

Privacy Notice smart mobility leasing private lease

smart mobility leasing and privacy

Axus Nederland B.V., trading under the name smart mobility leasing (hereinafter: “we” or “smart mobility leasing”) is a service provider of mobility services, among which the operational lease of vehicles. In this privacy notice we explain our practices regarding the use and processing of personal data of our private lease customers (hereinafter: “you”).

We respect your privacy, that is why we process your personal data in accordance with the General Data Protection Regulation (hereinafter: “GDPR”), other applicable laws and regulations in the area of data privacy and the protection of personal data and this privacy notice.

Who is the controller for the processing of your personal data?

smart mobility leasing is the controller responsible for the processing of your personal data.

Our contact information is:

smart mobility leasing

P.O. Box 703

2130 AS Hoofddorp

The Netherlands

Tel. +31 (0)20 658 79 00

Email: privacy-nl@mobility.smart.com

You can reach our Data Protection Officer via: fg-nederland@mobility.smart.com.

From whom do we process personal data?

This privacy notice is relevant for anyone from whom we may process personal data as part of our (business) activities, including but not limited to:

- Private individuals who lease a car from us (who are also the drivers of our vehicles).

How do we collect personal data?

We may collect information about you in a number of ways:

- Directly from you, such as when you provide us with your personal data by contacting us or when you enter into a lease agreement with us;
- From third parties, such as:
 - Dealers;
 - Through your partner, co-applicant or guarantor;
 - Through EDR Credit Services B.V. (hereinafter: “EDR”);
 - Through the Credit Registration Office (*Bureau Krediet Registratie*) in Tiel (hereinafter: “BKR”);
- Through forms on the website of [smart mobility](#), via our portal or our app, or the [smart portal of smart Europe GmbH](#); and
- Otherwise, for instance from other public sources.

What personal data do we process and for what purposes do we process your personal data?

The legal bases we use for our processing activities are as follows:

- 1) To conclude a lease agreement with you, or to execute the (lease) agreement we have with you;
- 2) Because we have a legitimate interest in doing so, such as running our business, protecting our business interests, preventing fraud and theft, conducting legal proceedings, carrying out a transaction, (re)financing, reorganisation, merger and/or demerger, and marketing and promotional activities;
- 3) To comply with a legal obligation; and/or
- 4) Because you have given your consent.

Where the processing of personal data is based on your consent, you have the right to withdraw your consent at any time (by contacting us using the contact details above). The withdrawal of your consent does not affect the lawfulness of the processing based on the consent previously given before it was withdrawn.

In the table below, you can see which processing operations we perform on which legal basis (the numbers in the rightmost column correspond to the numbers of the legal bases above).

If we intend to further process your personal data for a purpose other than that for which your personal data has been collected and as set out below, we will provide you with information about the other purpose and all relevant further information required by the GDPR prior to such further processing.

If you decide not to provide us with your personal data (which we need in order to fulfil a legal or contractual obligation), this may result in us not being able to provide certain services, or that the agreement with you cannot be executed properly. You will bear all the consequences of this.

Activity	Personal data	Purposes	Legal basis
KYC and Financial Acceptance Policy	<ul style="list-style-type: none"> • Identification data, such as your name, address, place of residence, gender, date of birth, telephone number, email address, a scan of your ID card and its details and the same details of your partner, co-applicant or guarantor with whom you are applying jointly. If applicable, a residence permit with citizen service number. • Financial data, such as bank account number, and income documentation (such as salary, source of income and type of employment) from you and your co-applicant. These are collected and assessed by our processor EDR. • A credit score assigned to you based on your financial data. 	<p>To assess whether we can enter into a (lease) agreement with you, taking into account the income of you and your co-applicant. We do this on the basis of the smart mobility leasing motive Know Your Customer (KYC) policy.</p> <p>For this purpose, we make use of the services of EDR. For more information, please see the section "Do we share your personal data with third parties?" below and the EDR privacy policy itself.</p> <p>In addition, we screen our customers against the presence on international sanction lists in accordance with our KYC policy and international legal obligations that we have as part of a bank.</p>	<p>2: Our legitimate interest consists of wanting to know with whom we conclude a (lease) agreement, in order to be able to ensure the continuity of our business operations and to be able to defend ourselves in court and/or establish our legal position, should this prove necessary.</p> <p>3: The legal obligations that rest on us as part of a bank to identify our customers and to assess creditworthiness.</p>

BKR	<ul style="list-style-type: none"> • Identification data, such as your name, address, place of residence, gender, date of birth. • Financial data, such as data regarding your financial obligations and any payment arrears. • Data relating to the (lease) agreement, such as your financial obligations arising from it. 	<p>As part of the agreement concluded with you, we are obliged to report the associated financial obligations and any payment arrears to the BKR. The BKR applies a strict privacy policy regarding the processing of personal data, which you can read on the BKR website.</p>	<p>1: For the performance of the lease agreement concluded with you - in particular the General Terms and Conditions of Private Lease 3: The legal obligations to report our customers to BKR.</p>
Concluding and executing a (lease) agreement	<ul style="list-style-type: none"> • Identification data, such as your name, address, place of residence, gender, date of birth, telephone number, email address. • Financial data, such as your bank account number, payment terms, payment arrears, invoice data, debtor number. • Data relating to the (lease) agreement, such as contract number, customer number, term and other contractual content, vehicle registration number and other vehicle data (type, model, chassis number, brand, version, classification), lease term and book value of the vehicle, location data, maintenance and damage data, insurance data, tank data and data on fines. 	<p>We process your data in order to conclude a (lease) agreement with you and to execute it.</p>	<p>1: Within the framework of the execution of the (lease) agreement that has been concluded with you. 2: Our legitimate interest is to be able to defend ourselves in court and/or to establish our legal position, should this be necessary.</p>
Financing or transactions	<ul style="list-style-type: none"> • Identification details, such as your name, address, place of residence, gender, date of birth, telephone number, email address, a scan of your ID card and its details and the same details of your partner, co-applicant or guarantor with whom you are applying together. If applicable, a residence permit with citizen service number. • Financial data, such as bank account number and income documentation (such as salary, 	<p>We process your data in the context of a transaction, (re)financing, reorganisation, merger and/or demerger, for example if we transfer part of our vehicle fleet or the financing thereof to another party such as Axus Finance NL B.V. In the context of (re)financing we may for example transfer the claims we have on you under the lease agreement(s) concluded with you to a third party. For more information on this, please see the</p>	<p>2: Our legitimate interest is that we must (be able to) (re)finance our vehicle fleet and/or have another business interest in a (re)financing, reorganisation, merger and/or split of our company.</p>

	<p>source of income and type of employment) of you and your co-applicant.</p> <ul style="list-style-type: none"> • Data relating to the (lease) agreement, such as contract number, customer number, term and other contractual content, vehicle registration number and other vehicle data (type, model, chassis number, brand, version, classification), lease term and book value of the vehicle, location data, maintenance and damage data, insurance data, tank data and data on fines. 	<p>section "Do we share your personal data with third parties?" below.</p>	
General business operations	<ul style="list-style-type: none"> • Identification data, such as your name, address, place of residence, gender, date of birth, telephone number and email address. • Financial data, such as bank account number, outstanding amounts, payment terms and payment arrears. • Data relating to the (lease) agreement, such as contract number, customer number, term and other contract details, vehicle registration number and other vehicle data (type, model, chassis number, brand, version, classification), lease term and book value of the vehicle, location data, maintenance and damage data, insurance data, tank data and data on fines. 	<p>We process your personal data for the purpose of (possible) legal proceedings, fraud and other investigations and/or to cooperate with requests from supervisory authorities. In addition, we process your personal data in order to comply with statutory retention, administration and tax obligations.</p>	<p>2: Our legitimate interest is to know with whom we are entering into a (lease) agreement and to be able to defend ourselves in court and/or establish our legal position, should this prove necessary. 3: The legal obligations to identify our customers and to investigate fraud and other investigations and/or to cooperate with requests from supervisory authorities. In addition, to comply with statutory retention, administration and tax obligations.</p>
Invoicing	<ul style="list-style-type: none"> • Contact details, such as name, address, telephone number and email address. • Financial data, such as bank account number, outstanding amounts, payment terms and payment arrears. • Data relating to the (lease) agreement, such as contract number, customer number, term and other contract details, 	<p>We process your personal data for invoicing and payment purposes (direct debit).</p>	<p>1: in the context of executing the (lease) agreement concluded with you. 2: our legitimate interest is to charge outstanding invoices. 3: to meet our legal obligations with regard to statutory retention,</p>

	vehicle details, lease term and book value of the vehicle, maintenance and damage details, insurance details, tank details and other details relevant to the specification of the invoice.		administration and taxation of invoices.
Maintain contact	<ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, gender, date of birth, telephone number and email address. • Data relating to the (lease) agreement, such as contract number, customer number, duration and other contractual content, vehicle registration number and other vehicle data (type, model, chassis number, brand, version, classification), lease term and book value of the vehicle, location data, maintenance and damage data, insurance data, tank data and data on fines. • Additional data you share with us when corresponding with us. 	<p>To maintain contact with you (for example by mail, email, telephone, our portal or our app and the smart portal of smart Europe GmbH) and to manage our relationship with you.</p> <p>The content of telephone calls is recorded and used for training and quality purposes.</p> <p>We also use your data to send service messages, such as winter tyre change, MOT reminders, penalty notices and customer satisfaction surveys and newsletters if you have signed up for them.</p>	<p>1: As part of the performance of the (lease) agreement that was made with you.</p> <p>2: Our legitimate interest is to maintain contact with you and to be able to help you with your questions.</p>
RDW registration	<ul style="list-style-type: none"> • Contact details, such as name, address, place of residence, gender, date of birth, ID (data): <ul style="list-style-type: none"> ○ If ID driving license: driving license number; ○ If passport ID: scan passport (with citizen service number). • Vehicle data, such as Vehicle Identification Number (VIN), also known as chassis number, brand, vehicle category, vehicle description, year of construction, fuel(s), maximum construction speed, GV registration number. 	<p>To register a vehicle in the license plate registry of the National Vehicle Authority (hereinafter: “RDW”). The so-called RTL registration (Registratie Tenaamstelling Leasemaatschappijen).</p>	<p>3: The legal obligation to register the cars or have them registered.</p>
Maintenance	<ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, telephone number and e-mail address. 	<p>To have maintenance, repair and damage done to the vehicle.</p>	<p>1: As part of the execution of the (lease) agreement that has been concluded with you.</p>

	<ul style="list-style-type: none"> • Data relating to the (lease) agreement/vehicle data, such as registration number, maintenance and damage data and insurance data. 		
Inspection	<ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, telephone number and email address. • Data relating to the (lease) agreement/vehicle, such as contract number, customer number, registration number, maintenance and damage data and insurance data. • Details of the inspection itself, such as the date of the inspection, the result, the party performing the inspection, and the date of cancellation. 	To have the vehicle tested, for example for the MOT, and to support you in this process.	3: The legal obligation to have the cars tested.
Insurance and claims handling	<ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, date of birth, telephone number and email address. • Data relating to the (lease) agreement and the vehicle, such as registration number, brand, model, version, classification, lease term and book value of the vehicle, location data, maintenance and damage data, insurance data, tank data and fines, contract and customer number. • Data relating to a possible counterclaim and the cause of the accident. 	To conclude and manage insurance policies and to process (counter) claims.	1: within the framework of the execution of the (lease) agreement concluded with you. 3: the legal obligation to insure the cars.
Emergency and roadside assistance	<ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, telephone number and email address. • Data relating to the (lease) agreement and the vehicle, such as registration number, brand, model, version, classification, location data, maintenance and damage data, 	To provide emergency or roadside assistance.	1: within the context of the execution of the (lease) agreement concluded with you.

	<p>insurance data, contract and debtor number.</p> <ul style="list-style-type: none"> • Data relating to the emergency or roadside assistance situation, such as location, nature of the incident and involved persons or vehicles. 		
Replacement vehicle	<ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, telephone number and email address. • Data with regard to the (lease) agreement and the vehicle, such as registration number, brand, model, version, classification, location data, contract and debtor number. • Data with regard to the replacement vehicle, such as license plate number, vehicle category and location data. 	To provide replacement transport.	1: As part of the execution of the (lease) agreement that has been concluded with you.
Fines	<p>In principle, we do not receive/process personal data in connection with the fines you receive for traffic offences. These details are known to the RDW and all fines are sent directly to you. It may happen, however, that we receive fines despite the name in the RTL registration of the RDW. In those cases, we process:</p> <ul style="list-style-type: none"> • Contact details, such as your name, address, place of residence, telephone number and email address. • Data relating to the (lease) agreement, such as contract number, customer number and registration number. • Data relating to the fines, such as the amount, location and type of violation. 	To ensure the payment and/or settlement of fines.	2: our legitimate interest is to assist you in handling fines (or to claim a fine from you) and to be able to defend ourselves in court and/or to establish our legal position (later), should this be necessary.
Marketing	<ul style="list-style-type: none"> • Contact details, such as your name, gender, address, telephone number and email address. 	For marketing and promotional activities and to send you messages in that context.	2. our legitimate interest is to retain our customers and acquire new ones.

		We always offer an opt-out possibility for direct marketing emails. If you are not (yet) an existing customer of ours, we will ask you for your prior consent to send such messages.	4. consent is requested in those cases where you are not yet our customer.
Audit	<ul style="list-style-type: none"> • Identification data, such as your name, address, place of residence, gender, date of birth, telephone number and email address. • Financial data, such as total income, credit score of you and your co-applicant. • Data relating to the (lease) agreement, such as contract number, customer number, duration and other contract content data, vehicle registration number and other vehicle data (type, model, chassis number, brand, version, classification), lease term and book value of the vehicle, maintenance and damage data and, insurance data. • Other personal data contained in our IT systems (insofar as an audit relates to the operation/security of our IT systems). 	For reporting and internal and external audit purposes.	2: our legitimate interest is to carry out internal reporting on our customer base, our IT systems, our accounting or other aspects of our services. 3: the legal obligation to have audits carried out.

Do we share your personal data with third parties?

For the execution of the (lease) agreement with you, we may use the services of third parties or it may be necessary to provide your personal data to third parties. Examples are companies affiliated with smart mobility leasing, car dealers, garages, insurers, claims handlers, (IT) service providers and, as stated above, the BKR and EDR (about which additional information is included below). To enable you to electronically sign your application and the contract, your data will be exchanged with our processor Evidos.

In certain cases (when necessary and relevant for the purposes described above or when we are legally obliged to do so) we may provide your personal data to financial institutions, (external) advisors, (potential) buyers (for example in the context of transactions, (re-)financings, reorganisations, mergers and/or demergers) or to competent supervisors and authorities. The personal data that we provide to (potential) buyers in the context of (re)financing are in principle limited to a description of your vehicle (brand, model, version, classification, lease term and book value) and your contract and debtor number. These are pseudonymised data (i.e. data from which the receiving party cannot directly deduce who you are). If we provide more personal data to the receiving party (such as your name, contact or payment details) because it is necessary for the execution of your lease agreement(s), you will always be informed separately first.

Third parties and companies affiliated with us that process your personal data under our responsibility only do so for purposes and under conditions that we have agreed with them. We lay down these conditions in data processing agreements. You can receive a list of categories of our service providers on request.

When you apply for a private lease, you enter data on the EDR website so that they can assess for us whether we can enter into a (lease) agreement with you. EDR carries out the following processing activities on our behalf for the requested personal data (whereby EDR partially qualifies as an independent controller under the GDPR):

- An assessment of your creditworthiness, possibly by means of a partially automated process (machine learning) and a check thereof by a credit analyst;
- Determining a financial capacity standard that is equal to the lending standards for consumer credit, in order to determine whether you have sufficient income;
- A check with BKR concerning current and closed credits (check and registration of credit with BKR);
- A check of the validity of your identity document with BKR VIS;
- A creditworthiness check in the EDR database;
- The use of the data for the improvement of the acceptance process.

With the processing of personal data, EDR applies a strict privacy policy, which you can consult on the website via this [link](#).

Could your personal data be processed outside the EEA?

It is possible that your personal data will be processed outside of the European Economic Area (hereinafter: “EEA”). If this is the case, we will ensure that an adequate level of protection of your personal data is guaranteed and that the transfer only takes place in accordance with the requirements of the GDPR.

If you would like more information about the possible transfer of your personal data to countries outside the EEA, the appropriate safeguards we have put in place or to receive a copy of the appropriate safeguards, please contact us at fg-nederland@mobility.smart.com.

How long do we keep your personal data?

The collected personal data will be kept for as long as necessary to pursue the indicated purposes and - where applicable - as long as necessary to comply with applicable legal obligations. If the (lease) agreement with you ends, we will retain your personal data for the statutory retention period applicable to us. As a rule, this is 7 years after the lease agreement has ended. If no legal storage period applies, we will keep your personal data for a maximum of 5 years after the lease agreement is terminated (in connection with limitation periods and the execution of post-contractual agreements).

More specifically, we apply the following retention periods:

- The data and documentation of a rejected application will be retained for up to 4 months after the rejection.
- If you are accepted as a customer, the documentation of your application will be retained for 5 years after completion of the application.
- If the (lease) agreement with you ends, we retain your personal data for the statutory retention period applicable to us, which is 7 years after a lease agreement ends.

For the purpose of sending commercial communications, your personal data will be processed and stored for the period you have given your consent, and until the moment you withdraw your permission, or exercise your right to object or right to have your personal data removed. We may keep your personal data longer if this is necessary to enforce or defend our rights. For more information on the specific retention periods we apply to your personal data, please contact us via the contact details above.

How do we secure your personal data?

We have taken appropriate technical and organisational measures to protect your personal data against loss or any form of unlawful processing. These measures include:

- Maintained and up-to-date policies and work instructions and verification of compliance with them.
- Separation of tasks and roles, so that our employees only have access to your personal data if that is necessary for their function and role.
- Training of our employees.
- Physical security of the locations where we process your personal data (e.g. access control and camera surveillance).
- IT security measures (for example, secure servers, firewalls and encryption).

Use of cookies

The website of [smart mobility](#) is owned and operated by smart Europe GmbH, an affiliated company of our partner. You can read the relevant data privacy policy on their website. We do not process personal data by placing and reading these cookies.

What rights do you have regarding the personal data we process?

The GDPR grants you the following rights:

- Right of access and rectification. Pursuant to Article 15 of the GDPR, you have the right to access the personal data that we process about you. You also have the right to rectification if this data is incorrect or incomplete.
- Right to erasure. Under Article 17 of the GDPR, you have the right under certain circumstances to have your personal data deleted when processing thereof is no longer necessary. If we have an overriding interest in not deleting your personal data or if deletion is prohibited by law, we are not obliged to comply with your request.
- Right to restriction of processing. Under Article 18 of the GDPR, you have the right to request us to restrict the processing of your personal data under certain circumstances.
- Right to data portability. Pursuant to Article 20 of the GDPR, you have the right to receive your personal data from us in a structured, accessible and machine-readable form and/or to have them transferred by us to a third party.
- Right to object to processing. Pursuant to Article 21 of the GDPR, you have the right to object to the processing of your personal data if this processing is based on our legitimate interest (which at least includes direct marketing). If we have an overriding interest in not doing so or if deletion is prohibited by law, we will not be obliged to comply with your request.
- Right not to be subject to a decision based solely on automated processing, including profiling, which will have legal consequences. Article 22 of the GDPR gives you the right to object to automated decision-making which has legal consequences for you. As part of our underwriting process, a calculation is made automatically about your creditworthiness, whereby a check is always made by one of our credit analysts. Therefore, there is no 'automated processing leading to a decision' within the meaning of the GDPR.
- Right of complaint. Pursuant to Article 77 of the GDPR, you have the right to lodge a complaint with the Data Protection Authority about the way in which we process your personal data. The contact details of the Dutch Data Protection Authority are Bezuidenhoutseweg 30 (2594 AV) The Hague; telephone number 088 - 1805 250. A complaint can also be submitted via the Internet: [Complaint Form Dutch Data Protection Authority](#).

Of course, you can always first submit your complaint to us. To do so, you can contact our Data Protection Officer. You can exercise your rights by contacting us. As soon as we have received your request, we will let you know the further course of the procedure.

**Automated decision making**

We do not make use of automated decision-making.

Amendment of this privacy declaration

We point out that we can change this privacy notice. In case of material changes, we will send you a new version of the notice. You can request the most recent version of this notice by sending an e-mail to privacy-nl@mobility.smart.com.

This privacy notice was last updated in June 2021.