the conclusion or execution of the contract. If the payment data is not provided, a conclusion of the contract and / or the execution by means of a credit card payment is impossible. The data required for payment processing are transmitted securely via the "SSL" procedure and processed exclusively for payment processing. We delete the data accruing in this context after the storage is no longer necessary, or restrict the processing if there are legal obligations to retain data. Due to mandatory commercial and tax regulations, we are obliged to store your address, payment and order data for a period of up to ten years. Two years after termination of the contract, we restrict processing and reduce processing to compliance with existing legal obligations.

Purposes of enforcement or rights/address enquiry

In the event of failure to pay, we reserve the right to forward the data disclosed upon ordering/booking to a solicitor for the purposes of address enquiry and/or enforcement of rights. The legal basis for this processing is Art. 6(1)(1) point f) GDPR. We have a legitimate interest in preventing fraud and avoiding default risks. Furthermore, we will forward your data, where necessary, in order to protect our rights and the rights of our affiliated companies, our cooperation partners, our employees, and/or those of the users of our websites or our apps, and to the extent that processing is necessary. We will never sell or lease your data to third parties. The legal basis for processing is Art.

6(1)(1) point f) GDPR. We have a legitimate interest in this processing for the purposes of enforcing rights. We erase the data collected as soon as storage is no longer necessary, or alternatively we restrict processing in the event that there exist legal retention periods.

You may object to this processing. You have a right to object where there exists grounds related to your particular situation. You can communicate your objection to us using the contact details provided under the section "Controller".

## 10. E-Mail-Marketing

### 10.1 Newsletter

You have the possibility to subscribe to our e-mail newsletter under "Account Settings - Profile", with which we will inform you regularly about the following contents:

- System News;
- Price changes / limited time offers;
- Promotions of our company.

To receive the newsletter, you must provide a valid e-mail address. We process the e-mail address for the purpose of sending our e-mail newsletter and as long as you have subscribed to the newsletter. We use an external e-mail marketing service to send the newsletter. You can find more information about these service providers in the section "Email marketing services".

The legal basis for the processing is Art. 6 para. 1 s. 1 point a) GDPR.

You can revoke your consent to the processing of your e-mail address for the receipt of the newsletter at any time, either by clicking directly on the unsubscribe link in the newsletter or by sending us a message via the contact details provided under "Responsible party". This does not affect the lawfulness of the processing that took place on the basis of the consent until the time of your revocation.

In order to document your newsletter registration and to prevent misuse of your personal data, registration for our e-mail newsletter takes place in the form of the so-called double opt-in procedure. After entering the data marked as mandatory, we will send you an e-mail to the e-mail address you provided, in which we ask you to explicitly confirm your subscription to the newsletter by clicking on a confirmation link. In doing so, we process your IP address, the date and time of your subscription to the newsletter and the time of your confirmation. In this way, we ensure that you really want to receive our e-mail newsletter. We are legally obliged to prove your consent to the processing of your personal data in connection with the registration for the newsletter (Art. 7 (1) GDPR). Due to this legal obligation, the data processing is based on Art. 6 para. 1 s. 1 point c) GDPR.

You are not obliged to provide your personal data during the registration process. However, if you do not provide the required personal data, we may not be able to process your subscription at all or in full. If no confirmation of the newsletter subscription is received within 24 hours, we will block the information transmitted to us and automatically delete it after one month at the latest. After your confirmation, your data will be processed as long as you have subscribed to the newsletter.

In the event of unsubscription by exercising the revocation of the declaration of consent, we process your data, in particular your e-mail address, to ensure that you do not receive any further newsletters from us. For this purpose, we add your e-mail address to a so-called "block list", which makes it possible that you do not receive any further newsletters from us. The legal basis for the data processing is Art. 6 para. 1 s. 1 point c) GDPR in order to comply with our verification obligations, otherwise Art. 6 para. 1 s. 1 point f) GDPR. Our legitimate interests in this case are to comply with our legal obligations to reliably no longer send you newsletters.

You can object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details listed in the section "Responsible party".

In addition, we process the aforementioned data for the establishment, exercise or defense of legal claims. The legal basis for the processing is Art. 6 para. 1 point c) GDPR and Art. 6 para. 1 point f) GDPR. In these cases, we have a legitimate interest in asserting or defending claims.

You may object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details listed in the "Responsible party" section.

We also statistically evaluate newsletter opening rates, the number of clicks on included links and the reading duration, measure the reach of our newsletters and adapt the offers and information sent to your personal interests. For this purpose, the usage behavior on our websites as well as within the newsletters sent by us is evaluated on the basis of end device-specific information (e.g. e-mail client used and software settings). For this analysis, the e-mails sent contain so-called web beacons or tracking pixels, which are single-pixel image files that are also embedded on our website.

For the purpose of measuring reach, we measure the number of visitors who have reached our websites by clicking on links and who perform certain actions there, such as redeeming coupons and purchasing products via the online store. Depending on the reading behavior, we also form target groups to which we send newsletter content tailored

to the identified user interest. In order to be able to adapt our newsletter even better to your interests, we assign your e-mail address or your user profile to other user profiles within our database.

The legal basis for the processing is Art. 6 para. 1 s. 1 point a) GDPR. We delete your data when you terminate the newsletter subscription.

Revocation of your consent is possible at any time, either by sending a message to us (cf. the contact details in the section "Responsible party" or by directly using the unsubscribe link contained in the newsletter. This does not affect the lawfulness of the processing that took place on the basis of the consent until the time of your revocation.

#### **10.2 Email marketing service „MailChimp“**

We use the email marketing service "MailChimp" of the provider "The Rocket Science Group, LLC" (675 Ponce De Leon Ave NE, Suite 5000, Atlanta, GA 30308, USA; hereinafter: "MailChimp"). "MailChimp" also processes your data in the USA. There is no adequacy decision of the EU Commission for the data transfer to the USA. We have agreed standard contractual clauses with "MailChimp" to oblige "MailChimp" to comply with an adequate level of data protection. We will provide you with a copy upon request. If you have registered for the newsletter, the data provided during registration and the data processed during the use of our newsletter service will also be processed on the servers of "MailChimp". "Mail-Chimp" acts as our processor and is contractually limited in its authority to use your personal data for purposes other than providing services to us in accordance with the applicable data processing agreement.

The legal basis for the processing is Art. 6 para. 1 p. 1 point f) GDPR. Our legitimate interests in using an external email marketing service lie in the optimization and more targeted control and monitoring of our newsletter content. For more information on data protection, please refer to the privacy policy of "Mailchimp" at <https://mailchimp.com/legal/privacy/>.

You can object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details listed in the "Person responsible" section.

### **11. Use of third-party tools**

In order to provide and continuously improve our services, we rely on the services of the following third-party providers, through which personal data may also be processed.

#### **11.1 Zendesk**

We use the customer relationship management (CRM) service "Zendesk" to process customer requests. The tool is operated by Zendesk Inc, 989 Market Street #300, San Francisco, CA 94102, USA. Zendesk is used to handle inquiries via email, phone, or the contact forms on our apps and websites. We have concluded the required data protection agreement with the company Zendesk in accordance with Art. 28 GDPR. According to this agreement, Zendesk undertakes to ensure the necessary protection of your data and to process it exclusively on our behalf in accordance with the applicable data protection regulations.

When processing customer requests, Zendesk processes personal data collected in the course of the contractual relationship, such as telephone number, name, e-mail address, payment information, loan or address data.

The processing of your data takes place on EU servers offered by Zendesk. This is the content of the described agreement according to Art. 28 GDPR. For more information on Zendesk's compliance with data protection, please visit <https://www.zendesk.de/company/privacy-and-data-protection/>.

The legal basis of the processing is Art. 6 para. 1 point b) GDPR. The personal data will be kept for as long as it is necessary to fulfill the purpose of the processing. The data will be deleted as soon as they are no longer necessary to achieve the purpose.

#### **11.2 Cloudflare**

For information security purposes, our websites use various services of the provider Cloudflare (Cloudflare Inc., 101 Townsend St., San Francisco, CA 94107, United States). In doing so, the data described in section 5 "Use of our websites" is processed. We have concluded an order processing agreement with cloudflare in accordance with Art. 28 GDPR. Data is only processed via servers located in the EU. The legal basis for the processing is Art. 6 para. 1 p. 1 lit. f) GDPR. Our legitimate interests lie in ensuring the functionality of the websites and the protection of the nextbike service in general.

In addition, we use the services of the Content Delivery Network (hereinafter "CDN") of Cloudflare on our websites for the purpose of faster retrieval of our online offer. When you visit the websites, a library from the "CDN" is temporarily stored on your end device in order to avoid reloading the content. In the process, your IP address is transmitted to the provider. We have concluded an order processing agreement with cloudflare in accordance with Art. 28 GDPR after processing of the data only takes place via servers located in the EU. The legal basis for the processing is Art. 6 para. 1 p. 1 lit. f) GDPR. With the use of "Cloudflare", we pursue the legitimate interest of faster retrievability as well as a more effective and improved presentation of our online offer.

Further information on data protection and the storage period for "Cloudflare" can be found at: <https://www.cloudflare.com/de-de/privacypolicy/> (section 7 "additional safeguards").

You may object to the processing. Your right to object exists for reasons arising from your particular situation. You can send us your objection via the contact details mentioned in the section "Responsible provider".

#### **11.3 Open Street Map**

Our websites use the "OpenStreetMap" service of the OpenStreetMap Foundation (OSMF) to display maps or map sections and thus enable you to conveniently use the map function on the websites. By visiting the websites, OpenStreetMap receives information about the use of our website, including your IP address, which may be collected by cookies and forwarded to the servers of OpenStreetMap and stored. Further information on the purpose and scope of processing by "OpenStreetMap" as well as the storage location and duration can be found at [https://wiki.openstreetmap.org/wiki/Privacy\\_Policy](https://wiki.openstreetmap.org/wiki/Privacy_Policy). The legal basis for the processing is Art. 6 para. 1 p. 1 lit. f) GDPR. The processing serves to make our web offer more attractive and to provide you with additional service. You can object to the processing. Your right to object exists for reasons arising from your particular situation. By changing the settings in your Internet browser, you can object to processing by cookies by disabling or restricting cookies. Cookies that have already been stored can be deleted at any time in the browser settings. You can also prevent the use of cookies by opening the browser you are using in "private mode".

#### 11.4 Google Analytics 4.0

In order to be able to optimally adapt our websites and apps to user interests, we use "Google Analytics 4.0", a web analysis service from "Google" (Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland and Google, LLC 1600 Amphitheatre Parkway Mountain View, CA 94043, USA). The "Google Analytics 4" analysis service uses technologies such as "cookies", "tracking pixels", "device fingerprinting" and programming interfaces to track specific user behavior on websites and in apps. Information stored on users' devices is also processed in the process. With the help of tracking pixels embedded in websites and cookies stored on users' end devices, Google processes the information generated about the use of our website by users' end devices and access data across all end devices for the purpose of statistical analysis - e.g., that a website or several specific web pages have been accessed or that a newsletter registration has taken place.

To analyze usage behavior, we use an application programming interface, the Firebase Software Development Kit (SDK), provided by Google to access end-device information such as the advertising ID (IDFA from Apple and GAID from Google) of the end device used and to enable statistical analysis of the use of the app. Google assigns a randomly generated user ID to which the respective usage behavior is assigned.

Using machine learning methods, Google automatically records user behavior and other events during interaction with our website/app. In addition, a cross-platform analysis of user behavior takes place on websites and apps that use Google Analytics 4 technologies. This makes it possible to record, measure and compare user behavior in different environments. For example, the user's scroll events are recorded automatically to enable a better understanding of how websites and apps are used. Different user IDs from different cookies or end device resources are used for this purpose. We are then provided with anonymized statistics on the use of the various platforms, compiled according to selected criteria.

With the help of "Google Analytics 4", target groups are automatically created for certain cookies or mobile advertising IDs, which are later used for renewed individualized advertising targeting. Target group criteria that can be considered are, for example: Users who have viewed products but not added them to a shopping cart or added them to a shopping cart but not completed the purchase, users who have purchased certain items. In this case, a target group includes at least 100 users. With the help of the "Google Ads" tool, interest-based advertisements can then be displayed in search results. In this way, users of websites can be recognized on other websites within the Google advertising network (in Google search or on "YouTube", so-called "Google Ads" or on other websites) and presented with tailored advertisements based on the defined target group criteria.

For these purposes, it can also be determined whether different end devices belong to you or your household.

Access data includes, in particular, the IP address, browser information, the website previously visited and the date and time of the server request. "Google Analytics 4" automatically shortens the IP address by the last octet in order to make it more difficult to relate it to a person. According to Google, the IP addresses are shortened within member states of the European Union. Due to the "Google Analytics" tool used, the user's browser automatically establishes a direct connection with Google's server. If users are registered with a Google service, Google can assign the visit to the user account and create and evaluate user profiles across applications.

Storage period: The storage period is 14 months.

Third-country transfer: Consent for Google Analytics also includes consent to the possible transfer of data to the USA. The USA is classified by the European Court of Justice as a country without an adequate level of data protection and without appropriate guarantees according to EU standards. In particular, there is a risk that your personal data may be processed by U.S. authorities for control and monitoring purposes, possibly without the possibility of a legal remedy to prevent access to data or to establish the illegality of the access. In addition, it cannot be guaranteed that your data subject rights can be fully implemented and supervisory authorities in the USA will take appropriate remedial action. The use of Google Analytics requires the third country transfer. If you do not wish to consent to the third country transfer, you must deselect Google Analytics.

The legal basis for the processing is your consent according to Art. 6 para. 1 s. 1 point a) GDPR. "Google" also processes the data in part in the USA. So-called "standard contractual clauses" have been concluded with Google to ensure compliance with an appropriate level of data protection. Upon request, we will provide you with a copy of the standard

contractual clauses. Your data in connection with "Google Analytics 4.0" will be deleted after fourteen months at the latest. Further information on data protection at "Google" can be found at: <http://www.google.de/intl/de/policies/privacy>.

Revocation of your consents to the processing [and third-party transfer] is possible at any time by pushing back the slider in the "Advanced Settings" of the Consent Tool for the respective third-party provider. The lawfulness of the processing remains unaffected until you exercise the revocation.

### **11.5 YouTube**

On our websites, we use plug-ins of the video platform "YouTube.de" or "YouTube.com", a service of YouTube LLC (head-quarters at 901 Cherry Avenue, San Bruno, CA 94066, USA; hereinafter "YouTube"), for which "Google" (Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland) is the controller within the meaning of data protection law. By processing data through the plug-ins, we pursue the purpose of integrating visual content ("videos") that we have published on "Youtube.de" or "Youtube.com" also on our websites. The Videos are all embedded in "extended data protection mode", which means that no data about you as a user is transmitted to "YouTube" if you do not play the videos. While playing videos on our websites, "YouTube" receives the information that you have accessed the corresponding subpage of our websites. In addition, some of the data mentioned in the section "Access data" is transmitted to "Google". This occurs regardless of whether "YouTube" provides a user account through which you are logged in or whether no user account exists. If you are logged in to "Google", your data will be directly assigned to your account. If you do not want the assignment with your profile at "YouTube", you must log out before activating the button. "YouTube" stores your data as usage profiles and processes them independently of the existence of a user account with "Google" for purposes of advertising, market research and/or needs-based design of its website. The legal basis for the processing is Art. 6 para. 1 p. 1 lit. a) GDPR. "Google" also processes your personal data in the USA. There is no adequacy decision of the EU Commission for a data transfer to the USA. So-called "standard contractual clauses" have been concluded with Google to ensure compliance with an adequate level of data protection. Upon request, we will provide you with a copy of the standard contractual clauses. For more information on the purpose and scope of processing by "YouTube" and the storage period at "YouTube", please refer to the privacy policy at <https://policies.google.com/privacy>.

You may object to the processing. Your right to object exists for reasons arising from your particular situation. You can object to the processing in different ways: by deactivating cookies in the settings of your browser software or by opening the browser you are using in "private mode" to prevent the use of cookies.