

## DATA PROTECTION STATEMENT

The company Deutsche Verkehrs-Assekuranz-Vermittlungs-GmbH (DVA) collects and processes your personal data in accordance with the relevant data protection rules, in particular the General Data Protection Regulation (GDPR).

The purpose of this Data Protection Statement is to inform you about the nature, scope and purpose of our personal data collection, use and processing and about your rights with respect to its collection.

### 1. Who is responsible for collecting and processing the data?

DVA Deutsche Verkehrs-Assekuranz-Vermittlungs-GmbH, Marienbader Platz 1, 61348 Bad Homburg, Germany, is the data controller responsible for the collection and processing of your data.

The appointed data protection officer is Ms Dr. Marein Müller.

If you have any questions or suggestions regarding data protection, please write to

DVA Deutsche Verkehrs-Assekuranz-Vermittlungs-GmbH  
Marienbader Platz 1  
61348 Bad Homburg, Germany  
or e-mail the company at [datenschutz@dva.db.de](mailto:datenschutz@dva.db.de).

### 2. What data do we collect?

"Personal data" here means all information about you which enables us to identify you, e.g. your name, your contact details, your payment details and information about your use of our website.

The following data in particular may be collected,

- Personal data: name, address (and evidence of address), other contact details (e.g. e-mail address and telephone number), gender, marital status, family information, date and place of birth, employer, occupation and career, relationship to policyholder, insured, beneficiary or claimant
- Identification data: ID numbers issued by government or other public authorities (e.g. social security number, passport number, personal identity document number, tax identification number, driving licence number – as appropriate to your country of residence)
- Financial data: card numbers (EC card, credit card, etc.) and bank account details, income and other financial data
- Risk insured: information about the risk insured, which may include personal data if this is relevant to the insured risk

- Health data: information about current or past physical or psychological disorders, state of health, injuries or disabilities, medical treatment, relevant personal habits (e.g. smoking, alcohol consumption), details of prescribed medicaments, medical history
- Criminal record data: criminal convictions, including driving offences
- Other particular categories of personal data: racial/ethnic background, political opinions, religious or philosophical beliefs, membership of trade unions, genetic information, biometric data, information about a person's sex life or sexual orientation
- Policy data: information about the insurance offers and policies issued
- Previous insured events/insurance claims: information about previous insured events/insurance claims, which may include health data, details of prior convictions and other particular categories of personal data (as described above under "Risk insured")
- Current insured events/insurance claims: information about current insured events/insurance claims, which may include health data, details of prior convictions and other particular categories of personal data (as described above under "Risk insured")
- Marketing data: whether the individual in question has agreed to receive marketing from DVA and third parties
- Website usage data: For technical reasons it is necessary to collect and store certain data when someone visits the website [www.dva-assekuranz.de](http://www.dva-assekuranz.de), e.g. the date and duration of the visit, the pages looked at, the IP address, the identification data for the browser and operating system in use and the website from which you transfer to our website

In accordance with current data protection legislation, personal information about your physical or mental health, about your alleged commission of or convictions for criminal offences is classified as being particularly sensitive. We will only process such data if you have expressly consented to this, if such processing is necessary or if you have deliberately disclosed it.

### **Sources of personal data**

DVA collects personal data from a variety of sources, including amongst others (depending on your country of residence)

- individuals and members of their family – online, by telephone or in written communications
- individuals' employers
- in the case of insurance claims by third parties, including the opposing party (claimant/plaintiff/accused), witnesses, expert witnesses (including medical experts), claim processing staff, lawyers and claims adjusters

- other insurance market participants e.g. insurers, re-insurers and other intermediaries
- credit bureaus (if DVA is assuming credit risks)
- anti-fraud databanks and other third-party databanks, including sanction lists
- public authorities such as vehicle registration agencies and tax authorities
- claim / damage report forms

### **3. What do we process your data for?**

In its capacity as an insurance intermediary, DVA provides services to industrial enterprises of all kinds. Our main functions here are the negotiation, conclusion and management of insurance contracts and the provision of help to policyholders when an insurance claim is made. As well as other information, personal data is processed here, mainly in order to fulfil the requirements of our service contracts. Under some circumstances it will be impossible to provide the service you require without collecting some personal information.

It may be necessary to process such data e.g. for the following purposes:

- to establish a relationship with the customer
- to evaluate the risks to be insured and identify the right insurer who can offer the right policy and premium
- general customer support, including communication with customers
- collection/reimbursement of insurance premiums, payment of insurance benefits, processing and facilitation of other payments
- processing of insurance claims
- defence/enforcement of legal rights
- contacting of customers to arrange extensions of insurance contracts
- marketing analyses and direct marketing
- general risk-modelling
- satisfaction of statutory or regulatory requirements

#### **4. Legal basis for data processing**

If we obtain your consent to the processing of your personal data, this consent will, according to Article 6 (1) a and Article 9 (2) a GDPR, form the legal basis for that processing. Such consent can be withdrawn at any time. If consent is withdrawn, DVA may from that time onward be unable to provide the agreed services. If consent is withdrawn for an insurer or re-insurer to process particular categories of personal data, it may from that time onward be impossible to maintain insurance cover.

Pursuant to Article 6 (1) b GDPR, the legal basis for processing of personal data which is necessary in order to fulfil a contract with you is the contract itself. Article 6 (1) b GDPR also applies to processing which is necessary for the purpose of work carried out prior to contract, e.g. dealing with enquiries about our products or services.

If our company is subject to a legal requirement which makes it necessary to process personal data, e.g. in order to comply with tax rules, the legal basis for the processing is Article 6 (1) c GDPR.

If processing is necessary to protect our or a third party's legitimate interests, e.g. the storage or analysis of pseudonymised online usage data to enable the constant improvement of our offer, the legal basis for that processing is Article 6 (1) f GDPR.

#### **5. Is data supplied to third parties?**

In order to provide you with the agreed services, it may be necessary to pass your data to or receive it from third parties (as processor) in order to enquire about cover, conclude contracts, manage contracts and handle insurance payouts and claims, etc. These third parties include e.g. insurers, re-insurers, banks, suppliers of expert reports, lawyers.

For the fulfilment of our contractual obligations it is also necessary to employ third parties to provide services in accordance with our binding instructions, including data centre operators, providers of printing and shipping services and others involved in the fulfilment of our contract with you.

We select external service providers who process data for us very carefully. We require them to give very strict contractual undertakings and ensure compliance with these by means of technical and organisational arrangements and additional monitoring.

In other respects, your data will only be passed to a third party if you have expressly consented to this or if it is required by law.

Your data will not be passed to anyone in a country outside of the EU/EEA or to an international organisation unless appropriate guarantees have been provided. These include EU standard contract clauses or a so-called adequacy ruling from the EU Commission.

## **6. How long will your data be stored?**

We will only store your data as long as this is necessary in order to fulfil the purpose for which it was collected (e.g. fulfilment of a contract) or as long as storage is required by law. When we have a contract with you, we will store your data at least until that contract is completely terminated. After that, the data will be stored for the relevant statutory retention period.

## **7. Rights of parties affected**

Subject to certain conditions, you are entitled to exercise the following rights:

- You can demand information regarding which data relating to you is stored.
- You can demand that your personal data be corrected, deleted and blocked, as long as this is permitted by law and within the framework of an existing contractual relationship.
- You have the right to lodge a complaint with a supervisory authority. The supervisory authority responsible for Deutsche Bahn AG is: Berliner Beauftragte für Datenschutz und Informationsfreiheit, Friedrichstrasse 219, 10969 Berlin, Germany; e-mail: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de)
- You have the right to transferability of the data that you have provided to us by consent or on the basis of a contract (right to data portability).
- If you have given us your consent for data processing, you can withdraw this consent at any time in the same way as you gave it. Any processing of your personal data that took place from the time at which you granted your consent to the time at which you withdrew it will still be considered to have been lawful.
- You have the right to object, on grounds relating to your particular situation, to the processing of personal data if the data is processed based on our legitimate interest or is necessary for the performance of a task carried out in the public interest.
- If we process your data for the purpose of direct advertising, you may object to this promotional approach at any time with future effect.

To exercise your rights, send a letter by post to:

DVA Deutsche Verkehrs-Assekuranz-Vermittlungs-GmbH  
Marienbader Platz 1  
61348 Bad Homburg, Germany  
Alternatively, you can send an e-mail to: [datenschutz@dva.db.de](mailto:datenschutz@dva.db.de).

## **8. Automated decision-making in individual cases, including profiling**

In the case of automated decision-making, e.g. prediction methods used in the analysis and evaluation of data supplied, the European legislature grants individuals affected by the processing of personal data the right not to have a decision imposed upon him or her which is entirely based on automated data-processing, including profiling, if that decision has legal consequences for or similar significant negative effects on him or her, unless the decision (1) is necessary for the conclusion or fulfilment of a contract between you and the responsible party or (2) is permitted by the laws of the Union or its member states to which the data controller is subject and these laws contain appropriate provision for the protection of your rights and freedoms and legitimate interests or (3) is made with your express consent.

If the decision is (1) necessary for the conclusion or fulfilment of a contract between you and the data controller or (2) made with your express consent, DVA will implement suitable measures to safeguard your rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express your point of view and to contest the decision.

If you wish to pursue your rights as a data subject affected by automated decision-making, you may contact an employee of the data controller handling the processing at any time.

## **9. Updating the Data Protection Statement**

We update the Data Protection Statement to take account of new functions and/or legislative changes. We therefore recommend that you read the statement again at regular intervals on the Internet at [www.dva-assekuranz.de](http://www.dva-assekuranz.de). If your consent is required or if the Data Protection Statement includes provisions of our contract with you, the changes will only take effect if you consent to them.

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