

Privacy policy of the JITpay™ Group

Status: May 2024

For reasons of readability, the masculine form is used when referring to persons, but the feminine form is always included.

The scope of this Privacy Policy extends to all companies belonging to the JITpay™ Group. All companies belonging to the JITpay™ Group (hereinafter collectively referred to as JITpay™) can be found in **Appendix 1**.

JITpay™ Financial GmbH offers its customers (entrepreneurs) the opportunity to make use of various services via access to its Internet platform (hereinafter referred to as the JITpay™ platform) or the use of mobility apps. It also offers order and invoice management services and other mobility services. Customers can use the mobility apps to schedule and process transport orders.

JITpay™ Financial GmbH offers factoring and receivables management services via the JITpay™ platform. Further services may be added in the future.

Within the JITpay™ Group, the individual companies provide various services to each other. The provision of these services requires commissioned data processing. Corresponding order data agreements have been concluded between the companies of the JITpay™ Group.

In order for you, and therefore the company you represent, to make full use of these services, we must collect, process and store data, which may be both personal and non-personal data, as part of the registration process on the JITpay™ platform and for the duration of the business relationship.

The protection and security of your personal data is a top priority at JITpay™. We therefore adhere strictly to the legal regulations.

As part of the further development of data protection law and technological or organizational changes, our data protection information is regularly reviewed to determine whether it needs to be adapted or supplemented. You will be informed of any changes.

This data protection notice is valid as of May 2024 (month and year of publication of the data protection notice).

1. Data protection

We, the JITpay™ Group, attach particular importance to compliance with data protection laws. We fully comply with the relevant data protection laws, in particular the EU General Data Protection Regulation and the German Federal Data Protection Act (new). The processing of personal data takes place exclusively on the basis of the relevant laws and only for the purposes stated under No. 4. The data will only be processed in accordance with the provisions of this privacy policy.

2. Definitions

In accordance with Art. 4 GDPR, this privacy policy is based on the following definitions:

- "*Personal data*" (Art. 4 No. 1 GDPR) means any information relating to an identified or identifiable natural person ("data subject"). A person is identifiable if they can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, an online identifier, location data or information relating to their physical, physiological, genetic, mental, economic, cultural or social identity. The identifiability can also be provided by linking such information or other additional knowledge. The origin, form or embodiment of the information is irrelevant (photos, video or audio recordings can also contain personal data).
- "*Processing*" (Art. 4 No. 2 GDPR) means any operation which is performed on personal data, whether or not by automated means (i.e. using technical specifications). This includes, in particular, the collection (i.e. acquisition), recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of personal data, or alteration of the purposes for which they were originally processed.
- "*Controller*" (Art. 4 No. 7 GDPR) 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.
- "*Third party*" (Art. 4 No. 10 GDPR) means any natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorized to process personal data; this also includes other legal entities belonging to the group.
- "*Processor*" (Art. 4 No. 8 GDPR) is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller, in particular in accordance with the controller's instructions (e.g. IT service provider). In terms of data protection law, a processor is in particular not a third party.
- "*Consent*" (Art. 4 No. 11 GDPR) of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

3. Responsible body

The JITpay™ Group is responsible for data processing:

JITpay™ Financial GmbH
Willy-Brandt-Platz 16 - 20
38102 Brunswick
Phone: +49 531 387 63010
E-mail: support@jitpay.eu

Managing Director: Mr. Carsten Koch

4. Data acquisition

We collect, store and process the following categories of data in order to fulfill contractual and legal regulations:

- Company data (e.g. name and address of the client, bank details)
- Personal data (including name, address of the contact person at the client, date of birth)
- Contact details (including telephone number, e-mail address of the contact person)
- Other data (e.g. position of contact person, transport data, order data, billing data, geodata)
- When using the mobility app: device data (including IP address, device ID, app settings and app properties, retrieval data, geodata)

The initial collection, storage and processing of the above-mentioned data takes place as part of the registration process on the JITpay™ platform.

5. Purpose of data processing

The collection and processing of personal data is only permitted by law if and to the extent that it is permitted due to special circumstances.

We process the data referred to in No. 4 exclusively if and to the extent that

- the data subject has voluntarily, in an informed and unambiguous manner, by means of a declaration or other unambiguous affirmative act, indicated that they consent to the processing of their personal data for one or more specific purposes in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR ("consent");
- this is necessary to fulfill the contractual relationship (Art. 6 para. 1 lit. b GDPR) (central billing or factoring agreement);
- this is necessary for the fulfillment of legal, judicial or official requirements/orders (Art. 6 para. 1 lit. c GDPR) (e.g. money laundering checks, credit reports, retention obligations);
- processing is exceptionally necessary pursuant to Art. 5 para. 1 sentence 1 lit. d GDPR in order to protect the vital interests of the data subject or of another natural person;
- the processing is necessary for the purposes of the legitimate (in particular legal or economic) interests pursued by the controller or by a third party pursuant to Art. 6 (1) (f) GDPR ("legitimate interests"), except where such interests are overridden by the interests or rights of the data subject (in particular where the data subject is a minor); and/or
- this serves to provide information about our range of services and events (Art. 6 para. 1 lit. a GDPR).

Data is also processed to perform anonymized statistical analysis.

6. Data transmission

Inevitably, we can only provide you with our services if we collect certain necessary data about you when you use them.

Data transfer takes place in the following areas:

- Transmission to refinancing partners within the scope of factoring
- Transfers to authorities to fulfill legal requirements (including money laundering)
- Transmission to third parties for the purpose of credit and identity checks (e.g. Schufa)
- Transmission to the client or contractor as part of central billing
- Marketing purposes
- Business initiation (including brokered business transactions with cooperation partners)
- Employee data for the purpose of payroll accounting

JITpay™ transmits the data collected to providers of rating and information services (hereinafter referred to as third-party providers), among others, in order to obtain further information, such as the powers of representation, beneficial owners, affiliated companies and data on payment behavior and credit default risk. Our most important providers of rating and information services are listed below:

- Creditsafe Deutschland GmbH, Schreiberhauer Straße 30, 10317 Berlin
- Schufa Holding AG, Kormoranweg 5, 65201 Wiesbaden
- Verein Creditreform Braunschweig e.V., Saarbrückener Str. 253 A, 38116 Braunschweig
- ClariLab GmbH & Co KG, Platz der Einheit 2, 60327 Frankfurt a.M.

Furthermore, JITpay™ may transfer claims against customers to banks or financial institutions for the purpose of refinancing. The transfer of personal data collected during the registration process or from third parties may be required for these assignments.

Data is transferred between the two JITpay™ companies in order to be able to provide the joint service offering properly.

In addition, JITpay™ transmits data to the following cooperation partners if the customer wishes to receive services from these cooperation partners when registering with JITpay™. The purpose of transmitting the data is to initiate business between the customer and the respective cooperation partner. The transmission and processing of personal data of the cooperation partner is carried out in compliance with the applicable data protection regulations and the relevant statutory provisions. We undertake to treat all transmitted data confidentially and to use it only for the agreed purpose.

7. Data collected when downloading the Mobility app

When you download the mobility app (e.g. JITfleet™ app), certain personal data required for this is transmitted to the relevant app store (e.g. Apple Store or Google Play).

In particular, the e-mail address, the user name, the customer number of the downloading account, the individual device identification number, payment information and the time of the download are transmitted to the App Store during the download.

We have no influence on the collection and processing of this data; it is carried out exclusively by the app store you have selected. Accordingly, we are not responsible for this collection and processing; the responsibility for this lies solely with the app store.

8. Use of cookies

We use cookies when operating our website and our app. Cookies are small text files that are stored on the device memory of your (mobile) end device and assigned to the mobile app or website you are using and through which certain information flows to the location that sets the cookie. Cookies cannot execute programs or transfer viruses to your computer and therefore cannot cause any damage. They serve to make our app more user-friendly and effective overall, i.e. more convenient for you.

Cookies may contain data that makes it possible to recognize the device used. In some cases, however, cookies only contain information on certain settings that are not personally identifiable. However, cookies cannot directly identify a user.

A distinction is made between session cookies, which are deleted as soon as you close your browser, and permanent cookies, which are stored beyond the individual session.

With regard to their function, a further distinction is made between cookies:

- Technical cookies: These are absolutely necessary to move within the app, use basic functions and ensure the security of the app; they do not collect information about you for marketing purposes, nor do they store which websites you have visited;
- Performance cookies: These collect information about how you use our app, which pages you visit and, for example, whether errors occur when using the app; they do not collect any information that could identify you - all information collected is anonymous and is only used to improve our app and find out what interests our users;
- Advertising cookies, targeting cookies: These are used to offer the app user needs-based advertising within the app or offers from third parties and to measure the effectiveness of these offers; advertising and targeting cookies are stored for a maximum of 13 months;
- Sharing cookies: These are used to improve the interactivity of our app with other services (e.g. social networks); sharing cookies are stored for a maximum of 13 months.

Only technical cookies are required to use our services. The legal basis for cookies that are absolutely necessary to provide you with the expressly requested service is Section 25 (2) No. 2 TTDSG.

Any use of cookies that is not absolutely technically necessary constitutes data processing that is only permitted with your express and active consent in accordance with Section 25 (1) TTDSG in conjunction with Art. 6 (1) sentence 1 lit. a GDPR. This applies in particular to the use of performance, advertising, targeting or sharing cookies. In addition, we only pass on your personal data processed by cookies to third parties if you have given your express consent in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR.

9. Data processing by third parties, companies belonging to the JITpay™ Group

We may use contracted service providers for individual services or functions of our app.

In the relationship between the JITpay™ companies, they are each controllers within the meaning of Art. 4 (7) GDPR. This means that the transfer of data between these companies is also subject to the reservation of consent pursuant to Art. 6 GDPR. However, data transfer is generally privileged. We would like to point out that some of the services provide for the internal transfer of data and that the provision in Section 5 above applies. The transfer of data takes place on the basis of existing data processing relationships.

We occasionally use external domestic and foreign service providers to process our business transactions. These service providers only act in accordance with our instructions and are contractually obliged to comply with data protection regulations in accordance with Art. 28 GDPR.

The following categories of recipients, which are usually processors, may have access to your personal data:

- Service providers for the operation of our mobility apps and the processing of data stored or transmitted by the systems (e.g. for data center services, payment processing, IT security). The legal basis for the transfer is then Art. 6 para. 1 sentence 1 lit. b or lit. f GDPR, insofar as these are not processors;
- Government agencies/authorities, insofar as this is necessary to fulfill a legal obligation. The legal basis for the disclosure is then Art. 6 para. 1 sentence 1 lit. c GDPR;
- Persons engaged to carry out our business operations (e.g. auditors, banks, insurance companies, legal advisors, supervisory authorities, parties involved in company acquisitions or the establishment of joint ventures). The legal basis for the disclosure is then Art. 6 para. 1 sentence 1 lit. b or lit. f GDPR.

In addition, we will only pass on your personal data to third parties if you have given your express consent in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR.

We may be subject to a special legal or statutory obligation to provide the lawfully processed personal data to third parties, in particular public authorities (Art. 6 para. 1 sentence 1 lit. c GDPR).

10. Data transfer to a third country

Data is not transferred to third countries (with the exception of Switzerland, which has an equivalent level of data protection (Art. 45 GDPR)). If a third-party service integrated into the applications of the JITpay™ Group allows data to be transferred to a third country, the customer will be expressly informed of this in advance and their explicit consent to this data transfer will be obtained.

11. Deletion periods

The personal data stored by us will be deleted or anonymized after the purposes mentioned in No. 5 cease to apply or after any statutory retention periods have expired.

However, data may be stored beyond the specified period in the event of an (impending) legal dispute with you or other legal proceedings.

12. Rights of the data subject

You have the following rights at all times:

- **Right to information:** You have the right to obtain information from us about the personal data concerning you within the scope of Art. 15 GDPR. This requires a request from you, which must be sent either by e-mail or by post to the addresses given above (see D. 1.).
- **Right to object to data processing and withdraw consent:** In accordance with Art. 21 GDPR, you have the right to object at any time to the processing of personal data concerning you. We will stop processing your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing serves the establishment, exercise or defense of legal claims. Pursuant to Art. 7 para. 3 GDPR, you have the right to revoke your consent once given to us (even before the GDPR came into force, i.e. before May 25, 2018) - i.e. your voluntary, informed and unequivocal declaration or other unambiguous confirmatory act that you consent to the processing of the personal data concerned for one or more specific purposes - at any time, if you have given such consent. The consequence of this is that we may no longer continue the data processing based on this consent in the future.
- **Right to rectification and erasure:** Insofar as personal data concerning you is incorrect, you have the right under Art. 16 GDPR to demand that we rectify it without undue delay. Under the conditions set out in Art. 17 GDPR, you have the right to request the erasure of personal data concerning you. In particular, you have the right to erasure if the data in question is no longer necessary for the purposes of collection or processing, if the data retention period (see C. 7.) has expired, if there is an objection (see G. 2.), or if the processing is unlawful.
- **Right to restriction of processing:** In accordance with Art. 18 GDPR, you have the right to demand that we restrict the processing of your personal data. In particular, you have the right to restriction of processing if the accuracy of the personal data is disputed between you and us; in this case, you have this right for the period of time required to verify the accuracy. The same applies if the successful exercise of a right to object is still disputed between you and us. You also have this right in particular if you have a right to erasure and you request restricted processing instead of erasure.
- **Right to data portability:** In accordance with Art. 20 GDPR, you have the right to receive from us the personal data concerning you that you have provided to us in a structured, commonly used and machine-readable format in accordance with Art. 20 GDPR.

Right to lodge a complaint with the supervisory authority: In accordance with Art. 77 GDPR, you have the right to lodge a complaint with the competent supervisory authority about the collection and processing of your personal data. You can reach the competent supervisory authority using the following contact details

The State Data Protection Commissioner for Lower Saxony:

Prinzenstrasse 5
30159 Hanover
Tel. 0511 1204500
Fax 0511 1204599
poststelle@lfd.niedersachsen.de

To protect your rights, you can contact us in writing or text form at the following addresses (each responsible for the processing of your personal data in accordance with Art. 4 No. 7 GDPR):

JITpay™ Financial GmbH
Willy-Brandt-Platz 16 - 20
38102 Brunswick
E-mail: support@jitpay.eu

You have the right to withdraw your consent to the processing of personal data at any time with effect for the future. Processing that took place before the revocation is not affected by this.

13. Data security, data protection officer

We use appropriate technical and organizational security measures to protect your data against accidental or intentional manipulation, partial or complete loss, destruction or against unauthorized access by third parties, taking into account the state of the art, the implementation costs and the nature, scope, context and purpose of the processing as well as the existing risks of a data breach (including its probability and impact) for the data subject. Our security measures are continuously improved in line with technological developments.

We will be happy to provide you with more detailed information on request. Please contact our data protection officer.

We have appointed a data protection officer. This officer can be contacted for all questions relating to the protection of personal data using the following contact details:

Kämmer Consulting GmbH
Phone: 0531-702249-47
E-mail: a.vogelsang@kaemmer-consulting.de

14. Obligation to provide personal data

If you wish to enter into a contractual relationship with us, you must provide the personal data that is necessary for the fulfillment of the associated contractual obligations or for the collection of which there is a legal obligation.

If the data is not provided, no contract can be concluded.

15. Consent under data protection law

As part of the registration process (establishment of a contractual relationship with JITpay™), you consent to the collection, storage, processing and forwarding of your data by JITpay™ in accordance with this privacy policy. JITpay™ may use this data for the performance of the contractually agreed services in compliance with this privacy policy.

This consent applies to the initial provision and use of data as well as to all future collection, processing and storage for the duration of an active business relationship with JITpay™.

You can revoke your consent to the collection, storage, processing and forwarding of your data by JITpay™ at any time during the registration process on the JITpay™ platform.

For this purpose, please send a corresponding clear declaration to JITpay™ Financial GmbH, Willy-Brandt-Platz 16 - 20, 38102 Braunschweig.

Appendix 1

JITpay™ Financial GmbH
Willy-Brandt-Platz 16 - 20
38102 Brunswick
Germany

JITpay™ Sp. z o.o.
ul. Powstańców Śląskich 7a
53-332 Wrocław
Poland