

Data Privacy Statement PTV Cloud Services (US)

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Data Privacy Statement PTV Cloud Services (US)

This Data Privacy Statement applies to the use of the services at PTV Cloud (the "**Service**") of PTV Logistics US Inc., 1530 Wilson Boulevard, Suite 710, Arlington, VA 22209, United States of America ("**PTV**"), which are made available on myptv.com (including subdomains, e.g. developer.myptv.com).

General information about our handling of your personal data, as well as data protection information about your registration on myptv.com and the use of the website, as well as about your rights as a data subject, can be received in our general [Data Privacy Statement PTV Logistics GmbH \(US\)](https://legaldocs.myptv.com/en/Data_Privacy_Statement_PTV_Logistics_GmbH_US.pdf?inlin), available at https://legaldocs.myptv.com/en/Data_Privacy_Statement_PTV_Logistics_GmbH_US.pdf?inlin. This Data Privacy Statement applies primarily to the use of a PTV Cloud Service in accordance with the PTV General Terms of Service.

When you use the service, various personal data is collected. Personal data are data with which you can be personally identified. This data protection declaration explains which data we collect and what we use it for. It also explains how and for what purpose this is done.

1. Responsible Authority

The authority responsible for data processing on the service is:

PTV Logistics US Inc.

1530 Wilson Boulevard, Suite 710

Arlington, VA 22209, United States of America

Email: info@ptvlogistics.com

PTV Logistics US Inc. and PTV Logistics GmbH together with the companies affiliated within the meaning of Sections 15 et seq. Stock Corporation Act (AktG) form the PTV Logistics Group. PTV Logistics GmbH is also affiliated within the meaning of Sections 15 et seq. Stock Corporation Act (AktG) with PTV Planung Transport Verkehr GmbH, Conundra BV (Belgium) and Conundra B.V. (Netherlands). We may share contact information of customers and interested parties with affiliated companies of PTV Logistics Group and the other affiliated companies mentioned as part of your business relationship (contractual or pre-contractual relationship according to Art. 6 Sect. 1 Sent. 1 lit. b GDPR). The transfer of personal data within the Group for the purpose of contract performance is based on data processing or within the framework of joint responsibility (Art. 28 and Art. 26 GDPR). To ensure that you can easily and reliably exercise your data protection rights within the scope of this joint responsibility, we have agreed with our affiliated companies that you can assert your data protection rights described in 1.3, not only against the respective PTV Logistics Group company, but also centrally against PTV Logistics GmbH.

We have appointed an external data protection officer for our company.

You can reach our external Data Protection Officer at

Email: data-protection@ptvlogistics.com

2. Authorisation

In order to use the PTV Cloud Service, the Client and each authorized user has registered for a myPTV-ID, which serves as an identification number (token ID). The Identification key

enables pseudonymised use of the service. More detailed information about data processing during registration is available in our general [Data Privacy Statement PTV Logistics GmbH \(US\)](#).

The basis for the processing of the authorisation is Art. 6 Sect.1 Sent.1 lit. b GDPR, which permits the processing of data for the fulfilment of a contract, in this case the usage agreement for the Service.

3. Use of the Service

The Users shall be able to create and operate their own applications with the Services, to create simulations or to have route planning carried out. PTV shall have no influence over the content of those applications, the simulations and the planning, nor the data processed in this regard. The user is free to decide which data (for example, addresses, station lists or names of, for example, customers or employees) he wants the PTV Cloud Service to process. Insofar as the user processes personal data with the help of the Service, the Client alone shall be responsible for ensuring that the person concerned in each case has provided consent for its data to be processed or that there is statutory authorisation. The Client shall always remain the responsible party with regard to such personal data. The Client shall exempt PTV from all claims of the person concerned and shall compensate PTV for any damage caused to PTV due to transmissions of personal data to PTV in violation of data protection laws, unless the Client can prove that it is not responsible for this violation.

3.1. Billing of Service

PTV stores and processes the token ID and the time of login each time the client or the authorized user logs in. PTV stores and processes certain data about the user's usage behavior, insofar as this data documents facts that are relevant for the billing of the service. These can be the number of map accesses or route calculations, the number of managed assets or similar. PTV uses this data for the sole purpose of invoicing for the Service. The basis for this processing is Art. 6 para. 1 lit. b GDPR, which permits the processing of data for the fulfilment of a contract or pre-contractual measures.

3.2. Analysis of Usage Behavior

In addition, the platform of the service stores the IP address of the user with each login. This data is discarded at the latest when the service is redeployed. The IP address is stored only for the purpose of investigating or preventing technical malfunctions and misuse of the service. PTV may analyse additional information entered by the user in the free text field of the API in order to improve the service. The basis for this processing is Art. 6 Sect. 1 Sent. 1 lit. f GDPR, which permits the processing of data to protect the legitimate interests of the data controller. The data are further processed in anonymized form. It is not possible to identify the user.

In addition, PTV stores certain requests to the Service for the purpose of analyzing usage behavior and tailoring the Service to meet demand. The data used for this purpose will be made completely anonymous after expiry of the retention period in connection with billing the service. These data are not combined with other data of the client or third parties. The basis for this processing is Art. 6 Sect. 1 Sent. 11 lit. f GDPR, which permits the processing of data in order to protect the legitimate interests of the data controller.

3.3. Error messages

When using the platform products, error messages may appear. Users can send these error messages to PTV Support together with additional information (screenshots, last entries, actions in the product, information about the user and the instance, etc.). PTV may also receive personal data of the user as a result. The data transfer is voluntary.

PTV processes the data for the purpose of error correction and product analysis or improvement, whereby product improvement usually does not require personal data.

The data processing, insofar as it is necessary for error correction, is carried out in accordance with Art. 6 Sect. 1 lit. b GDPR to fulfill the warranty obligation of the usage contract. If data processing is used to monitor or improve the product, it is carried out in accordance with Art. 6 Sect. 1 lit. b GDPR for the purpose of fulfilling the contract. This is because proper performance of the contract also requires constant product monitoring and product improvement with regard to errors and malfunctions. These can only be identified and traced by PTV if the specific use of the products is known.

Personal data is only stored for as long as necessary, for example, to communicate with the user about an error report. Personal data processed for product improvement is deleted or anonymized after it is no longer needed.

This data processing is only triggered when the user contacts PTV support directly in response to an error message and can therefore be avoided.

3.4. Usage data/ telemetry data

PTV processes information about the use of platform products to improve its products. This data processing is pseudonymized with regard to the specific user, since information about the user is not required for this purpose. In this context, PTV only becomes aware of the organization of the customer who has concluded the user contract with PTV.

In this context, PTV does not learn which user is behind a specific use of the product, but only receives data about how the product is used by the customer. This serves to gain insights into how to maintain functionality, as well as to improve and optimize the product.

This data processing includes in particular:

- The collection of usage data for each product instance to determine how many commands or requests users have triggered per day or week within the product instance (without collecting information about what exactly was done).
- Information on how much storage space/dashboards/calculation time or similar has been used in a subscription (e.g. to forward this information to PTV sales so that they can ask the ID holder whether more storage space/dashboards/calculation time is needed).
- Information about how many viewers have accessed a public link and how much time they have spent on the link or how many team links are visited (e.g., to know how links are used for dashboards and to recognize whether the benefits of public links and team links are recognized).

Information about the extent of use of the license granted, workspace use, etc. (e.g., to identify the utilization of licenses), in particular

- Information about the number of individual users who access a license within the ID holder's organization during a specific period (e.g., to prevent license abuse).
- Scope of license usage within specific geographic regions (e.g., also to provide customers with a report showing usage in an organization's "regions").

The data processing is carried out in accordance with Art. 6 Sect. 1 lit. b GDPR for the purpose of fulfilling the contract. This is because proper performance of the contract also requires constant product monitoring and product improvement with regard to errors and malfunctions. These can only be identified and traced by PTV if the specific use of the products is known.

Furthermore, it is necessary, not least in the interest of the customer, that the products are maintained, continuously improved and optimized.

Personal data is stored for as long as necessary to identify and implement measures for analysis/evaluation in the sense of maintaining functionality and improving the product, and is then deleted or anonymized.

This data processing is related to the closed use/license agreement between PTV and the customer and serves the specific use and operation of the PTV cloud service, so the customer cannot prevent the data processing.

3.5. Free provision of certain cloud services

PTV provides certain cloud services free of charge. In order to help users with problems and to improve these services, PTV asks users of **PTV Developer**, **PTV Route Optimizer**, **PTV Map&Guide Internet**, **TLNplanner Internet** and **PTV Visum Publisher** for their telephone number. The phone number could be used to contact users to provide support and guidance. The feedback will help PTV understand use cases and improve the product to better fit users' needs. There will be no further use of the phone number beyond this. The basis for this processing is consent according to Art. 6 Sect. 1 Sent.1 lit. a GDPR, which can be revoked at any time.

4. Data Security

PTV warrants a reasonable level of data security and in particular adheres to the provisions of Art. 32 GDPR.

5. Order Data Processing

PTV concludes a data processing contract with the Customer in accordance with Art. 28 GDPR upon conclusion of the usage contract for a PTV Cloud Service.

6. Data Processing by Third Parties

We also use external service providers for processing your data and handling the contractual relationship. In addition, your data is also processed by us and our affiliated companies as part of other services and applications. In these cases, we ensure the security of your data by concluding commissioned processing contracts with the respective service provider that meet the high legal requirements for data protection compliance.

6.1. Third-party providers for all PTV Cloud Services

6.1.1 Operation of the Service

The Service and thereby the processing of the personal data that you would like to have processed via the PTV Cloud Service, is operated via the Azure platform. That platform is provided by Microsoft Ireland Operations Ltd., Carmenhall Road, Sandyford, Dublin 18, Ireland ("**Microsoft Ireland**").

The processing of your personal data is based on our legitimate interest according to Art. 6 Sect.1 Sent. 1 lit. f GDPR.

There exists an agreement between PTV and Microsoft Ireland on data processing. Under that agreement, data stored on the Azure platform may be processed by Microsoft Ireland only within the European Union and the European Economic Area.

You can find more information about Azure under data protection law at <https://azure.microsoft.com/en-gb/overview/trusted-cloud/privacy/>.

6.1.2 Zuora

We use the solutions of the provider Zuora (Zuora, Inc. 3050 S. Delaware Street, Suite 301 San Mateo, CA) to manage subscription information and for automated invoice generation and management.

We transfer the personal data necessary for these purposes to Zuora. This includes, among other things, company name and address, VAT ID, contact details of contact persons (for example, name, e-mail address, telephone number). This processing of your personal data is based on our legitimate interest according to Art.6 Sect.1 Sent.1 lit. f GDPR.

An data processing contract exists between PTV and Zuora.

We delete personal data when they are no longer required for the aforementioned processing purposes and no legal retention obligations prevent deletion.

6.1.3 Adyen

We use the external payment service provider Adyen (Adyen NV, Simon Carmiggelstraat 6 - 50, 1011 DJ Amsterdam, Netherlands) to process payments.

The personal data necessary for the processing of a payment, for example, first name, last name, IP address, credit card number, expiration date and CVC code, are transmitted by you directly to the payment service provider. For the purpose of prevention and detection of fraud, the IP address is transmitted to Adyen. All data is transmitted in encrypted form.

Adyen collects and stores the data and only passes it on in encrypted form to the companies involved in the payment process. We do not collect or store the payment data. The transfer of data for payment processing as well as for fraud prevention and detection in the context of orders is based on our legitimate interest according to Art. 6 Sect.1 Sent.1 lit. f GDPR.

We delete personal data when they are no longer required for the aforementioned processing purposes and no legal retention obligations prevent deletion.

Further data protection information about Adyen can be found in Adyen's privacy policy at <https://www.adyen.com/policies-and-disclaimer/privacy-policy>, as well as their cookie policy: <https://www.adyen.com/policies-and-disclaimer/cookie-policy>.

6.2. Third-party providers for individual PTV Cloud Services

6.2.1 Use of the support provider colpari

We use the support provider colpari GmbH, Waldstraße 5, 04105 Leipzig, Germany (“colpari”) for the PTV Cloud Services **PTV Map&Guide**, **PTV Map&Guide Internet**, **TLNplanner Internet** and **TLNplanner Next Generation**. Within the scope of the first level support you have the possibility to get in contact with a colpari employee. Depending on your input and on whether you want a remote access of the colpari employee, personal data such as e-mail address, IP address, name and contact details may become known to the provider.

The processing of your personal data is based on our legitimate interest according to Art. 6 Sect.1 Sent.1 lit.f GDPR.

There is an agreement on data processing between PTV and colpari. According to this agreement, data may only be processed within the European Union and the European Economic Area.

The personal data will be deleted when it is no longer required for the aforementioned processing purposes and no legal retention obligations prevent deletion.

6.2.2 Use of the customer service of Intercom

We use services provided by Intercom R&D Unlimited Company, 2nd Floor, Stephen Court, 18-21 Saint Stephen's Green, Dublin 2, Ireland, whose parent company is Intercom, Inc. 55 2nd Street, 4th Fl., San Francisco, CA 94105, USA ("**Intercom**") for the PTV Cloud Services **PTV Map&Guide**, **PTV Map&Guide Internet**, **TLNplanner Internet** and **TLNplanner Next Generation**.

Intercom provides AI-based customer service solutions. For this purpose, Intercom provides us with a chatbot for our service that can answer users' questions and help solve problems.

We have concluded an order processing agreement with Intercom, which includes the EU standard contractual clauses and additional guarantees for data security, so that the data transfer to a third country (i.e. a country outside the EU or EEA), which may be associated with the use of Intercom services, is permissible.

You can view Intercom's privacy policy here:

<https://www.intercom.com/legal/privacy>

When using Intercom, you will be assigned a unique cookie ID that enables Intercom to provide the services. Without this cookie ID, it is not possible to use the service, as this is mandatory for technical reasons for the interaction between you as the user and Intercom as the provider. This is therefore an absolutely necessary cookie in order for us to be able to provide this requested service at all (§ 25 Sect. 2 No. 2 TTDSG).

Purpose of data processing: We use the tool to provide our users with a simple and quick way to communicate with us and solve problems.

Legal basis of data processing: Data processing is based on our legitimate interests pursuant to Art. 6 Sec. 1 lit. f GDPR. Our legitimate interest consists in the above-mentioned purposes. The storage of the cookie in the user's terminal device or the reading of the same takes place on the basis of § 25 Sect. 2 No. 2 TTDSG.

Duration of storage: Personal data is stored by the provider Intercom for as long as this is necessary for the provision of the service, at the longest for as long as our customer account exists there. We ourselves store the data with the provider Intercom as long as the specific conversation has not yet been finally processed and settled. If we are then entitled to process the data further, we do so on our own systems.

Possibility of objection and removal: You can avoid the data processing described here by refraining from entering and transmitting data from the chatbot. Furthermore, insofar as we rely on our overriding legitimate interest, you may object to the processing of personal data relating to you by us at any time on grounds relating to your particular situation. If we cannot demonstrate compelling legitimate grounds for further processing that override your interests, rights and freedoms, we will then no longer process your data (cf. Art. 21 GDPR).

7. Product-specific Data Privacy Statements

For some products we additionally provide product-specific Data Privacy Statements.

7.1. PTV Navigator G2 App

You can find the [Data Privacy Statement PTV Navigator G2 App](https://legaldocs.myptv.com/en/Data_Privacy_Statement_PTV_Navigator_G2_App_EN.pdf?inline?inline) at https://legaldocs.myptv.com/en/Data_Privacy_Statement_PTV_Navigator_G2_App_EN.pdf?inline?inline.

8. Deletion of Data

PTV shall delete all user data within 8 weeks after terminating the contractual relationship. If PTV is obliged by legal data storage requirements to retain the user's data (e.g. invoice and contract data), PTV will block this data for further processing.

9. Client's Right to Information

Pursuant to Art.15 GDPR, data subjects may at any time request information on the personal data stored by PTV on them or their pseudonym. Requests for information can be addressed to:

PTV Logistics US Inc.

1530 Wilson Boulevard, Suite 710

Arlington, VA 22209, United States of America

Email: data-protection@ptvlogistics.com

10. Right to log a Complaint with the Competent Supervisory Agency

In the event of violations of the GDPR, data subjects are entitled to log a complaint with a supervisory agency, in particular in the member state where they usually maintain their domicile, place of work or at the place where the alleged violation occurred. The right to log a complaint is in effect regardless of any other administrative or court proceedings available as legal recourses.

11. Supplemental Terms for Canadians

If you are in Canada, our services and the processing of data may be undertaken by PTV Logistics US Inc.

We protect your personal information using security safeguards appropriate to the sensitivity of the information and maintain reasonable physical, organizational and technological measures to protect your personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

Our Services use, in particular, tools from companies based in other countries, such as the United States of America, and we may also engage external service providers and other third parties (collectively, "service providers") on our behalf to perform certain services on our behalf and to otherwise provide our service and solution. These service providers may store, process and transfer your personal information on servers located outside of Canada in jurisdictions whose data protection laws may differ from those of Canada, such as the United States of America. As a result, personal information may be subject to access requests from governments, courts, or law enforcement in those jurisdictions according to the laws in those jurisdictions. For example, information may be shared in response to valid demands or requests from government authorities, courts and law enforcement officials in those countries. Subject to applicable laws in such other jurisdictions, we will use reasonable efforts to ensure that appropriate protections are in place to require our service providers to maintain protections on personal information that are equivalent to those that apply in Canada.

If you have questions regarding our policies and practices with respect to our use of service providers outside of Canada, including with respect to the collection, use, disclosure or storage

of personal information by service providers outside of Canada for us or on our behalf, please contact us as set out below.

In the event of violations of this Data Privacy Statement, you are entitled to log a complaint with the applicable office(s) of the Federal, Provincial and Territorial Information and Privacy Commissioners and Ombudsman as applicable to you. The right to log a complaint is in effect regardless of any other administrative or court proceedings available as legal recourses.

Customers in Canada can contact our external data protection officer as follows:

Email: data-protection@ptvlogistics.com