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## **DATA PROTECTION STATEMENT**

### **DE OCTREE SARL FOR THE CAROSTER SERVICE**

(hereafter referred to as "*Octree*")

Version as of (08.03.2024)

#### **1. General**

In compliance with the European Union's General Data Protection Regulation (GDPR) and the Swiss Federal Data Protection Act (DPA), this General Data Protection Statement (hereinafter: the "*Statement*") aims to indicate:

- personal data processed by Octree as part of its activities related to the Caroster.io service;
- the purposes of processing the personal data in question ;
- how such personal data is processed; and
- the organizational and technical measures taken to guarantee the protection of personal data processed, and respect for the privacy of the persons concerned.

This Statement further aims to indicate the rights of data subjects in connection with the processing of their data by Octree in the context of the Caroster ride-sharing platform, available on caroster.io.

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## **2. Full identity and address of Octree; data protection officer**

Octree is a limited liability company incorporated under Swiss law, headquartered in Geneva, and registered in the Commercial Register of the Canton of Geneva under (IDE) CHE-314.284.791.

Octree has an in-house data protection officer who can be contacted at [privacy@octree.ch](mailto:privacy@octree.ch).

## **3. Description of Octree's activities**

Octree manages and makes available to its co-contractors and users several software programs and applications, in particular the Caroster software program, which enables carpools to be organized.

Octree also provides its co-contractors with various services for the creation, development, integration, hosting and maintenance of digital tools (software; applications; modules; etc.).

## **4. Representation in the European Union**

Octree does not currently appoint a representative in the European Union and justifies this by art. 37.1 of the RGPD, as Caroster does not currently meet any of the conditions making this necessary.

## **5. Processed data**

The personal data processed by Octree in the course of its activities are described below by category of data subjects:

- Octree's co-contractors and donors (ch. 5.1) ;
- People benefiting from the Caroster service ([app.caroster.io](https://app.caroster.io)) (ch 5.2) ;
- Internet users consulting the [caroster.io](https://caroster.io) website (ch. 5.3).
- Newsletter recipients (ch. 5.4)
- Hotjar survey participants (ch 5.5)

With regard to the categories of persons described above, Octree acts as data controller (art. 4 ch. 7 RGPD; art. 5 let. j LPD). However, Octree may occasionally act as a processor (art. 4 ch. 8 RGPD; art. 5 let. k LPD) when it processes data concerning users of digital tools developed and/or used exclusively for/by some of its co-contractors;

Octree ensures that the processing of personal data is limited to what is necessary for the purposes for which said personal data is processed (data minimization).

### **5.1 Co-contractors and donors**

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Octree processes all personal data arising from the contracts it concludes and their execution. (see Octree general terms and conditions)

The data that Octree is likely to process, depending on the contracts concluded, are in particular the following:

- Identification data (first name(s) and surname(s); gender; date of birth; nationality(ies); postal address; e-mail address(es); IP address; telephone number(s); language(s) spoken; geolocation data;)
- Contractual data (type of contract concluded; general conditions relating thereto; content of the contract concluded; services agreed; pre- and post-contractual communications)
- Financial data (financial flows linked to contract performance; bank details; payment history).

#### 5.2 Caroster service beneficiaries

Octree may process the following personal data if it has been transmitted directly by the person concerned or through an intermediary for this purpose.

It should be noted that in the latter case, the mandated person or organization is responsible for ensuring that it receives the consent of the person concerned, Octree limiting its action to notifying the person of the recording of this data via the e-mail address provided (art. 6.6 LPD).

This data is processed exclusively by Octree and stored on the Hidora infrastructure (ch7.1) in Switzerland for the purposes mentioned in chapter 6.2 of this declaration.

E-mail addresses are also processed by the Sendgrid service (ch7.2) in order to send notification e-mails.

- if activated in the user profile;
- or if the e-mail address is used to create an event without first creating a user account.
- Or if the e-mail address is entered by someone else in a Caroster event.

##### 5.2.1 *Structured data*

- First name(s) and surname(s) ;
- Phone number(s) ;
  - As a driver
  - As a passenger
- E-mail address(es) ;
- Participation in an event ;
- Functions during the event:

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- Designer
- Director
- Passenger
- Geolocation data ;
  - Place of care ;
  - Departure point ;
  - Event location.
- Dates ;
  - Date of event ;
  - Departure dates ;
- Passengers on the same trip ;
- IP address.

### 5.2.2 *User account data*

Octree may process the following data related to the account of users of the Caroster service:

- Identifier ;
- First name(s) and surname(s) ;
- Password(s) ;
- E-mail address ;
- Structured data mentioned in ch 5.2.1 ;
- Warning radius to find a route around a given location ;
- Associated vehicles
  - Vehicle name ;
  - Number of seats ;
- Consent for e-mail notifications
- Newsletter consent

### 5.2.3 *Data resulting from the organization of an event*

The person or organization creating an event on the Caroster(app.caroster.io) service is responsible for the content recorded in free format, such as the various descriptions and names.

Although Octree cannot be held responsible for any risks to privacy introduced by improper use of the service, it can and must ensure that the rights of the persons concerned are asserted. (ch.11)

It seems necessary to record unstructured data likely to be generated by normal use of the service for the purpose of organizing the event and making it identifiable, which are stored for these purposes alone in formats that are not, however, personal data.

In this respect, Octree has considered the following information to be deductible and has implemented organizational and technical measures to mitigate the risks.

- Information obtained by logical or semantic matching
  - Affiliation to the organizing body

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- Social proximity
- Geographical proximity
- Timetable ;
- Information obtained by cross-referencing several events or with external data;
  - Professional activity ;
  - Leisure activities, hobbies, sports,... ;
  - Interests ;
  - Social class;
  - Ideology or religion;
  - Political commitment or mission of general interest.

Octree reminds organizations using Caroster to use it responsibly and lawfully, in particular by implementing a risk analysis that takes this information into account in order to ensure the protection of the people benefiting from it, especially when choosing the channels for sharing the event link. Octree cannot be held responsible for any data breach that may occur as a result of improper sharing or moderation of a Caroster event by the organizing entity. This includes, but is not limited to, failure to comply with the principle of data minimization when editing content or disclosure of the sharing link or any other information allowing access to or deduction of data processed by Caroster.

### 5.3. Internet users

The Octree website is made available by the Squarespace service (ch7.3) and uses cookies, beacons and other technical means of identification and local storage (hereinafter: "*cookies*"), i.e. files that are stored on the computer or mobile device of people who connect to the website ("Internet users").

Octree may process the following personal data concerning Internet users: pages consulted on the website; IP address of the Internet user; type of browser used; time, duration and frequency of connections; use of links from and to the website.

However, by means of a consent banner displayed every time they log on to the website, Internet users can restrict the use of cookies at any time, and thus the number and type of data processed by Octree.

In addition, the data (first name(s) and surname(s); postal and/or e-mail address; message content) of any person contacting Octree through its website are processed by Octree.

### 5.4 Newsletter recipients

Any person may subscribe to and unsubscribe from the Caroster newsletter by using the dedicated option in their user profile or by using the unsubscribe link provided in the E-mails sent.

We collect the following data via the Infomaniak Newsletters service (ch 7.4)

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- Consent to receive the newsletter
- Withdrawal of consent
- E-mail address
- Open e-mails

#### 5.5 Hotjar survey participants

Any person can participate in Hotjar surveys, or refuse without affecting the use of Caroster. Hotjar is an application for behavioral analysis and the collection of opinions/requests for improvement. (ch 6.5)

Consent for this processing is specific to Hotjar (ch 7.5).

We collect the following data via Hotjar

- Any previously recorded response from the user's machine
- The country from which the answer is given
- The language
- Client type (browser, device, operating system, etc.)
- Page interactions (heatmaps)
- Information visible in the Caroster interface while using Hotjar, in screenshot format

### 6. **Purposes of personal data processing**

The personal data described above is processed by Octree for the purposes described below.

#### 6.1 Co-contractors and donors

- Identification of co-contractors.
- Contract performance.
- Meet our accounting obligations.

#### 6.2 Users

- Event management by the organizing body
- User account management
- Analytical or scientific purposes (after anonymization only)

#### 6.3 Internet users

- Improved website and visibility.
- Provision of services.

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#### 6.4 Newsletter recipients

- Caroster news
- Analyze the relevance and interest of the information transmitted

#### 6.5 Hotjar survey participants

- Improving Caroster service quality
- Ensuring that existing user flows are not misleading (preventing dark patterns)
- Receive user feedback

### 7. **Recipients of personal data**

#### 7.1 Hidora

The personal data processed in Caroster by Octree and necessary for the performance of the service are in digital format and hosted on the servers of **HIDORA SA - (CHE-286.910.173)** (hereinafter: "Hidora"), a company incorporated under Swiss law which acts as a subcontractor of Octree (or as a sub-subcontractor when Octree acts as a subcontractor of one of its co-contractors) to meet the infrastructure needs required for the proper performance of the service.

Information on Hidora's data processing is published on a web page at the following address: <https://hidora.io/fr/politique-de-confidentialite/>

Personal data collected by Caroster from persons benefiting from the Caroster service (ch. 5.2) may be transmitted to other Caroster users, upon sharing of the event link.

#### 7.2 Sendgrid

Sendgrid is a service managed by the company, Twilio Inc, based in California, USA under Binding corporate rules: <https://www.twilio.com/en-us/legal/bcr/controller#appendix-1>

Information about Sendgrid's data processing is published on a web page at this address: <https://www.twilio.com/en-us/legal/privacy>

Notably in this section, which is more specific to our use of Sendgrid:

<https://www.twilio.com/en-us/legal/privacy#data-about-our-customers-end-users>

#### 7.3 Squarespace

Personal data processed as part of the use of the caroster.io website is collected by Squarespace, a company based in New York, USA, under the swiss-US data privacy framework.

Information on data processing by Squarespace is published on a web page at this address: <https://www.squarespace.com/privacy>

#### 7.4 Infomaniak

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Personal data relating to the newsletter is processed in Switzerland via Infomaniak's Newsletters service.

Infomaniak's privacy policy can be found here:

<https://www.infomaniak.com/fr/cgv/politique-de-confidentialite>

The special conditions for the Newsletters service can be found here:

[https://welcome.infomaniak.com/api/components/cgu/latest?id=48&locale=fr\\_FR](https://welcome.infomaniak.com/api/components/cgu/latest?id=48&locale=fr_FR)

### 7.5 Hotjar

The personal data collected in the case of participation in Hotjar surveys are processed by the company Hotjar LTD based in the European Union in Malta.

Information about Hotjar's data processing is published on a web page at the following address

<https://www.hotjar.com/legal/policies/privacy/>

Additional information taken into account by Octree in evaluating the solution can be found here:

<https://help.hotjar.com/hc/fr/categories/360003405813-Compliance-Legal-Security->

## 8. **Respect for personality**

**By entering into a contractual relationship with Octree, by using software or an application managed by Octree, or by visiting the Octree website, data subjects explicitly and unreservedly consent to the processing of data by Octree in the manner described in this Declaration and expressly state that they do not wish to object to said processing.**

The processing of personal data by Octree, as data controller, is not of a regulatory nature. With the exception of Octree's co-contractors, Octree's processing of personal data is not contractual in nature and does not condition the conclusion of a contract. Consequently, the only consequences of non-provision/refusal of personal data processing by data subjects are as follows:

- Users - inability to use the software or application concerned.
- Internet users - website use restrictions

## 9. **Place of data processing**

Personal data is mainly processed by Octree in Switzerland and is notably hosted in Switzerland, with Hidora. Switzerland benefits from an adequacy decision issued by the European Commission on the basis of art. 45 RGPD.

Data related to the use of the caroster.io website and e-mail services is processed in Europe by companies based in the USA. This processing is governed by restrictive rules (ch7).



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However, personal data may also be processed in Portugal from time to time by Octree employees residing there.

Hotjar processes data in Malta.

Portugal and Malta are countries which the Federal Council has found, on the basis of Art. 16 para. 1 DPA, to have legislation ensuring an adequate level of protection. (<https://www.bj.admin.ch/bj/fr/home/staat/datenschutz/internationales/anerkennung-staaten.html>)

## 10. Technical and organizational data protection measures

### 10.1 Security of personal data processed

#### a. Organizational measures

- Ongoing internal audit
- Direct communication channel between user and technical team
- Privacy by design
- Documented data flows
- Catalog of repositories and data definitions
- Support processes and service levels identified
- Ongoing data protection and privacy training
- Octree's Holacracy approach gives the technical team and the person in charge of data protection the authority and transparency to carry out the operations and transformations required to protect people.

#### b. Physical measurements

- Monitoring resource use
- Isolation of production data on cloud terminals subject to access control
- Data centers in Switzerland and Hidora headquarters in Switzerland

#### c. Logic measurements

- Documented logical architecture and infrastructure, and bi-weekly continuous documentation improvement process;
- Backups at a dedicated host;
- Service availability monitoring;
- Strong password policy at Octree;
- Policy of reinforcing access to the critical infrastructure via 2FA and SSH key;

#### d. Legal measures

- Subcontracting processes are governed by strict rules
- DARS measures identified and communicated

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## 10.2 Retention period and destruction of processed personal data

The data is kept until it is deleted at the request of the persons concerned, following the deletion by the event organizer of the person's own Caroster profile.

The service is unable to ensure automatic deletion of data in its current version without jeopardizing its availability and accuracy.

Data may be anonymized and exported for analytical purposes for an indefinite period.

## **11. Rights of persons concerned**

### 11.1 Right of access (art. 15 RGPD; art. 25 LPD)

Any person may, by identifying himself or herself, ask Octree whether or not it processes personal data concerning him or her.

If personal data is actually processed by Octree, it will provide the data subject with the following information free of charge within 30 days, as long as and insofar as it is not already apparent from this Declaration:

- the identity and contact details of the data controller;
- personal data processed as such ;
- the purpose of the processing ;
- the length of time personal data will be kept or, if this is not possible, the criteria for determining the length of time;
- available information on the origin of personal data, insofar as this data has not been collected directly from the data subject;
- where applicable, the recipients or categories of recipients to whom personal data is disclosed, as well as an indication of the country in which these recipients or categories of recipients are located.

### 11.2 Right to delivery or transmission of personal data (right to portability) (art. 20 RGPD; art. 28 LPD)

The data subject may request Octree to provide him/her with his/her personal data free of charge within 30 days, in a structured, commonly used and machine-readable format, and/or to transmit it directly to one or more third parties.

### 11.3 Right to rectification (art. 16 RGPD; art. 32 LPD)

If the person concerned by the processing of personal data considers that all or part of the data is inaccurate or incomplete, he or she may request Octree to rectify or complete the data, as long as he or she can establish the inaccurate or incomplete nature of the personal data in question.

### 11.4 Right to withdraw consent and right to erasure (art. 17 RGPD)

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Where the RGPD finds application, the data subject may indicate to Octree at any time that he withdraws his consent, without affecting the lawfulness of the processing based on his consent carried out prior to the withdrawal thereof.

Where the data subject has withdrawn his or her consent to the processing of personal data, he or she has the right to obtain from Octree the erasure of all or part of his or her personal data as soon as possible. The data subject is also entitled to have Octree inform its processors that the data subject has requested the erasure by them of any links to, copies of, or reproductions of such personal data.

#### 11.5 Right to limit processing (art. 18 RGPD)

Where the RGPD finds application, the data subject has the right to obtain from Octree the restriction of processing in the following circumstances:

- when the accuracy of the personal data is contested by the data subject, for a period of time allowing Octree to verify the accuracy of the personal data;
- when the processing of personal data is unlawful, but the data subject objects to the erasure of the data and demands instead that the use of the data be restricted;
- when Octree (and, where applicable, the data controller), no longer requires the personal data for the purposes of processing but the data is still necessary for the data subject to establish, exercise or defend legal claims.

Where processing has been restricted, personal data may, with the exception of storage, only be processed with the consent of the data subject, or for the establishment, exercise or defense of legal claims, or for the protection of the rights of another natural or legal person, or for important reasons of public interest of the European Union or one of its Member States.

### **12.Contact**

If you have any questions or requests regarding Octree's data processing, please contact Octree by post at the address given in section 2 of this Declaration or by e-mail at the following address: [privacy@octree.ch](mailto:privacy@octree.ch).

### **13.Modifications**

This Declaration may be amended at any time without prior notice, in particular in order to comply with legal requirements concerning data protection. An e-mail will be sent to the persons concerned following any modifications. Only the current version published on the <https://caroster.io> website is binding.