

# Information on data processing for interested parties and contracting parties (merchants) according to Art. 13 GDPR by PAYONE GmbH



PAYONE GmbH (hereinafter: PAYONE) is a full service provider for the processing of cashless payment transactions. We offer our contracting parties (merchants) complete solutions for payments in stationary retail, e-Commerce, mobile commerce and in the direct payment sector and consequently create the framework for integrated payment processing using additional services. Below you will find the statutory information on data processing for interested parties and contracting parties (merchants) by PAYONE required according to Art. 13 GDPR.

## 1 NAME AND CONTACT DETAILS OF THE CONTROLLER RESPONSIBLE FOR DATA PROCESSING AND CONTACT DETAILS FOR THE COMPANY DATA PROTECTION OFFICER

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

Kindly address correspondence with the company data protection officer at PAYONE to the address provided above, attn.: Data Protection Officer, or by email to [privacy@payone.com](mailto:privacy@payone.com).

PAYONE is certified and regulated as a payment institution by the Federal Financial Supervisory Authority (BaFin), Graurheindorfer Straße 108 in D-53117 Bonn.

## 2 PURPOSES OF DATA PROCESSING BY PAYONE

If an interested party establishes contact with us, requests information on PAYONE's services or becomes a contracting party, in other words enters into a contractual relationship with us, PAYONE shall process personal data (e.g. from contact partners, individual companies).

In doing this, we pursue the following main objectives:

- Making contact and dispatch of information materials on request;
- Contact initiation and as applicable contract conclusion as well as subsequent contract performance (processing of commissioned services);
- Provision of our platforms and service portals, facilitation of use and support;
- Customer care, customer service;
- Newsletter dispatch (subject to separate consent).

The following other purposes/auxiliary purposes of data processing apply as well:

- Fraud prevention, risk management: This includes various measures to prevent and defend against fraud and to hence avoid payment defaults;
- Mandatory verifications according to the law on the tracking of proceeds from serious criminal offences (Money Laundering Act, GwG);
- Recognition and prevention of a breach against the regulations or applicable conditions of use;
- Credit assessment (check of creditworthiness and financial solvency);
- Accounts receivable management, collection: Collection of outstanding receivables via commissioned collection agencies;
- Evaluations for needs-based offers, Reporting;
- Protection of the proprietary IT infrastructure, as well as detection and tracking of cyber attacks, improvement of services by optimising user friendliness.

## 3 LEGAL GROUNDS OF DATA PROCESSING BY PAYONE

Data processing for contract initiation and all processing necessary for the fulfilment of contractual obligations (main and secondary obligations) takes place on the legal basis in Art. 6 paragraph 1 sentence 1 point b) GDPR. If you issue us your consent to process personal data for one or several specific purposes (e.g. for the dispatch of a newsletter), the legal basis is Art. 6 paragraph 1 sentence 1 point a), Art. 7 GDPR. Data processing, which is required to conduct mandatory verifications according to the law on the tracking of proceeds from serious criminal offences (GwG) is based on Art. 6 paragraph 1 sentence 1 point c) GDPR. Data processing otherwise takes place based on the legitimate interests of PAYONE or the contracting party, Art. 6 paragraph 1 sentence 1 point f) GDPR. The legitimate interests are based in particular on the avoidance of payment defaults (financial protection or protection against economic risk), on the monitoring of adherence to the agreements concluded between the contracting parties and cost optimisation in the interests of all parties.

## 4 CATEGORIES OF PERSONAL DATA PROCESSED BY PAYONE AND ITS ORIGINS

PAYONE only stores and processes the personal data that is necessary for execution of the specific service. Master and contact data (e.g. name of the interested party, address, telephone number and email address) in particular are required for contract initiation. Further information e.g. on legal representation, authorised parties and economic beneficiaries in the company as well as on the sector are required for contract conclusion. In the course of contract execution, type and scope of the concrete processed personal data depend on the contractual content and the respective commissioned services. The processed data is generally collected directly from the interested party or contracting partner (merchants). As applicable and with the consent of the interested party/contracting party – data is collected from external locations (e.g. transfer of data/documentation from the institute managing the account for identification in line with the GwG, collection of bank information of a general nature or transfer of probability/scoring values from credit agency companies to assess creditworthiness). Further information is contained in the respective contract documentation.

## 5 RECIPIENT CATEGORIES FOR PERSONAL DATA

PAYONE passes on personal data to the following recipients for the performance of its contractual and legal obligations, depending on the content of the contract and the service provided:

- Cooperation partners, who assume the mediation of PAYONE services and/or customer care;
- Banks, card schemes (including VISA, MasterCard), payment provider (e.g. Alipay);
- Online: Web crawling providers, hosting providers, data centre operators, tracking service providers;
- E-commerce providers (providers of payment solutions for online shops);
- Clearing agencies, service providers for clearing and settlement;
- Other service providers: including credit agencies for creditworthiness checks and risk assessment, collection agencies, print service providers for invoicing, service providers to hedge the direct debiting process;
- Government agencies (especially investigative agencies such as the police or public prosecutors) in response to justified requests for information.

## 6 TRANSFER OF PERSONAL INFORMATION TO THIRD COUNTRIES (OUTSIDE OF THE EU OR THE EEA)

Some of the data recipients are located in so-called third countries outside the European Union (EU) or the European Economic Area (EEA), in which the data protection standards may be lower than in the EU/EEA. PAYONE exclusively transfers personal data to third countries where it is necessary for the performance of contractual obligations or the protection of legitimate interests, or is otherwise required by law.

Depending on the service, personal data is transferred to the following and other countries:

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

Purposes of the data transfer:

- Processing of payment transactions;
- Risk management;
- Provision of corporate IT;
- Website analysis and marketing tools on websites, social media;
- Marketing and customer loyalty.

In order to ensure an appropriate standard of data protection in the third countries, there is either an adequacy decision by the EU Commission or appropriate and suitable guarantees in the form of EU standard contractual clauses or there is a statutory derogation (Art. 49 GDPR) that justifies data transfer, even without the existence of an adequacy decision or suitable guarantees.

## 7 DURATION OF DATA STORAGE

PAYONE stores and processes personal data for as long as is necessary for the performance of the contract and fulfilment of its contractual and statutory obligations. Where storage of the data for the performance of contractual or special statutory obligations is no longer necessary as the purpose of storage no longer applies, personal data will be erased, except where its continued processing is necessary for the following reasons:

- Satisfaction of storage requirements under commercial law or fiscal law or for other mandatory reasons (e.g. accounting data must be kept for 10 years);
- Preservation of evidence within the framework of statutory limitation periods.

## 8 CONTRACTUAL OBLIGATION AND CONTRACTUAL REQUIREMENTS TO PROVIDE PERSONAL DATA

When entering into a business relationship with PAYONE, you have to provide us with the personal information that is required to conduct the contractual relationship or which we are obliged to collect due to legal provisions (e.g. for identification purposes according to sections 4, 7 GwG). If you do not supply this data, it is not possible to conduct the contractual relationship.

## 9 PROFILING/SCORING

PAYONE itself does not conduct any profiling/scoring for the purpose of creditworthiness checks and risk assessment, and instead uses the following service providers (credit agencies) for this purpose:

- Creditreform Consulting Networks GmbH (CrefoDirect), Hellersbergstraße 11, 41460 Neuss;
- Bureau van Dijk (BvD), Hanauer Landstraße 175-179, 60314 Frankfurt am Main;
- SCHUFA Holding AG, Kormoranweg 5, 65201 Wiesbaden;
- Creditsafe Deutschland GmbH, Schreiberhauer Straße 30, 10317 Berlin.

In relevant cases PAYONE transfers – for purposes of contract conclusion and/or whenever necessary – data to the respective credit agency company to receive an assess-

ment of the creditworthiness from this information. The credit agency company only supplies information on the interested party/contracting party when PAYONE credibly demonstrates that in an individual case there is a legitimate interest in this information. When issuing information, the credit agency company can additionally transfer a probability or scoring value calculated from their database to assess the credit risk to PAYONE. The interested/contracting party can receive information on data saved on its person from the respective credit agency company. On request, PAYONE discloses information on which credit agency company has received the data of the interested party/contracting party.

#### **10 RIGHTS OF THE DATA SUBJECTS**

Provided the respective statutory conditions are satisfied, each data subject has the right to information according to Art. 15 GDPR, the right to rectification according to Art. 16 GDPR, the right to erasure according to Art. 17 GDPR, the right to restriction of processing according to Art. 18 GDPR, the right to object according to Art. 21 GDPR and the right to data portability according to Art. 20 GDPR. The restrictions set forth in Sections 34 and 35 of the BDSG Federal Data Protection Act apply additionally to the right to information and erasure. If you have issued consent to process your personal data, you can revoke this consent at any time with future effect. Moreover, data subjects have the right to lodge a complaint with a competent supervisory authority for data protection (Art. 77 GDPR in conjunction with Section 19 BDSG). For instance, complaints can be lodged with the supervisory authority responsible for PAYONE: Der Hessische Datenschutzbeauftragte, Gustav-Stresemann-Ring 1, 65189 Wiesbaden, Germany, <https://datenschutz.hessen.de/>.