

Privacy Policy of BYD Lithium Battery Co., Ltd

Responsible for data processing (controllers):

BYD Lithium Battery Co., Ltd
Represented by Wang Chuanfu
No.1, Baoping Road
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Longgang Shenzhen
518116, P.R.China
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Phone: +86 0755 89888888

(in the following "BYD")

In case of a claim arising of the BYD Battery-Box Limited Warranty Letter, the BYD Authorized Service Partner may process your personal data in his own responsibility but acting as an auxiliary agent of BYD:

EFT-Systems GmbH
Represented by Juan Carlos Alonso
Buchenstr. 37
D-97816 Lohr am Main
Germany
E-Mail: kontakt@eft-systems.de
Phone: +49 9352 8523999

(in the following "BYD Authorized Service Partner")

BYD's representative in the European Union:

BYD Europe B.V.
Contact person: Jerome Qi
'S-Gravelandseweg 256
3125 BK, Schiedam
The Netherlands
E-Mail: jerome.qi@byd.com
Phone: +31 10 20 70 888

1. Collection and processing of data

BYD and BYD Authorized Service Partner collect and process personal data insofar you provide BYD or BYD Authorized Service Partner with for example via contacting BYD or BYD Authorized Service Partner if BYD or BYD Authorized Service Partner ask you for, for example when it is necessary to provide services to you. Moreover BYD collects and processes data that arises when you connect your Battery-Box to the internet. The processing of your data is made in accordance with the EU General Data Protection Regulation (GDPR) and with the national data protection laws where applicable, such as for example Bundesdatenschutzgesetz (BDSG) or Telemediengesetz (TMG). Personal data means any information relating to an identified or identifiable natural person. In the following BYD informs you in detail about which data BYD and BYD Authorized Service Partner process, in which way and on which

legal basis. Moreover BYD informs you about your rights and about the duration of storage of your data.

2. Type and scope of personal data, purposes of the processing

a) General

BYD does not sell its products directly to end customers and therefore does not know their names or other personal data. Only distributors of BYD products may collect personal data of end customers. They are responsible for the processing of your personal data on their own.

However, BYD offers services directly to end customers for which processing of your personal data through BYD or BYD Authorized Service Partner (see lit. b and c) may be necessary. Please read the following information:

b) Connection of the Battery-Box to the internet

The Battery-Box can be used without being connected to the internet. However, connecting the Battery-Box to the internet offers a lot of advantages to you:

- The Battery-Box embedded software may be updated automatically. Thus, you do not have to care for updates which can contain new features but also bug fixing.
- In case of a defect, BYD or BYD Authorized Service Partner may provide you with remote services because they can have a look in your Battery-Box and provide trouble-shooting services. However, this will happen only upon your request. Costs can arise if your request is made beyond contractual warranty according to BYD Battery-Box Limited Warranty Letter or after contractual warranty period according to BYD Battery-Box Limited Warranty Letter has expired.

If you choose to connect the Battery-Box to the internet, BYD will process your IP address on the legal basis of Art. 6 (1) sent. 1 lit. b GDPR. The processing of your IP address is due to technical reasons and therefore necessary for the above mentioned services offered to you. However, processing of your IP address takes place only in BYD's server logs. Your IP address is not visible in the monitoring system of the Battery-Box where more data is collected in anonymized form. This includes: Operating and system data of the Battery-Box, serial number, installation time, the inverter used and country where the Battery-Box is located as well as current and history alarms. Please note that the serial number of your Battery-Box may be a personal data to the distributor who sold the Battery-Box to you. However, he will not have access to the monitoring system nor will BYD or BYD Authorized Service Partner connect the serial number to your person unless you especially provide BYD or BYD Authorized Service Partner with this information (for example in case of a warranty claim).

c) Contractual warranty claims

In case of a contractual warranty claim according to the BYD Battery-Box Limited Warranty Letter or if you have questions regarding your Battery-Box you can contact the BYD Authorized Service Partner. The BYD Authorized Service Partner acts as BYD's auxiliary agent in order to fulfil BYD's obligations arising from the BYD Battery-Box Limited Warranty Letter and may process your personal data if you provide him with. If you have chosen to connect your Battery-Box to the internet, BYD or the BYD Authorized Service Partner may access your Battery-Box if you or the distributor who sold the Battery-Box to you provide him with the serial number of your Battery-Box. However, it may be necessary to provide to BYD Authorized Service Partner more personal data such as your name and address if he needs to send spare parts or an engineer to you. The processing of personal data is made on the legal basis of Art. 6 (1) sent. 1 lit. b GDPR because it is necessary for BYD to fulfil BYD's obligations according to the BYD Battery-Box Limited Warranty Letter through the BYD Authorized Service Partner. BYD and

the BYD Authorized Service Partner have concluded an agreement which obliges the BYD Authorized Service Partner to use your personal data only for the purpose of the fulfilment of BYD's warranty services and to keep your data only as long as it is necessary for this purpose. However, there may be statutory requirements (such as obligations arising from tax or commercial law) to which the BYD Authorized Service Partner is obliged to store your data beyond this purpose. In this case, the legal basis for data processing is Art. 6 (1) sent 1 lit. c GDPR.

The BYD Authorized Service Partner may transfer the serial number to BYD for technical support but will never submit your personal data to BYD. BYD may not identify you through the serial number.

If you contact BYD directly, BYD will forward your request to the BYD Authorized Service Partner and delete your personal data immediately.

3. Categories of recipients of the personal data; data transfer to a third country

Service providers and auxiliary agents used by BYD or by BYD Authorized Service Partner such as host or mail providers or IT agencies may have access to your personal data. However, insofar these service providers and auxiliary agents process data on behalf of BYD or BYD Authorized Service Partner they only act according to BYD's or BYD Authorized Service Partner's instructions and are bound by adequate contracts. This applies accordingly to service providers which are based in a third country (outside the EU/EEA). Your personal data as mentioned in sec. 2 lit b of this Privacy Policy will be transferred to China, where BYD is based. However, according to Art. 3 para. 2 GDPR the GDPR applies directly to BYD.

4. Encryption

Data of your Battery-Box is transferred in encrypted form (SSL) to BYD's monitoring system. BYD takes technical and organizational measures to secure BYD's monitoring system and other systems against loss, destruction, access, modification or dissemination of your data by unauthorized persons.

5. Your Rights

In the following BYD informs you about your rights which you may assert against BYD and against BYD Authorized Service Partner. However, please note that BYD only processes your IP address (insofar you have connected the Battery-Box to the internet) and has no further information of your person. According to Art. 11 GDPR, BYD is not obliged to maintain, acquire or process additional information in order to identify you for the sole purpose of complying with the GDPR. If BYD cannot identify you, Art. 15 to 20 of GDPR shall not apply except where you, for the purpose of exercising your rights under those articles, provide additional information enabling your identification.

According to Art. 15 GDPR, you have the right of access to your personal data and information about processing free of charge. Moreover, according to Art. 16 to 18 GDPR you have the right of rectification of inaccurate personal data as well as of erasure of personal data or restriction of processing.

Under the conditions of Art. 20 GDPR, you have the right to receive the personal data concerning you, which you have provided to BYD or BYD Authorized Service Partner, in a structured, commonly used and machine-readable format, and the right to transmit those data to another controller without hindrance from BYD or BYD Authorized Service Partner.

Moreover, according to Art. 21 (1) GDPR you have the right to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on point (e) or (f) of Art. 6 (1) sentence 1 GDPR including profiling based on those provisions. Where personal data are processed for direct marketing purposes, according to Art. 21 (2) GDPR, you have the right to object at any time to processing of your personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing.

BYD and BYD Authorized Service Partner shall comply with the aforementioned requests if and to the extent such compliance is required by the applicable statutory laws.

Please send any request regarding your personal data to the contact details as mentioned at the beginning of this Privacy Policy.

Each data subject has the right to lodge a complaint with a supervisory authority of the alleged infringement.

6. Period of Data Storage and routine deletion

Insofar nothing else is explicitly stated above BYD and BYD Authorized Service Partner process and store personal data only for the period, which is required to meet the purpose of processing, or as long and to the extent as statutory laws require BYD and BYD Authorized Service Partner to process and/or store such data.

If the purpose of processing does not apply anymore or the applicable statutory retention requirement expires, BYD and BYD Authorized Service Partner will as a matter of routine erase or overwrite data or restrict the processing of data in accordance with the applicable statutory laws.