

Legal notices on data protection

Date Revised: 15.01.2023; Version: Release 07/23

The high standard that you associate with the features of our products and services are the guideline we use in handling your data. In doing so, we seek to create and maintain an environment conducive to a trustworthy business relationship with our customers and interested parties. The confidentiality and integrity of your personally identifiable data is especially important to us.

[Who is the authority responsible for data processing?](#)

Data processing takes place together with the National Sales Company, BMW (South Africa) (Pty) Ltd. (hereinafter referred to as "NSC"), and Bayerische Motoren Werke Aktiengesellschaft, Petuelring 130, 80788 Munich, Germany, headquarters and court of registration: Munich HRB 42243 (hereinafter referred to as "BMW").

The NSC provides to the customer certain vehicle-based information and assistance services (hereinafter referred to as "services") under the designation "BMW ConnectedDrive" (hereinafter referred to as "ConnectedDrive Agreement") and is the contractual and operational point of contact for the customer.

BMW is responsible for technical provision of the services. Data is transmitted to BMW from the NSC to provide the services and support for the customer.

[What data about you is processed and for what purpose?](#)

Data collected in the course of concluding an agreement or rendering services is processed for the purposes listed below:

A. Conclusion of Agreement

As part of concluding the agreement, the categories of data listed below are processed:

- Contact data (last name, first name, address, e-mail address, etc.)
- Account data (ConnectedDrive or myBMW login account, bank account, etc.)

BMW Group Login

To use the Service, you must register on the App / portal. When you register, you will receive an online customer account that gives you access to other BMW Group portals and offers. In order to provide you the BMW Group login service, your data is passed on to the BMW Group company that acts as a provider of the applications in use by you. Storage of the data from your customer account is handled by BMW AG and is separate from any other (even potentially identical) data about your person that may be available to BMW Group.

The agreement data is deleted automatically 1 (one) year after the agreement expires; financial transactions are deleted after 10 (ten) years as stipulated by law.

B. Fulfillment of the contractual obligation for performance of the ConnectedDrive Agreement

For the purposes of fulfilling the ConnectedDrive Agreement concluded between you and the NSC, BMW renders a variety of services, such as BMW Intelligent eCall, Information Services, Real-time Traffic Information, Teleservices, etc.

For performance of these services, the following – potentially personally identifiable – information from the vehicle is processed by BMW and commissioned service providers for such performance:

- Vehicle status information (mileage, battery voltage, door and hatch/boot status, etc.)
- Position and movement data (time, position, speed, etc.)
- Vehicle service data (due date of next service visit, oil level, brake wear, etc.)
- Dynamic traffic information (traffic jams, obstacles, signs, parking spaces, etc.)
- Environmental information (temperature, rain, etc.)

- User profile (configured news, e-mail or audio provider, etc.)
- Sensor information (radar, ultrasonic devices, gestures, voice, etc.)

A complete list and detailed description of the services and the data used in each case can be found here: [service description list](#).

The provision of this data is not actually necessary for concluding the ConnectedDrive Agreement. It is important to note that, without your provision of such data and the processing of such data, BMW is, however, unable to provide the respective service for you.

The processed personal data is deleted automatically after 4 (four) weeks if it is not required for a longer period of time for the provision of the specific service.

C. Securing product quality and developing new products

Beyond mere performance of service, the data collected under B. is also processed for quality assurance in products and services offered by BMW Group and for developing new products and services by BMW. This processing is used for the legitimate interests of BMW to meet the high customer standard placed on existing products and services and to allow the company to fulfill the future requests of its customers through new products and services that have not yet been developed. In order to protect the privacy of our customers, data is processed solely in a manner that cannot be traced back to the customer / vehicle directly.

D. Fulfillment of the sales, service and administrative processes of BMW AG, the National Sales Company and authorised dealers

In order to optimize the customer experience and collaboration with BMW distributors continuously, we create evaluations and reports based on information from agreements and we share these evaluations and reports with the applicable BMW distributors. These evaluations are predominantly used for introducing appropriate measures (e.g. training courses for sales personnel) to improve the request and sales process. We will create the aforementioned reports only in an aggregated and anonymized form; this means that the recipients of the reports will be unable to draw any conclusions about you personally.

Portions of the vehicle-specific data collected under B. are used for performance of the service processes (e.g. repair, warranty, goodwill) of BMW AG, the National Sales Company and authorised dealers. This processing is within the legitimate interests of BMW to provide our customers with the best possible service process. Processing sometimes also takes place in connection with legal requirements (e.g. repair and maintenance information due to the provisions of anti-trust regulations). Technical data is always processed in relation to the vehicle and without direct connection to the customer in order to protect the privacy of our customers.

The following data categories are used for this:

- Vehicle master data (vehicle type, color, equipment, etc.)
- Vehicle service data (due date of next service visit, oil level, brake wear, etc.)
- Vehicle status information (mileage, battery voltage, door and hatch/boot status, etc.)

The technical vehicle data is deleted at the end of the vehicle lifecycle.

The NSC is a company within the BMW Group. In part, we process your data in order to make the administration of the various companies within the BMW Group as efficient and successful as possible. One of the areas this affects is common group accounting in accordance with international accounting regulations for companies (such as the International Financial Reporting Standards (IFRS)).

E. Customer support

The NSCs and BMW partners use your personal data for communication as part of concluding contracts, see above (e.g. booking BMW Digital services) or for the transaction of a request formulated by you (e.g. inquiries and complaints to BMW Customer Support). We contact you regarding all aspects of concluding a contract or processing a request without special permission e.g. in writing, by phone, by messenger services, by e-mail, depending on which contact data you have specified.

F. Marketing communications and market research due to consent

If you have given your consent to any further use of your personal data, your personal data may be used and, if necessary, passed on to third parties in accordance with the scope outlined in the Consent Form, such as for promotional purposes (e.g. for selected products and services of the BMW Group and promotional partners) and/or market research. The details in this regard can be found on the respective Consent Form, which may be withdrawn at any time.

G. Fulfillment of legal obligations of the NSC or BMW

The NSC will also process personal data if there is a legal obligation to do so. This could be the case if we needed to contact you because your vehicle is subject to a recall or repair request.

Collected data is also processed as part of safeguarding the operation of IT systems (back-end and vehicle systems). Safeguarding in this context includes, but is not limited to, the following actions:

- Backup and restoration of data processed in IT systems
- Logging and monitoring transactions to check the specific functionality of IT systems
- Detecting and protecting against unauthorized access to data to guarantee the integrity and security of IT systems
- Incident and problem management for resolving problems in IT systems

Collected data is also processed as part of internal compliance management, wherein we review aspects such as whether you have received sufficient advice as part of concluding an agreement and whether dealers have complied with all legal requirements.

BMW is subject to a number of additional legal obligations. In order to comply with these obligations, we process your data to the extent needed and pass on this data to the responsible authorities, if necessary, as part of legal reporting requirements.

H. Data transfer to selected third parties

BMW provides the data collected under B. to third parties in anonymized form for the purposes of using resources such as mobility services, maps and tools, especially in combination with highly automated, fully automated and autonomous driving.

[How long do we store your data?](#)

We save your personal data only for as long as the specific purpose requires. If the data is processed for several purposes, the data is deleted automatically or saved in a form that cannot be traced directly back to you once the last specified purpose has been met.

[How is your data stored?](#)

We store your data in accordance with state of the art of technology. The following security measures serve as an example of the measures applied to protect your personal data from misuse or other unjustified processing:

- The availability of access to personal data is restricted to just a limited number of authorised persons for the specified purposes.
- Collected data is transferred only in encrypted form.
- Sensitive data is also saved only in encrypted form.
- The IT systems for processing the data are compartmentalized from other systems, e.g. to prevent hacking.

- In addition, access to these IT systems is monitored continuously in order to ward off and detect misuse early.

[To whom is the data passed and how do we protect it along the way?](#)

BMW is a global company. Personal data is processed by BMW employees, National Sales Companies, authorised dealers and by service providers we have commissioned, with preference given to those within the EU.

If data is processed in countries outside the EU, BMW uses EU standard agreements, including suitable technical and organizational measures, to ensure that your personal data is processed in accordance with the European level of data privacy. If you want to access the actual protections for data transfer to other countries, please contact us using the communications channels specified below.

The EU has already established a comparable data privacy level for some countries outside the EU, e.g. Canada and Switzerland. Due to the comparable data privacy level, data transfer to these countries does not require any special approval or agreement.

[How can you view and modify your data privacy settings?](#)

You can view and modify information related to data privacy at any time on the ConnectedDrive/ My BMW portal. These changes are synchronized automatically in your vehicle. Depending on your vehicle model, you may also have a corresponding data privacy menu in your vehicle where you can make changes to the settings as well.

[Contact details, your rights as a data subject and your right to lodge complaints with a Supervisory Authority](#)

In the event of questions regarding our use of your personal data, please start by contacting BMW Customer Support, either by e-mail info@bmw-connecteddrive.co.za or by phone at +27 (0) 800 627771 on business days (excluding Saturdays, Sundays and Public Holidays), 08:00 am –20:00 pm.

In addition, you can contact the responsible Information Officer:

Peter Van Binsbergen

BMW South Africa

1 Bavaria Avenue

Randjespark

Midrand, 1685

InformationOfficer@bmw.co.za

As persons affected by the processing of your data, you can assert certain rights in accordance with the Protection of Personal Information Act ("POPIA") and in accordance with other applicable data privacy provisions. The following section contains explanations regarding your rights as a data subject in accordance with POPIA.

[Rights as a Data Subject](#)

In accordance with the POPIA, you specifically have the following rights as a data subject in relation to BMW:

Right of access by the data subject: At any time, you can request information about the data that we have about you. This information includes the data categories processed by us, the purposes for which we process it, the source of the data if we did not collect it from you directly and, where applicable, the recipients to which we have transferred your data. You can obtain from us one free copy of your data that is part of the agreement. If you are interested in additional copies, we reserve the right to charge you for any additional copies.

Right to rectification: You can request that we rectify your data. We will take appropriate measures to maintain, based on the latest information available to us, the correctness, completeness, timelines and relevance of the data we have and continue to process regarding you.

Right to erasure: You can request that we erase your data if the legal requirements exist for doing so. this could be the case if

- the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
- you withdraw your consent on which the processing is based and where there is no other legal ground for the processing;
- you object to the processing of your data and there are no overriding legitimate grounds for the processing, or you object to data processing for direct marketing purposes;
- the personal data has been unlawfully processed

if such processing is not necessary

- for compliance with a legal obligation that requires that we process your data;
- especially with respect to retention periods required by law;
- for the establishment, exercise or defense of legal claims.

Right to restriction of processing: You can request the restriction of processing of your data by us if

- you contest the accuracy of the personal data for a period enabling us to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of its use instead;
- we no longer need your data but you require it for the establishment, exercise or defense of legal claims;
- you have objected to processing pending the verification whether our legitimate grounds override yours.

Right to data portability: Your data shall, where technically feasible, be transmitted to another responsible party at your request. This right shall be available to you only insofar as data processing is based on your consent or is necessary in performance of an agreement. Instead of receiving a copy of your data, you can also request that we transfer the data directly to another controller that you specify.

Right to object: You can object, on grounds relating to your particular situation, at any time to processing of your personal data if data processing relates to your consent or to our legitimate interests or to those of a third party. We will cease processing of your data in such a case. The latter shall not apply if we can demonstrate compelling legitimate grounds for the processing which override your interests or we require your data for the establishment, exercise or defense of legal claims.

Periods for fulfillment of rights as a data subject

We always make an effort to comply with all requests within 30 (thirty) days. This period, however, may be prolonged for any reason relating to the specific right of a data subject or the complexity of your request.

Information restriction for fulfillment of rights as a data subject

In certain situations, we may be unable to provide you with any information about any of your data due to legal requirements. If we are required to decline a request for information in such a case, we will promptly notify you of the reasons for the refusal.

Complaints to Supervisory Authorities

BMW AG takes your rights and concerns very seriously. If you feel that we have not duly addressed your complaint or concern, you have the right to lodge a complaint with a responsible data protection authority.