

# **J.P. Morgan Mobility Payment Solution**

## **Data Privacy Notice**

The following Data Privacy Notice contains important information regarding the collection and processing of your personal data within the scope of MOBILITY PAYMENTS SOLUTIONS. In addition, it provides information on your rights you possess with respect to us and how you can exercise them. Any processing of your data will be carried out with the greatest possible care observing the highest security standards.

MOBILITY PAYMENTS SOLUTIONS is a payment solution of J.P. Morgan Mobility Payments Solutions S.A. based in Luxembourg. It is licensed as “Electronic Money Institution” (EMI).

We place the utmost importance on the protection and confidentiality of your data. The collection and use of all data, in particular your personal data, takes place exclusively in accordance with the strict provisions of applicable European and national data protection law, in particular in accordance with the provisions of the Regulation (EU) 2016/679 (General Data Protection Regulation, GDPR).

For transactions on websites of marketplace operators, the privacy notices, and the terms of use of the respective company apply, which are accessible on their websites at any time. By means of agreements with marketplace operators, acceptance points and payment system providers (cooperation partners), we ensure that the collection, recording, processing and use of personal data with regard to subject matter, duration, nature and scope takes place exclusively within the limits of this notice.

Following we would like to inform you about data we collect in the context of our offered payment features as well as data we receive from our cooperation partners, and for which purpose this data is processed by us.

We recommend that you read this Data Privacy Notice carefully, download and save it on your personal device.

### **Controller**

Controller according to applicable data protection provisions is:

#### **J.P. Morgan Mobility Payments Solutions S.A.**

161, Rue du Kiem

L-8030 Strassen

Luxembourg

We appointed a Data Protection Officer who ensures the adherence to our high data processing standards.

If you have any questions regarding data protection, please contact our Data Protection Officer by email: [dataprotection@jpmmps.com](mailto:dataprotection@jpmmps.com).

## Object of data processing

Using our payment features, personal data, i.e. personal details, payment data and usage data, is collected and processed depending on the payment process. In this context, we sometimes receive data from marketplace operators as well as from risk management partners and credit agencies. This data is transferred in encrypted form. Personal data is considered any information relating to an identified or identifiable natural person.

- **Categories of personal data collected:**

The data we process includes:

- Personal details such as first and last name, title, address, date of birth, username and password (log in data), contact information such as (mobile) phone number and e-mail address (contact data) as well as information on place of birth, citizenship, occupation and income as well as identity documents, e.g. ID card number (further personal data);
- **Payment data:** Such (personal) data required to process payment transactions, hence order data such as shop name and reference key, shopping cart details, amount to be paid and currency as well as billing and delivery address, payment transaction data such as amount to be paid and currency, number, date and time of a payment as well as credit card and bank connection details such as account holder, account type, account number, validity date as well as verification code of a credit card and bank account details (provider, IBAN, BIC);
- **Usage data:** Such (personal) data, either collected automatically when using our services or forwarded to us by participating marketplace operators (see annex) when processing a payment.

- **Categories of Data Subject**

Nature, scope and configuration of data processing depend on the payment function offered by us and our cooperation partners and chosen by the customer in individual cases. Here are to distinguish:

- **Guest payers:** The completion of a transaction via a so-called “guest payment”. In this case, the guest payer does not register neither with the EMI, nor with the marketplace operator, but merely provides his log-in data and contact information to the marketplace operator for a single transaction. Only individual payment data as well as potentially further personal data is collected and processed by EMI and only individual payment data is processed to complete the transaction.
- The completion of a transaction after registration of the customer with the marketplace operator, in which log-in, contact and payment data of the consumer is stored for subsequent transactions by the marketplace operator. No registration of the customer with EMI takes place. Only individual payment data as well as potentially further personal data is collected and processed by EMI and only individual payment data is processed to complete the transaction.
- **Registered Users:** The completion of a transaction after registration of the customer with the marketplace operator and EMI, in which the log-in, contact and payment data of the customer is stored for subsequent transactions in his digital EMI customer account. EMI uses payment data and further personal data also to conduct its own risk management.

We would like to point out that the available functional scope of J.P. Morgan Mobility Payment Solutions may be limited depending on different parameters such as the scope of services offered by the respective marketplace operator, your place of residence or registered office or the location of access to our services.

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

We use the data processed by us in order to provide our customers with our payment features and to carry out and improve our services. The processing of personal data of our customers takes place for the following purposes: -

- Your log-in data, contact data and further personal data as well as potentially further individual payment data for the purpose of your registration and, if applicable, the creation of a customer account with EMI after validation of the log-in data and confirmation of your identity as well as verification of the information and contact information provided by you. This is necessary to fulfil our **contractual obligations** with you (Art. 6 para. 1 sent. 1 lit. b) GDPR) Your payment data to process the payment, referencing the transaction, to contact you during the ongoing contractual relationship and thus fulfilment of our contractual obligations under the contracts concluded with you, to provide you with our service to pay at marketplace operators and acceptance points and if necessary to claim reimbursement. This is necessary to fulfil our **contractual obligations** with you (Art. 6 para. 1 sent. 1 lit. b) GDPR);
- Your log-in and payment data for automated verification of the payment options available to you (credit card and direct debit). In this process, the means of payment you have specified are only verified. A credit assessment or scoring does not take place. This is **necessary to perform the contract**, as we need to check which payment options can be offered to you (Art. 6 para. 1 sent. 1 lit. b) GDPR).

Your log-in data as well as payment and other usage data, for the purpose of risk management, minimize risk of fraud as well as fraud prevention and to avoid abusive or incorrect use of our payment features for This serves to be compliant with **legal obligations** that we as an Electronic Money Institution are subject to (Art. 6 para. 1 sent. 1 lit. c) GDPR) and our legitimate interest in preventing risks that may arise because of abusive or incorrect use by us and our contractual partners (Art. 6 para. 1 sent. 1 lit. f) GDPR).

- Your personal details, payment, and usage data, to the extent necessary to comply with **legal and regulatory obligations**, in particular “Know your customer”, regulatory report, Law of 10 November 2009 on payment services, anti-money laundering and terrorist financing, also accounting regulations, tax controls and reports. (Art. 6 para. 1 sent. 1 lit. c) GDPR)
- Where processing is necessary for checking any previous breaches of contracts with other institutions processing payment instruments prior to entering into a contract or during the existence of the contract, to be able to defend our interests in defense or take legal action, to proceed to investigations in case of potential breach of contracts or violation of law or regulation which would have a negative impact on the EMI. Legal basis is legitimate interest (Art. 6 para. 1 sent. 1 lit. f) GDPR).
- Your log-in and usage data for internal processes including troubleshooting, performance of data analysis and internal testing, statistical purposes and development of software solutions in this context, to provide a flawless and failure-free service GDPR and Art. 6 para. 1 sent. 1 lit. f) GDPR);
- Your usage data, specifically technical and device-related data such as browser and system settings in order to ensure our legitimate interest in optimizing the user interface and ensuring that

information for you and the devices you use are displayed as optimally as possible (Art. 6 para. 1 sent. 1 lit. f) GDPR).

- We may also use your email to send you relevant information about used and similar services, and to conduct customer satisfaction surveys (processing for marketing purposes, if this – as described above – meets **our legitimate interests**, Art. 6 para. 1 sent. 1 lit. f) GDPR).
- Your contact details provided through the contact form, to provide you with information you have requested for, i.e. where you have expressly provided us with **your consent** to process your personal data in that manner. (Art. 6 para. 1 sent. 1 lit. a) GDPR).
- In the case you give us previously **Your consent**, we will send you by several channels our product offers, or product offers from other JPMorgan Group companies in the context of our marketing activities. If you do not wish to receive this communication, you can withdraw a consent granted for this purpose at any time and submit your withdrawal to the address mentioned under "Contact" or an online contact option specified there. We will point this out to you again via customer communication in each individual case. (Art. 6 para. 1 sent. 1 lit. a) GDPR).

If we carry out personal analyses of data in addition to the above, this will be done in accordance with the respective applicable data protection regulations. In particular, we will inform you about appropriate changes in the purpose of data processing and – if required by data protection law – will ask you for a corresponding consent.

### **Automated processing**

Due to the usage of cookies and tracking technologies we automatically receive certain data being transmitted by your internet browser.

When using our websites, cookies are stored on your computer. The term refers to small text-files that are placed in the buffer storage of your browser. These text-files enable our websites to remember your preferences and actions for a limited timeframe. All cookies used by us are necessary for the operation of our websites and therefore being referred to as functional cookies, whose application you cannot reject, if you want to make use of our services.

On the basis of Art. 6 para. 1 lit. f) GDPR we apply session-cookies as well as permanent-cookies. Session-cookies are automatically deleted when your session is ended referring to the moment you close your browser or perform a log-out. Permanent-cookies are automatically deleted after an individually defined period. Our cookies serve the purpose of providing you with functions and services as well as preventing misuse of your data and fraud attempts. More specifically we use cookies for the following purposes:

- **Authorisation:** A permanent cookie that is deleted one hour after the beginning of the authorisation procedure.
- **Prevention of fraud:** A session-cookie that is deleted after the conclusion of each individual process (i.e. completion of payment).
- **Usage of payment data:** A session-cookie that is deleted with closing of the browser.

Other tracking tools or cookies than the aforementioned are not applied. Your browser usually allows you to manage your cookies in the browser-settings and, for example, to disable, manually delete or block certain cookies. Further information can be found using the help function of your browser. However, we

want to point out that the deactivation of cookies might have a negative impact on the usability of our websites.

The collection of usage data, function, and web tracking data as well as data regarding log-in behavior initially takes place without assignment to a person for the purposes of troubleshooting and optimization of the user interface, which are described below in more detail, on the legal basis specified therein. An evaluation of the data by means of so-called user profiles will take place exclusively in pseudonymized form, in particular by means of so-called hashing. We reserve the right to ask for your consent in this regard.

### **Accessing and sharing your personal data**

Only departments with an operational need to access your data, are authorized to do so (for example, our colleagues responsible for monitoring commercial relationship, or those in charge of execution transactions). This also includes authorized personnel of the partners with whom we work in the course of providing our services.

Access to your data is strictly limited to people with the necessary authorization granted to them for the performance of their tasks. These people are bound by a strict obligation of confidentiality.

A mutual data transmission takes place between us and:

- Our customers, Marketplace operators, to fulfil contractual obligations, Acceptance points, therefore online merchants, where costumers have made purchases; Payment providers, etc.

Authorities and other public bodies, such as law enforcement agencies, tax and fiscal authorities, as well as third parties who may have been harmed, provided that we are legally obligated to transmit data:It is possible that the structure of our company may change, for example by changing its legal form, establishing, purchasing, or selling subsidiaries, company shares or parts of the company. In the event of transactions, data of customers and cooperation partners, which may include personal data, will be transmitted to parties of the transaction, in particular potential purchasers and sellers and their consultants in accordance with the data protection regulations

We will take appropriate legal, technical, and organizational measures to ensure that your information is always treated securely and that a level of protection that complies with our high data protection standards is maintained when transmitting your data to cooperation partners, customers and selected third parties.

If we disclose personal data to third parties to the extent described above, we ensure that it is done in accordance with this Data Privacy Notice and European and national data protection regulations. We will never sell or otherwise transfer personal data to third parties unless you have given us your explicit **consent** to do so or there is a reasonable reason to do so

### **Data Processing on behalf and transfer of personal data**

We engage further external service providers in the areas of payment processing, risk assessment and management partners, dunning, billing, debtor management, accounting, auditing and account information and payment services, as a so-called data processor. We will always carefully select and regularly review these service providers to ensure compliance with our strict data protection requirements and the protection of your privacy.

Service providers engaged by us may only use your data for the purposes specified by us and exclusively in accordance with this privacy notice and in accordance with applicable data protection regulations. We act globally and we will transfer your personal data to recipients based outside your country, including all member states of the EU as well as the European Economic Area. Our business is furthermore supported by cooperation partners and service providers based in third countries outside the EU and the European Economic Area. Hereby data will be transferred to third countries, for which the European Commission may not have determined the adequacy of the level of protection yet and which therefore do not necessarily ensure a level of data protection in accordance with the GDPR. Such transfer of data is secured in accordance with the legal provisions by sufficient guarantees, through effective contractual provision to ensure an adequate data protection level.

If you access our services from outside the EU or the European Economic Area, your data may be transferred to and stored by cooperation partners or external service based in the country you accessed our service from. Provided that the respective country is a third country, whose data protection level has not been certified by the EU yet, we have contractual protection clauses in place to assure an adequate data protection level.

### **Determination of responsibilities**

In general, EMI and its cooperation partners process your personal data in connection with the payment solution MOBILITY PAYMENTS SOLUTIONS separately from each other. Provided that, while collecting your data (i.e. log-in data, contact data and individual payment data and, if applicable, further personal data) for the first time, due to the linking of the payment solution MOBILITY PAYMENTS SOLUTIONS provided by EMI with the user interface ("Front-end") of the marketplace operators EMI and marketplace operator share responsibility in all payment methods, EMI and the respective marketplace operator have defined and documented in an agreement how they separate their responsibilities from each other.

Pursuant to the agreement concluded between EMI and the marketplace operator, the duties to provide information are jointly exercised in accordance with Art.13 and 14 GDPR. Therefore, you will receive a Data Privacy Notice from both the EMI and the marketplace operator. The marketplace operator will make the EMI statement available on its website and will allow it to obtain consent, provided that this is necessary. You can exercise your rights as a data subject both directly against EMI and against the marketplace operator. Both will then coordinate and process your request.

### **Term of data processing and data retention**

We will only store your data for as long as it is necessary to perform the contract concluded with you, to process the payment service or due to mandatory statutory retention obligations. If we need to retain your data after the fulfilment of the contract, for example to comply with the requirements of the Money Laundering Act or accounting regulations, we will store your data only for as long as it is required by law for the respective purpose. If your data is no longer required for the purposes stated in this agreement, we will automatically delete it. This applies in particular if you unsubscribe from your customer account, as far as we are not legally obligated or entitled to store your data for a longer period. The data we process will be stored for the period stated below and will be deleted subsequently:

- Log-in and contact data: With the end of contract for another 5 years to prevent money laundering, possibly longer if required by law.

- Payment data: With the end of contract for another 5 years to prevent money laundering, possibly longer if required by law.
- Usage data: With the end of contract for another 5 years to prevent money laundering, possibly longer if required by law.

Data with tax relevance: 10 years.

### **Rights of data subjects**

Upon request, you have the right to obtain information about the data we have stored about you, for example, to check what information we store about you and the purpose for which it is processed. Easily and at any time, you can request an excerpt from the data stored by us via the e-mail address:

[dataprotection@jpmmps.com](mailto:dataprotection@jpmmps.com)

or via an online contact option specified there. The application for the excerpt with the data stored by us is, of course, free of charge.

You further have the right to receive the personal data provided by you and related to you in a common, structured, and machine-readable format and the right to transmit this data to other parties without any barrier. As far as this is technically feasible, you can furthermore demand that we transmit the data to another controller.

You furthermore have the right to request that we correct inaccurate data about you and, if applicable, to request the deletion of data or the restriction of its processing. If you request the correction or deletion of your personal data or restriction of its processing, we will handle your request and arrange the correction, deletion, or restriction of processing, to the extent this is required by the applicable data protection law, for instance when data is incorrect or incomplete.

In particular, we will comply with your request to delete your personal data, as long as it is no longer required for the purpose for which it was collected and if storing it is not required by law or if it is not required to establish, exercise, or defend legal claims. Provided that the cooperation of a cooperation partner is required, we have ensured through agreements with cooperation partners such as marketplace operators, acceptance points and other third-party companies that a correction, deletion, and restriction of collected data can take place in accordance with the applicable data protection provisions. A correction or deletion of your data as well as the restriction of the processing of your data can be requested easily and at any time via the address stated under "contact" or an online contact option specified there.

We would like to point out that as an Electronic Money Institution we are subject to specific legal obligations that do not allow us to delete certain information on demand. These obligations result from tax, banking, and money laundering law as well as from accounting regulations and consumer law. However, we may block your data and thereby prevent processing for purposes other than those prescribed by law.

At any time, you also have the right to lodge a complaint with the relevant regulatory authority:

**Commission Nationale pour la Protection des Données (CNPD - National Commission for Data Protection)**, 15 Boulevard du Jazz, L-4370 Belvaux, Luxembourg <https://cnpd.public.lu/html> and any other supervisory authority of another member state to complain about data protection concerns.