

# Information on data processing by PAYONE GmbH for end customers (card holder/user) according to Art. 14 GDPR



We utilise the services of PAYONE GmbH (hereinafter: PAYONE) as a service provider for processing cashless payment transactions. The information required by law pursuant to GDPR Art. 14 on data processing by PAYONE is provided below.

## 1 NAME AND CONTACT DETAILS OF THE PERSON RESPONSIBLE FOR DATA PROCESSING AND CONTACT DETAILS OF THE COMPANY'S DATA PROTECTION OFFICER

PAYONE GmbH, Lyoner Straße 9, 60528 Frankfurt/Main, Managing Directors: Niklaus Santschi, Frank Hartmann, Björn Hoffmeyer, Roland Schaar, Chairman of the Board: Ottmar Bloching.

PAYONE's data protection officer can be contacted at the aforementioned address, c/o the data protection officer, or by e-mail to [privacy@payone.com](mailto:privacy@payone.com).

PAYONE as a payment institution is licensed and supervised by the German Federal Financial Supervisory Authority, Graurheindorfer Straße 108, 53117 Bonn/Germany.

## 2 PURPOSES OF DATA PROCESSING BY PAYONE

The main reason for data processing is to process cashless payment transactions (transaction processing) in stationary shops and online commerce.

The following purposes for data processing also exist:

- Fraud prevention, risk management: This includes various measures aimed at fraud prevention and defending against fraud to avoid payment default (e.g. rule-based detection/evaluation of fraud patterns based on certain parameters related to card use);
- Receivables management, debt collection: Collection of outstanding receivables via commissioned debt collection service providers;
- Credit assessment for dynamic payment method control: This takes place particularly by checking and validating account, card and address data as well as IP addresses with regard to their plausibility;
- Invoicing: Generation and dispatch of invoices and credit vouchers;
- Protection of internal IT infrastructure, the detection and tracking of cyber-attacks: This is performed, for example, by temporarily storing IP addresses for disruption and error detection and rectification;
- Subscription processing: Processing recurring payments;
- Aggregated micromanagement: Aggregation/compilation of receivables in specific billing cycles to simplify payment processes and optimize costs.

## 3 LEGAL BASIS FOR DATA PROCESSING BY PAYONE

Within the context of processing payment transactions, data processing is required to fulfil the purchase contract or other main contract (e.g. service or works contract) between the contractual partner/merchant and cardholder/user and is thus justified for contract execution in accordance with GDPR Art. 6 (1) Sentence 1 b). In all other cases, data processing is based on the legitimate interests of PAYONE or its contractual partners, GDPR Art. 6 (1) Sentence 1 f). Legitimate interests particularly include the avoidance of payment default (protection against financial risk), the simplification of payment processes and cost optimization in the mutual interest of the parties (cardholder/user and contractual partner/merchant).

## 4 CATEGORIES OF PERSONAL DATA PROCESSED BY PAYONE

PAYONE retains and processes personal data only if necessary for the performance of the respective service. Depending on the payment procedure, the IBAN, card number, verification digits and other transaction data (e.g. date/time of the transaction, payment amount) are processed during payment processing. Fraud prevention is also primarily based on processed transaction data. For receivables management/debt collection, information processed includes the invoice/payment amount, due date and invoice recipient. The credit check is carried out, for example, on the basis of address, account and card data, which are transmitted to the credit agencies commissioned for this purpose. Information on the invoice recipient, the bank details and the payment amount is also required to create invoices. In addition to the invoice recipient and payment amount data, subscription processing also requires information on the contract term and agreed billing cycles. Aggregated micromanagement performs data processing, for example, as related to the billing period, the number of transactions, the invoice recipient and the bank details/card number.

## 5 ORIGIN OF PERSONAL DATA PROCESSED BY PAYONE

The cardholder/user's personal data is collected by the contractual partner/merchant - depending on the method, via the POS terminal in the stationary shop or via online-shop/website - and transmitted by the latter to PAYONE for execution of the aforementioned services.

## 6 CATEGORIES OF RECIPIENTS OF PERSONAL DATA

Depending on the service provided, PAYONE transfer personal data to the following recipients in order to fulfil their contractual and legal obligations:

- Banks, card schemes (including VISA, MasterCard), payment provider (e.g. Alipay);
- In the online sector: web crawling service providers, hosting service providers, data centre operators, tracking service providers;
- E-commerce service providers (providers of payment solutions for online shops);
- Settlement agencies, service providers for clearing and settlement;

- Other service providers: credit agencies for credit assessment, service provider for securing the direct debit procedure and the purchase on account, debt collection service providers, print service providers for invoicing;
- Authorities (particularly investigative authorities such as the police and the public prosecutor's office) in the event of justified requests for information.

## 7 TRANSFER OF PERSONAL DATA TO THIRD COUNTRIES (OUTSIDE THE EU OR THE EEA)

Some of the data recipients are located in third countries, i.e. countries not in the European Union (EU) or the European Economic Area (EEA), where the level of data protection may be lower than within the EU/EEA. PAYONE only transfers personal data to third countries if this is necessary to fulfil contractual obligations, to safeguard legitimate interests or if otherwise required by law.

Depending on the service provided, personal data are transferred to the following third countries, among others:

- China, Japan (domicile of card schemes, payment provider);
- USA (locations of card schemes, tracking service providers, settlement agencies, clearing and settlement service providers);

To ensure an adequate level of data protection in third countries, there exists either a valid adequacy decision by the EU Commission or adequate and appropriate guarantees in the form of EU standard contractual clauses or privacy shield certifications, or a legal exception is applicable (GDPR Art. 49) which justifies data transfers without the existence of an adequacy decision or suitable guarantees.

## 8 DURATION OF DATA RETENTION

PAYONE retains and processes personal data as long as it is necessary for the execution of the contract and for the fulfilment of its contractual and legal obligations. If the retention of data is no longer necessary for the fulfilment of contractual or specific legal obligations and the purpose of retention has ceased to apply, personal data will be erased, unless further processing is necessary for the following reasons:

- Fulfilment of commercial, tax and other retention obligations (e.g. retention of accounting-relevant data for 10 years);
- Preservation of evidence within the framework of the statutory limitation period.

## 9 PROFILE CREATION/PROFILING/SCORING

PAYONE does not create profiles/profile/score for the purpose of evaluating creditworthiness and controlling payment methods, but it does utilise the following service providers (credit agencies) to do so:

- infoscore Consumer Data GmbH, Rheinstraße 99, 76532 Baden-Baden, Germany;
- Creditreform Boniversum GmbH, Hellersbergstrasse 11, 41460 Neuss, Germany;
- SCHUFA Holding AG, Kormoranweg 5, 65201 Wiesbaden, Germany.

If relevant, PAYONE receives probability and scoring values from credit agencies and PAYONE then uses these as a basis for making recommendations on payment methods offered.

Information on the activities of infoscore Consumer Data GmbH as required by GDPR Art. 14 is available at: <https://finance.arvato.com/icdinfoblatt>. Information pursuant to GDPR Art. 14 on Creditreform Boniversum GmbH is available at: [https://www.boniversum.de/wp-content/uploads/2018/04/Boniversum\\_information\\_sheet\\_on\\_issuance\\_to\\_customers\\_bank\\_credit\\_institutions.pdf](https://www.boniversum.de/wp-content/uploads/2018/04/Boniversum_information_sheet_on_issuance_to_customers_bank_credit_institutions.pdf). The necessary information about SCHUFA Holding AG can be retrieved at: <https://www.schufa.de/de/datenschutz-dsgvo/>.

## 10 RIGHTS OF DATA SUBJECTS

Each data subject has the right of access according to GDPR Article 15, the right to rectification according to GDPR Article 16, the right to erasure according to GDPR Article 17, the right to restriction of processing according to GDPR Article 18, the right to object according to GDPR Article 21 and the right to data portability according to GDPR Article 20, each subject to the relevant legal conditions. In the case of the right of access and the right of erasure, the restrictions pursuant to the new German Federal Data Protection Act (BDSG) §§ 34 and 35 also apply.

The data subject also has a right to lodge a complaint with a competent data protection supervisory authority (GDPR Art. 77 in conjunction with BDSG § 19). This right can be exercised, for example, at the supervisory authority responsible for PAYONE, i.e. Der Hessische Datenschutzbeauftragte, Gustav-Stresemann-Ring 1, 65189 Wiesbaden, Germany, <https://datenschutz.hessen.de/>.