

PRIVACY NOTICE

SUBARU CARE CONNECTED SERVICES

Subaru values your privacy and is committed to protect your personal data ("**Personal Data**") in accordance with applicable privacy and data protection regulations (in particular the General Data Protection Regulation or "**GDPR**"), when providing you the Connected Services to which you can subscribe to through your SUBARU Care account and access through the SUBARU Care App (referred to as the "**Services**").

We aim to be transparent regarding how we process your Personal Data and what we do with it. This is clarified in more detail in this privacy notice (the "**Privacy Notice**").

Who are we?

SUBARU EUROPE NV/SA ("**Subaru**", "**we**" or "**us**")
Leuvensesteenweg 555/8
1930 Zaventem
Belgium
0438.574.810

You can contact us via the following contact details:

Per letter: to our registered offices to the attention of the Data Protection Officer

Tel.: 0032 2 714 03 00

E-mail: privacy@subaru.eu

Some definitions

As far as this Privacy Notice is concerned, the term "Personal Data" refers to: *all information about an identified or identifiable natural person* (being you as the "**data subject**"). An identifiable natural person is one who can be identified, directly or indirectly, in particular through an identifier, such as a name, identification number, location data, online identifier, or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. In other words, all the information which can be used to identify a person. These elements include, for instance, your surname, first name, date of birth, telephone number and email address, as well as your IP address.

The term "processing" is very broad and covers, among other things, collecting, recording, organizing, storing, updating, modifying, retrieving, consulting, using, disseminating, combining, archiving and deleting data.

"Account data" means:

- Identity data (e.g. title, family and first name);
- Contact data (e.g. mobile number, email address, postal address);
- SUBARU Care account related data (e.g. username, preferred contact method, subscription information, communication language preference);
- Data relating to your privacy preferences (e.g. date you give your consent; what you consented to; date on which you withdrew your consent; how consent was given (for example from which device); etc.).

"Billing data" means data relating to invoices and payments for the Services (e.g. history of your payments for the Services, invoices, VAT number, if applicable).

“Geo-location data” means geo-location data linked to your Subaru vehicle and/or your smartphone (e.g. geo-location of your vehicle, planned destination, trip details, search history of destination, home memory point, traffic information distribution).

“Security-related data” means certain data about your usage of our IT systems, applications and networks.

“Vehicle identification data” means e.g. vehicle identification number, vehicle registration plate, date of purchase of the vehicle.

“Driving behavior” means e.g. driving logs, journey logs, driving speed, acceleration and brake measurement.

“Journey data” means e.g. recent destinations, favorite destinations.

“Technical vehicle data and diagnostics data” means e.g. mileage, consumption, warnings.

“Current and historical vehicle-related data” means e.g. accessories, tires, finance, insurance, warranty-related information, if applicable.

“Interaction history” means e.g. interaction of customer with different services or applications on the Head Unit or on the SUBARU Care app.

“Device data” means e.g. device type, software version.

Whose Personal Data will be processed?

We process the Personal Data of the person who has subscribed to the Services.

Please note that, if you allow persons to drive or use your Subaru vehicle, you have the responsibility to communicate this Privacy Notice to that driver or user, in order to inform that person about our processing of Personal Data in the context of the Services.

Prior to transferring the ownership of your Subaru vehicle to another person or to a reseller, you must:

- Remove, to the extent technically possible, all data and content (including any Personal Data), if any, that you have stored on your Subaru vehicle and that is accessible from your SUBARU Care account; and
- Remove the Subaru vehicle from your SUBARU Care account (disconnect the Services from your name).

See here [<https://www.subaru.eu/docs/default-source/connected-services/how-to-remove-personal-data.pdf>] for practical and step-by-step guidance on how you can remove your Personal Data.

Entity responsible for the processing of your personal data ("Controller").

Subaru is responsible for the processing of your Personal Data.

We are what the GDPR refers to as the “controller” of your Personal Data. In concrete terms, this means that Subaru, possibly along with any others, determines the purpose and means for the processing of your Personal Data.

Why do we collect and use your Personal Data?

We collect and use your Personal Data for the following purposes:

- To activate or deactivate your subscription to the Services;
- To provide the Services to you;
- To handle your queries and complaints;
- To secure, maintain and support our networks, systems and applications used to offer you the Services;
- To improve our Services (e.g. if there is a technical problem with your Subaru vehicle we may use your Personal Data (e.g. your driving data) to try and solve that problem) and develop new Services;
- To perform updates over the air to update systems in the vehicle to introduce new features and to fix bugs or defects;
- To support research, analysis and development of our Products and Services;
- To comply with legal obligation(s) requiring us to collect and retain your Personal Data;
- To respond to requests from enforcement authorities, regulators or courts to disclose your Personal Data;
- To keep record of your privacy preferences;
- If reasonably necessary in connection with a dispute or an investigation in which we are or may become involved either directly with you or with a third party;
- To manage your request to exercise your rights.

We do not intend to collect any Personal Data from individuals younger than 16 years old. These minors are not allowed to provide us with any Personal Data or a statement of consent without permission from the person who has parental authority.

Summary: which Personal Data do we use, why, based on what lawful basis and for how long?

In the table below you can read:

- column 1: why we process your Personal Data (the 'Purposes');
- column 2: on what legal grounds the processing is based why we do this (the 'Lawful Basis');
- column 3: what categories of Personal Data we process (the 'Categories of Data'); and
- column 4: for how long we process your Personal Data ('Retention Period').

All processing activity involving your Personal Data takes place for one or more specific purposes.

In addition, we only process your Personal Data under a lawful basis. The applicable lawful basis, which you can find in the column 'Lawful basis', means the following:

- 'Consent': you have given **consent** for the processing of Personal Data for one or more specific purposes;
- 'Agreement': the processing is necessary for the **performance of an agreement** to which you are a party;
- 'Legal obligation': the processing is necessary for compliance with a **legal obligation** to which we, as the controller, are subject;
- 'Legitimate interests': the processing is necessary to protect our **legitimate interests** or those of a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of Personal Data.

Purposes	Lawful Basis	Categories of Data	Retention Period
	Agreement	Contact data	For as long as you have an active subscription to the Services

To (de)activate your subscription to the Services		Identity data	For as long as you have an active subscription to the Services
		Device data	For as long as you have an active subscription to the Services
		SUBARU Care account related data	For as long as you have an active subscription to the Services
		Billing data	For as long as we are legally obliged to keep the data due to tax and accounting laws
		Vehicle identification data	For as long as you have an active subscription to the Services
		IP address	For as long as you have an active subscription to the Services
To provide the Services to you	Agreement	Geo-location data	12 months from the date we collected the data
		Feedback on specific events or Triggers of the Services	12 months from the date we collected the data
		Driving behaviour	12 months from the date we collected the data
		Journey data	12 months from the date we collected the data
		Technical vehicle data and diagnostic data	12 months from the date we collected the data
		Current and historical vehicle-related data	12 months from the date we collected the data
		Interaction history	12 months from the date we collected the data
		IP address	12 months from the date we collected the data
To handle your queries and complaints	Legitimate interests (to provide you with customer support)	Personal Data that is reasonably necessary to handle your query/complaint	For as long as you have an active subscription to the Services. We may keep these data beyond the retention periods above if we are legally obliged to keep these data for longer pursuant to tax and accounting laws.
To secure, maintain and support our networks, systems and applications used to offer you the Services	Legitimate interests (to ensure correct and consolidated dataset in order to comply with applicable data protection legislation)	We collect security-related data to monitor the security of our systems and Services (and thus of our customer's data). For example, we keep logs of who has accessed our systems and when.	For up to 12 months. We may keep the data longer if: * Necessary as part of an ongoing investigation into a cyber security incident; * Necessary for us to conduct audits of the security of our systems, applications or networks.
To improve our Services (e.g. if there is a technical problem with your Subaru vehicle we may use your Personal Data (e.g. your driving data) to try and solve that problem) and develop new Services	Legitimate interests (commercial interests)	Account data	For as long as you have an active subscription to the Services
		Geo-location data	12 months from the date we collected the data
		Driving behaviour	12 months from the date we collected the data
		Journey data	12 months from the date we collected the data
		Technical vehicle data and diagnostic data	12 months from the date we collected the data
		Interaction history	12 months from the date we collected the data

		Billing data	For as long as we are legally obliged to keep the data due to tax and accounting laws
To perform updates over the air to update systems in the vehicle to introduce new features and to fix bugs or defects	Legitimate interests (commercial interests)	Vehicle Identification Number; Device software version	During the time needed to perform the update of the system
To support research, analysis and development of our Products and Services	Legitimate interests (commercial interests)	Vehicle Identification Number; Technical vehicle data and diagnostic data; customers preferred dealer	12 months from the date we collected the data
To comply with legal obligation(s) requiring us to collect and retain your Personal Data	Legal obligation	Personal Data that is reasonably necessary to handle the legal obligation	For as long as we are legally obliged to keep the data
To respond to requests from enforcement authorities, regulators or courts to disclose your Personal Data	Legal obligation	Personal Data that is reasonably necessary to respond to such requests	We will not retain data for this purpose, and only pass it on as and when requested to by law enforcement authorities, regulators or courts
To keep record of your privacy preferences	Legitimate interests (to be able to demonstrate your privacy preferences)	Data relating to your privacy preferences	For as long as you don't revoke your consent
If reasonably necessary in connection with a dispute or an investigation in which we are or may become involved either directly with you or with a third party	Legitimate interests (legal defense)	Personal Data that is reasonably necessary in connection with such a dispute or investigation	We will only retain data for this purpose on a case-by-case basis when the need arises
To manage your request to exercise your rights	Legitimate interests (to facilitate the exercise of your rights)	Account data; Personal Data that is reasonably necessary to handle such requests.	10 years for request (in the event of a judicial procedure: until termination of judicial procedure)

Your privacy rights

To give you more control over the processing of your personal data, you have various rights at your disposal. These rights are laid down, inter alia, in articles 15-22 of the GDPR.

To exercise these rights, you can contact us by email at the following email address:

privacy@subaru.eu

In order to verify your identity when exercising your rights, and solely for that purpose, we ask you to send us a copy of the front side of your identity card. The image on your electronic identity card shall not be retained by Subaru. We strongly advise you to "blackline" the image before transmitting a copy of your electronic identity card to us.

You can exercise all these rights free of charge, unless your request is manifestly unfounded or

excessive (for instance due to its repetitive nature). In such cases, we shall be entitled to charge you a reasonable fee or to refuse to respond to your request.

You have the following rights:

- **The right to access the Personal Data we process about you** (art. 15 GDPR):

You have the right to be informed by us at any time whether or not we are processing your Personal Data. If we are processing them, you have the right to access these Personal Data and to receive additional information about:

- a) the purposes of the processing;
- b) the categories of Personal Data concerned;
- c) the recipients or categories of recipients (in particular, recipients in third countries);
- d) the retention period or, if that is not possible, the criteria for determining that period;
- e) the existence of your privacy rights;
- f) the right to lodge a complaint with the supervisory authority;
- g) the source of the Personal Data if we obtain Personal Data from a third party;
- h) whether we are using automated decision-making in respect of you.

If we cannot give you access to your Personal Data (e.g. due to legal obligations), we shall inform you as to why this is not possible.

You can also obtain a free copy of the processed Personal Data in an understandable format. Please note that we may charge a reasonable fee to cover our administrative costs for any additional copy you may request.

- **The 'right to be forgotten' (the right to request us to delete your personal data)** (art. 17 GDPR):

In certain cases, you can request that we delete your Personal Data. In this event, please note that we shall no longer be able to offer you certain Services if you exercise this right. Furthermore, your right to be forgotten is not absolute. We are entitled to continue to store your Personal Data if this is necessary for, among other things, the performance of the agreement, compliance with a legal obligation, or the establishment, execution or substantiation of a legal claim. We shall inform you of this in more detail in our response to your request.

- **The right to rectification** (art. 16 GDPR):

If your Personal Data is incorrect, out of date or incomplete, you can ask us to correct these inaccuracies or incomplete information.

- **The right to data portability** (art. 20 GDPR):

Subject to certain conditions, you also have the right to have the Personal Data that you have provided to us, transferred by us to another controller. Insofar as technically possible, we shall provide your Personal Data directly to the new controller.

- **The right to restriction of processing** (art. 18 GDPR):

If any of the following elements apply, you may request us to restrict the processing of your Personal Data:

- a) you dispute the accuracy of those Personal Data (in this case, its use shall be limited for a period that allows us to verify the accuracy of the Personal Data);
- b) the processing of your Personal Data is unlawful;
- c) we no longer need your Personal Data for its purposes, but you need them in establishing, exercising or substantiating a legal claim;
- d) as long as no decision has been taken on exercising your right to object to the processing, you may request that the use of your Personal Data be restricted.

- **The right to object** (art. 21 GDPR):

You can object to the processing of your Personal Data on the basis of your particular situation, if we process your Personal Data on the basis of legitimate interests or on the basis of a task of general interest. In this event, we shall cease the processing of your Personal Data, unless we can demonstrate compelling and legitimate grounds for processing which outweigh your own, or if the processing of the Personal Data is related to establishing, exercising or substantiating a legal claim. You have a right to object at any time to the processing of your Personal Data for *direct marketing* purposes.

- **The right not to be subject to automated decision-making** (art. 22 GDPR):

You have the right not to be subject to a decision made exclusively on the basis of automated data processing that significantly affects you or has legal consequences and that is made without substantial human involvement.

You cannot exercise this right in following three situations:

- a) when automated decision-making is legally permitted (e.g. to prevent tax fraud);
- b) when automated decision-making is based on your explicit consent; or
- c) when automated decision-making is necessary for entering into, or performance of a contract (please note: we always endeavour to use less privacy-intrusive methods for entering into or performing the contract).

- **The right to withdraw your consent** (Art. 7 GDPR):

If your Personal Data are processed on the basis of your consent, you may withdraw this consent at any time upon simple request.

- **The right to lodge a complaint**

We make every effort to securely protect your Personal Data. If you have a complaint about the way in which we process your Personal Data, you can notify us thereof via our contact details (as mentioned at the beginning of this Privacy Notice), so that we can deal with it as quickly as possible.

You can also lodge a complaint with the competent supervisory authority. You have the right to lodge a complaint about the way we handle or process your Personal Data with your national data protection authority. You can find the national data protection authority in your country on this website: https://edpb.europa.eu/about-edpb/about-edpb/members_en.

Commissioner for Personal Data Protection
1 Iasonos Street
P.O. Box 23378
1082 Nicosia
+357 22 818 456
commissioner@dataprotection.gov.cy

Please note that you may exercise the abovementioned rights only in relation to the Personal Data we hold about you in the context of the Services.

We share your Personal Data with third parties only for the following purposes:

We shall only disclose your personal data to third parties in accordance with the applicable legal framework.

Within Subaru, we ensure that your personal data are only accessible to persons who need them

to comply with our contractual and legal obligations.

In certain cases, our employees are assisted in their work by external service providers. With regard to data protection, an agreement has been concluded with all these service providers to ensure that they manage your personal data securely, with respect and with due care and diligence.

Furthermore, we may share your Personal Data on following occasions:

- We use service providers in connection with the development and provision of the Services. These service providers may in certain circumstances obtain access to your Personal Data when providing the Services to Subaru. Our main service providers include the following:
 - Toyota Motor Europe (providing the infrastructure for the Services);
 - Microsoft (hosting data on infrastructure - The Netherlands);
 - Amazon Web Services (hosting data on infrastructure - Germany);
 - Infosys (providing business support and product development services - India);
 - BDB (providing business support and product development services - India) ;
 - Mapbox (providing real-time navigation services and information about points of interest, traffic conditions, etc.);
 - Toyota Connected Europe Limited (providing part of the infrastructure for the Services - United Kingdom);
 - Toyota Motor Corporation (handling OTA updates of devices in the vehicle, and to support research, analysis, and development of products and services - Japan);
 - Our mother company Subaru Corporation (to support research, analysis, and development of products and services - Japan);
 - Our national distributors who, on our instruction, may assist us from time to time with customer queries and support.
- Where we are required by public authorities (e.g. law enforcement authorities), regulators or courts to disclose your Personal Data to them;

If reasonably necessary in connection with a dispute in which we are or may become involved, we may share your Personal Data with, for example, the other part(y)(ies) involved in the dispute or with a court of law.

Personal data received from others

Some of the Personal Data we process, we may not have received directly from you. In such instance, we collect this Personal Data indirectly through third parties.

If we receive Personal Data from third parties, we shall only process them further if we have a legitimate purpose for doing so and if such processing is necessary and proportionate in order to achieve that purpose.

How can I stop sharing the geo-location of my Subaru vehicles?

If you do not want your Subaru vehicle's geo-location data to be used, you can at any time activate the "privacy mode" through the Head/Infotainment Unit screen in your Subaru vehicle. If the "privacy mode" is active, we will stop to use such geo-location data and stop to collect your geo-location data, except that we may collect and share your geo-location data with the competent authorities for the purpose of the eCall service in the event of a major crash. See here [\[https://www.subaru.eu/docs/default-source/connected-services/how-to-activate-privacy-mode.pdf\]](https://www.subaru.eu/docs/default-source/connected-services/how-to-activate-privacy-mode.pdf) for practical and step-by-step guidance on how you can activate the "privacy mode".

Please note that, once activated, the “privacy mode” will apply to all Services relying on geo-location. Many Services rely (wholly or partly) on the geo-location data from your Subaru vehicle. Therefore, when the “privacy mode” is active, these Services may be unavailable, or their quality and accuracy may be affected.

The status of the “privacy mode” (active or inactive) remains as you have set it until you decide to change the status. You can check the status of the “privacy mode” through the Head/Infotainment Unit screen in your Subaru vehicle or in the SUBARU Care App.

Will my Personal Data be transferred to other countries?

Subaru operates globally. Therefore, your Personal Data may be stored and processed by us or our service providers in multiple countries, including countries other than your country of residence or purchase of your Subaru vehicle. Your Personal Data may, for example, be transferred to the United Kingdom, Japan and/or the United States.

If your Personal Data is being transferred to countries located outside of the European Economic Area (“EEA”), we will ensure that appropriate safeguards are taken, such as:

- The transfer falls within the scope of an adequacy decision taken by the European Commission under Article 45 of the GDPR;
- The transfer is governed by the standard data protection contractual clauses, as approved by the European Commission or a data protection authority pursuant to Article 46.2(c) or (d) of the GDPR. For further information about how transfers of personal data outside of the EEA are regulated, please consult the following link: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu_en.

Security of your personal data

We have taken all reasonable and adequate technical and organizational security measures to protect your Personal Data as best as possible against accidental or intentional manipulation, loss, destruction or access by unauthorized persons. For instance, we always store your personal data at a secured location to prevent third parties from accessing your Personal Data.

Changes to this Privacy Notice

Subaru may update this Privacy Notice from time to time, and when we do so, we will re-issue a revised Privacy Notice, and notify you of any changes to the extent required by law. We invite you to always consult the latest version of this Privacy Notice.

If you have any questions regarding any changes to this Privacy Notice, please contact us using our contact details as set out in the beginning of this Privacy Notice.