

# **Data Protection Information for users of a Toll4Europe**

## **On Board Unit (OBU)**

### **1. Toll Services**

We, the Toll4Europe GmbH provide toll services across Europe. It is part of your job as a driver to use our toll charging system. For you the most visible part of the system is the OBU in your vehicle. The toll charging system collects and processes data about the trips of your vehicle. To a certain extent this includes personal data. This data may include among others vehicle data (like emission class and number of axles), the license plate, the location of the vehicle and information we received for the necessary invoicing (e.g. person to contact in your company, information on toll payment, etc.). Without getting and processing this data it is not possible to do the toll accounting. With this text we want to inform you about how far this processing concerns you and what we do with the data. We also inform you of your rights. You find the respective legal stipulation in Articles 13 and 14 of Regulation (EU) 679/2016 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 (briefly: GDPR).

This document only refers to our processing. Also other so-called responsible authorities will process data, for instance your employer or client. If you want any information on the data processing you can ask the responsible authority for it.

#### **1.1. Processed data**

In connection with the usage of the Toll charging system we process data which we need for accounting for the toll and other services. Data processing is made possible by using the On-Board-Unit (called OBU below). The OBU contains the data related to the vehicle and its operation (for instance license plate, emission class, number of axles, weight). It does **not contain** the name of the driver (your name). The OBUs are used for collecting the data related to the trips on road sections that are subject to toll which are needed for calculating the toll.

In Toll Domains where the toll is determined or charged by means of the so-called "Global Navigation Satellite System technology" (called GNSS Toll Domains below), we collect the section-related trip data (in particular data on the geographical position) directly with the OBU. This is currently the case in Germany, for instance. In Toll Domains where the toll is determined or charged by means of the so-called Dedicated Short Range Communication technology" (called DSRC Toll Domains below), the data saved in the OBU are read by recording installations operated by the respective Toll Charger and the section-related trip data are then transmitted for accounting. This is currently the case, for instance, in Austria, France and Spain.

#### **1.2. Transfer of data**

We will pass on personal data to outsiders only if we are obliged or entitled to do so by law. For providing the Toll services T4E usually collaborates with a Sales Partner who has a direct or indirect contractual relationship with your employer or client. For this reason, we usually have to send some of the data we

collected to that Sales Partner. Our Sales Partners are also responsible authorities in the meaning of Article 4 number 7 GDPR.

Personal data are also transmitted to the respective Toll Charger. Data will be transmitted to other public authorities only if we are obliged to do so by law. So-called contracted processors will be used, for instance as external data processors, for providing services and ensuring IT-security on the basis of instructions and in line with Article 28 GDPR.

Since we conclude contracts with service providers in some Toll Domains for providing our services, we have to transmit your personal data also to these services providers. Service providers acquire for us toll road usage licenses within the framework of the so-called “extended road section business” so that we can provide these licenses for our customers (that is for you client or employer). Since providing the services and accounting for them is done within the framework of the respective contractual relationships, our service providers are also a responsible authority in the meaning of Article 4 number 7 GDPR. We will give you more information on our service providers if you ask for it.

### **1.3. Purpose and legal basis of data processing.**

Data processing in the framework of using the toll collection systems serves to collect and settle toll payments, including customer registration with the toll chargers. The purposes of implementing and processing the respective contractual relationships and billing the toll to you require that the data is transmitted in the form of toll statements and individual trip records (and thus, if applicable, to your employers or clients).

The section-related trip data (information showing where you drove the vehicle subject to toll at what time) do not allow any conclusion with regard to the name of the driver and making such a connection is not intended, either. However, it is not excluded that other information and data which we do not have can be used for such a purpose (for instance by your employer or client). By means of technical and organisational measures we have made certain that the data we process cannot be transmitted to persons or organisations who have no right to get them, and that data cannot be combined in such a way that it is possible to detect the driver’s name.

The data processing for the purpose of verifying the accuracy of information (random samples) as well as for fault analysis, abuse detection and prosecution (see Art. 23 to 25, Art. 27 Directive 2019/520 in conjunction with the respective national implementation law), fault and quality analysis, and ensuring IT security are also included. Without data processing, the aforementioned purposes would not be possible.

We are entitled to do this in accordance with Art. 6 para. 1 sentence 1 lit. b GDPR, insofar as the data processing serves the execution of contractual relationships. In the area of verifying the accuracy of information as well as abuse detection and prosecution, Art. 6 para. 1 lit. c GDPR is also the legal basis (fulfillment of legal obligations). Furthermore, we have legitimate interests in data processing for the aforementioned purposes to provide and process toll payments in accordance with Art. 6 para. 1 sentence 1 lit. f GDPR.

There will be no automated decision-making (so-called profiling) on our part that would have a legally binding effect for you. It is not our intention to transfer data to so-called third countries (with the exception of Switzerland), i.e. countries outside the European Union or the European Economic Area.

## **2. Value Added Services (VAS)**

In case you (as independent entrepreneur) or the company (employing you) have booked so-called “Value Added Services” (called “VAS” below) it is possible to use specific VAS (e.g. “Tracking” and “Tracing”) to locate OBUs by means of a locations based service. These functions will be available only if they were explicitly booked by you (if you are an independent entrepreneur) or by the company (employing you) at our Sales Partner. This means that the Toll Services can be used without using any VAS.

## **3. Enhancement of traffic data**

By transferring your pseudonymized data to an external service provider you contribute actively to enhancing the traffic data (traffic analysis, route analysis and traffic jam forecast) which may create benefits for your work as professional driver.

Using the Toll Services is possible also without transferring your data for enhancing traffic data.

## **4. Erasure of data**

As a matter of principle, we will store your data only as long as necessary for performing services in cooperation with our contracting parties. Moreover, we will store your data only for as long as we have a legitimate interest in further storage or as we are obliged to do so by law. This legitimate interest may be the enforcement of claims of our own or of claims the enforcement of which is our obligation based on contract or law. The data will be erased after expiry of the statutory or contractual retention times, for example under tax or commercial law. Data not subject to obligatory retention will be erased once their purpose has lapsed.

## **5. Rights of concerned parties**

As data subjects, you have various rights under data protection law. These are:

- the right to ask for information about your personal data and to obtain a copy of these data pursuant to Article 15 GDPR;
- the right to rectification of incorrect personal data and to completion of incomplete personal data pursuant to Article 16 GDPR;
- the right to erasure of personal data pursuant to Article 17 GDPR;
- the right to ask for restriction of any further processing of your personal data pursuant to Article 18 GDPR;
- the right to ask that personal data you have provided to T4E be transferred to you or a third party in a structured, commonly used and machine-readable format (right to data portability) pursuant to Article 20 GDPR,

You also have the right, on grounds resulting from your personal situation, to object pursuant to Art. 21 GDPR to the processing of your personal data for the performance of tasks in the public interest (Art. 6 para. 1 lit. e GDPR) or for the exercise of legitimate interests (Art. 6 para. 1 lit. f GDPR). In this case we will check as required by law (Art. 21 GDPR) if your contradiction was justified and if that is the case, we will stop processing your data. Please understand that in this case it may not be possible anymore to provide the toll services.

#### **Contact data of the responsible authority**

For this purpose and for exercising all relevant rights as concerned party, please address your request directly to the person responsible for data processing (Art. 4 no. 7 GDPR), this is either

- Toll4Europe GmbH, Nymphenburger Straße 3C, 80335 München; the data protection officer of Toll4Europe GmbH can be reached under [dataprotection@toll4europe.eu](mailto:dataprotection@toll4europe.eu); for more information on data protection go to <https://toll4europe.eu/>

or

- [Sales Partners enter contact details / reference to privacy declaration (if applicable)].

If necessary, your request will be passed on to the competent responsible party, for instance our Sales Partner, for dealing with it.

According to Art. 77 paragraph 1 GDPR you also have the right at any time to file a complaint at the competent data protection authority. The competent authority is that of the place where you normally live or the authority at your workplace or the authority at the place where you think that your rights were violated.