

<p>Preface</p>	<p>If you, as a contractual Partner of InterCard (hereinafter referred to as "You", or „CP“) obtain services from InterCard, or wish to obtain such services, InterCard as a Your service provider and, if applicable, supplier, will collect personal data from You and other parties concerned, such as agents, employees and payers.</p> <p>This is done for the purpose of providing the contractually agreed services, for the processing of payments, to prevent misuse and to improve user friendliness.</p> <p>Details on the processing of Your personal data during these processes can be found below in this document.</p>
<p>1. Who is responsible for the processing of data and whom can I contact?</p>	<p>The controller of Your data is:</p> <p style="padding-left: 40px;">InterCard AG, Mehlbeerenstraße 4. 82024 Taufkirchen, Germany Tel: +49 89 61445 - 0 Fax: +49 89 61445 - 468 E-Mail: info@intercard.de Further information may be found at www.intercard.de</p> <p>Data protection officer:</p> <p style="padding-left: 40px;">InterCard AG, Data Protection Officer, Mehlbeerenstraße 4. 82024 Taufkirchen, Germany E-Mail: datenschutz@intercard.de</p>
<p>2. Which data are used?</p>	<ul style="list-style-type: none"> • The personal data provided by You in the application form, or as part of the application process: Company data and the names, contact data, addresses, and signatures of authorised representatives and employees, and in general the data that must, by law, be collected as per the German Anti Money Laundering Act (<i>Geldwäschegesetz, GwG</i>), e.g. the data on the identity card, or data on who controls and has influence on a corporation, if there are beneficial owners. • Data on Your financial situation and Your creditworthiness • Other data transferred later, for example, for contract changes • Data from the fulfilment of our contractual obligations, e.g. payment transaction data, turnover data, data for the processing of warranty cases and other cases in which we provide You with support, e.g. the ticket data transmitted to us in connection with a support request; • Communication data, e.g. the details of a support request such as date/time or the contact medium used, such as e-mail or telephone number. • Data on Your payments made to us, and, in the case of direct debit returns or chargebacks, further data on You and the underlying transaction.
<p>3. Which data sources are used?</p>	<ul style="list-style-type: none"> • In principle, the data are collected by InterCard directly from You. • In some cases, the data is collected by sales agents and transmitted to InterCard prior to the conclusion of the contract. • In addition, for the legally required purposes of combating money laundering and risk management, InterCard queries credit reference agencies, public directories (e.g. commercial register, press or Internet), databases accessible to payment institutions (e.g. on beneficial owners) and, if applicable, the payment schemes to which the CP wants to subscribe.



<p>4. Why is my data processed, and what is the legal basis?</p>	<p>We process personal data in accordance with the provisions of the EU General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG-new).</p> <ul style="list-style-type: none">• Processing for the fulfilment of contractual obligations (Art. 6 para. 1 sentence 1 lit. b GDPR) If You or Your company are our contractual partner, personal data will be processed for the purpose of initiating and executing the relevant contract, in particular for the provision and brokerage of payment services and other financial services, including payment services. The purpose of the processing also includes pre-contractual measures to arrange and initiate the contracts, as well as measures for the execution of Your orders which You place with us as our contractual partner, and all activities necessary with respect to the operation and management of a bank which require the handling of Your personal data. The purposes of data processing in individual cases depend primarily on the specific product (e.g. network operation, direct debiting, contracts for the acceptance of credit cards, etc.) and may include, among other things, the execution of transactions, billing You for the use of our systems, security measures, requirement analyses or advice. Further details for the purpose of processing the data can be found in the respective contractual documents and the terms and conditions that apply to the products You use.• Processing based on a balancing of interests (Art. 6 para. 1 sentence 1 lit. f GDPR) Beyond the actual fulfilment of the contract, we also process Your data to protect the legitimate interests of InterCard or a third party, for example in the following cases:<ul style="list-style-type: none">- Consultation of, and data exchange with, credit agencies to determine creditworthiness and de-default risks (e.g. SCHUFA);- Assertion of legal claims and defence in legal disputes;- Ensuring IT security and the secure operation of our IT systems;- Prevention and investigation of criminal offences;- Measures for risk and business management, in so far as these are not already covered by Sec. 3.3;- Measures for the further development of our services and products;- Review and optimization of the procedures used by us to analyse our customer's needs, and to directly contact our customers;- Advertising our own products, or market and opinion research, unless You have objected to the use of Your data in this respect.This processing will only take place if our interests or that of the relevant third party are not outweighed by Your interests in the protection of Your personal data.• Processing on the basis of Your consent (Art. 6 para. 1 sentence 1 lit. a GDPR) If You have given us consent to process Your personal data for certain purposes (e.g. receipt of a newsletter, transfer of data to third parties outside the legal bases mentioned in this Sec. 4, analysis of payment transaction data for marketing purposes), this processing is lawful on the basis of Your consent. Your consent can be revoked at any time. This also applies to the revocation of declarations of consent which - such as consent to the so-called SCHUFA clause - were given to us before the GDPR became applicable, i.e. before 25 May 2018. The revocation of consent only takes effect for the future and does not affect the legality of data processed until the revocation.
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	<ul style="list-style-type: none">• Processing based on statutory provisions (Art. 6 para. 1 sentence 1 lit. c GDPR) or in the public interest (Art. 6 para. 1 sentence 1 lit. e GDPR) We are subject to various legal regulations, e.g. the German Act on the Supervision of Payment Services (<i>Zahlungsdienstleistungsaufsichtsgesetz, ZAG</i>) for payment services, the German Anti-Money Laundering Act (<i>Geldwäschegesetz, GwG</i>), tax laws, as well as the supervisory regulations, which are laid down by e.g. the German Federal Financial Supervisory Authority (<i>Bundesanstalt für Finanzdienstleistungsaufsicht, BaFin</i>) or the Bavarian Data Protection Supervisory Authority (<i>Bayerisches Landesamt für Datenschutzaufsicht, BayLDA</i>), which interpret and further specify the relevant legal provisions. In so far as these legal requirements oblige us to process personal data, the purpose of the processing is to fulfil these legal obligations. This includes, among other things, the Institution's obligation to check creditworthiness, to verify the customer's identity and age in accordance with anti-money laundering laws, to prevent fraud and money laundering, to comply with control and reporting obligations under tax law, as well as measures to assess and control, and in particular to minimize, risks.
5. Who receives the data?	<p>Within InterCard, only those departments that need Your data to fulfil our contractual and legal obligations will have access to it. Wherever reasonably possible, access within these departments is restricted to those persons who are entrusted with the task for which Your data is required. In addition, and depending on the services of InterCard to which You are subscribed, Your data may be disclosed to the following recipients:</p> <ul style="list-style-type: none">• Our service providers and vicarious agents may receive Your data for the purposes specified in Sec. 4. These recipients are, whenever necessary as per the applicable statutory provisions, specially obliged to maintain the protection of Your data (e.g. by means of a processing contract as per Art. 28 GDPR). Our service providers are companies conducting business in the areas of payment services, card organisations, IT services, logistics, printing services, telecommunications, debt collection, advisory and consultancy as well as sales and marketing;• In so far as we outsource typical payment services to our service providers, the strict statutory provisions and supervisory requirements for outsourcing which apply to banks and other credit institutions also apply.• The payment schemes to which You subscribe or want to subscribe, e.g. Visa or Mastercard, and other intermediaries of the payment schemes which take over the settlement (also known as "clearing and settlement") of payments You submitted to us for processing• Supervisory authorities and law enforcement authorities, in the cases provided for by law• Money Laundering Reporting Offices, in the cases provided for by law
6. Is my data transferred to a third country or to an international organization?	<p>To the extent necessary for the performance of Your contract with InterCard, in particular in order to enable You to accept and process payments from the card schemes You have subscribed to, InterCard forwards Your data to the respective card schemes. Most global card systems have their headquarters and data processing systems in third countries, i.e. outside the European Economic Area. The forwarding of the data is made for the purpose of authorizing You as a point of acceptance with the card schemes, and to include You in their security mechanisms. For information on the processing of Your data by the payment card system, please refer to their respective Privacy Policy:</p> <ul style="list-style-type: none">• Mastercard Europe SA, Chaussée de Tervuren 198A, 1410 Waterloo, Belgium, for their brands „Mastercard“ and „Maestro“, https://www.mastercard.us/en-us/about-mastercard/what-we-do/privacy.html (in English) https://www.mastercard.de/de-de/datenschutz.html (in German)• Visa Europe Services LLC, registered in Delaware, USA, acting through their subsidiary in London, 1 Sheldon Square, London W2 6TT, United Kingdom, for their brands „Visa“, „Visa Electron“ and „V PAY“



	<p>https://www.visa.co.uk/legal/global-privacy-notice/jurisdictional-notice-eea.html (in English) https://www.visa.de/nutzungsbedingungen/visa-globale-datenschutzmitteilung/mitteilung-zu-zustandigkeitsfragen-fur-den-ewr.html (in German)</p> <ul style="list-style-type: none">• American Express Payment Services Ltd., Frankfurt am Main branch office, Theodor-Heuss-Allee 112, 60486 Frankfurt am Main, for their brand "American Express" https://www.americanexpress.com/uk/legal/online-privacy-statement.html (in English) https://www.americanexpress.com/de/legal/online-datenschutzerklarung.html (in German)• Diners Club International Ltd., 2500 Lake Cook Road, Riverwoods, IL 60016, USA, for their brands "Diners", "Diners Club" and "Discover"; https://www.dinersclub.co.uk/legal/privacy-policy (in English) https://www.dinersclub.de/fileadmin/media/Kartenauftraege/Formulare_AT_und_DE/Datenverarbeitung/DC_ATDE_Information_zur_Datenverarbeitung.pdf (in German)• JCB International Co., Ltd., 5-1-22, Minami Aoyama, Minato-Ku, Tokio, Japan, for their brand „JCB“; http://www.jcbeurope.eu/privacy/index.html (in English) http://www.jcbeurope.eu/de/privacy/index.html (in German)• Union Pay International Co., Ltd., German Branch, An der Welle 4, 60322 Frankfurt, for their brand „CUP“ and „Union Pay“ http://www.unionpayintl.com/en/aboutUs/companyProfile/contactUs/ (in English only)• Alipay.Com Co. Ltd., Room 108E, No.98, 91 Lane of E'shan Road, Pudong New Area, Shanghai, China, for their brand „Alipay“; https://render.alipay.com/p/f/agreementpages/alipayeuprivacypolicy.html (in English only)• Tenpay Payment Technology Co., Ltd., Tencent Building, Kejizhongyi Avenue, Hi-tech Park, Nanshan District, Shenzhen, China, for their brand „WeChatPay“; https://www.tenpay.com/v3/helpcenter/low/privacy.shtml• Klarna Bank AB (publ), Sveavägen 46, 111 34 Stockholm, Sweden, for their brand „Klarna“; https://www.klarna.com/international/privacy-policy/ <p>If we use service providers in a third country and the information processed there also contains Your data, we will take appropriate measures in addition to the safeguards referred to in Sec. 4 to ensure that an appropriate level of data protection is guaranteed in the respective third country or by the respective recipient in the third country. This can result from a so-called "adequacy decision" of the European Commission or by using the so-called "EU standard contract clauses". In the case of recipients in the USA, compliance with the principles of the so-called "EU-US Privacy Shield" can also ensure an appropriate level of data protection. Further information on the appropriate and suitable safe-guards to ensure an adequate level of data protection is available on request. Contact details can be found at the beginning of this document. Information on participants in the EU-US Privacy Shield can also be found at: www.privacyshield.gov/list.</p>
7. How long is the data stored?	<p>InterCard processes and stores Your personal data only for the term of our business relationship and only for the performance of the business relationship, which also includes, for example, the initiation and performance of a contract. It should be noted that Your business relationship with InterCard is generally a long-term relationship, which is intended to last many years.</p> <p>If the data is no longer necessary for the fulfilment of contractual or legal obligations, they will be deleted regularly, unless further storage is necessary for the following purposes:</p>



	<ul style="list-style-type: none">• InterCard must store the data in order to fulfil legal retention obligations, in particular commercial and tax law retention obligations. These may result from, among others: German Commercial Code (<i>Handelsgesetzbuch</i>, HGB), German Tax Code (<i>Abgabenordnung</i>, AO), German Act on the Supervision of Payment Services (<i>Zahlungsdiensteaufsichtsgesetz</i>, ZAG) and the German Anti-Money Laundering Act (<i>Geldwäschegesetz</i>, GwG). The periods for retention and documentation specified therein are generally between two (2) to ten (10) full calendar years.• Preservation of evidence in accordance with the statutory limitation periods. According to Sections 195 ff. of the German Civil Code (<i>Bürgerliches Gesetzbuch</i>, BGB), the statutory limitation period is generally three (3) full calendar years, but in certain cases may be up to thirty (30) full calendar years.• In the event a direct debit to Your account is returned, Data on receivables from returned direct debits are deleted as soon as You have paid the amount in full, unless the data are part of documents that are subject to longer retention obligations of InterCard in accordance with the HGB and the AO.
8. What rights do I have	<p>Each data subject has the following rights:</p> <ul style="list-style-type: none">• the right of access pursuant to Article 15 GDPR• the right to rectification pursuant to Article 16 GDPR• the right to erasure pursuant to Article 17 GDPR• the right to restriction of processing pursuant to Article 18 GDPR• the right to object pursuant to Article 21 GDPR• the right to data portability pursuant to Article 20 GDPR• the right to lodge a complaint with a competent supervisory authority (Article 77 GDPR in conjunction with sec. 19 BDSG) <p>The restrictions according to sec. 34 and 35 BDSG apply to the right to access and the right to erasure.</p>
9. Do I have an obligation to provide data?	<p>You must make available the data for the initiation and performance of the contract and for the fulfilment of legal obligations.</p>
10. Will my data be used for automated decision?	<p>The data will be processed automatically at a later stage of the contract and in order to fulfil legal obligations.</p> <p>The implementation of pre-contractual measures, for example to prepare the acceptance of the contract, is partially automated, but with manual monitoring and modification options.</p>
11. Do I have a right to object the processing of my data?	<p>You have the right to object, for reasons arising from Your particular situation at any time, to the processing of data by a controller which is carried out on the basis of Article 6 (1) (f) of the Data Protection Regulation, i.e. the processing of data on the basis of a balancing of legitimate interests.</p> <p>If Your objection is justified, Your data will no longer be processed on the basis of Article 6 (1) (f) DSGVO, with two exceptions:</p> <ul style="list-style-type: none">• Your data will be continue to be processed if the controller can prove that there are compelling reasons for the processing which outweigh Your interests, rights and freedoms, in particular e.g. in the case of legal obligations to retain data.• Your data will continue to be processed if this serves the purpose of an assertion, exercise or defence of legal claims.