

Legal notices on data protection

BMW ConnectedDrive

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The high standards you place on the qualities of our products and services govern how we handle your data. Our aim is to create and maintain the basis for a trusting business relationship with our customers and prospective customers. The confidentiality and integrity of your personal data is one of our prime concerns.

This legal notice on data protection sets out the information of the processing of your personal data in accordance with the Regulation (EU) 2016/679 ("GDPR") and, as the case may be, applicable Member State data protection laws. Information in accordance with the Regulation (EU) 2023/2854 ("Data Act") will be provided separately.

Who is responsible for data processing?

Data processing activities are jointly performed by the national sales company (Muscats Motors Ltd.) (hereinafter referred to as "IMPORTER") and Bayerische Motoren Werke Aktiengesellschaft, Petuelring 130, 80788 Munich, with its registered office in Munich and entered in the commercial register of the Local Court [Amtsgericht] of Munich under HRB 42243 (hereinafter referred to as "BMW").

The IMPORTER provides the customer with certain vehicle-related information and assistance services (hereinafter referred to as "services") under the name "BMW ConnectedDrive" (hereinafter referred to as the "ConnectedDrive contract") and is the customer's contact with regard to operational and contractual matters.

BMW is responsible for the technical provision of the services. For the purpose of providing the services and support to the customer in case of problems, data are transferred from the IMPORTER to BMW.

What kind of data are processed and for what purpose?

The data collected in connection with entering into a contract or providing the services are processed for the following purposes:

A. Entering into a contract (Art. 6(1)(b) general data protection regulation No. 2016/679 dated 27 April 2016 "GDPR")

In connection with entering into a contract, the following data categories are processed:

- contact data (last name, first name, address, email address, etc.)
- account data (ConnectedDrive or My BMW login account, bank details, etc.)

The contractual data are automatically erased 1 year after expiry of the contract; financial transactions are erased in accordance with the statutory provisions after 10 years.

B. Compliance with the contractual obligation to perform the ConnectedDrive contract (Art. 6(1)(b) GDPR)

For the purposes of the performance of the ConnectedDrive contract entered into between you and the IMPORTER, BMW provides various services, such as BMW Legal eCall, Concierge Service, TeleServices, etc.

For the purposes of the provision of these services by BMW and commissioned service providers, the following (if required, personal) information from the vehicle is processed:

- vehicle status data (mileage, battery voltage, door and tailgate status, etc.)
- position and movement data (time, position, speed, etc.)
- vehicle maintenance data (next service, oil level, break wear, etc.)
- environmental information (temperature, rain, etc.)
- user profile (personal profile picture/ avatar, settings as navigation, media, communication, driver's position, climate/light, driver assistance, etc.)

- sensor information (radar, ultrasonics, gestures, speech, etc.)

Although the provision of these data is not required to enter into the ConnectedDrive contract, BMW is unable to provide you with the respective service if these data are not provided by you and are not processed.

The processed personal data are automatically erased after 4 weeks unless they are needed longer for the provision of a specific service.

BMW Group Login

To use the Service, you must register in the App / 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 BMW Group company that acts as a provider of the applications in use by you. Storage of the data from your customer account is handled by BMW AG and is separate from any other (even potentially identical) data about your person that may be available to BMW Group.

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

Beyond the mere provision of services, the data collected under B. are also processed for the purposes of quality assurance of the products and services offered by BMW Group and for the development of new products and services by BMW. These processing activities serve the legitimate interests of BMW to comply with the high standards placed by our customers on existing products and services and to be capable of satisfying our customers' future wishes through the development of new products and services. In order to protect our customers' privacy, the data are processed exclusively in a form that is not directly traceable to the customer/vehicle.

D. Fulfillment of the sales, service and administrative processes of BMW AG, the national sales company and authorized dealers (GDPR 6(1)(f))

In order to optimize the customer experience and collaboration with BMW distributors continuously, we create evaluations and reports based on information from agreements and we share these evaluations and reports with the applicable BMW distributors. These evaluations are predominantly used for introducing appropriate measures (e.g. training courses for sales personnel) to improve the request and sales process. We will create the aforementioned reports only in an aggregated and anonymized form; this means that the recipients of the reports will be unable to draw any conclusions about you personally.

Portions of the vehicle-specific data collected under B. are used for performance of the service processes (e.g. repair, warranty, goodwill) of BMW AG, the national sales companies and authorized dealers. This processing is within the legitimate interests of BMW to provide our customers with the best possible service process. Processing sometimes also takes place in connection with legal requirements (e.g. repair and maintenance information due to the provisions of anti-trust regulations). Technical data is always processed in relation to the vehicle and without direct connection to the customer in order to protect the privacy of our customers.

The following data categories are used for this:

- Vehicle master data (vehicle type, color, equipment, etc.)
- Vehicle service data (due date of next service visit, oil level, brake wear, etc.)
- Vehicle status information (mileage, battery voltage, door and hatch status, etc.)

The technical vehicle data is deleted at the end of the vehicle life cycle.

The IMPORTER is a company within BMW Group. In part, we process your data in order to make the administration of the various companies within BMW Group as efficient and successful as possible. One of the areas this affects is common group accounting in accordance with international accounting regulations for companies (such as the International Financial Reporting Standards (IFRS)).

E. Customer support (GDPR 6 (1)(b), (g), (f))

The IMPORTERS and BMW partners use your personal data for communication as part of concluding contracts, see above (e.g. booking BMW Digital services) or for the transaction of a request formulated by you (e.g. inquiries and complaints to BMW Customer Support). We contact you regarding all aspects of concluding a contract or processing a request without special permission e.g. in writing, by phone, by messenger services, by e-mail, depending on which contact data you have specified.

F. Marketing communications and market research due to consent (GDPR 6 (1) (a))

If you have separately given your consent to the further use of your personal data, your personal data may be used to the extent described in the consent declaration, e.g. for marketing purposes (e.g. for selected products and services of the BMW Group and promotional partners) and/or market research, and where applicable disclosed to third parties. Further details can be found in the respective consent declaration, which can be revoked at any time.

G. Fulfillment of legal obligations of the IMPORTER or BMW (GDPR 13(1)(c) and 6(1)(c))

BMW will also process personal data if it is necessary for compliance with a legal obligation or we have legitimate interest in processing personal data for the purpose of fulfilling legal requirements. This could be the case if we needed to contact you because your vehicle is subject to a recall or a Technical Campaign, for the purpose of money laundering checks when establishing a business relationship with you or to check relevant sanction lists or export control specifications that BMW Group must observe.

- Collected data during your use of BMW IT systems is also processed as part of safeguarding the operation of IT systems. Safeguarding in this context includes, but is not limited to, the following actions: Backup and restore 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 personal data to guarantee the integrity and security of IT systems,
- Incident and problem management for resolving faults in IT systems.

Collected data is also processed as part of internal compliance management at BMW Group, wherein we review aspects such as whether you have received adequate advice as part of concluding an agreement and whether the BMW Partner has complied with all legal requirements. We also have a legitimate interest in processing personal data to protect BMW Group's selective sales system, for example by identifying unauthorized resellers.

Within the framework of legal obligations, certain consumption data (known as OBFCM data, such as fuel consumption and mileage) is collected from your vehicle during workshop visits and directly transmitted to the EU Commission by the manufacturer (BMW AG). You can refuse to the collection and transmission of data for this purpose at authorized BMW workshops and BMW dealers.

BMW is subject to numerous additional legal obligations. In order to comply with these obligations, we process your data to the necessary extent and may potentially pass this data on to the responsible authorities upon their legitimate request or as part of legal reporting obligations. We may also process your data in the event of a legal dispute, providing the legal dispute requires the processing of your data.

H. Data transfer to selected third parties

The data collected under B. can be passed on to a third party electronically at your request with BMW CarData. This is used in the fulfillment of other purposes in the relationship between you and the third party, such as concluding a usage-related insurance policy for your vehicle.

In case your vehicle is part of a fleet, certain data collected under B. - for example mileage, geo-position, vehicle health data, service needs - might also be transferred to the fleet operator. Based on the Data Act, this may also apply if you have leased your vehicle. For details on data collection and use please review your fleet operator's / leasing provider's data protection information or contact your fleet operator / leasing provider.

Technical vehicle data might be shared with BMW development partners in pseudonymized form, typically using the secure Catena-X Automotive Network (<https://catena-x.net/>).

BMW provides the data collected under B. to third parties in anonymized form for the purposes of using resources such as mobility services, maps and tools, especially in combination with highly automated, fully automated and autonomous driving.

To fulfill contractual obligations and enable the service provision as well as the payment transaction, BMW passes data to third party providers.

Is Artificial Intelligence (AI) used to process your data?

In certain cases, we will process your personal data using artificial intelligence. This can be done, for example, as part of customer service in order to be able to serve you better, or when we use security tools in our IT systems that are intended to detect attacks on our IT infrastructure. BMW has implemented adequate technical and organizational measures to ensure that your personal data will be protected in accordance with the GDPR, including measures to protect your personal data from the effects of automated decision making as set out in the GDPR.

How long do we store your data?

We save your personal data only for as long as the specific purpose requires. If the data is processed for several purposes, the data is deleted automatically or saved in a form that cannot be traced directly back to you once the last specified purpose has been met. For further details, please see the respective service descriptions.

How are your data secured?

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 the specified purposes;
- collected data are transferred only in encrypted form;
- furthermore, sensitive data are stored only 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;
- furthermore, access to these IT systems is monitored permanently in order to detect and avert misuse at an early stage.

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

BMW is a global company. Personal data are processed preferably within the EU by BMW employees, national sales companies, authorised dealers 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 contractual clauses, including suitable technical and organisational measures. If you want to access the actual protections for data transfer to other countries, please contact us using the communications channels specified below.

Some countries outside the EU, such as Canada and Switzerland, the EU has already officially considered as countries providing an adequate and comparable level of data protection. As a result, data transfers to these countries do not require any specific authorisation or agreement.

How can you review and change your privacy settings?

You can change your settings for the use of your personal data in BMW online accounts at any time using the corresponding options in your My BMW online account (if available), in your BMW ConnectedDrive account or in the My BMW App.

You can access the following data and, if possible, change it.

- Consent in advertising communication - here you can (if available) choose your desired communication channels (post, email etc.) and agree to the use of statistical procedures to create an individual customer profile in order to offer you personalized offers for products and services.
- BMW CarData - here you can view and download or transfer your vehicle data.
- BMW ConnectedDrive Account - here you can view and change your detailed settings for BMW ConnectedDrive. Some BMW ConnectedDrive settings can only be changed via the BMW Connected App or only in the vehicle. We kindly ask you to use the corresponding options in the App or in the vehicle.

However, the settings for the use of your personal data by BMW Partners cannot be changed in the data protection portal of BMW AG in your online account. For such a change or if you have any questions about the use of your data, you must therefore contact the relevant BMW Partner directly.

Contact details, your rights as a data subject and your right to lodge a complaint with a supervisory authority

In the event of questions regarding our use of your personal data, please start by contacting BMW customer support, either by e-mail info@mml.mizzi.com.mt or by phone at 23264000 (from 7.15am to 4.00pm).

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

Rights as a data subject

In accordance with the GDPR, you specifically have the following rights as a data subject in relation to BMW:

Right of access by the data subject (GDPR Article 15): At any time, you can request information about the data that we have about you. This information includes the data categories processed by us, the purposes for which we process it, the source of the data if we did not collect it from you directly and, where applicable, the recipients to which we have transferred your data. You can obtain from us one free copy of your data that is part of the agreement. If you are interested in additional copies, we reserve the right to charge you for any additional copies.

Right to rectification (GDPR Article 16): You can request that we rectify your data. We will take appropriate measures to maintain, based on the latest information available to us, the correctness, completeness, timeliness and relevance of the data we have and continue to process regarding you.

Right to erasure (GDPR Article 17): You can request that we erase your data if the legal requirements exist for doing so. In accordance with GDPR Article 17, 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

if such processing 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 (GDPR Article 18): You can request the restriction of processing of your data by us 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;
- we no longer need your data but you require it for the establishment, exercise or defense of legal claims;
- you have objected to processing pending the verification whether our legitimate grounds override yours.

Right to data portability (GDPR Article 20): Your data shall, where technically feasible, be transmitted to another responsible party at your request. This right shall be available to you only insofar as data processing is based on your consent or is necessary in performance of an agreement. Instead of receiving a copy of your data, you can also request that we transfer the data directly to another controller that you specify.

Right to object (GDPR Article 21): 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 to our legitimate interests or to those of a third party. We will cease processing of your data in such a case. The latter shall not apply if we can demonstrate compelling legitimate grounds for the processing which override your interests or we require your data for the establishment, exercise or defense of legal claims.

Periods for fulfillment of rights as a data subject

We always make an effort to comply with all requests within 30 days. This period, however, may be prolonged for any reason relating to the specific right of a data subject or the complexity of your request.

Information restriction for fulfillment of rights as a data subject

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

Complaints to supervisory authorities

BMW AG takes your rights and concerns very seriously. If you feel that we have not duly addressed your complaint or concern, you have the right to initiate a proceeding at Office for Personal Data Protection of Malta.