

## Data Privacy Statement for issuing a DCS Certificate and for identifying a Publisher's Customer and/or DCS certificate user

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In this Privacy Statement Mercedes-Benz AG, Mercedesstraße 120, 70372 Stuttgart, email: [dialog@mercedes-benz.com](mailto:dialog@mercedes-benz.com) (hereinafter known as "MBAG" or "we"), informs you about our processing of personal data.

The data protection officer is:

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We introduce new safety concepts for the upcoming Star3 vehicle architecture and future models/ vehicle architectures. Every company and every individual wishing to work with control units or vehicles of this type will only be able to do so with an approved authorization. We will issue such an authorization in the form of a digital certificate ("**DCS Certificate**"). DCS Certificates are required for secure diagnosis, secure coding and secure on-board vehicle communication.

MBAG provides DCS Certificates for the automotive aftermarket via so-called Publishers to their respective customers ("**Publisher's Customers**"). Initially, we do not know which Publisher's Customer receives which DCS certificate.

Certain data is stored within a DCS Certificate provided. This data is processed within a control unit, when this control unit is accessed. Additionally, data on the use of DCS Certificates may be processed to ensure network and information security as well as product safety.

In certain situations, we reserve the right to identify the respective Publisher's Customer and, if applicable, the specific DCS Certificate user. For this purpose, we may collect certain further data from the Publisher and, if applicable, from the Publisher's Customer.

Such a situation might occur, for example, in the event of damage when we need to clarify who has operated on a control unit. Furthermore, we might be obliged to identify a Publisher's Customer or a specific DCS Certificate user based on a judicial or administrative order or in accordance with our product monitoring duties.

In the following, we provide you with the most important information about data processing in the context of the DCS Certificate issuing process, use and the identification of a Publisher's Customer or a specific DCS Certificate user. The term "data" in this text refers exclusively to personal data in the sense of the General Data Protection Regulation (GDPR).

## **NOTICES:**

**MBAG is not responsible for data processing in respect of data privacy within the Publisher's or Publisher's Customer's area of responsibility or sphere of influence.**

**Responsibility for the collection of data and its transfer to MBAG for the purposes of requesting and receiving DCS Certificates as well as their use is borne solely by the Publisher. In this regard, the Publisher is the controller with regard to its Publisher's Customers. However, Publisher is not responsible for data on the use of DCS Certificates that is processed in the context of MBAG network and information security in connection with DCS Certificates and product safety. In this regard, MBAG is the controller.**

**If a Publisher's Customer and a DCS Certificate user are different persons, the Publisher's Customer is obliged to pass on this Privacy Statement to the data subject concerned before applying for a DCS Certificate.**

### **1. Groups of affected data subjects**

DCS Certificate user, Publisher, Publisher's Customer

### **2. Data categories**

#### **2.1 Issuing a DCS Certificate in the relationship MBAG - Publisher**

##### **a) Identification data regarding a DCS Certificate**

MBAG Certificate ID (serial number), Publisher name, time stamp of the request received by MBAG

##### **b) Content data regarding a DCS Certificate**

MBAG Certificate ID (serial number), Publisher name

#### **2.2 Use of a DCS Certificate with relation to vehicles or vehicle systems**

Where a DCS Certificate is used with relation to vehicles or vehicle systems, the MBAG Certificate ID (serial number), the vehicle identification number (VIN), a time stamp of the use (date and time) and further information about the DCS Certificate use (e.g. access or attempted access to vehicle systems) ("**Certificate Usage Data**") may be processed by MBAG. Certificate Usage Data is processed by a vehicle's on board systems and/or may be (also remotely) transferred from vehicle systems to MBAG backend systems for processing.

#### **2.3 Identifying a data subject in the relationship MBAG - Publisher - Publisher's Customer**

##### **a) Identification data regarding a DCS Certificate: as above 2.1 a)**

##### **b) Content data regarding a DCS Certificate: as above 2.1 b)**

##### **c) Identification data regarding the respective Publisher's Customer and/or a specific DCS Certificate user**

In certain situations, MBAG may collect this identification data from the respective Publisher in order to identify the respective Publisher's Customer and/or the specific DCS Certificate user, or the respective Publisher customer may transmit this data directly to MBAG ("**Mapping Data**").

MBAG collects the following Mapping Data in order to identify the data subject concerned:

- Mapping Data collected via the Publisher:

MBAG Certificate ID (serial number), Publisher name, Publisher's Customer

- Mapping data collected via the Publisher's Customer:

MBAG Certificate ID (serial number), Publisher name, Publisher's Customer, first and last name of the specific DCS Certificate user

### 3. Purposes of processing

#### 3.1 Issuing a DCS Certificate

The purpose of processing is the review of requests as well as the issuing of an approved authorization by issuing digital DCS Certificates.

#### 3.2 Use of a DCS Certificate with relation to vehicles or vehicle systems

The purpose of this processing is network and information security of vehicles or vehicle systems and related backend systems used in connection with DCS Certificates as well as product safety; i.e. ensuring of proper operation of systems and detection, analysis and prevention of potential exploits, attacks and other misuse / abuse related to DCS Certificates; product monitoring, defense against third party claims and enforcement of own legal claims.

#### 3.3 Identifying the respective Publisher's Customer and sources of further data

In certain situations, it is necessary for MBAG to identify a data subject.

Therefore, MBAG can ask the respective Publisher to disclose the name of the Publisher's Customer to whom the Publisher has issued a unique DCS Certificate. Furthermore, MBAG can find out which data subject used a unique DCS Certificate, issued to this specific Publisher's Customer.

The respective information regarding the assignment of a unique DCS Certificate remains with the Publisher or Publisher's Customer. The respective Publisher can assign a unique DCS Certificate to a specific Publisher's Customer based on the identification data (above Section 2.1 a). A Publisher's Customer can assign the use of a unique DCS Certificate to a specific DCS Certificate user, if necessary.

##### **a) The purpose of this processing is the identification of a respective Publisher's Customer and/or specific DCS Certificate user in the following cases:**

- (1) In case of reasonable suspicion that network and/or information security or product safety of vehicles or vehicle systems or related backend systems has been or might become compromised and such compromising has been or might be connected to a specific DCS Certificate.
- (2) There is an event of damage. According to analyses by third parties or MBAG's internal accident research team, a change to a control unit has caused or facilitated this event of damage. MBAG or a third party must trace this change back to a specific Publisher's Customer or a specific DCS Certificate user.
- (3) An investigation is required because MBAG is involved in a legal proceeding or to examine or file a legal claim.
- (4) Due to product safety requirements, product monitoring duties, product liability and/or abuse risks, MBAG may, in individual cases, have the duty or obligation to identify a specific Publisher's Customer or a specific DCS Certificate user, for example in the context of recall campaigns.

##### **b) Sources of further data**

MBAG can assign a unique DCS Certificate to a specific Publisher based on the identification and content data for a unique DCS Certificate.

In order to identify the respective Publisher's Customer within the meaning of Section 3.3, MBAG collects further data from the respective Publisher in accordance with Section 2.3 c). If necessary, MBAG may collect further data about the specific DCS Certificate user from the respective Publisher's Customer.

### 4. Legal basis for the respective processing

#### 4.1 Issuing a DCS Certificate

The processing is based on Article 6 (1) (f) GDPR (legitimate interests: providing a service in a triangular relationship to comply with legal antitrust requirements) as well as Article 6 (1) (c) GDPR (legal obligations, particularly tax and commercial regulations).

#### 4.2 **Use of a DCS Certificate** with relation to vehicles or vehicle systems

The processing is based on Article 6 (1) (f) GDPR (legitimate interests: network and information security, product safety, product monitoring, risk of product liability and misuse / abuse, defense against third party claims and enforcement of own legal claims).

#### 4.3 **Identifying of a respective Publisher's Customer and/or DCS Certificate user**

The processing is based on Article 6 (1) (f) GDPR (legitimate interests: network and information security and related investigations, product safety, product monitoring, risk of product liability and misuse / abuse, defense against third party claims and enforcement of own legal claims) as well as Article 6 (1) (c) GDPR (legal obligations, particularly tax and commercial regulations).

#### 5. **Data transfer / Disclosure of data**

MBAG is entitled to transfer data processed in the context of the application process to other service providers, business partners, authorities and agencies if MBAG is entitled or obliged to do so. Authorities and agencies can also be recipients within the scope of their functions, to the extent we are obligated or entitled to transfer data. Furthermore, we may transfer data to attorneys and courts in individual cases. We also use service providers as processors in order to provide services, especially for providing, maintaining and supporting IT systems.

#### 6. **Period of storage**

We delete your data in principle as soon as it is no longer necessary for the purposes for which we collected and processed the data. After this period, data is only stored and further processed where this is necessary for the purposes of defending against third party claims or asserting of our own claims, or according to applicable laws, statutory orders or other legal regulations in the European Union or in other third countries with an adequate level of data protection.

#### 7. **Necessity of data processing / Consequence of nondisclosure**

The processing of the identification data for a DCS Certificate is required in order to issue a DCS Certificate. If such data is not provided, MBAG cannot issue a DCS Certificate.

#### 8. **Rights of the data subject**

8.1 You have the right to request information about all personal data that we process from you at any time.

8.2 If your personal data is incorrect or incomplete, you have the right to have it corrected and supplemented.

8.3 You can request the erasure of your personal data at any time, unless we are legally obliged or entitled to further processing of your data (see also section 6). If you request the erasure of your personal data, you will no longer be able to actively use the DCS Certificate.

8.4 If the legal requirements are met, you may request a restriction on the processing of your personal data.

8.5 If processing is performed as a result of the balancing of interests, you may object to the processing stating reasons arising from your particular situation.

8.6 You also have the right at any time to lodge a complaint with a data protection supervisory authority if you believe that data processing would violate applicable law.