



Data protection notes

for the processing of video and image data by Mercedes-Benz AG for research and development on driver assistance systems, automated driving, driving functions and other services.

Mercedes-Benz



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The protection of personal data is a top priority for us, and is taken into account in all our business processes. The following data protection notes provide data subjects with an overview of the processing of personal data by Mercedes-Benz AG in connection with the processing of video and image data for research and development of driver assistance systems, automated driving, driving functions and other services. The term "personal data" refers to any information relating to an identified or identifiable natural person.

With these data protection notes, we inform data subjects about the nature, scope and purpose of the processing of personal data, and how we handle this data as part of the aforementioned research and development processes. Data subjects can also find out what rights they have in relation to the processing of personal data.

1. To whom do these data protection notes apply?

We inform data subjects about the protection of personal data during the collection, processing and storage of video and image data. This data is collected by Mercedes-Benz, AMG or Maybach vehicles. Anyone who is in the vicinity of the aforementioned vehicles during operation is potentially affected by this data processing.

2. Who is responsible for processing the data, and who can data subjects contact about data protection?

The controller responsible for the processing of personal data as described below (unless another party is expressly listed as the controller) is the entity named below:

Mercedes-Benz AG
Mercedesstrasse 120
70372 Stuttgart/Germany
Germany

Email: dialog.mb@mercedes-benz.com

Contact form: <https://www.mercedes-benz.de/passengercars/services/support-contact.html>

HRB 762873

Our data protection officer serving as the contact person for questions about data protection is named below:

Group Data Protection Officer
Mercedes-Benz Group AG
HPC W079
70546 Stuttgart
Germany
Germany

Email: data.protection@mercedes-benz.com

3. Where does the data come from and what data is processed?

Vehicles from Mercedes-Benz, AMG or Maybach are equipped with camera systems, various detection devices and sensor technologies for the operation of driver assistance functions. As part of their operation, these systems record, process and store video and image data from the vehicles' environments for the purposes described below.

Depending on the individual case, this data may also contain the following personal information:

- The faces, other features, behaviour and surroundings of road users and other persons in the vicinity of the vehicles
- Licence plates, other features and the surroundings of vehicles and other objects in the vicinity of the vehicles
- Additional data from other sensor systems (such as radar, LIDAR) as well as the location and time of data acquisition

4. What is the data used for (purpose of processing), and on what basis (legal basis) is this done?

The purposes of this data processing are research, development and further development in the fields of driver assistance systems, automated driving, driving functions and other services, including documentation of these processes and fulfilment of other downstream obligations.

Driving assistance systems and driving functions are already used in today's vehicles to increase road safety in particular, but also comfort. In future automated and autonomous vehicles, technical systems for the perception and management of traffic and environmental situations will enable such vehicles to participate in public transport safely and in accordance with the rules. Other services make it possible to make means of transport, traffic and transport systems safer, more efficient and more convenient.

The research and development of such systems requires the use of data from real environmental and traffic conditions (for example in public traffic areas), including the recording, processing and storage of video and image recordings during vehicle operation. These materials are used to research, develop and refine technical systems for the perception and categorisation of road users, vehicles, infrastructure and other objects in the context of traffic and environmental situations.

People, vehicles and other objects are only analysed, classified and processed as "objects" in the context of traffic and environmental situations, for example as "pedestrians on the right-hand side of the road" or "cars at a junction". It is therefore neither necessary nor intended, and in most cases not possible, to identify recorded persons by name or other personal details, or to assign recorded vehicles or objects to persons identified in this way as part of the processing carried out. However, since the required raw data consists of video and image material, it is not possible to rule out the possibility of identifying individuals.

The primary legal basis for processing is the "protection of legitimate interests" in accordance with Art. 6 (1) sentence 1 f) GDPR¹. Mercedes-Benz AG has a legitimate interest in conducting research and development on driver assistance systems, automated driving, driving functions and other services. The conflicting interests, fundamental rights and freedoms of the data subjects do not prevail, as the identification of individual data subjects by name or otherwise is neither necessary nor intended, and is usually not possible. Technical and organisational measures are also taken to ensure that the data collected is processed in accordance with data protection regulations.

¹ The controller has decided to subject all data processing operations, i.e. including those under Swiss law, to the GDPR standard. This is possible because the GDPR offers adequate protection in line with the Swiss Data

Protection Act of 25 September 2020 (DPA), and the data subjects are therefore not placed in a worse position as a result.

5. Will the data be passed on?

Mercedes-Benz AG only passes this data on to co-operation partners, processors or third parties within the scope of the purpose limitation under data protection law. Data will only be passed on if this is permitted by legal provisions and/or official or court orders, or if the legitimate interest involves the third party.

Categories of recipients to whom data may be disclosed in the context of this processing include, but are not limited to

- Group-internal and external co-operation partners of Mercedes-Benz AG in the context of research and development processes
- Suppliers as part of the research and development processes
- Other processors (including but not limited to IT service providers and service providers for data processing/data analysis)

If data is transferred to recipients in third countries as part of the research and development processes or downstream processing, this will only take place if an adequacy decision has been made in accordance with Art. 45 GDPR, on the basis of suitable guarantees within the meaning of Art. 46 GDPR, or if permitted by some other law.

6. Does automated decision-making take place?

Automated decision-making in individual cases or profiling within the meaning of Art. 22 GDPR do not take place.

7. How long will the data be stored?

The video and image data is processed and stored for as long as is necessary for the aforementioned research and development processes. If, on a case-by-case basis, there is a further legal basis or a further legitimate interest in further storage and processing (for example, for the proper documentation of the processes mentioned due to legal retention obligations or other legal requirements), the data will be stored for a correspondingly longer period of time.

8. What rights do data subjects have vis-à-vis Mercedes-Benz AG?

In the context of the processing of personal data, data subjects are entitled to the following rights. With regard to the exercise and restrictions of these rights in the context of the processing described here, please also note the respective special information on this.

Special information on exercising the rights of data subjects:

This is a case of "processing that does not require the identification of the data subject" in accordance with Art. 11 GDPR. Apart from the video and image data recorded, no additional identifying features of data subjects are regularly processed.

The exercise and fulfilment of data subjects' rights will therefore - depending on the individual case - often require further information from the data subject, in particular information about the **place** and **time** at which the data subject may have been affected by the processing (i.e. details of when and where you were specifically in the vicinity of one of the aforementioned vehicles). This additional information may be

necessary to determine whether a specific person is affected by the processing at all and to actually fulfil the following rights such as information, erasure etc.

- **Right of access:** Data subjects have the right to request information as to whether personal data concerning them is processed by us. If data is processed, data subjects have the right to information about this data and to information about the modalities of processing in accordance with Art. 15 GDPR.
- **Right to rectification of inaccurate data:** Data subjects have the right to demand that we rectify personal data concerning them. For video and image data, this right can generally only be realised by means of erasure.
- **Right to erasure:** Data subjects have the right to demand that we erase personal data concerning them.
- **Right to restriction of processing:** Data subjects have the right to request that the processing of their data be restricted.
- **Right to lodge a complaint with a supervisory authority:** Data subjects have the right to lodge a complaint with a supervisory authority, for example with the data protection authority responsible for their place of residence, their place of work or the location of the possible data protection breach.
- **Right to object:** Data subjects have the right to object to the processing of their personal data.

Special information on the restrictability of data subjects' rights:

We would like to point out that, in the context of the processing in this case, the rights of the data subjects under Art. 15 GDPR (right of access), Art. 16 GDPR (right to rectification), Art. 17 GDPR (right to erasure), Art. 18 GDPR (right to restriction of processing) and Art. 21 GDPR (right to object) may be subject to additional special restrictions. These special restrictions apply if the exercise and fulfilment of these rights are likely to render impossible or seriously impair the realisation of research purposes in the specific case, and the restriction is therefore necessary for the fulfilment of these research purposes. This special restrictability and its requirements arise in particular from Art. 89 GDPR in conjunction with Sec. 27 BDSG and Art. 17 GDPR.

If you are affected by the data processing described here and would like to assert one of your rights or receive more information about this, please contact us:

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10878 Berlin
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