

KIA CONNECT

KIA PAY – PRIVACY NOTICE

Last updated: 5th October 2023

1. INTRODUCTION
2. CONTROLLER, CONTACT INFORMATION
3. DATA PROTECTION OFFICER
4. PURPOSES, LEGAL BASES AND CATEGORIES OF PERSONAL DATA
5. PROCESSING FOR PROVISION OF KIA PAY
6. OTHER PROCESSING ACTIVITIES
7. RECIPIENTS AND CATEGORIES OF RECIPIENTS
8. CROSS-BORDER DATA TRANSFER
9. DATA RETENTION
10. DATA SECURITY
11. YOUR RIGHTS
12. AUTOMATED DECISION MAKING, INCLUDING PROFILING
13. UPDATES
14. DEFINITIONS

1. INTRODUCTION

This privacy notice (the “**Privacy Notice**”) of Kia Connect GmbH, registered under the registration number HRB 112541, (“**Kia**”, “**we**” or “**us**”) applies to the collection and processing of personal data in connection with the provision of Kia Pay and is addressed to our customers using Kia Pay (“**you**”, “**your**”). Kia takes the protection of your personal data and your privacy very seriously and will process your personal data only in accordance with the GDPR and other applicable data protection and privacy laws. Please note that in addition to this Privacy Notice, where appropriate, we may inform you about the processing of your personal data separately, for example in consent forms or separate privacy notices.

2. CONTROLLER, CONTACT INFORMATION

2.1.

Unless expressly stated otherwise, Kia Connect GmbH is the controller of the personal data collected and processed in connection with the provision of Kia Pay.

2.2.

If you have any questions about this Privacy Notice or our processing of your personal data, or if you wish to exercise any of your rights, you may contact us at:

Kia Connect GmbH
Theodor-Heuss-Allee 11

60486 Frankfurt am Main, Germany

Email: info@kia-connect.eu

You may also use our contact form, which is available here: <https://connect.kia.com/eu/customer-support/contact-form/>

Alternatively, you may also contact our data protection officer at the contact details provided in Section 3 below.

3. DATA PROTECTION OFFICER

We have appointed an external data protection officer (“DPO”). You may contact our DPO at:

Kia Connect GmbH

– Data Protection Officer –

Theodor-Heuss-Allee 11

60486 Frankfurt am Main, Germany

Email: dpo@kia-connect.eu

4. PURPOSES, LEGAL BASES AND CATEGORIES OF PERSONAL DATA

Details about the purposes of and the legal bases for our processing of your personal data, and the categories of personal data that we may process, are set out in Sections 5 and 6 below.

Please note that we will process personal data only to the extent permitted by law and to the extent necessary for the relevant purpose.

4.1. PURPOSES

We will mainly process your personal data for the provision of Kia Pay, i.e. to allow you to store your credit card data (and pertaining billing information) in Kia Pay and to use the credit cards stored therein to pay for your purchases made in the Kia Connect Store. Further details about Kia Pay can be found in the Kia Pay Terms of Use.

Furthermore, we may also process your personal data for the purpose of complying with applicable laws or other legal obligations (e.g. disclosure of relevant personal data to courts or criminal prosecution authorities), or if we have separately informed you about such purposes.

4.2. LEGAL BASES

Generally, in connection with the provision of Kia Pay, we collect and process your personal data to take steps at your request prior to entering into a contract (“conclusion of contract”), or to the extent necessary for the performance of our contract with you (Art. 6 (1) b) GDPR, or to the extent to which the processing is necessary for the purposes of our or a third party’s legitimate interests (Art. 6 (1) f) GDPR).

With respect to certain processing activities, we may process your personal data to the extent necessary for compliance with a legal obligation to which we are subject (Art. 6 (1) c) GDPR, or where we have obtained your prior consent to the relevant processing of your personal data for a specific purpose (Art. 6 (1) a) GDPR).

4.3. SOURCES

Unless otherwise expressly stated in this Privacy Notice, the personal data listed in Sections 5 and 6 below are provided to us directly by you (e.g. by entering certain personal data in the Kia Connect App).

4.4. YOUR RIGHT TO NOT PROVIDE YOUR PERSONAL DATA

Generally, you have the right to not provide your personal data to us. However, in some cases (e.g. for registering a credit card in Kia Pay), we may require certain personal data from you to be able to process your enquiry or to provide the relevant services. We will inform you about the required personal data accordingly.

5. PROCESSING FOR PROVISION OF KIA PAY

Kia Pay is integrated in the Kia Connect Store. To use Kia Pay, you must first register a credit card in Kia Pay. You can then use a registered credit card as a payment method in the check-out process of the Kia Connect Store.

5.1. REGISTERING A CREDIT CARD IN KIA PAY

When you add a credit card to Kia Pay, Kia stores only encrypted information about your credit card (known as a "token"). To create the token, the details of your card are collected and processed by a tokenization service provider, which is Bell Identification B.V. (see also Section 7 on data recipients below). We collect further information from you to: (i) make your credit card identifiable by displaying your name and the last four digits of the card in Kia Pay; and (ii) to be able to create a legally proper invoice containing the information provided by you for this purpose, including your billing address.

For this purpose, the following categories of personal data are processed: Credit card number, type of card, card holder name, date of expiration, security code, any other information required by the issuing bank or the payment network to verify your identity and your permission to use the card, the token provided by the tokenization service provider, the last four digits of the credit card number, the billing address, any further information to be included on the invoice (if relevant and provided by you).

Legal basis: *For the tokenization process:* The processing is necessary for the purpose of the legitimate interests pursued by us (Art. 6 (1) f) GDPR). Our legitimate interests are: providing a secure payment process minimizing the risk of data losses by using tokenized credit card information. *For adding a card to Kia Pay:* The processing is necessary for the performance of the contract that you have entered into with us (Art. 6 (1) b) GDPR) for the provision of Kia Pay.

5.2. VIEWING INFORMATION IN KIA PAY; DISABLING/ENABLING AND REMOVING CREDIT CARDS

When you view the payment information stored in the Kia Pay service, the underlying information is displayed. This includes the type of the card, the card nickname (if added by you), the last four digits of the card number, the billing address, any further information to be included on the invoice (if relevant and provided by you).

If you disable a credit card in Kia Pay, the related personal data remains stored on our systems; however, the respective card is tagged as disabled and cannot be used for payments within the Kia Connect Store. If you re-enable the card, the "disabled" tag is removed, and the card can be used for further payments.

If you remove a credit card from Kia Pay, the related personal data is removed from our systems, and the respective credit card can no longer be used for payments within the Kia Connect Store.

For this purpose, the following categories of personal data are processed: the token of the respective credit card, the last four digits of the credit card number, the card holder name, the card nickname (if added by you), the type of card, the billing address, any further information to be included on the invoice (if relevant and provided by you).

Legal basis: The processing is necessary for the performance of the contract that you have entered into with us (Art. 6 (1) b) GDPR) for the provision of Kia Pay.

5.3. MAKING A PAYMENT WITH A CREDIT CARD STORED IN KIA PAY

When you pay for a purchase in the Kia Connect Store using a credit card stored in the Kia Pay service, we send the token of the credit card together with all other information required to carry out the payment to our payment service provider, Stripe Payment Europe Ltd., One Building, 1 Grand Canal Street Lower, Dublin 2, Ireland (see also Section 7 on data recipients below). Stripe acts as an independent controller and processes the data for its own purposes regarding payment processing. Please see Stripe's own data protection information for further details. You can access this information here: <https://stripe.com/legal/privacy-center>.

For this purpose, the following categories of personal data are processed: credit card token, payment amount, applicable currency, booking text to be included on the credit card statement, information whether the payment was carried out successfully.

Legal basis: The processing is necessary for the performance of the contract that you have entered into with us (Art. 6 (1) b) GDPR) for the provision of Kia Pay.

5.4. INVOICE PREPARATION

When you make a purchase, we will provide you with a link via which you can download the invoice as a PDF document that contains the relevant information about your purchase. For this purpose, we use the invoice service provided by our payment service provider, Stripe Payment Europe Ltd., One Building, 1 Grand Canal Street Lower, Dublin 2, Ireland (see also Section 7 on data recipients below). In the context of invoice preparation, Stripe acts as a processor for us.

For this purpose, the following categories of personal data are processed: Your name and billing address, any further information to be included on the invoice (if relevant and provided by you), number and type of the items purchased (including the name of the upgrade and the usage period for which it was purchased), the price of the items purchased, applicable currency, applicable VAT rate.

Legal basis: The processing is necessary for the performance of the purchase contract (Art. 6 (1) b) GDPR) for the purchased items.

6. OTHER PROCESSING ACTIVITIES

In addition to the processing activities set out in Section 5 above, we may also process your personal data for the following purposes:

6.1. COMMUNICATION

We may process your personal data to communicate with you about Kia Pay or the contract that you have entered into with us (e.g. to provide customer support, to inform you about technical issues with Kia Pay, to perform our contractual obligations or to inform you about changes to the Kia Pay Terms of Use or this Privacy Notice) via several communication channels, including email, telephone and notifications within the Kia Connect App (the Kia Connect App features a separate inbox for this purpose). When you contact us via available communication channels (e.g. via the contact form on our website or in the Kia Connect App, or via email or telephone), we may process your personal data to handle your request and to communicate with you accordingly as regards to your request. Certain fields in the contact form in the Kia Connect App will be pre-filled to make using the contact form quicker and easier for you. For this purpose, the following categories of personal data are processed: Contact details (e.g. email address, telephone number), data relevant for the sending of the notifications within the Kia Connect App (user ID, country, language, device ID, system token, platform, UUID, contact ID), data relevant for pre-filling the contact form in the Kia Connect App (email address, vehicle identification number (VIN), language, UUID), name, information provided by you in relation to the relevant request, contract data.

Legal basis: The processing is necessary for the performance of the contract that you have entered into with us (Art. 6 (1) b) GDPR), or for the purpose of the legitimate interests pursued by us (Art. 6 (1) f) GDPR). Our legitimate interests are: providing the best possible service for our customers and appropriately answering and processing our customers' requests.

6.2. FEEDBACK AND SURVEYS

From time to time, we may invite you to provide your feedback and/or participate in surveys relating to Kia Pay, including support services (see Section 6.1 above for details about our communication with you). If you provide your feedback or participate in our surveys, we may process relevant personal data for the purpose of processing and evaluating the feedback or conducting, processing, and evaluating the survey. This is to improve our services and adapt them to our customers' needs.

In some cases, we may conduct surveys using the Salesforce Marketing Cloud platform, provided by salesforce.com Germany GmbH, or the online survey tool SurveyMonkey, provided by Momentive Europe UC ("**Momentive**") (see Section 7 below for more details about these providers).

To participate in surveys conducted on SurveyMonkey, you may have to click a link which will be included in the survey invitation. When you click the link, you will be taken to a website of Momentive, where the survey will be conducted. Momentive will process the survey-related information on our behalf and for our purposes. Furthermore, Momentive may: (i) collect and process information about your device and other technical data to avoid multiple participations; and (ii) use cookies to detect when a participant has already visited the survey previously and adopt any responses that the participant provided in said previous visits. More information about Momentive's processing of personal data is available at <https://www.surveymonkey.com/mp/legal/privacy/>.

For this purpose, the following categories of personal data are processed: Name (if relevant and provided), content data (e.g. your feedback and/or responses), technical data (IP address, UUID, operating system version, device type, device ID/MAC address, system, performance information, browser type).

Legal basis: The processing is necessary for the purpose of the legitimate interests pursued by us (Art. 6 (1) f) GDPR). Our legitimate interests are: improving our services.

6.3. DATA SHARING

Details about our sharing of your personal data with third parties are provided in Section 7 below.

6.4. OPERATION OF BUSINESS

We may process certain categories of the personal data referred to above for internal management and administration purposes, including record management or maintaining other internal protocols.

Legal basis: The processing is necessary for the purpose of the legitimate interests pursued by us (Art. 6 (1) f) GDPR). Our legitimate interests are: ensuring the appropriate and efficient operation of our business.

6.5. LEGAL COMPLIANCE

We may process certain categories of the personal data referred to above (e.g. records of any consents that you have given, together with the date and time, as well as content and means of consent) to comply with applicable laws, directives, recommendations, or requests from regulatory bodies (e.g. requests to disclose personal data to courts or regulatory bodies, including the police).

Legal basis: Such processing may be necessary: (i) for compliance with a legal obligation to which we are subject (Art. 6 (1) c) GDPR); or (ii) for the purpose of our legitimate interests (Art. 6 (1) f) GDPR). Our legitimate interests are: ensuring our compliance with applicable legal obligations.

6.6. LEGAL PROCEEDINGS AND INVESTIGATIONS

We may process certain categories of the personal data referred to above to assess, enforce, and defend our rights and interests.

Legal basis: The processing is necessary for the purpose of the legitimate interests pursued by us (Art. 6 (1) f) GDPR). Our legitimate interests are: protecting our interests and enforcing our rights.

7. RECIPIENTS AND CATEGORIES OF RECIPIENTS

Any access to your personal data at Kia is restricted to those individuals that have a need to know to fulfil their job responsibilities.

Kia may disclose your personal data for the respective purposes and in compliance with applicable data protection laws to the recipients and categories of recipients listed below:

Service providers – We may disclose your personal data to certain third parties, whether affiliated or unaffiliated, that process such data as our service providers on our behalf under appropriate instructions as processors and as necessary for the respective processing purposes (Art. 28 (3) GDPR). These processors are subject to contractual obligations, which require them to implement appropriate technical and organisational security measures, to safeguard the personal data, and to process the personal data only in accordance with our instructions. Our service providers include:

- The service provider for the technical infrastructure and maintenance services relevant to Kia Pay, which is Bluewalnut Co. Ltd., 3, Gukhoe-daero 66-gil, Yeongdeungpo-gu, Seoul, Korea.
- The service providers for our customer data management platforms and connected car data management platforms, which are salesforce.com Germany GmbH, Erika-Mann-Strasse 31-37, 80636 Munich, Germany, and Amazon Web Services EMEA SARL, 38 avenue, John. F. Kennedy, L-1855, Luxembourg, with their servers located within the EU/EEA.
- The service provider for preparation of invoices in PDF format, which is Stripe Payment Europe Ltd., One Building, 1 Grand Canal Street Lower, Dublin 2, Ireland. In the context of invoice preparation, Stripe acts as a processor for Kia.
- The service provider Momentive Europe UC, Second Floor, 2 Shelbourne Buildings, Shelbourne Road, Dublin 4, Ireland, which provides the online survey tool SurveyMonkey and related services for the purpose of conducting and evaluating surveys.
- Our affiliated entities in the EU/EEA, which provide services relating to customer support, including call centre services.

Payment infrastructure providers – We may disclose your personal data to certain third parties that are part of the payment infrastructure or who provide prerequisite services to ensure the security of the payment processing. These may include issuing banks, payment networks, and card issuers when necessary to detect fraud, to obtain payment tokens representing the credit card, and to view transaction information. These service providers act as independent controllers in their respective field of expertise to allow us to perform our contract regarding the provision of Kia Pay to you (Art. 6 (1) b) GDPR). Our service providers involved in payment processing are:

- The service provider for the tokenisation of your credit card data, Bell Identification B.V., Stationsplein 45, A.06.16, 3013AK Rotterdam, The Netherlands, which acts as an independent controller for tokenisation.

- The service provider for payment processing and the creation of invoice documents, Stripe Payment Europe Ltd., One Building, 1 Grand Canal Street Lower, Dublin 2, Ireland, which acts as an independent controller for payment processing.

Governmental authorities, courts, and similar third parties that are public bodies – We may disclose your personal data to governmental authorities, courts, and similar third parties that are public bodies where we have a legal obligation to do so (Art. 6 (1) c) GDPR), or for the purpose of protecting our interests or enforcing our rights (Art. 6 (1) f) GDPR). These recipients will process the relevant personal data as independent controllers.

Outside professional advisors – We may disclose your personal data to our tax consultants, auditors, accountants, legal advisors, and other outside professional advisors for the purpose of operating our business (Art. 6 (1) f) GDPR). In some cases, we may also disclose the data for the purpose of protecting our interests or enforcing our rights (Art. 6 (1) f) GDPR). These recipients will usually process the relevant personal data as independent controllers.

Third-party acquirers – In the event that we sell or transfer all or any relevant portion of our assets or business (including reorganisation or liquidation), we may disclose your personal data to third-party acquirers (Art. 6 (1) f) GDPR). These recipients will process the relevant personal data as independent controllers.

8. CROSS-BORDER DATA TRANSFER

We are a member of an international group of companies. Therefore, we may transfer personal data within the Kia group and to other third parties as noted in Section 7 above.

Some of these recipients may be located or have relevant operations outside of your country and the EU/EEA (e.g. in the Republic of Korea, the United Kingdom or the United States of America) (“**Third Country**”). For some Third Countries, the European Commission has determined that they provide an adequate level of protection for personal data (e.g. the Republic of Korea, the United Kingdom) (“**Adequate Jurisdiction**”).

Where we transfer personal data to a recipient that is located in a Third Country which has not been designated as an Adequate Jurisdiction, we (or our processors in the EU/EEA that transfer personal data to sub-processors in such Third Countries as applicable) provide appropriate safeguards by way of entering into data transfer agreements adopted by the European Commission (“standard contractual clauses”) with the recipients or by taking other effective measures to provide an adequate level of data protection.

A copy of the respective safeguards may be requested from us or our data protection officer (see Section 2 and Section 3 above).

9. DATA RETENTION

Your personal data is stored by Kia and/or our service providers for no longer than is necessary for the purposes for which the personal data is collected, and which are set out above.

When we no longer require your personal data for such purposes, we will erase it from our systems and/or records and/or take steps to properly anonymise it so that you can no longer be identified from it (unless we are required to retain the relevant personal data to comply with legal or regulatory obligations to which we are subject; e.g. personal data contained in contracts, communications, and business letters may be subject to statutory retention requirements, which may require retention for up to 10 years).

10. DATA SECURITY

We have implemented appropriate technical and organisational security measures to protect your personal data against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, and other unlawful forms of processing.

However, as the internet is an open system, the transmission of data via the internet is not completely secure. While we constantly improve our security measures in line with technical developments and to ensure an appropriate level of security for any of your personal data that we process, we cannot guarantee the security of your data transmitted to us using the internet.

11. YOUR RIGHTS

Where we process your personal data based on your **consent**, you have the right to withdraw your consent at any time (Art. 7 (3) GDPR). The withdrawal of your consent will not affect the lawfulness of processing based on such consent before its withdrawal.

Furthermore, under applicable data protection law, you may have the right to: obtain access to your personal data (Art. 15 GDPR), have your personal data rectified (Art. 16 GDPR), have your personal data erased (Art. 17 GDPR), have the processing of your personal data restricted (Art. 18 GDPR), data portability (Art. 20 GDPR), and to object to the processing of your personal data (Art. 21 (1) and (2) GDPR).

You also have the right to lodge a complaint with the competent data protection authority (Art. 77 GDPR).

Please note that these rights could be subject to certain limitations under applicable local data protection laws.

11.1. RIGHT OF ACCESS

You may have the right to obtain from us confirmation as to whether personal data concerning you is processed, and, where that is the case, to request access to the personal data and certain additional information. Such information includes – inter alia – the purposes of the processing, the categories of personal data concerned, and the recipients or categories of recipients to whom the personal data has been or will be disclosed. However, please note that the interests of other individuals may restrict your right of access.

You may have the right to obtain a copy of the personal data undergoing processing. For further copies requested by you, we may charge a reasonable fee based on administrative costs.

11.2. RIGHT TO RECTIFICATION

You may have the right to obtain from us the rectification of inaccurate personal data concerning you. Subject to the relevant purposes of the processing, you may have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

11.3. RIGHT TO ERASURE ("RIGHT TO BE FORGOTTEN")

Under certain circumstances, you may have the right to obtain from us the erasure of personal data concerning you and we may have the obligation to erase such personal data.

11.4. RIGHT TO RESTRICTION OF PROCESSING

Under certain circumstances, you may have the right to obtain from us restriction of processing your personal data. In this case, the respective data will be flagged accordingly and may be processed by us only for certain purposes.

11.5. RIGHT TO DATA PORTABILITY

Under certain circumstances, you may have the right to receive the personal data concerning you and which you have provided to us in a structured, commonly used, and machine-readable format, and you may have the right to transmit this data to another controller without hindrance from us.

11.6. RIGHT TO OBJECT

UNDER CERTAIN CIRCUMSTANCES AND WHERE THE PROCESSING IS BASED ON LEGITIMATE INTERESTS (ART. 6 (1) F) GDPR, YOU MAY HAVE THE RIGHT TO OBJECT, ON GROUNDS RELATING TO YOUR PARTICULAR SITUATION, AT ANY TIME TO THE PROCESSING OF YOUR PERSONAL DATA BY US AND WE MAY BE REQUIRED TO NO LONGER PROCESS YOUR PERSONAL DATA.

FURTHERMORE, WHERE YOUR PERSONAL DATA IS PROCESSED FOR DIRECT MARKETING PURPOSES, YOU HAVE THE RIGHT TO OBJECT AT ANY TIME TO THE PROCESSING OF PERSONAL DATA CONCERNING YOU FOR SUCH MARKETING, WHICH INCLUDES PROFILING TO THE EXTENT THAT IT IS RELATED TO SUCH DIRECT MARKETING. IN THIS CASE YOUR PERSONAL DATA WILL NO LONGER BE PROCESSED FOR SUCH PURPOSES BY US.

12. AUTOMATED DECISION MAKING, INCLUDING PROFILING

Kia does not make any decisions based on algorithms or other automated processing that have significant consequences for you.

13. UPDATES

This Privacy Notice may be amended or updated from time to time to reflect changes in our practices with respect to the processing of personal data, or changes in applicable law. We encourage you to read this Privacy Notice carefully, and to regularly review any changes we might make in accordance with the terms of this Privacy Notice.

We will publish the updated Privacy Notice on our websites and in Kia Pay. The date of the last update is mentioned at the top of this Privacy Notice.

14. DEFINITIONS

“**controller**” means the natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

“**GDPR**” means: (i) Regulation (EU) 2016/679 (General Data Protection Regulation); or (ii) regarding the United Kingdom, Regulation (EU) 2016/679 as it forms part of the law of the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as amended from time to time (also known as the UK GDPR).

“**personal data**” means any information relating to an identified or identifiable natural person.

“**process**”/“**processing**” means any operation or set of operations performed on personal data or on sets of personal data, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.

“**processor**” means a natural or legal person, public authority, agency, or other body which processes personal data on behalf of the controller.