

# Data Privacy Statement

## PTV Axylog

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Shorttitle	Data Privacy Statement PTV Axylog
Template history	V3.0.0 dated 2023-08-22

# Data Privacy Statement PTV Axylog

This Data Privacy Statement applies to the use of PTV Axylog (hereinafter the “**Service**”) regardless of whether the Service is used via the [web portal](#) (hereinafter the “**PTV Axylog Portal**”) or the mobile application PTV Axylog, available for download at the [Google Play Store](#) and the [Apple App Store](#), (hereinafter the “**PTV Axylog App**”).

General information about our handling of your personal data, the use of the website, as well as about your rights as a data subject, can be received in our [Data Privacy Statement PTV Logistics GmbH](#), available at [https://www.ptvlogistics.com/en/Data\\_Privacy\\_Statement\\_PTV\\_Logistics\\_GmbH\\_EN.pdf?inlinen](https://www.ptvlogistics.com/en/Data_Privacy_Statement_PTV_Logistics_GmbH_EN.pdf?inlinen). The Data Privacy Statement PTV Axylog applies primarily to the use of the PTV Axylog.

When you use the Service, various personal data is collected. Personal data are data with which you can be personally identified. This Data Privacy Statement explains which data we collect and what we use it for. It also explains how and for what purpose this is done.

## 1. Responsible Authority

The data processing controller is:

**Axylog S.r.l.**

Borgo San Patrizio n. 84

CF und PI 02187650441

Campofilone (FM), Italy

Email: [info@ptvlogistics.com](mailto:info@ptvlogistics.com)

PTV Logistics GmbH (hereinafter “**PTV**”), together with the companies affiliated within the meaning of Sections 15 et seq. Stock Corporation Act (AktG) form the PTV Logistics Group. PTV Logistics GmbH is also affiliated within the meaning of Sections 15 et seq. Stock Corporation Act (AktG) with PTV Planung Transport Verkehr GmbH, Conundra BV (Belgium) and Conundra B.V. (Netherlands). We may share contact information of customers and interested parties with affiliated companies of PTV Logistics Group and the other affiliated companies mentioned as part of your business relationship (contractual or pre-contractual relationship according to Art. 6 Sect. 1 Sent. 1 lit. b GDPR). We and the affiliated companies are jointly responsible for the protection of your personal data (Art. 26 GDPR). To ensure that you can easily and reliably exercise your data protection rights within the scope of this joint responsibility, we have agreed with our affiliated companies that you can assert your data protection rights, not only against the respective PTV Logistics Group company, but also centrally against PTV Logistics GmbH.

We have appointed an external data protection officer for our company, reachable at:

Email: [data-protection@ptvlogistics.com](mailto:data-protection@ptvlogistics.com)

## 2. Registration & activation of the Service

For the registration and activation process it is necessary that the User of the PTV Axylog App (usually a natural person, hereinafter the “**User**”) provides his telephone number. In order to activate the PTV Axylog App the Customer of the Service (usually a company, hereinafter the “**Customer**”) has to create a User with the same telephone number in the PTV Axylog Portal. The data processing serves the purpose of registration and recognition of the User in the PTV

Axylog App. The basis for the processing of the authorization (registration & activation of the Service) is Art. 6 Sect.1 Sent.1 lit. b GDPR, which permits the processing of data for the fulfilment of a contract, in this case the usage agreement for the Service. This data processing activity is necessary for Axylog and PTV Logistics Group to fulfil the agreement and it is mandatory to provide the service. If you do not want to provide the data, unfortunately you cannot use the service.

### 3. Use of the Service

Neither Axylog nor PTV Logistics Group shall have influence over the content of the planning or on the processed data. The Customer and the User are free to decide which data (for example addresses, station lists or names of, for example, customers or employees) they wish to have processed.

### 4. Data Processing Contract

Axylog or PTV Logistics Group conclude a data processing contract with the Customer in accordance with Art. 28 GDPR upon conclusion of the usage contract for a PTV Cloud Service.

### 5. Processing of personal data when using our Service

#### 5.1. PTV Axylog Portal and PTV Axylog App

When using the Service either via the PTV Axylog Portal or via the PTV Axylog App, we process the personal data described below to enable the convenient use of the functions. If you wish to use the Service, we process the following data, which are necessary for us for the performance of the contract.

In particular on the basis of the granted licence<sup>1</sup> which was agreed with the Customer in the Customer's contract, Axylog and PTV Logistics Group are entitled to collect any positional or location information data, signal or ping collected on or transmitted or downloaded from a global positioning satellite, device, software program, mobile phone, application or other system or technology, capable of producing or using automatic location detection data regardless of accuracy, that accumulates during the use of the service ("Probe Data") to generate real-time information and to use such Probe Data for use in connection with its current and future products and services.

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<sup>1</sup> Extract from the Customer's contract:

**4 Rights to Probe Data**

**4.1 Probe Data**

*The Customer is obliged to grant to PTV Group a license to use any positional or location information data, signal or ping collected on or transmitted or downloaded from a global positioning satellite, device, software program, mobile phone, application or other system or technology, capable of producing or using automatic location detection data regardless of accuracy, that accumulates during the use of the service ("Probe Data"). The granted license shall be worldwide, perpetual, irrevocable, royalty-free, sublicensable and non-exclusive and shall grant PTV Group the right:*

- *to generate real-time information and*
- *to use such Probe Data for use in connection with its current and future products and services*

**4.2 Authorisation and indemnification**

*The Customer represents and warrants that it is entitled to grant PTV Group the aforementioned rights to the Probe Data and shall indemnify PTV Group against all conflicting rights of third parties to the Probe Data.*

The following data are processed in addition to the Probe Data:

- Customer's data (company name, address, contact person, contact details, bank and payment references, surname, name, email and telephone number)
- Pickup and delivery lists
- Time and proofs of delivery
- User's data (name, surname and telephone number)
- Position or location information data, signals or pings

The legal basis is Art. 6 Sect. 1 Sent. 1 lit. b. GDPR. Axylog will need all this data to be able to provide the Service and to fulfil the contract and it is mandatory to provide the service.

The collection of position or location information data is done with the help of the PTV Axylog App or with the help of third-party telematics systems installed on board of the Users vehicles.

Within the PTV Axylog App Settings the User can decide whether he wants to share his location or not. For Users with an Android device this will be possible via the Android authorization system that allows the User to choose between the options 'Always', 'While using the app', 'Only this time' or 'Not allow'. For Users with an iOS device this will be possible via the iOS authorization system that allows the User to choose between the options 'Never', 'Ask Next Time Or When I Share', 'While Using the App' or 'Always'. Once the trip has been started by the User the PTV Axylog App will continuously collect position or location information data on the User's Device in the background.

Depending on the product configuration ordered and subscribed by the Customer the collected position or location information data will be transmitted to the PTV Axylog Portal. The user can ask the customer anytime about the specific product configuration ordered and/or activated to be able to see which part of this information is applicable for him.

When the Customer has subscribed to **Package 1 – Proof of Delivery**, the current position or location information of the User collected via the PTV Axylog App will be transmitted when the User

- clicks on the "Start"- or the "Arrived"-button,
- completes loading or unloading at a depot,
- completes the "Proof of Delivery" and/or
- confirms to send his current GPS position, when he is asked by the Customer via the PTV Axylog Portal to do so.

When the Customer has subscribed to **Package 2 – Transport Control Tower**, the position or location information of the User that is collected via a telematics system installed on board of the User's vehicle will be transmitted to the PTV Axylog Portal.

When the Customer has subscribed to **Package 3** which includes **Package 1 – Proof of Delivery** and **Package 2 – Transport Control Tower**, the current position or location information of the User will be transmitted like described above. When the Customer has activated the "tracking and tracing" functionality for the PTV Axylog App via the PTV Axylog Portal, the current position or location information of the User will be automatically and continuously (maximum every 30 seconds) transmitted from the PTV Axylog App to the backend of the Service while a planned trip is in execution. This enables to apply data validation, e.g. after an arrival or a break was automatically detected. In the PTV Axylog App, validation requests can be pushed to the User such as "Did you arrive?" or "Are you on a break? If yes how long will it

last?”. This setting applies to all Users that receive planned trip and order data from the product instance of the Customer. The continuous sharing of position or location information starts at the earliest when a trip is started by the User and ends at the latest when the User ends a trip in execution. The User is able to pause or stop sharing his position or location information as described above.

Only position or location information between the successful detection of an arrival at the first stop and the successful detection of a departure at the last stop of a planned trip in execution are stored in the Service and can be visualized in the PTV Axylog Portal. The position or location information that is stored in the backend of the Service will be stored by default for 24 months. The storing period can be changed according to the individual contract terms agreed with the Customer. After this period the data will be deleted.

The Service treats all position or location information the same, whether it originates from the PTV Axylog App or a telematics system, which is why identical features can be used upon the position or location information data from both data sources. The PTV Axylog Portal uses all shared position or location information for monitoring and ETA calculation.

## **5.2. PTV Axylog Portal**

When using the PTV Axylog Portal, we additionally process the personal data described below to enable the use of the functions. If you wish to use the PTV Axylog Portal, we process the following data, which are technically necessary for us to offer you the functions of the PTV Axylog Portal and to ensure stability and security, so that they must be processed by us. The processing of the data is necessary to enable delivery of the content. In addition, we use the data to ensure the security of our information technology systems.

The collection of the data is mandatory for the operation of the PTV Axylog Portal. Consequently, there is no possibility of objection on the part of the user here. The legal basis is § 25 Sect. 2 No. 2 German TTDSG, Art. 6 Sect. 1 Sent. 1 lit. f. GDPR. Our legitimate interest in this data processing lies in the aforementioned purposes:

- IP address
- Date and time of the request
- Time zone difference to Greenwich Mean Time (GMT)
- Content of the request (page visited)
- Access status/HTTP status code
- Browser
- Language and version of the browser
- Operating system
- Previously visited page

The data will be deleted as soon as they are no longer required to achieve the purpose for which they were collected.

## **5.3. PTV Axylog App**

### **5.3.1 Download**

When you download the PTV Axylog App, the required information is transferred to the App Store, i.e. in particular the user name, email address and customer number of your account, the time of the download, payment information and the individual device code. In addition, the App Store independently collects various data and provides you with analysis results. We have no influence on this data processing and are not responsible for it. We only process the data insofar as it is necessary for downloading the mobile app to your mobile device.

### **5.3.2 Usage of the PTV Axylog App**

When using the PTV Axylog App, we additionally process the personal data described below to enable the use of the functions. If you wish to use our PTV Axylog App, we process the following data, which are technically necessary for us to offer you the functions of our PTV Axylog App and to ensure stability and security, so that they must be processed by us. The collection of the data is mandatory for the operation of the PTV Axylog App. Consequently, there is no possibility of objection on the part of the user here. The legal basis is § 25 Sect. 2 No. 2 German TTDSG, Art. 6 Sect. 1 Sent. 1 lit. f. GDPR. Our legitimate interest in this data processing lies in the aforementioned purposes:

- IP address
- Date and time of the request
- Time zone difference to Greenwich Mean Time (GMT)
- Content of the request (page visited)
- Access status/HTTP status code
- Model, language and version of the browser
- Model, language and version of the operating system
- Previously visited page
- Position or location information data, signals or pings.

The data will be deleted as soon as they are no longer required to achieve the purpose for which they were collected.

### **5.3.3 Cookies**

In addition to the previously mentioned data, technical aids are used for various functions when you use our PTV Axylog App, in particular cookies, which can be stored on your end device. Cookies are text files or information in a database that are stored in the device memory of your mobile end device and assigned to the PTV Axylog App you are using. Cookies allow certain information to flow to the entity setting the cookie. Cookies cannot execute programs or transfer viruses to your mobile device but are primarily used to make the Internet offer faster and more user-friendly. This PTV Axylog App uses the following types of cookies, the functioning and legal basis of which are explained below.

- Persistent cookies: These are automatically deleted after a predefined period of time, which varies depending on the cookie. You can view the cookies set and the durations at any time in your browser settings and delete the cookies manually.

Mandatory functions that are technically necessary for the PTV Axylog App to function: The technical structure of the PTV Axylog App requires us to use technologies, in particular cookies. Without these techniques, our PTV Axylog App cannot be used (completely correctly). These are basically transient cookies that are deleted after the end of the usage process, at the latest after 30 days. You cannot deselect these cookies if you wish to use our PTV Axylog App. The legal basis for this processing is § 25 Sect. 2 No. 2 German TTDSG, Art. 6 Sect. 1 Sent. 1 lit. f GDPR.

## **6. Combination with PTV Route Optimiser ST or PTV Route Optimiser CL**

It is possible to transfer data from the optimization solutions PTV Route Optimiser ST or PTV Route Optimiser CL to the Service for further processing. Interfaces have been created for this purpose. For PTV Route Optimiser ST the data transfer to the Service (bidirectional) works through a plugin. The user starts the data transfer manually in PTV Route Optimiser ST. For

PTV Route Optimiser CL the data transfer to the Service works through via an integrated WebAPI (one-way)

## 7. Data Processing by Third Parties

We also use external service providers for processing your data and handling the contractual relationship. In addition, your data is also processed by us and our affiliated companies as part of other services and applications. In these cases, we ensure the security of your data by concluding commissioned processing contracts with the respective service provider that meet the high legal requirements for data protection compliance.

### 7.1. Hosting with Microsoft Azure

The Service is hosted in the Microsoft Azure Cloud, which is provided by Microsoft Ireland Operations Ltd, Carmenhall Road, Sandyford, Dublin 18, Ireland ("**Microsoft Ireland**"). Hosting takes place in Ireland. There is a data processing agreement between Axylog and Microsoft Ireland. With regard to the transfer of personal data to countries outside the European Union/European Economic Area, in addition to the respective current EU standard contractual clauses, the agreement of additional data security measures is part of the agreement.

The personal data processed within the Service is stored on the servers of Microsoft Ireland.

### 7.2. Use of the ML kit from Google for the scan of barcodes and QR codes

For the Service, we use the ML-Kit Android SDK in the form of an library ("**ML-Kit**") from Google Inc, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

The data processed using the ML-Kit is encrypted by the ML-Kit during transmission using HTTPS. The ML-Kit does not transmit this data to third parties.

Further information from Google on the ML-Kit can be found here: <https://developers.google.com/ml-kit/android-data-disclosure>

The data processed by using the ML-Kit consists of non-personal information and measured values. You can view the data processed when using the ML-Kit in detail here:

Data	The ML-Kit SDK captures...
Unit information	Device information (e.g. manufacturer, model, OS version and build) and available ML hardware accelerators. Used for diagnostic and usage analysis.
Information on applications	Package name and app versions. Used for diagnostic and usage analysis.
Device ID or other personal identifiers	For Thin Features: <ul style="list-style-type: none"> <li>• Device ID used for diagnostic and usage analysis.</li> <li>• Identifiers per installation that are not used to uniquely identify a user or device. Used for diagnostic and usage analysis.</li> </ul>

	<p>For bundled functions:</p> <ul style="list-style-type: none"> <li>Identifiers per installation that are not used to uniquely identify a user or device. Used for diagnostic and usage analysis.</li> </ul>
Power readings	Performance measures (e.g. latency) Used for diagnostic and usage analysis.
API configuration	API configuration (e.g. image format and resolution). Used for diagnostic and usage analysis.
Event type	Event type (e.g. feature initialisations, model downloads, detection, resource releases). Used for diagnostic and usage analysis.
Error codes	Error code for feature events (e.g. feature initialisations, model downloads, detection, resource releases). Used for diagnostic and usage analysis.

**Purpose of data processing:** The ML-Kit is used for the sole purpose of enabling Users of the PTV Axylog App to scan barcodes and QR codes. Such barcodes and QR codes typically include order numbers, sometimes additional information such as page numbers or a status to define a PoD outcome automatically.

**Legal basis for data processing:** Since only non-personal data is processed here, a legal basis under data protection law is not required. Should such a legal basis nevertheless be required, we have an overriding legitimate interest in this data processing in accordance with Art. 6 Sect.1 Sent.1 lit. f GDPR. The balancing exercise carried out has shown that the interests or fundamental rights and freedoms of the data subjects do not outweigh our interests in. This is because the ML-Kit only processes non-personal information and measured values (see above).

Since the user must actively decide to enable the camera function for scanning the QR code (he or she must activate the camera by clicking on a button) and the user must explicitly allow system-level access to the camera upstream of this step, we assume that the legal basis of consent pursuant to Art. 6 Sect.1 Sent.1 lit. a GDPR is also present.

**Duration of storage:** The data is only used by us for the abovementioned purpose and for the duration of the scanning process to compare the licence key and is then deleted. According to Google, it uses the information and measured values to improve its Android SDK. However, this is not personal data (see above).

**Possibility of objection and removal:** The use of the ML-Kit can be avoided by entering the manually or by not granting the requested release of the camera for the use of the ML-Kit.

## 8. Deletion of Data

Axylog shall delete all user data within 8 weeks after terminating the contractual relationship. If Axylog is obliged by legal data storage requirements to retain the user's data (e.g. invoice and contract data), Axylog will block this data for further processing.

## 9. The Client's Right to Information

Pursuant to Art.15 GDPR, data subjects may at any time request information on the personal data stored by Axylog on them or their pseudonym. Requests for information can be addressed to:

**Axylog S.r.l.**

Borgo San Patrizio n. 84

CF und PI 02187650441

Campofilone (FM), Italy

Email: [data-protection@ptvlogistics.com](mailto:data-protection@ptvlogistics.com)

## 10. Right to log a Complaint with the Competent Supervisory Agency

In the event of violations of the GDPR, data subjects are entitled to log a complaint with a supervisory agency, in particular in the member state where they usually maintain their domicile, place of work or at the place where the alleged violation occurred. The right to log a complaint is in effect regardless of any other administrative or court proceedings available as legal recourses.

## 11. Further rights as a data subject

A complete list of all data subject rights can be found in the [Data Privacy Statement PTV Logistics GmbH](#).