Privacy Notice of Volkswagen Group Charging GmbH for the use of the EU Data Act Portal

Status of the Privacy Notice: September 2025

In the following, we inform you about the processing of your personal data ("data", "your data") by Volkswagen Group Charging GmbH and the claims and rights to which you are entitled under data protection law, in particular under the General Data Protection Regulation (Regulation (EU) 2016/679, "GDPR").

This Privacy Notice applies to the processing of personal data in connection with the provision of product data and related service data via our platform intended for this purpose ("Data Act Portal"), which is operated on our behalf by Volkswagen Group Info Services AG (VW GIS). This data is provided on the basis of Articles 4 and 5 of Regulation (EU) 2023/2854 ("EU Data Act").

A. Who is responsible for data processing?

Volkswagen Group Charging GmbH
Karl-Liebknecht-Str. 32, 10178 Berlin
Email: Info-datenschutz@elli.eco
registered in the commercial register of the Charlottenburg Local Court under HRB 208967 B ("Elli Deutschland")

and when using the "public charging" product with the Elli App, myAudi App, myCupra App, MyŠkoda App, Volkswagen App, additionally

Volkswagen Group Charging CZ s.r.o.
Ve svahu 482/5 Podolí
147 00 Praha 4
Czech Republic
(commissioned by Volkswagen Group Charging GmbH to provide the charging service within the Czech Republic)
("Elli Czech Republic") ("Joint Controllers")

Volkswagen Group Charging GmbH is not the controller within the meaning of Article 4 No. 7 GDPR for data processing with regard to the use of the MyAudi App, MyCupra App, MyŠkoda App or Volkswagen App if you have connected (paired) your **charger** with the respective app. In these cases, please refer to the Privacy Notice of the respective brand.

B. Collection, processing and use of your data

I. What data do we process and from what sources does it originate?

We process your data that we have generally received from you. The following categories of data are regularly relevant:

General data

- **Private and professional contact and master data**
  - Contact details: name, address, email
- **IT usage data**
  - User and login data: user name, roles, permissions
  - Logging data: technical logs, activity history, login times
  - Software and hardware data: IP address, MAC address, computer name

Product-specific data:

1. When using the **Elli App**
    a. Public charging
        i. User data
        ii. Charging data at public stations
        iii. Subscription information
        iv. Usage data of the app
    b. Use of a charger connected to the Elli App
        i. User data
        ii. Charging data of the charger
        iii. Charging profiles for smart charging functions
        iv. Firmware and configuration data of the charger
        v. Diagnostic data, logging data and status information
    c. Usage data of the app

2. When using the "public charging" product in the **myAudi App, myCupra App, MyŠkoda App, Volkswagen App**
    a. User data
    b. Charging data at public stations
    c. Subscription information

3. When using a **Flexpole** that is connected to a third-party Charge Site Management System (CSM)
    a. Organizational data (company data)
    b. Charging data
    c. Firmware and configuration data
    d. Diagnostic data, logging data and status information

In addition, we process data that we have legitimately received from authorities (e.g. on the basis of legal authorization, for the execution of orders, for the fulfillment of contracts or on the basis of consent given by you), insofar as this is necessary for the fulfillment of legal or officially imposed obligations.

II. Is there an obligation to provide data?

In principle, you are free to provide your data. In individual cases, there may be legal or contractual obligations to provide certain data, to which we may draw your attention. The provision of certain data may also be a prerequisite for the conclusion of a contract or for the initiation, establishment, execution and termination of your business relationship with us. If you do not provide this data, you may be at a legal disadvantage. For example, without the provision of your data, we will generally have to refuse to conclude a contract or execute an order or will not be able to perform an existing contract or service.

III. For what purposes and on what legal basis do we process your data?

We inform you about the processing of your data in connection with the provision of product data and associated service data via the Data Act Portal. Your data may be processed on the basis of the following legal bases:

- The processing is based on your consent in accordance with point (a) of Article 6 (1) GDPR, which you have given us voluntarily and for specific purposes (e.g. your consent to the provision of your charging product or charging service data as an authorized user with regard to your product within the meaning of the EU Data Act).
- The processing is necessary for compliance with a legal obligation under EU law or the law of an EU Member State to which Volkswagen Group Charging GmbH is subject, point (c) of Article 6 (1) GDPR (e.g. the

obligation applicable from 12 September 2025 to provide product data and related service data in accordance with Article 4, 5 EU Data Act).

- Processing is necessary for the purposes of the legitimate interests pursued by Volkswagen Group Charging GmbH or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of your data, point (f) of Article 6 (1) GDPR (e.g. the legitimate interest of Volkswagen Group Charging GmbH in the processing of requests you submit to customer support).

We inform you about the processing of your data in connection with the provision of product data and associated service data via the Data Act Portal. The following information applies to users who use the Data Act Portal.

Purpose	*Description/examples*	*Legal bases according to the GDPR*
Provision of data via the Data Act Portal at the user's request to the user or third parties	Creation of data requests by the user. Determination of the scope of the data to be provided by the user. Informing the user about the status of the request by email. Provision of the requested data to the user.	Point (c) of Article 6 (1) GDPR in conjunction with Article 4, 5 EU Data Act (legal obligation); and, with regard to the specific provision of data at the user's request, additionally point (a) of Article 6 (1) GDPR (consent).
Processing of brand-specific support requests with reference to Volkswagen Group Charging GmbH	Processing of support requests relating to brand-specific topics, such as the provision of certain data for individual charging products and charging services.	Point (f) of Article 6 (1) GDPR (legitimate interest) to safeguard the legitimate interest of Volkswagen Group Charging GmbH in processing the request.
Safeguarding and defending our rights or disclosure in the context of official/judicial measures	Exercise and assertion of rights and claims. Disclosure in the context of official/judicial measures for the purpose of gathering evidence, criminal prosecution and enforcement of civil law claims.	Point (c) of Article 6 (1) GDPR (legal obligation), insofar as the processing is necessary to fulfill a legal obligation to which we are subject; otherwise Point (f) of Article 6 (1) GDPR (legitimate interest) to safeguard the legitimate interest of Volkswagen Group Charging GmbH in the assertion and defense of its rights and compliance with legal and regulatory requirements.
Compliance with legal requirements/processing based on legal provisions	Archiving on the basis of statutory retention obligations. Processing of data subject requests in accordance with GDPR. Processing reports of potential breaches of personal data protection.	Point (c) of Article 6 (1) GDPR (legal obligation), insofar as the processing is necessary to fulfill a legal obligation to which we are subject; otherwise Point (f) of Article 6 (1) GDPR (legitimate interest) to safeguard the legitimate interest of Volkswagen Group Charging GmbH in the assertion and defense of our rights and compliance with legal and regulatory requirements.

IV. Who receives your data?

Within Volkswagen Group Charging GmbH, only those departments that need your data to fulfill the above-mentioned purposes will have access to it.

Data will only be transferred to third parties if this is necessary for the aforementioned purposes and a legal basis exists or if you have given your prior consent. If Volkswagen Group Charging GmbH has commissioned service providers for the processing of data or the associated provision of services, the transfer is generally carried out on the basis of a data processing agreement in accordance with Article 28 GDPR or there are professional obligations which guarantee an adequate level of data protection. We select our processors carefully, they process personal data exclusively for the performance of their tasks and are contractually bound by our instructions, have suitable technical and organizational measures in place to protect personal data and are regularly monitored by us.

In principle, the following categories of recipients may receive data:

- Service providers/suppliers
  - Hosting service providers
  - Technical support service providers
  - Consulting companies/service providers
  - Technical development service providers
- Authorities
  - Supervisory authorities
  - Investigating authorities/courts
- Legal, economic and financial mandate holders
  - Auditing firms/tax consultants
  - Lawyers/notaries
- Group companies

V. Will your data be transferred to a third country or to an international organization?

As a rule, your data will only be processed within the European Union or the European Economic Area. Insofar as processing takes place in third countries (i.e. countries that are neither members of the European Union nor the European Economic Area) for which the European Commission has not established an adequate level of data protection, e.g. by our (sub)processors, Volkswagen Group Charging GmbH ensures that contractual, technical and/or organizational measures are taken that are appropriate and necessary to ensure an adequate level of data protection when processing your data. This can be done in particular by concluding so-called EU standard contractual clauses, which you can access here. If processors or sub-processors based in the USA are certified under the EU-US Data Privacy Framework, the EU-US adequacy decision applies and the USA is considered a safe third country in this respect.

You can obtain a copy of the specific applicable measures to ensure an adequate level of data protection from us. Please use the contact details in section C. II.

VI. How long will your data be stored?

Where necessary, we process and store your data for the aforementioned purposes. Once the purpose has been fulfilled and there are no retention obligations, the data will be deleted regularly. It should be noted that a business relationship is generally a long-term relationship that ends through termination or other dissolution.

If no contractual relationship is established, we will delete your data within 12 months after completion of the pre-contractual measures, unless you have given us your consent to store the data for longer or the purpose of the provision is aimed at permanent storage for a future business relationship (e.g. supplier management system).

In addition, we are subject to various retention and documentation obligations, including those arising from the German Commercial Code (HGB) and the German Fiscal Code (AO). The retention and documentation periods specified there are up to 15 years.

Finally, the storage period is also determined by the statutory limitation periods, which can generally be three years in accordance with Sections 195 et seqq. of the German Civil Code (BGB), for example, so that we store the relevant data for up to four years, including the year in which the claim may have arisen.

C. Data protection officer and data subject rights

If you have general questions about this Privacy Notice or the processing of your data by Volkswagen Group Charging GmbH, you can contact our **data protection officer**:

PROLIANCE GmbH
www.datenschutzexperte.de
Leopoldstr. 21
80802 Munich
datenschutzbeauftragter@datenschutzexperte.de

I. What rights do you have?

You have the following rights vis-à-vis us under the respective legal requirements:

- Right to access(Article 15 GDPR)
- Right to rectification (Article 16 GDPR)
- Right to erasure or "right to be forgotten" (Article 17 GDPR)
- Right to restriction of processing (Article 18 GDPR)
- Right to data portability (Article 20 GDPR).

Right to object

You have the right to object to the processing of your data,

- **if the processing is for the purposes of direct marketing (including profiling for the purposes of direct marketing) or**
- **if the processing (including profiling) is necessary for the purposes of the legitimate interests pursued by us or by a third party (point (f) of Article 6 (1) GDPR) or for the performance of a task carried out in the public interest or in the exercise of official authority vested in us (point (e) of Article 6 (1) GDPR). In the event of such an objection, we ask you to inform us of your reasons for objecting to the data processing. In the event of your objection, we will no longer process your data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the establishment, exercise or defense of legal claims.**

Please address your objection and, if necessary, the reasons for it to Volkswagen Group Charging GmbH using the contact details given in Section C. II. above.

Furthermore, you have the right to contact a data protection supervisory authority at any time in accordance with Article 77 GDPR if you believe that the processing of the data concerning you violates applicable law. The address of the data protection supervisory authority responsible for Volkswagen Group Charging GmbH is:

Berlin Commissioner for Data Protection and Freedom of Information
Alt-Moabit 59-61
10555 Berlin
Deutschland/Germany

However, you may also lodge a complaint with any other data protection supervisory authority responsible for you within or outside the EU, in particular with the supervisory authority in the Member State of your habitual residence, place of work or place of the alleged infringement. Under the following link you will find the contact

details of national data protection supervisory authorities in all Member States: https://edpb.europa.eu/about-edpb/board/members_en.

II. Exercising data subject rights

If you wish to assert your rights as a data subject, please use the following email:

Info-datenschutz@elli.eco

III. Assertion of rights under the EU Data Act

Both the types of data concerned and your rights differ depending on whether the GDPR or the EU Data Act applies. To exercise your rights under the EU Data Act, please use our Data Act Portal, to which this Privacy Notice applies and which has been set up to handle requests under the EU Data Act. Please note that requests for data in accordance with the EU Data Act cannot be processed via our contact channels for data protection requests mentioned under C.II.

D. Additions through country-specific data protection provisions

Please note that the data protection level of the GDPR, as described above, represents the minimum standard. If country-specific data subject rights apply or further information on processing or contact persons is required, you will find this in the following country-specific supplements.

I. France

To the extent that access to the data and data processing fall within the scope of French data protection laws, you also have the right to set guidelines on the fate of your personal data after your death (post-mortem right).

II. Spain

Insofar as the access to and processing of data falls within the scope of Spanish data protection law, please note that your personal data will be deleted after expiry of the statutory retention period if the legal basis for the processing of your personal data ceases to apply (in particular if you withdraw your consent), if the processing of your personal data is no longer necessary for the respective purpose or if the purpose itself ceases to apply.