

## External Privacy Policy

### 1. General information

This Privacy Policy ("Policy") provides information on the personal data processing by BYD Industria Italia S.p.A. in Italy, a private company with limited liability established under Italian law, having its statutory seat in Italy, and its registered office at Piazza Giuseppe Mazzini 27, 00195 Rome, (hereinafter individually and collectively referred to as: "BYD Italy")

BYD Italy can be reached via the following contact details:

BYD Industria Italia S.p.A.

Piazza Giuseppe Mazzini 27,

00195 Rome, Italy

Telephone number: +31 10 20 70 888

Email address: [privacy.it@byd.com](mailto:privacy.it@byd.com)

BYD Italy is part of the global group of companies of BYD Company Limited with its headquarters in Shenzhen, China.

This Policy applies for all personal data processed by BYD Italy and/or on behalf of BYD Italy, which identify or may identify a person ("Personal Data"). These persons involved are hereinafter collectively referred to as data subjects ("Data Subjects").

BYD Italy reserves the right to review and/or alter the Policy periodically, in order to comply with local, Italian and/or European legislation, and for any other purpose deemed reasonably necessary by BYD Italy.

For queries and inquiries about this Policy, please contact: [privacy.it@byd.com](mailto:privacy.it@byd.com).

### 2. Handling of Personal Data

BYD Italy complies with all the Italian and European laws and regulations relating to the protection of personal data, including but not limited to the Italian Legislative Decree no. Italian Legislative Decree no. 101 of 10th August 2018 relative to the protection of the personal data and to (EU) General Data Protection Regulation of 27 April 2016 (hereinafter "**GDPR**") ("**Applicable Laws**").

The Policy is an external policy, and is directed towards Data Subjects whose Personal Data are being processed by BYD Italy for the purpose of producing and delivering products and services. This Policy applies to the processing of Personal Data, in which BYD Italy acts as the data controller within the meaning of the Applicable Laws. This policy applies to Data Subjects' Personal Data with whom BYD Italy deals with, as well as to the processing of such Personal Data in any form whatsoever.

For business purposes, Data Subjects may be asked to provide their Personal Data. If this is the case, BYD Italy and its partners shall be required to keep such information confidential.

### 3. Personal Data

Personal Data mentioned herein and defined by BYD Italy refers to information of all kinds related to each Data Subject – their name, email address, telephone number, and so on – that are transmitted to BYD Italy by Data Subjects.

The categories of Personal Data BYD Italy processes are:

- name;
- last name;
- title;
- family name;
- e-mail address;
- telephone number (business and private);
- fax number;
- bank account number;
- address;
- business, invoice and delivery address;
- working experience;
- position in the company;
- department;
- nationality;
- IP address;
- log in history;
- video images of natural persons;
- digital pictures of natural persons at events;
- payment order/history;
- visitor information (date and time);
- social media account;
- contracts;
- letter of credit;
- invoices and transaction data;
- password;
- energy consumption;
- user (serial) number; and
- user logging ID or username.
- SAP code;
- Suppliers 'bank account

Certain information may be sensitive personal data within the meaning of the regulations in force. BYD Italy undertakes to process such sensitive data in accordance with the regulations in force and to inform the data subjects accordingly.

#### **4. Purpose and legal basis of data processing**

The purposes of the processing of Personal Data by BYD Italy are:

- sales and material management;
- marketing and PR activities;
- payment of invoice and debt management;
- legal aid (review of contracts);

- relationship management;
- maintaining contact with potential business partners;
- create Purchase Order (PO);
- camera surveillance;
- provide service and support;
- visitor registration;
- quality control;
- training customers;
- package delivery; and
- contract management.;
- evaluate customer satisfaction;
- ensure promotion and direct marketing operations;
- comply with legal and regulatory requirements;
- carry out market analysis and establish statistics.

For more information on the purposes of the processing of Personal Data by BYD, please refer to Annex 1 to this Policy, which includes a table with the purposes, legal grounds and retention periods for the processing of Personal Data.

#### *Legal grounds*

BYD Italy is obligated to process the Personal Data in accordance with these purposes and in compliance with the Applicable Laws. The data processing by BYD Italy is necessary for the operation of activities, for which the Data Subject has given its explicit consent, or for the performance of a contract between BYD Italy and the Data Subject, or for the performance of a legal obligation, or it is necessary for the purposes of a legitimate interest pursued by BYD Italy. The Data Subjects have the right to withdraw consent at any time. Also, when the processing is necessary for the performance of the contract between BYD Italy and the Data Subject, the Personal Data processed is necessary to enter into a contract. Without providing the Personal Data, the contract cannot be made. The legitimate interests for which BYD Italy processes Personal Data are: relationship management, marketing and PR activities contact form for offers and orders, and safeguarding the security of customers, visitors and property.

#### *Retention period*

BYD Italy will not use and store Personal Data longer than necessary to fulfil the above mentioned purposes, and shall remove the collected Personal Data after the necessary period to achieve the purposes described in this Policy has passed, or to comply with contractual obligations or as permitted or required by the Applicable Laws. **Annex 1** of this Policy refers to the retention periods for each purpose of processing of Personal Data.

## **5. Purpose limitation**

The Personal Data may only be processed to the extent necessary for the described purposes. Personal Data may in principle not be processed for purposes other than that for which the Personal Data were collected. If there is a necessity or need to process Personal Data for other purposes, it shall be investigated by BYD Italy whether the purposes of the intended data processing are compatible with the original purposes. Prior to this further processing, BYD Italy shall provide the Data Subject with information on the new purpose.

## **6. Security of Personal Data**

BYD Italy applies a strict policy in order to ensure the protection of personal data. Accordingly, personal data is processed transparently, confidentially and securely.

BYD Italy handles Personal Data carefully and confidentially, and uses all suitable physical, managerial, and technical safeguards to preserve the integrity and security of your Personal Data.

## **7. Transfer of Personal Data**

Personal Data is being accessed or transferred by BYD Italy and other third parties such as accounting companies, provident societies, banks, insurance companies, auditors, payroll company (SAP), data storage servers and security service companies.

In all cases, BYD Italy will expressly state why such information is necessary, so that Data Subjects may provide the information at their own discretion. BYD Italy will not disclose Personal Data provided by Data Subjects to any party, other than BYD Italy itself, without prior permission from the Data Subjects.

All data are directly collected by the Data Subjects. BYD Italy may, however, process personal data obtained from information provided by Data Subjects or third parties. In any case, Data Subjects are informed of the purposes for which their data is collected.

BYD Italy implements all the technical and organizational measures to ensure that the processing of your data remains secure and confidential. To this regard, BYD Italy takes all the necessary precautions, by taking into account the nature of the data and the risks posed by the processing, to keep data secure and, in particular, to prevent it from being distorted, damaged, or that unauthorized third parties have access thereto (physical protection of premises, authentication processes with personal and secure access via confidential identifiers and passwords, connection logging, encryption of certain data ...).

BYD Italy discloses Personal Data in case such disclosure is mandatory under Applicable Laws or is reasonably judged to be essential in order to protect and safeguard the rights, property and safety of other parties, BYD Italy itself, and/or BYD Italy's affiliates.

Circumstances may arise where, whether for strategic or other business reasons, BYD Italy decides to sell, buy, merge or otherwise reorganize businesses. Such a transaction may involve the disclosure of Personal Data to prospective or actual purchasers, or receiving it from sellers. It is BYD Italy's practice to seek appropriate protection for information in these types of transactions.

BYD Italy may transfer Personal Data to a third country or international organizations outside of the European union/European Economic Area (“EU/EEA”), such as to Shenzhen, China, which shall take place only in compliance with the Applicable Laws, and where appropriate safeguards are in place that ensure the level of protection of Data Subjects as required by the Applicable Laws (e.g. transfers on the basis of an adequacy decision or standard EU Model clauses).

In certain circumstances, it is possible that Personal Data may be subject to disclosure pursuant to judicial or other government subpoenas, warrants, or orders.

## **8. Rights in relation to Personal Data**

Data Subjects have the right of information, access, rectification, addition and erasure of Personal Data, and the right to object against or restrict the processing of Personal Data (or withdraw an earlier given consent), as well as the right to data portability. The procedure of BYD Italy that enable Data Subjects to exercise these rights, is described below.

Data Subjects may file a request for access with BYD Italy, and BYD Italy shall respond as soon as possible, and in any event within one (1) month, about:

- a) whether BYD Italy holds any Personal Data relating to the respective Data Subject; and,
- b) if so, information is provided on the purposes of the processing, the categories, the recipients (if applicable) the envisaged period for which the Personal Data will be stored, or the criteria used, the existence of the right to request rectification, erasure, restriction or to object to such processing, the right to lodge a complaint with a supervisory authority, the existence of automated decision-making, where the data is transferred to a third country, the appropriate safeguards and the source(s) of the Personal Data.

After a Data Subject has accessed the Personal Data, he/she may request BYD Italy to correct, restrict, amend, add, erase and/or transport the Personal Data. BYD Italy informs the Data Subject within one (1) month after receiving the request whether the request shall be complied with (in time), and if not, accompanied with the reasons for the delay or rejection.

Information provided shall be free of charge. Data Subjects can exercise these rights at reasonable intervals. Data Subjects can exercise their rights by contacting BYD Italy (see address above) or send an e-mail to: [privacy.it@byd.com](mailto:privacy.it@byd.com)

BYD Italy will comply with a legitimate request of a Data Subject for correction, restriction or erasure, if the Personal Data are factually incorrect, incomplete, or irrelevant for the purpose(s) of the data processing, or otherwise processed in violation with the Applicable Laws.

With regard to a request to erase Personal Data, it should be taken into account that BYD Italy shall not comply with such request, if it is incompatible with any legal obligations of BYD Italy.

If a request is allowed, BYD Italy shall execute the decision to correct, amend, erase and/or transport the Personal Data as soon as possible.

In the event of concerns about the handling of Personal Data, Data Subjects also have the right to lodge a complaint with a local supervisory authority [in Italy: the Italian Data Protection Authority, *Garante per la Protezione dei Dati Personali*].

## **9. Questions and inquiries**

For queries and inquiries about this Policy of BYD Italy, please contact: [privacy.it@byd.com](mailto:privacy.it@byd.com)

**Annex 1: purposes of processing, legal grounds and retention periods**

Purpose of processing	Legal ground	Retention period	
Sales and material management	Legitimate interest art. 2946 of the Italian Civil Code Ordinary limitation period	10 years after expiration of contract	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.
Offers and orders of vehicles	Necessary for the performance of a contract art. 2946 of the Italian Civil Code Ordinary limitation period	10 years after the end of the contract	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.
Payment of invoice and debt management	Necessary for performance of a contract art. 2214 of the Italian Civil Code and DPR 660/1973 - Keeping of accounting records	10 years	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are in any case kept for another 10 years based on compliance with accounting laws
Legal aid (review of contracts)	Legitimate interest (review of contracts) art. 2946 of the Italian Civil Code Ordinary limitation period	10 years after expiration of contract	The data are kept for the entire duration of the existing relationship. Once

			the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.
Relationship management	Consent and necessary for performance of a contract art. 2946 of the Italian Civil Code Ordinary limitation period	10 years	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.
Maintaining contact with potential business partners	Consent	1 year	
Create Purchase Order (PO)	Necessary for performance of a contract art. 2946 of the Italian Civil Code Ordinary limitation period	10 years after creating PO	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.
Provide service and support	Necessary for performance of a contract art. 2946 of the Italian Civil Code Ordinary limitation period	10 years after the purchase, or 2 years after the end of BYD Europe's contractual obligations.	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.

Contract management	Necessary for performance of a contract art. 2946 of the Italian Civil Code Ordinary limitation period	10 years after the end of the contract with the suppliers	The data are kept for the entire duration of the existing relationship. Once the relationship is no longer in place, they are still kept for another 10 years for the purpose of managing any legal disputes.
Quality control	Necessary for the performance of a contract and necessary for compliance with legal obligation	For the duration of the warranty (12 years or 25 years performance warranty)	
Training customers	Legitimate interest	For duration of dealership	