

## ANNEX NO. 3

of the General Terms and Conditions for the Use of Shared Bicycles of the City of Žilina within the BikeKIA Service:

### **PERSONAL DATA PROTECTION INFORMATION** (Memorandum on personal data processing for Users of the BikeKIA shared bicycles)

**ARRIVA Slovakia a.s., with its registered office at Štúrova 72, 949 01 Nitra, Slovak Republic**, Company ID: 35 811 439, registered in the Commercial Register of the District Court of Nitra, section: Sa, insert no. 10493/N (hereinafter referred to as "**Provider**" or "**Company**") processes your personal data for the purposes and on the legal basis as set out below in this memorandum. In this memorandum, you will also find more information on personal data processing, as well as information about your rights as a data subject under Regulation (EU) No. 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, repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as "**GDPR**"), as well as Act No. 18/2018 Coll. on the Protection of Personal Data and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as "**ZoOOÚ**").

**Our Company is the Operator of your personal data, that is, our Company determines the purposes and means of your personal data processing.**

#### **1. CONTACT DETAILS OF OUR COMPANY AND RESPONSIBLE PERSON**

Business name: **ARRIVA Slovakia a.s.**

Address: Štúrova 72, 949 01 Nitra, Slovak Republic

Responsible person: JUDr. Miriama Miskolczi

Email: [osobneudaje@arriva.sk](mailto:osobneudaje@arriva.sk)

Phone: +421 915 733 733

#### **2. WHAT PERSONAL DATA WE PROCESS**

2.1. Ordinary personal data: Our Company, as the Provider, processes the following personal data, which you provide to our Company, in particular through the bikekia.sk website or the BikeKIA mobile application or in other ways, in particular:

- 2.1.1. identification data (name, surname, title, masked bank account number, cardholder name);
- 2.1.2. contact details (permanent or temporary address, place of business, email address, telephone number);
- 2.1.3. location data (rented bicycle data, for example, bicycle position at the start and at the end of the rental period, other data relating to bicycle location);
- 2.1.4. transaction data (in particular customer monthly turnover data).

- 2.2. Specific personal data categories: Our Company, as the Provider, does not process specific personal data categories (sensitive data) for the purposes set forth in this memorandum. Specific categories of personal data are personal data that reveal racial or ethnic origin, political views, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for identification of a person, health data or sexual life or orientation data of a natural person. If there is a requirement to process a specific category of your personal data, we will either ask you for your explicit consent or we will process the personal data in question on another relevant legal basis.

### 3. COOKIES AND OTHER ELECTRONIC DATA

- 3.1. Basic Cookies: These cookies are necessary to provide you with the services available through our website and to use some of its features.

Because these cookies are essential to the basic functioning of the website, you cannot reject them without affecting the operation of our website. You can block or remove them by changing your browser settings and by blocking all cookies on this website.

Google Analytics cookies: These cookies collect information that is used either as a summary to help us understand how our website is used, or how effectively our marketing campaigns are, or to help us customize our website and app with the aim to improve your experience.

If you don't want to track our site traffic, you can disable browser tracking.

Other external services: We also use various external services, such as Google Webfonts, Youtube, Google maps, or Open street map to display the exact locations of the bicycle stations. Since these providers may collect personal information, such as your IP address, we allow you to block it on our site. Keep in mind that it can greatly reduce the functionality and appearance of our site. Changes will take effect when the page reloads.

- 3.2. Server Data: By visiting our bikekia.sk website, your web browser provides our Company or our webmaster with data, such as your web browser type, your operating system, information about the website, from which you visited our website, websites you visit, date and time of your access and your IP address.

- 3.3. Social networking plugins: We do not use social network plugins on bikekia.sk.

### 4. PURPOSES OF PERSONAL DATA PROCESSING (WHY WE HAVE YOUR PERSONAL DATA) AND LEGAL BASIS FOR THEIR PROCESSING (ON WHAT BASIS WE HAVE YOUR PERSONAL DATA)

- 4.1. Personal data for a specific purpose: When providing our services, we process your personal data for a specific, predetermined purpose, with only some of your personal data required for each processing purpose. On the other hand, if we do not receive the relevant personal data necessary for our purpose, our Company will not be able to provide you with the relevant service or will be able to provide it only to a very limited extent, which may not be desirable for you.

- 4.2. Processing purposes and relevant legal basis: We process your personal data for the following purposes and based on the following legal bases:

- 4.2.1. Bicycle rental (based on contract performance and pre-contractual relations): this involves processing your identification, contact, location and transaction data for bicycle rental (BikeKIA) and customer registration in the BikeKIA system

(via website, mobile app, phone, terminal or in other ways). The processing of your personal data is carried out on the basis of a bicycle rental agreement (BikeKIA), as well as on the basis of pre-contractual arrangements that precede the conclusion of the rental agreement in question. By creating a BikeKIA account through a website, mobile application, or otherwise, you provide our Company with personal information on the basis of a pre-contractual relationship that precedes the conclusion of a rental agreement.

4.2.2. **Marketing purpose (based on consent and legitimate interest)**: this involves mainly direct marketing, newsletter, customer satisfaction evaluation, sending offers and advertisements for products and services offered by our Company, as well as products and services offered by other Arriva companies. We process your identification and contact information for the specific purpose on the basis of:

4.2.2.1. your consent, which you voluntarily grant us, and which you have the right to revoke at any time; or

4.2.2.2. legitimate interest. Our Company's legitimate interest in processing your identification and contact information for marketing purposes (direct marketing) is that by promoting our Company's services and products to our current and former customers, we will develop and grow our Company. By communicating with our former and current customers, our Company is able to identify how to improve our services and products and how to address any shortcomings. Our Company has an eminent interest in providing our customers with the best and highest quality services and products, so it is our legitimate interest to use the basic identification and contact information of our former and current customers for the purpose in question, while at the same time, by communicating with them, we are able to acquire continuous feedback. It is almost indispensable for the proper functioning and development of our Company, because in today's modern day, every company operating in the open market is trying to maintain regular contact with its customers.

We also refer to the provision of § 62 par. 3 of Act no. 351/2011 Coll. on electronic communications, as amended, according to which the prior consent of the recipient of the email is not required, in case of direct marketing of own similar goods and services of the same person that received the recipient's contact information for the email delivery in connection with the sale of goods or services, and in accordance with the relevant law or with a special regulation.

The person concerned has the right to object to the processing of personal data on the basis of legitimate interest, with further details on the right of objection being set out in Sections 4.3 and 10.1.6 below. If you object to the processing of your personal data on the basis of legitimate interest specifically for the purpose of direct marketing, our Company will not further process your personal data for the purpose in question.

4.2.3. **Exercising our Company's legal entitlements (based on legitimate interest)**: This involves the processing of, in particular, the personal identification and contact data for the purposes of enforcing our Company's claims against customers (debtors) in court, extrajudicial, arbitration, administrative, execution, bankruptcy and restructuring proceedings. The Company's personal information in question is inevitably needed by the Company to exercise its legitimate claims and rights. The person concerned has the right to object to the processing of personal data on the basis of legitimate interest, with further

details on the right of objection being set out below in Sections 4.3 and 10.1.6 of this memorandum.

4.2.4. **Complaints and claims (based on legitimate interest)**: This involves processing, in particular, the identification and contact details of our customers, as well as other natural persons, who send complaints and claims concerning bicycle rental to our Company. Since our Company has legitimate interest in the satisfaction of our customers, it processes personal data for the purpose in question to properly respond to these complaints and to provide corrective action, if any complaints are justified. At the same time, our Company must be able to prove the handling of complaints and claims, which is also supervised by the relevant supervisory authorities, and, therefore, we register these complaints and claims for the necessary period of time. The person concerned has the right to object to the processing of personal data on the basis of legitimate interest, with further details on the right of objection being set out below in Sections 4.3 and 10.1.6 of this memorandum.

4.2.5. **Identification and contact details (based on legitimate interest)**: the processing of personal identification and contact data of representatives of legal persons and other natural persons that we obtain from publicly available sources, from these persons directly, as well as from other persons (for example, in person, via email or our forms and chats located on the bikekia.sk website). Our Company needs this information to contact other legal and natural persons for the purposes of running our business and providing you with information related to our Company, providing bicycle rental or other services and products of our Company and companies of the Arriva Group you apply for. The person concerned has the right to object to the processing of personal data on the basis of legitimate interest, with further details on the right of objection being set out below in Sections 4.3 and 10.1.6 of this memorandum.

4.3. **General information on the processing of personal data based on legitimate interest**: The GDPR allows our Company as the Provider to process personal data without our Company receiving the consent to the processing of such personal data, or allows our Company to process the personal data based on a different legal basis, for example, on the basis of contract or obligation performance under a separate law.

You have the right to object such processing of personal data based on legitimate interest under art. 6 par. 1 (f) of the GDPR, with the details of that right set out in Section 10.1.6 below. If you exercise the right to object to a particular processing, our Company may not further process your personal data, unless it proves the necessary, legitimate reasons that override your interests, rights and freedoms, or unless our Company proves the reasons for proving, enforcing or defending claims. If you object to the processing of your personal data on the basis of legitimate interest, specifically for the purpose of direct marketing, our Company will not further process your personal data for the purpose in question.

## 5. AUTOMATED DECISION-MAKING AND PROFILING

5.1. Within the BikeKIA Service, our Company does not use automated decision making or profiling in relation to your personal data.

## 6. PERSONAL DATA BENEFICIARIES OR CATEGORIES OF BENEFICIARIES

- 6.1. Personal data recipients list: Your personal data may be provided to the following recipients:
- 6.1.1. auditors, who carry out audits in our Company, in particular, to verify the Company's financial statements;
  - 6.1.2. Orange Slovensko, a.s., Metodova 8, 821 08 Bratislava, ID: 35 697 270, which, as the intermediary, operates for our Company the Arriva central customer support line;
  - 6.1.3. TIER Mobility SE, c/o WeWork, Eichhornstraße 3, 10785 Berlin, Germany (**nextbike**) which provides the BikeKIA software and backend;
  - 6.1.4. banks and other companies that, in particular, provide financial and business transactions and financial services to our Company;
  - 6.1.5. lawyers and law firms, who provide our Company with comprehensive legal advice, represent our Company in courts and before other state authorities, as well as in dealing with debtors and other entities;
  - 6.1.6. IT service providers as intermediaries, who provide some IT security and infrastructure services for our Company, including the website; 6.1.7. companies that provide accounting and tax advice;
  - 6.1.8. shareholders of the Company.
- 6.2. An intermediary is anyone, who processes personal data on behalf of our Company as a Provider.
- 6.3. State authorities and other entities: Your personal information may also be provided to other entities, if our Company believes that such provision of personal data is:
- 6.3.1. in accordance with the generally binding legislation, ZoOOÚ or GDPR; or
  - 6.3.2. necessary for the purposes of exercise, establishment or defense of our Company's right/claim; or
  - 6.3.3. necessary to protect key interests of our Company or of any other person,

whereas personal data may be provided to any of the following:

- 6.3.4. any competent law enforcement authority, prosecution or court;
- 6.3.5. banks;
- 6.3.6. legal representatives;
- 6.3.7. regulator;
- 6.3.8. notary as a judicial commissioner;
- 6.3.9. tax office
- 6.3.10. supervisory and control authorities;
- 6.3.11. government agency
- 6.3.12. bailiff
- 6.3.13. trustee or interim administrator in insolvency proceedings or in restructuring, settlement or debt relief proceedings or supervisor of supervisory report;
- 6.3.14. municipality, city, or higher territorial unit authorities;
- 6.3.15. ministry;
- 6.3.16. Supreme Audit Office of the Slovak Republic;
- 6.3.17. National Security Authority;
- 6.3.18. Slovak Trade Inspection;
- 6.3.19. Judicial treasury;
- 6.3.20. Office for Personal Data Protection of the Slovak Republic; 6.3.21. Financial Directorate of SR; 6.3.22. other entity.

6.4. Provision of personal data upon the request of the person concerned: We may also provide your personal data to other recipients, if you give our Company consent to such disclosure, or instruct our Company to provide your personal data.

## 7. PERSONAL DATA RETENTION PERIOD

7.1. We will retain your personal information for as long as necessary for the purposes, for which our Company processes your personal information, unless generally binding law permits or requires us to retain the personal information in question for a longer period.

7.2. We retain each of your personal information for the following periods:

Purpose:	Retention period:
<b>Bicycle rental</b>	For the duration of the contract and for ten years following the year of termination (pursuant to Act No. 431/2002 Coll. on Accounting, as amended, Act No. 566/2001 Coll. on Securities and Investment Services and Act No. 186/2009 Coll. on Financial Intermediation and Financial Advisory Services). In the case of initiation of legal proceedings against you as a debtor, our Company will process your personal data for the necessary period of time during which the proceedings in question will last.
<b>Marketing</b>	For the duration of the consent or until the withdrawal of consent.  In the case of personal information processing on the basis of legitimate interest, for a period of time necessary for the purpose of processing and for a maximum period of ten (10) years after being obtained
<b>Application of legal claims</b>	For as long as is necessary for the exercise of the rights and claims of our Company, for a minimum of the limitation period under the Civil Code or the Commercial Code, but not more than ten (10) years after the termination of the contractual obligations. In the event of legal or administrative proceedings being initiated, our Company will process your personal data for as long as the court or administrative proceedings in question will last.

<b>Claims and complaints</b>	For the period necessary to complete the claim and complaint, for a maximum of ten (10) years for the purposes of filing and checking by the supervisory authority. In case of litigation or other exercise of our Company's rights and claims for the limitation period under the Civil Code and the Commercial Code.
<b>Identification and contact details</b>	For as long as is necessary to establish contact with the respective persons, or to provide the information/cooperation required by them, and for a maximum of five (5) years after being obtained.

## 8. TRANSFER OF PERSONAL DATA TO THIRD COUNTRIES

- 8.1. Our Company does not, and does not intend, to transfer your personal data to third countries that do not provide an adequate level of personal data protection, unless such transmission is expressly required by a generally binding regulation or decision of a state authority. Third countries are all countries other than member states of the European Union and countries that are parties to the European Economic Area Agreement.
- 8.2. If the nature of the service requires a transfer of personal data to third countries, we will comply with all terms and conditions set out in Articles 44 to 49 of the GDPR, as well as other terms of the GDPR, to comply with all security standards and not violate your rights and freedoms.

## 9. PERSONAL DATA SAFETY

- 9.1. Privacy: our Company applies appropriate administrative, technical and organizational security measures to protect your personal data, which is protected by our Company from unauthorized access, collection, use, disclosure, copying, modification or disposal. All personal data you provide to us is stored on secure servers. We are part of the Arriva plc group, which trains its employees about our privacy policies and procedures, and access to personal data is made possible solely to those employees, who are subject to the relevant processing of personal data. We are also taking steps to ensure that any service provider involved in the processing of personal data on our behalf takes appropriate technical and organizational measures to protect such personal data.

## 10. YOUR RIGHTS AS A CONCERNED PERSON IN RELATION TO YOUR PERSONAL DATA PROCESSING

- 10.1. Individual rights of data subjects: As well as our Company has rights and obligations in relation to the protection of personal data, you also have rights in relation to the protection of your personal data (personal data that concerns you). These rights are:
- 10.1.1. Right of access: You have the right to obtain confirmation from our Company, whether our Company processes your personal data, what personal data it processes, for what purpose

our Company processes it, for how long does our Company keep it, from where our Company obtains it, where and to whom it is provided, who else, in addition to our Company, processes the personal data in question, whether and how automated decision making is done, including profiling during the processing of your personal data, and what other rights you have in relation to the processing of your personal data. All information is provided in this memorandum, but if you believe that you do not know, whether and what personal data is being processed by our Company and how it is processed, you have the right to access this personal data. Under this right of access, you may request our Company to provide a copy of your personal data that is being processed, and our Company will provide you with the first copy free of charge. Providing additional copies will be charged.

10.1.2. Right of rectification: If you find out that our Company is processing your personal data that is inaccurate, incorrect, or incomplete, you have the right to have our Company correct this personal data or add to it.

10.1.3. Right of deletion (right to be forgotten): In the following cases, you have the right to have your personal information that is processed by our Company deleted without undue delay:

- 10.1.3.1. your personal data is no longer required for the purposes, for which our Company has acquired or otherwise processed it; or
- 10.1.3.2. you have withdrawn your consent to the processing of your personal data, and your consent is required for the processing of such personal data and at the same time, our Company has no other reason or other legal basis for its processing (for example, to exercise the rights and claims of our Company); or
- 10.1.3.3. you use your right to object to the processing of your personal data (for more details on this right, see Section 10.1.6 below), which our Company processes based on legitimate interest, and our Company has no other legitimate interests that would give our Company the right to further process your personal data; or
- 10.1.3.4. our Company would process your personal information illegally; or
- 10.1.3.5. to comply with the statutory obligation laid down in a generally binding legal regulation applicable to our Company; or
- 10.1.3.6. if personal data were collected in connection with an offer of information company services addressed directly to a child.

Please note that even if any of the above is the case, our Company is not obliged to delete your personal data (personal data that concerns you) as long as its processing is necessary:

- 10.1.3.7. to exercise the right to freedom of expression and information; or
- 10.1.3.8. to fulfill our Company's legal obligation under a generally binding legal regulation; or
- 10.1.3.9. for archiving, scientific or historical purposes or for statistical purposes; or
- 10.1.3.10. to prove, enforce or defend our Company's legal claims.

10.1.4. Right of processing restriction: In certain cases, in addition to the right of deletion, you also have the right to restrict the processing of your personal data, which allows you to, in specific cases, request that your personal data be marked and that no other processing operations are performed on it for a specified period of time. Our Company is obliged to limit the processing of your personal data, if:



- 10.1.4.1. you contest the accuracy of your personal data during a period allowing our Company to verify the accuracy of this personal information; or
- 10.1.4.2. the processing of your personal data is unlawful and you object to the deletion of such personal data and request instead to limit its use; or
- 10.1.4.3. our Company no longer needs your personal data for processing, but you need them to prove, enforce or defend your legal claims; or
- 10.1.4.4. you will use your right to object to the processing of your personal data (for more details on this right, see Section 10.1.6 below), until it is verified that our legitimate reasons prevail over your legitimate reasons.

If the processing of your personal information has been restricted under this right of processing restriction, our Company may only process such personal data, with the exception of retention, with your consent or to prove, enforce or defend our Company's legal claims or to protect the rights of another natural or legal person, or for reasons of public interest of a state, which is a member state of the European Union, or a party to the Agreement on the European Economic Area.

- 10.1.5. Right of portability: You have the right to obtain all of your personal data that you have provided to our Company, if it is processed by our Company on the basis of personal data processing or contract performance, that our Company processes by automated means (electronically). We will provide your personal data in a structured, commonly used and machine-readable format. You have the right to transfer this personal data directly to another operator, as far as technically possible.
- 10.1.6. Right of objection: You have the right to object to the processing of your personal data, which is done on the basis of public interest, legitimate interest, including opposition to profiling based on legitimate interest. Our Company will no longer process your personal data, unless our Company demonstrates the necessary legitimate grounds for processing that outweigh your interests, rights and freedoms, or unless our Company demonstrates the reasons for proving, asserting or defending its legal claims.

If our Company processes your personal data for direct marketing purposes, you have the right to object at any time to the processing of such personal data for marketing purposes, including profiling, to the extent that it relates to such direct marketing. If you object to the processing of your personal data for direct marketing purposes, our Company will no longer process such personal data for such purposes.

- 10.1.7. How to exercise your rights: You may exercise the abovementioned rights through our Company's contact details, as stated in Section 1 above.
- 10.1.8. Right to file a complaint with the Office for Personal Data Protection of the Slovak Republic: In the event of a suspicion of unauthorized processing of your personal information, in addition to the abovementioned rights, you may file a complaint with the supervisory authority, in particular in the member state of your usual residence, place of work or alleged violation. The supervisory authority in the Slovak Republic is the Office for Personal Data Protection of the Slovak Republic. The headquarters of the Office for Personal Data Protection is at Hraničná 12, 820 07 Bratislava, Slovak Republic, with the Office's contact details as follows: tel. no. +421 2 3231 3214; email: [statny.dozor@pdp.gov.sk](mailto:statny.dozor@pdp.gov.sk); web: <https://dataprotection.gov.sk/>

In the case of filing a claim/petition in electronic form, it shall comply with the requirements pursuant to the provisions of § 19 par. 1 of Act no. 71/1967 Coll. on Administrative Proceedings (Code of Administrative Procedure), as amended.

- 10.1.9. Privacy infringement notice: In the event of a breach of your privacy that is likely to put your rights and freedoms in high risk, our Company is obliged to notify you without undue delay of the privacy breach in question.

## **11. RIGHT TO REVOKE CONSENT TO PERSONAL DATA PROCESSING AT ANY TIME**

- 11.1. If you have given our Company permission to process some of your personal data (the legal basis for some personal data processing by our Company is consent or explicit consent), you may revoke such consent at any time by contacting our Company using the contact details stated in Section 1 above. The withdrawal of consent does not affect the legality of the processing based on consent prior to its withdrawal.

## **12. CHANGES IN THIS MEMORANDUM**

- 12.1. We may update this personal data memorandum in response to changes in legal, technical or commercial developments. When updating this memorandum, we will take appropriate measures to inform you about the changes we make, based on their importance.