

# Data Protection Declaration

with respect to

## video, image and audio data recording in public traffic as part of research, development, testing, analyzing and improvement of RSM by Webasto Roof & Components SE

### 1. General

All information that relates to an identified or identifiable natural person (“**Personal Data**”) is protected by law, and in Europe, in particular, according to the General Data Protection Regulation (Regulation (EU) 2016/679) (“**GDPR**”). Such protection of Personal Data is essential for Webasto Roof & Components SE. It’s considered in all of the Webasto Roof & Components SE’s business activities.

This specific Data Protection Declaration provides with an overview on the processing of Personal Data by Webasto Roof & Components SE as a controller of Personal Data by law.

In particular, it provides information on the type, scope and purpose of the processing of Personal Data by Webasto Roof & Components SE with respect to the video, image and audio data recording in public traffic. The latter is part of the research, development, testing, analyzing and improvement of roof sensor modules or systems thereof (“**RSM**”) to be used in driver assistance systems, automated and autonomous driving, driving functions and other services, as well as the handling of these data (“**Objective**”).

The additional rights of the individuals whose Personal Data are processed while trying to achieve the Objective (“**Data Subject(s)**”) are available at: <https://privacy.webasto.com/products/RSM.pdf>.

### 2. What Personal Data are processed?

To achieve the Objective, i.e., research, development, testing, analyzing and improvement of RSM, specific marked test vehicles (“**Prototypes**”) drive in public traffic areas and – as far as permitted by the applicable laws – on private plants, test sites and other sites. Such Prototypes are equipped with RSM comprising camera systems with different detection angles, focal lengths and sensor technologies, and, as the case may be, some of them might as well be equipped with outside microphones and other sensor systems. These systems record, process and store video, image and audio data from the Prototype’s environment to achieve the overall Objective and the individual objectives as further described in sec. 5 below.

Depending on the individual case, these data may also contain the following Personal Data, recorded in the vicinity of the Prototypes:

- Faces, other characteristics and surroundings of traffic participants and other individuals,
- license plates, other characteristics as well as the surroundings of vehicles and other objects,
- acoustic information, and/or
- additional data from other sensor systems (e.g., radar, LIDAR) as well as GPS position and time stamp.

### 3. To whom does this Data Protection Declaration apply?

The above-described processing of Personal Data potentially affects all traffic participants who are in the vicinity of one of the (marked) Prototypes during the test operation.

#### **4. Who is responsible for the processing of Personal Data and who can be contacted about data protection?**

Webasto Roof & Components SE is the controller in accordance with Art. 26 GDPR for the processing of Personal Data as described below, unless someone else is explicitly named as the responsible body.

##### **Responsible:**

Webasto Roof & Components SE,  
Kraillinger Straße 5,  
82131 Stockdorf, Germany,

Business Unit: Roof Sensor Module

##### **Contact with respect to data protection:**

Webasto Group Data Protection Officer

Webasto SE,  
Kraillinger Straße 5,  
82131 Stockdorf, Germany.

Email: [dataprotection@webasto.com](mailto:dataprotection@webasto.com)

#### **5. What are the Personal Data used for and what's the legal basis for such processing?**

The purpose of the above-said processing of Personal Data ("**Purpose of Processing**") is to support the achievement of the Objective, i.e. the research, development, testing, analyzing and improving of RSM to be installed in driver assistance systems, automated driving functions, general driving functions and other services, including the documentation of these processes and the fulfillment of other downstream obligations.

Driver assistance systems and driving functions are already used in today's vehicles in particular in order to increase traffic safety and/or comfort. In the future, technical systems for perceiving and coping with traffic and environmental situations, i.e., RSM, will enable vehicles to autonomously and safely participate in public traffic in accordance with the applicable laws.

Research, development, testing, analyzing and improvement of such RSM require their prior practical use in Prototypes under real environmental and traffic conditions, in particular in public traffic, including the recording, processing and storage of video, image and audio data during and after these operations.

Based on these materials and results, technical systems for the perception and classification of traffic participants, vehicles, infrastructure and other objects in the context of traffic and environmental situations, in particular RSM, are researched, developed, tested, analyzed and improved.

Individuals, vehicles, other objects as well as audio information are only analyzed, classified and further processed as "*objects*" in the context of traffic and environmental situations in the context of data processing, for example as "*pedestrians on the right-hand side of the lane*", "*cars on an intersection*", "*emergency siren behind the vehicle*".

In general, it's not possible to identify registered persons by name or other personal identification or to assign registered vehicles or objects to individuals identified from the recorded video, image and/or audio material. In addition, the registration often takes place just very briefly and in passing. However, identifiability and identification of individuals cannot be completely excluded in special situations (e.g., traffic lights, traffic jams, pedestrian crossings, etc.), so that the recorded data have to be considered as Personal Data according to Art. 4 para. 1 GDPR.

The primary legal basis for such processing of Personal Data is Art. 6 para. 1 lit. f) GDPR ("*Protection of legitimate interests*"). The controller's, i.e., Webasto Roof & Component SE's, legitimate interest is to

carry out research, development, testing, analyzing and improvement on RSM to be used in driver assistance systems, automated driving, driving functions and other services. The recorded Personal Data are only stored and used to the extent necessary for the achievement of the Objective. In addition, all Personal Data is anonymized.

The conflicting interests, fundamental rights and freedoms of the Data Subjects do not prevail, since the identification of individual Data Subjects by name or otherwise is neither necessary nor intended. In addition, technical and organizational measures (“TOM”) are taken to ensure that the respective Personal Data collected is secured and processed in accordance with applicable data protection laws. The video, image and audio data recordings are only processed by authorised employees of Webasto Roof Systems SE and stored on secure servers. Access to the respective Personal Data is kept to a minimum and checked regularly.

## **6. Will the Personal Data be passed on?**

The recorded Personal Data will only be shared with Webasto Group companies and specific cooperation partners involved in the achievement of the Objective and according to the applicable data protection laws. Apart from this, Personal Data will only be disclosed to third parties if it is required for the achievement of the Objective and permitted by law and/or by official or court order or if the third party has a legitimate interest.

Categories of recipients to whom Personal Data may be transmitted within the scope of research, development and testing processes to achieve the Objective are in particular:

- Internal and external cooperation partners of Webasto Roof & Components SE.
- Other order data processors (in particular IT service providers as well as service providers for data preparation / data evaluation).

In case Personal Data is processed by the above-said third parties, Webasto Roof & Components SE remains liable for the protection the Personal Data processed.

If a transfer to recipients in third countries takes place within the scope of research, development and testing processes or the downstream processing, such transfer will only take place in the presence of an adequacy decision pursuant to Art. 45 GDPR, on the basis of suitable guarantees within the meaning of Art. 46 GDPR or if permitted under other law having a data protection level corresponding to the provisions of the GDPR.

## **7. Is there automated decision making?**

An automated decision in an individual case or 'profiling' in the sense of provisions of the GDPR does not take place and would be almost impossible due to the short and one-off recording times.

## **8. How long are the Personal Data stored?**

The recorded video, image and audio data are stored for the duration of the aforementioned Objective, i.e., research, development, testing, analyzing and/or improvement of RSM only. In some cases, additional legal provisions (e.g., product liability) or a further justified interest may lead to correspondingly longer storage periods. Once the Objective or parts of the Objective for which the Personal Data have been recorded and stored has been achieved, the recorded and stored Personal Data will be deleted or anonymized.

## **9. What rights of the Data Subjects exist against Webasto Roof & Components SE**

The provisions of the GDPR stipulate the following rights of the Data Subjects, which can be asserted against Webasto Roof & Components SE as data controller:

- Right of access,
- Right of rectification,
- Right of cancellation,
- Right to restrict processing,
- Right to data portability,
- Right to objection, and
- Right of appeal to a supervisory authority.

### **Enforcement of rights:**

According to Art. 11 GDPR, the recorded video, image and audio data are a “processing for which it is not necessary to identify the Data Subject”. Additional identification features are neither recorded nor processed.

Therefore, only information about LOCATION and TIME are always required in order to determine whether someone has actually been in the vicinity of one of the Prototypes and is affected by the processing.

Only then can the aforementioned rights such as 'information', 'deletion' etc. be fulfilled. With a deletion, the rights to 'restriction of processing' and 'objection' are automatically covered. The right of rectification and data transferability, on the other hand, is not relevant due to the type of data.

### **Special notes on the limitation of Data Subject rights:**

We would also like to point out that in the context of the present processing of Personal Data, the rights of the Data Subjects under Art. 15 GDPR (right to access), Art. 16 GDPR (right to rectification), Art. 17 GDPR (right to deletion), Art. 18 GDPR (right to limitation of processing) and Art. 21 GDPR (right to object) may be subject to special additional restrictions. These special restrictions apply if the exercise and fulfilment of such rights in a specific case would probably make the realization of research purposes impossible or seriously impair them and the restriction is therefore necessary for the fulfilment of these research purposes.

This special limitability and its conditions result in particular from Art. 89 GDPR in conjunction with § 27 German Data Protection Act and Art. 17 GDPR.

Contact functions are listed in sec. 4.

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