



Data protection information for the registration and use of nextbike services

General information about the processing of your data

In the following, we inform you about the processing of your personal data in connection with the use of our services and the rights to which you are entitled under data protection laws. 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 notice with effect for the future, in particular in the event of further development of the websites or apps, the use of new technologies or changes to the legal basis or the relevant case law. We recommend that you read the data protection notice from time to time and keep 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
Tel.: +49 (0)341 / 3089889-0
Fax: +49 (0)341 / 3089889-13

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

Get in touch via the encrypted online form:

[Contact Data Protection Officer](#)

3. Personal Data

Personal data means any information relating to an identified or identifiable natural person (hereinafter "data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more special characteristics.

4. Purposes and legal bases of data processing

We process personal data within the framework of the General Data Protection Regulation (GDPR EU 2016/679 and German data laws), for the following purposes.

Contract fulfillment / implementation of pre-contractual measures (Art. 6 para. 1 p. 1 b) GDPR

The personal data of users is used for our bike rental, in particular registration via app, telephone hotline, terminal, websites and the services associated with it. When contacting us, the information is stored for the purpose of processing the request and in the event that follow-up questions arise.

In the context of a registration or rental process, we process personal data that is required for the establishment, content, modification or termination of the registration or the respective contractual relationship, e.g.: Name, title,



address, date of birth, phone number, bank account or credit card information, monthly totals of invoice sales, the bicycles you use in our system, inquiries directed to us regarding your contract. In order to conclude a contract with you, to fulfill an already concluded contract or to terminate it, personal data are processed. This also includes, for example, data processing carried out in connection with our customer service. nextbike uses personal data including vehicle usage data (such as location of the rental vehicle at the start of the rental, end of the rental and during parking processes) to the extent necessary for the purpose of implementing the contractual relationship with the customer. This also includes the use of the data to detect and eliminate errors and malfunctions in the rental process and in the overall operation. Rental processes carried out by the customer are collected and stored with the start and destination location, start and destination time. This data can be viewed at any time in the app and in the customer account and is the subject of the invoice. A movement profile is not collected.

Protection of legitimate interests (Art. 6.1. f of the GDPR (EU) 2016/679)

We process your personal data only when necessary to: protect our interests, interests of third parties and only if in the course of this process your interests are not outweighed. We process personal data to protect the following legitimate business interests:

1. for collection procedures including the transfer of personal data to collection service providers for the collection or sale of outstanding receivables for internal purposes to control and improve our business processes,
2. business management analysis, company analysis, for the further development of Services and products for direct advertising, in order to contact you for your individual needs, with your permission,
3. Need to offer suitable own similar products, to ensure legal compliance aspirations to,
4. ensure the security and availability of our IT systems, and
5. for the avoidance of damage for the performance of contracts with the provision and distribution of our services participants for settlement

Fulfilment of a legal obligation (Art. 6.1. c of the GDPR (EU) 2016/6790)

We are subject to various legal requirements that may result in an obligation to process personal data e.g. commercial, corporate, competition and tax laws, data protection laws and other general legal obligations.

Processing on the basis of consents (Art. 6.1. a of the GDPR (EU) 2016/679)

We process your personal data if you have given us your consent (you will receive further information e.g. for the purposes and your “opt out/revocation” options when you give your consent).

5. Recipients of personal data

Employees of our company have access to your personal data to the extent necessary to fulfill the above-mentioned purposes. We use service providers who assist us with data processing as part of order processing (service providers for the following services: IT and network operation, call center, customer service, file/data carrier destruction, printing, archiving, sales partners, market research, advertising and marketing, operation of online offers, websites and apps). These service providers are subject to strict contractual agreements, including confidentiality. On a contractual basis, recipients outside our company who do not work for us as part of commissioned processing also process your personal data to the extent necessary:

- Telecommunication service providers, e.g. for making calls, sending SMS, etc.
- Sales partners and other companies that support us in selling our products
- Banks, e.g. for carrying out direct debit procedures; providers of payment services
- Tax consultants / auditors, to ensure and verify the accounting of the legal requirements (e.g., tax requirements)
- Lawyers, to represent and enforce our legal interests

These recipients are also obliged to maintain confidentiality on the basis of legal or professional obligations or contractual agreements. In individual cases, we are legally obligated to transmit personal data to authorities (e.g. requests for information from investigative authorities) or natural/legal persons (e.g. to assert claims).



6. Data processing in third countries

We process your personal data in Germany and in the European Union. Service providers that process personal data on our behalf outside the European Union (so-called third countries) are only used if an "adequacy decision" of the European Commission (Art. 45 GDPR) exists for this third country, "appropriate safeguards" (Art. 46 GDPR) or "internal data protection rules" (Art. 47 GDPR) are in place at the recipient. Furthermore, your personal data will be processed in third countries if it is necessary for the fulfillment of the contract (e.g. rental operations in third countries), you have consented or there is a legal obligation.

7. Deletion of personal data

We generally delete personal data when it is no longer required (see above purposes).

We delete your customer data no later than six months after the end of the calendar year following your deregistration, unless we are required by law (e.g. commercial law or tax law requirements) to retain the data for a longer period of time in accordance with §§ 257 HGB, 147 para. 1 no. 4, para. 3 AO; in these cases, we delete the data when these legal periods expire (usually after 6-10 years).

If you have given your consent to the processing of personal data, we will delete your personal data at the latest as soon as you revoke your consent and insofar as there is no other legal basis for the processing.

8. Origin of personal data

We do not only process personal data that we receive directly from you. We receive some personal data from third parties in cases where we offer our services jointly with partner companies and you give your express consent to this.

9. Registration/login area of the websites and apps

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.

Registration/login area of the websites and apps

If you would like to use the password-protected area of our websites or in our apps, you must register, generally by providing the following information:

- Address
- e-mail address
- first name/surname
- telephone number
- PESEL no. (only for Polish citizens/Poland)
- gender (Spain)
- town/city/post code
- RFID chip no. (optional)
- where applicable, information of co-user/partner (optional)
- payment method
- where applicable, ticket number
- birth name (Budapest).

When registering to use Nextbike in different cities and countries, you will be asked to provide various data which are necessary for registering in the respective cities/countries. You are not obliged to provide your real name, and are at liberty to use a pseudonym. Furthermore, at time of registration your IP address as well as the time and date of registration will also be processed. We use the double opt-in process for registration on the websites and in our apps. Once you have transmitted the data necessary for registration, you will receive a text message with a personalised PIN code for activating your customer account. Registration is only successfully completed and access granted to the customer account once the account has been activated by entering the PIN code. When logging in subsequently, you will have to enter the log-in data (username, password) which you chose when you first logged in. If you do not activate



the account by entering the PIN code sent within 24 hours, we will block the information transmitted to us and erase such automatically no later than after one month. We will also erase your data as soon as they are no longer necessary for achieving the purpose, for which they are processed. For data collected during the registration process, this occurs if registration on the website or apps is cancelled or amended and your customer account is cancelled.

The log-in area of the websites and the apps offers the following functions:

You can:

- check your Nextbike account balance
- edit your profile data (enter and amend names, contact details, PIN code);
- amend payment methods
- close your customer account
- view and manage tariff options
- manage, amend or terminate your newsletter subscription
- connect your user account to your accounts with selected partner companies
- redeem vouchers

If you use the password-protected area of the website or the apps, e.g. in order to edit your profile data, we will also process those data concerning your person, in particular your address and information on payment method, that are required for initiating or fulfilling a contract. The legal basis for such processing is Art. 6(1)(1) point b) GDPR. The provision of your data is necessary and mandatory for conclusion or performance of the contract. If you fail to provide your data, you will not be able to register or use the log-in area, i.e. conclusion and/or performance of a contract is not possible. The data are erased as soon as they are no longer required for the purpose, for which they are processed, or processing is restricted, in the event that there exist legal retention periods. Due to compulsory regulations of commercial and tax law, we are obliged to store your address, payment, and order data for a period of ten years. We will restrict processing and reduce such to compliance with the existing legal obligations 6 months after termination of contract.

Partner programme

As part of using our customer account, we offer you the opportunity to profit from customer benefits and special offers, such as free journeys, through our partner programme. You can pick out different partner companies/associations in your user account on our websites or in our apps by confirming the corresponding fields. So that we can offer you the respective customer benefits and special offers, we process the following data from you depending on the settings of the partner company's customer account:

- code
- customer number
- subscription number

Moreover, in user settings you can enter the e-mail addresses you have registered with the respective partner companies or which your customer account with these companies is listed under. The legal basis for processing is Art. 6(1) point b) GDPR. The provision of your data is necessary for performance of the contract, and you are contractually obliged to provide your data. If you do not provide your data, conclusion and/or performance of the contract, in the form of providing you with customer benefits and special offers, is not possible. The personal customer data you provide is never forwarded to the respective partner companies. Where applicable, the respective partner companies will receive anonymised statistics regarding the number of customers who have taken advantage of a customer benefit or special offer by providing their customer data.

Ticket subscription/season tickets

On the websites and in our apps, you can select different tariff options and season tickets, manage your selected options, and purchase our annual and monthly passes. After selecting ticket options and completing payment via the payment method registered on your customer account, you can make an unlimited number of journeys within the time



period specified on the ticket. You register for season tickets via our online form in your user account. We process the data you provide as part of the registration process, e.g. first name and surname, address etc. for performance of the contract. The provision of your data is necessary for performance of the contract, and you are contractually obliged to provide your data. If you fail to provide your data, conclusion and/or performance of contract is not possible. The legal basis for this is Art. 6(1)(1) point b) GDPR. We erase the data collected in this regard as soon as storage is no longer necessary, or alternatively we restrict processing in the event that there exist legal retention periods. Due to compulsory stipulations of commercial and tax law, we are obliged to store your address, payment, and order data for a period of ten years according to §§ 257 HGB, 147 Abs. 1 Nr. 4, Abs. 3 AO. We will restrict processing and reduce such to compliance with the existing legal obligations two years after termination of contract.

10. 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://www.nextbike.de/datenschutz) under Notes on joint responsibility according to Art. 26 GDPR.

Cooperations:

- **Mobiel GmbH (Flowbie Siggie Bielefeld):** https://www.nextbike.de/media/2020-04-09_Informationen-Art-26-Betroffene_nextbike.pdf

10. Collection and processing of location data

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".

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".

11. Payment / Payment provider

PayPal

On our websites and in our apps, we offer payment via PayPal. This payment service is provided by PayPal (Europe) S.à.r.l. et Cie, S.C.A., 22-24 Boulevard Royal, L-2449 Luxembourg (hereinafter: "PayPal"). If you choose to pay via "PayPal", the payment information you provide will be transmitted to "PayPal". Processing of your data by "PayPal" is performed on the basis of Art. 6(1)(1) point b) GDPR (processing for performance of a contract). The provision of your payment data is necessary and mandatory for conclusion or performance of the contract. If you fail to provide your data, conclusion and/or performance of contract with the "PayPal" payment method is not possible. The data necessary to process the payment are transmitted securely using the "SSL" procedure, and are processed exclusively for the purpose of processing the payment. We erase the data collected in this regard as soon as storage is no longer necessary, or alternatively we restrict processing in the event that there exist legal retention periods. Due to compulsory regulations of commercial and tax law, we are obliged to store your address, payment, and order data for a period of up to ten years. We will restrict processing and reduce such to compliance with the existing legal obligations two years after termination of contract. Further information on data protection and retention periods at "PayPal" can be found at <https://www.paypal.com/de/webapps/mpp/ua/privacy-full>.

Credit card payments

For the purposes of processing payments, we forward the payment data required for credit card payments to the financial institute commissioned with the payment, or where applicable to our payment and billing service provider, Worldpay (Worldpay, The Walbrook building, 25 Walbrook, London EC4N 8AF) in encrypted form. This provider then records and reviews the data entered. Processing is performed on the basis of Art. 6(1)(1) point b) GDPR. The provision of your payment data is necessary and mandatory for conclusion or performance of the contract. If you fail to provide your payment data, conclusion and/or performance of contract by means of a credit card payment is not possible. The data necessary to process the payment are transmitted securely using the "SSL" procedure, and are processed exclusively for the purpose of processing the payment. We erase the data collected in this regard as soon as storage is no longer necessary, or alternatively we restrict processing in the event that there exist legal retention periods. Due to compulsory regulations of commercial and tax law, we are obliged to store your address, payment, and order data for a period of up to ten years. We will restrict processing and reduce such to compliance with the existing legal obligations two years after termination of contract.

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".



12. 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.