

## BETTERCAR SERVICE PRIVACY NOTICE

Last update: 18 March 2020

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### 1. Who processes Your personal data?

**UBEEQO FRANCE SASU** whose registered office is located whose registered office is located at 696 rue Yves Kermen, 92100, Boulogne-Billancourt, France, (hereinafter referred to as "**Bettercar**" "**We**", "**Our**", "**Us**") is the data controller – responsible for determining the purpose and means of processing of Your personal data in compliance with the EU regulation no.2016/679 (the "**GDPR**") - being committed to protecting and respecting your privacy and providing with information, options and choices necessary for You to control how We use Your information.

This privacy notice and any additional terms incorporated by reference herein ("**Service Privacy Notice**") apply to any such contractor who, rents and/or take steps at his own request to rent, a private hire vehicle from Bettercar ("**PHV Driver**", "**You**", "**Your**") for the purpose of the provision of ride-hailing services to passengers in accordance with the Rental Terms and Conditions for PHV Drivers ("**T&C**") and applicable laws (collectively the "**Bettercar Services**") and whose personal data is collected and processed by Bettercar.

We take Your privacy seriously and make it a priority to protect personal data that we obtain from and about You. If You have questions about our Service Privacy Notice, please send an email to [privacy@bettercar.cab](mailto:privacy@bettercar.cab)

## **2. What data does Bettercar process, why and on which legal basis?**

We collect both “Personal data” and “Anonymous data” about You. Personal data is information that can be used to contact or identify you, such as your full name, email address, phone number, payment method details, mailing address, as well as information that is linked to such information. “Anonymous data” is information that we cannot use to contact or identify you and is not linked to information that can be used to do so.

### **2.1. To put Us in contact with You**

If You want Us to put in contact with You so that We can provide You with more information regarding the offer of Bettercar Services, You will be asked to fill out a contact form available on our website [www.bettercar.cab](http://www.bettercar.cab). When You fill out the contact form, You are required to enter certain information about yourself such as Your First Name, Second Name, Email and Telephone Number and Profession (“**Contact Details**”).

**Legal basis:** *The processing of Contact details by Bettercar is necessary in order to carry out pre-contractual activities at Your request pursuant to Art. 6 para. 1 lit. b) GDPR.*

### **2.2. To verify Your eligibility to use the Bettercar Services**

In order to determine the suitability of pursuing a profession as PHV Driver while using Bettercar Services according to T&C and applicable laws, We will ask you to send Us the images of the following documents containing Your personal data which are further collected and processed: Identification Document, Driver’s License, PHV license and Proof of Address. The underlying documents are manually transcribed by Our customer service team from the images You have sent Us.

**Legal basis:** *The processing purpose highlighted above is necessary for the performance of the T&C entered into between You and Brunel or to carry out pre-contractual activities at Your request pursuant to Art. 6 para. 1 lit. b) GDPR and for the purpose of fulfilling duties and obligations laid down in applicable laws and regulations pursuant to Art. 6 para. 1 lit. c) GDPR.*

### **2.3. Payments**

We will collect and retain your Bank Account Details (RIB) for the duration of our commercial relationship with You, in order to facilitate any payment required pursuant to T&C.

**Legal Basis:** *This processing is necessary for the performance of the T&C, which is concluded between You and Bettercar pursuant to Art. 6 para. 1 lit. b) GDPR.*

## 2.4. Connected Vehicles

We may collect a variety of information from your Connected Vehicle which means that the vehicles that we rent to You are equipped with certain technologies such as sensors, on-board devices, etc. These technologies collect data about the vehicle and its use. This information is linked to the vehicle registration number and processed by reference to that number. In certain circumstances it could be linked to You.

In such cases, we treat it as Your personal data, including: the vehicle's condition; information regarding damage to the vehicle or accidents; vehicle performance data; operational and diagnostic data; information on mileage; acceleration and braking speeds; fuel consumption and fuel levels; Adi-blue level; tyre pressure; odometer readings; vehicle location; and other vehicle-related information ("**Connected Vehicles Data**").

These Connected Vehicles Data are processed exclusively for:

- managing the rental (delivery, collection, maintenance of the vehicle, invoicing, etc.);
- identifying and preventing property offences and fraud;
- ensuring that you meet your obligations under the T&C (for example, if the vehicle is not returned at the end of the rental period or is used outside the contractually agreed region); and
- detecting, verifying and investigating vehicle damage and accidents.

**Legal Basis:** *Connected Vehicles Data collected to manage the rental and to ensure that you comply with your obligations under the T&C are processed on the basis of the contract concluded between You and Bettercar pursuant to Art. 6 para. 1 lit. b) GDPR.*

**Legal Basis:** *Connected Vehicles Data collected to prevent property offences and fraud, and to detect, verify and investigate damage to the vehicle and accidents involving the vehicle are processed on the basis of the legitimate interest of Bettercar pursuant to Art. 6 para. 1 lit. f) GDPR aiming at detection, verification and investigation of damage to the vehicle and accidents involving the vehicle.*

## 2.5. Customer service

To provide customer service we may collect Your personal data, including the data constituting the content of the communication to respond to your questions, including helping you with any issues which may arise regarding Your uptake of Bettercar Services.

**Legal basis:** *The processing of this personal data is necessary for the purposes of the legitimate interests pursued by Bettercar by virtue of Article 6 para 1 lit. f) GDPR, namely being able to serve you efficiently and to optimize Bettercar's customer service.*

## 2.6. Information notice

In order to send you information notices (not being marketing communications) required to provide the Bettercar Services (such as emails notifications and text messages, we may use your mobile phone number or your email address.

**Legal Basis:** *The processing of Your personal data in this context is necessary for the purposes of the legitimate interests pursued by Bettercar by virtue Article 6 para 1 lit. f) GDPR, namely, to provide You sufficient information about their use of the Bettercar Services and to review optimize Bettercar Services.*

## 2.7. Promotional and marketing activities

Promotional and marketing activities, namely:

- the sending of email and SMS for special promotions/deals as well as customized advertisements and promotions that are targeted to your specific interest about Bettercar products/services;
- the sending of Bettercar's newsletters;
- the management of your loyalty program;
- the organization of promotional contests/sweepstakes;
- the management and update of Bettercar's customers/prospects database.

**Legal Basis:** *Direct marketing processing, i.e. any commercial message from Bettercar aiming at promoting Bettercar services, are subject to your prior, free, informed and express consent pursuant to Art. 6 para. 1 lit. a) GDPR.*

By exception:

*- if you are already a Bettercar existing customer and that the message concerns services similar to those you have already purchased, the underlying processing will not be based on your consent but on Bettercar's "legitimate interest" pursuant to Art. 6 para. 1 lit. f) GDPR; and*

**You may object to further direct marketing processing at any time. In case You exercise this right, Bettercar will no longer process Your personal data for such purposes.**

## 2.8. Data aggregation

To minimize the processing of personal data, Bettercar may aggregate or encrypt your personal data to create anonymous data which cannot be derived to a natural person and may be used for statistical purpose.

**Legal Basis:** *The processing of this personal data is necessary for the purposes of the legitimate interests pursued by Bettercar by virtue of Article 6 para. 1 lit. a) GDPR, namely, to comply with GDPR and to protect your privacy.*

## **2.9. Local law compliance**

Bettercar processes Your personal data for purposes of fulfilling the legal obligations to which Bettercar is subject. In this context, We are required to process Your personal data, for example in order to comply with duties of disclosure vis-à-vis authorities and to comply with the processing requirements as stipulated by commercial and tax law provisions (e.g. the preservation period for bookkeeping documents and accounting records).

**Legal Basis:** *This processing is required by law pursuant to Art. 6 para. 1 lit. c) GDPR.*

## **2.10. Management of fines**

This processing aims to:

- to transfer to the relevant competent authority - dealing with the processing of fines - the identity of the PHV driver who has committed a traffic violation or offence;
- to satisfy fines collection procedure to which Bettercar may be subject.

**Legal Basis:** *This processing is required by law pursuant to Art. 6 para. 1 lit. c) GDPR.*

## **2.11. Law enforcement**

Should any willful act of misconduct, fraud or criminal offence (other than traffic violations or offences mentioned above) be perpetrated against Bettercar, Your personal data could be used, under certain circumstances, for ascertaining individual responsibilities and transferred to competent authorities.

**Legal Basis:** *Your personal data are processed on the basis of the legitimate interest of Bettercar pursuant to Art. 6 para. 1 lit. f) GDPR aiming at detection, verification and investigation any willful act of misconduct, fraud or criminal offence perpetrated against Bettercar.*

## **2.12. The management and update of a watchlist of PHV Drivers presenting certain contractual risks based on:**

- i. payment incidents which have given rise to legal proceedings;
- ii. vehicle accidents or repeated damages caused by PhV Driver;

- iii. accidents or damages caused voluntarily by Ubeeqo customer;
- iv. use of Bettercar's vehicles in breach of the T&C.

**Legal Basis:** *This processing, aiming at reducing Ubeeqo risks exposure in the performance of the T&C, is based on Ubeeqo's "legitimate interest" pursuant to Art. 6 para. 1 lit. f) GDPR.*

### **3. What happens if you fail to provide certain personal data?**

Where the processing of Your personal data is necessary for the performance of the T&C or to carry out pre-contractual activities at Your request or for the purpose of fulfilling duties and obligations laid down in applicable laws and regulations and You fail to provide that personal data when requested, We may not be able to perform the T&C entered into/to be entered with You. In this case, We may have to cancel our engagement or said agreement. We shall notify if this is the case at the time.

### **4. Who are the data recipients of the personal information we collect about you?**

#### **4.1. Categories of recipients**

Your personal data will be disclosed, as necessary and/or relevant to:

- i. entities of including the Europcar Mobility Group (i.e. its ultimate holding company and all its subsidiaries) to which Bettercar belongs for administrative purposes. Legal basis is Art. 6 para. 1 lit. f) GDPR.;
- ii. the sub-contractors of Bettercar, which are third-party service providers that collect data in order to help Bettercar in providing you with Bettercar Services. The legal basis is Art. 6 para. 1 lit. b) GDPR. If We disclose Personal data to such third-party, we will take reasonable and appropriate measures to ensure that the third-party processes such Personal data solely for limited and specified purposes as follows:
  - third parties services providers for technical purpose, in particular telecommunication

- customer relationship management and sending promotional communication
  - data hosting
  - IT services and development
  - deposit payment security.
- iii. Bettercar can also disclose Your Personal data to the extent required by law and/or by competent authorities. The legal basis is Art. 6 para. 1 lit. c) GDPR. These could include:
- requests from the police or other law enforcement bodies;
  - requests from legal representatives of customers or employees;
  - requests from insurers or loss adjusters;
  - requests from other regulators or government agencies;
  - where there is a court order or other legal obligation.
- iv. if You are an Uber PHV Driver we share Your personal data with UBER, if you fail to pay Your outstanding debt fully.
- v. We may disclose personal data in connection with the reorganization, reincorporation, acquisition, debt financing, merger, sale of Bettercar relevant assets or business or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which personal data is transferred to one or more third parties as one of our business assets.

We limit the personal data that is provided to these above-mentioned recipients to that which is reasonably necessary to provide us with a specific service and not for any other purpose and we require them to maintain the confidentiality of the Personal data to the extent legally possible.

#### **4.2. International transfers**

As necessary to provide you with Bettercar Services, we will, to the extent necessary for the purposes defined in this Service Privacy Notice, transfer personal data outside the EU.

Depending on the case, certain recipients may be located in countries which have been recognized by the European Commission as ensuring an adequate level of data protection or in countries which have not been recognized as ensuring such a level of protection. In any case, Bettercar has put in place appropriate safeguards to protect your personal data, in compliance with the GDPR.

## 5. For what period will Bettercar retain Your Personal data?

Purpose	Retention period
<p>§ To verify Your eligibility to use the Bettercar Services</p> <p>§ Enter into the Rental Agreement with Bettercar</p>	<p>For the duration of the commercial relationship. However, information that may evidence a right or a rental agreement, or that must be kept in compliance with a legal requirement, may be subject to an intermediate archiving policy for a period of time that does not exceed the time that is necessary for the purposes for which it is kept, in accordance with applicable legal provisions.</p> <p>Information that may evidence a right or that must be kept in compliance with a legal requirement (such as invoices or proof of transactions), may be subject to an intermediate archiving policy for a period of time that does not exceed the time that is necessary for the purposes for which it is kept, in accordance with applicable legal provisions.</p>
<p>§ Connected Vehicles</p>	<p>The Connected Vehicle Data is retained for 12 months maximum. In the case of claims and property offences, investigation of vehicle damage and accidents, the personal data could be stored until such matters are resolved (including until the completion of any legal or judicial process).</p>



<p>§ Promotional and marketing activities</p>	<p>- For Bettercar customers, up to 3 years from the end of the commercial relationship with Bettercar.</p> <p>- For prospects – who are not Bettercar customers – up to 3 years as from the collection of your personal information OR as from the last request for information you made.</p>
<p>§ Cookies</p>	<p>- Please check Bettercar Cookies Policy</p>
<p>§ Payment of fines</p>	<p>For the time necessary to identify the PHV Driver (or the potential driver) liable for the infraction leading to the fine, which cannot exceed 45 days after receipt of the fine. However, relevant information can be kept for a longer period of up to 12 months after receipt of the fine, subject to an intermediate archiving policy.</p>
<p>§ The management and update of a watchlist of PHV Drivers presenting certain contractual risks, namely:</p> <p>i. payment incidents which have given rise to legal proceedings;</p> <p>ii. vehicle accidents or repeated damages caused by PHV Driver;</p> <p>iii. accidents or damages caused voluntarily;</p>	<p>- 3 years as from the occurrence of the relevant event</p>
<p>iv. the use of Ubeevo vehicles in breach of the T&amp;C</p>	<p>- 5 years as from the occurrence of this event</p>

## 6. What rights can You exercise with respect to the processing of Your Personal data?

As per GDPR, you can benefit from the following rights:

- 6.1. **right of "access"**: right to obtain confirmation as to whether or not Your Personal data are being processed by Bettercar, and, where that is the case, to access to these Personal data and to obtain further information on the characteristics of their processing;
- 6.2. **right "to rectification"**: right to obtain the rectification of inaccurate Personal data or, taking into account the purposes of the processing, the right to have incomplete Personal data completed, including by means of providing a supplementary statement;
- 6.3. **right to "erasure" (or the so-called "right to be forgotten")**: right to obtain the erasure of Your Personal data in certain circumstances;
- 6.4. **right to "restriction"**: right to obtain restriction of processing under certain circumstances.<sup>1</sup> Should the processing of your Personal data be restricted, such data can only be further processed subject to Your consent (save for storage purposes) and You will be informed before the restriction of processing is lifted;
- 6.5. **right to "object"**: at any time, a right to object to the processing of Your Personal data to prevent Bettercar from continuing to carry out such processing:
  - a) where Your Personal data are processed for direct marketing purposes;
  - b) where Your Personal data are processed on the basis of Bettercar's legitimate interest. In that case, your request will be satisfied only if You provide Bettercar with a description of the particular situation legitimating your request and save if Bettercar can demonstrate overriding legitimate grounds in light of Your particular situation.
- 6.6. **right to "withdraw your consent"**: where the processing of your Personal data is based on Your consent, a right to withdraw Your consent to the processing of Your Personal data at any time and to prevent Bettercar from continuing to carry out such processing;
- 6.7. **right to "data portability"**: where the processing of Your Personal data is based on Your consent or performance of a contract and by automated means, the

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<sup>1</sup> If (i) You contest the accuracy of the Personal data, (ii) it is demonstrated that the processing is unlawful and you oppose to the erasure of the Personal data but You would like to request the restriction of its use instead, (iii) Bettercar no longer needs the personal data for the purposes of the processing but they are required by You for the establishment, exercise or defence of legal claims.

right to receive the personal data you provided to Bettercar, in a spreadsheet<sup>2</sup> and to transmit those data to a third party;

If You wish to exercise any of these rights, please contact Us via the relevant email address, as set out below under Section 8. In addition, in Bettercar promotional and marketing emails and other communications, Bettercar also includes instructions on how to unsubscribe.

To protect Your privacy and security, we will take reasonable steps to verify Your identity before granting access or making corrections.

As per article 77 of the GDPR, You can lodge a complaint about the processing of Your personal data with the body regulating data protection in Your country<sup>3</sup> if You consider that the processing of Your Personal data infringes the said GDPR.

## **7. How does Bettercar protect Your Personal data?**

Bettercar is committed to protecting the information it collects through this Driver App. In particular, Bettercar uses appropriate physical, technical and organizational security measures to prevent unauthorized or unlawful processing, accidental loss of or destruction of or damage to your Personal data.

Bettercar systems are configured with data encryption, or scrambling technologies, and industry-standard firewalls. When You send personal information to Bettercar over the Internet, your Personal data is protected by the TLS (Transport Layer Security) encryption/decryption to ensure safe transmission.

If Bettercar learns of a security systems breach is likely to result in a high risk to the rights and freedoms, then We shall notify You, without undue delay, electronically through the contact information that You have provided to Bettercar so that You can take appropriate protective steps. Bettercar may also post a notice on the Driver if a security breach occurs.

## **8. Who to contact when You have a query regarding the processing of Your Personal data?**

Please contact Bettercar with any questions or comments about this Service Privacy Notice, Your Personal data, our third-party disclosure practices, or Your consent choices by email at [privacy@bettercar.cab](mailto:privacy@bettercar.cab).

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<sup>2</sup> Or any other commonly used and machine-readable format.

<sup>3</sup> The country where you have Your habitual residence, place of work or place of the alleged infringement.

To exercise Your rights listed in Section 6 of this Service Privacy Notice:

[privacy@bettercar.cab](mailto:privacy@bettercar.cab)

## 9. Changes and updates to this Service Privacy Notice

This Service Privacy Notice was published on March 18th, 2020.

This Service Privacy Notice may be revised periodically, and this will be reflected by a “**Last Updated**” date above. We may not notify You of any changes to this Service Privacy Notice except by posting a new Service Privacy Notice. Please revisit this page to stay aware of any changes. Your continued use of the Bettercar Services constitutes Your agreement to this Service Privacy Notice and any future revisions. However, if we change this Service Privacy Notice in a manner that is materially less restrictive of Our use or disclosure of Your Personal Data, we will use reasonable efforts to notify You of the change and to obtain Your consent prior to applying the change to any personal data that we collected from You prior to the date the change becomes effective. We encourage You to periodically review this Service Privacy Notice to stay informed about how We collect, use and disclose Personal data.