

Stichting Car Claim Privacy Policy

Stichting Car Claim ('Stichting', 'we' or 'our') respects your right to privacy when you visit one of our Websites, join the Stichting, visit our social media page and/or communicate with us. Through this Privacy Policy, we would like to inform you about the way Stichting collects, stores, uses and processes personal data which you submit to us.

Read this Privacy Policy carefully before using our services. Don't use our services if you don't agree with this Privacy Policy.

We reserve the right to change this Privacy Policy at all times. We will then inform you by means of an official announcement on our Websites or by means of an email sent to your registered email address. Announced amendments will only take effect after a reasonable period. You can reject the updated Privacy Policy by no longer using our Website and our services. If you have any comments or questions, please contact us at one of the following addresses:

Stichting Car Claim
Röntgenstraat 18
NL-3261 LK Oud-Beijerland
Email: info@stichtingcarclaim.com
Chamber of Commerce No.: 64250865

1. Scope

This Privacy Policy is limited to processing activities to which the Applicable privacy legislation applies.

We will only process your personal data in accordance with the Applicable privacy legislation and as described in this Privacy Policy. The Stichting Website contains references to third-party websites (e.g. hyperlinks). The Stichting is not responsible for ensuring compliance by these third parties with laws and regulations.

2. What are 'personal data'?

Personal data is understood to mean 'any information relating to an identified or identifiable natural person' (Article 4(1) of the GDPR).

3. Processing personal data

We process personal data when i) you communicate with us, ii) you make use of our services and/or iii) when you visit our Website(s). Which of your personal data we process depends on your requests, the Websites you visit and/or whether or not you create an account. An overview of the personal data we process is given below.

If you only visit our Website, we will only process your IP address.

When you create an account on www.derclaim.nl, we will process the following personal data:

- name, address, place of residence, country;
- telephone number;



- email address;
- date of birth;
- IP address;
- whether the registrant has a legal expenses insurance policy and, if so, which one; and
- whether the registrant has a lease and, if so, the name of the party with whom the registrant concluded this lease.

The vehicle data that is processed:

- registration number;
- make, model, type, year of manufacture;
- other information that can be obtained from publicly accessible databases;
- the vehicle registration certificate; and
- the vehicle identification number (hereafter referred to as 'VIN').

When you create an account on www.stichtingcarclaim.com, we will process the following personal data:

- name, address, place of residence, country;
- telephone number;
- email address;
- date of birth;
- IP address;
- legal form;
- term of address;
- whether the registrant has a legal expenses insurance policy and, if so, which one; and
- whether the registrant has a lease and, if so, the name of the party with whom the registrant concluded this lease.

The vehicle data that is processed:

- registration number;
- make, model, type, year of manufacture;
- other information that can be obtained from publicly accessible databases;
- the vehicle registration certificate;
- the name, address, place of residence and country of the seller; and
- the VIN.

When you create an account on www.volksklagen.com, we will process the following personal data:

- name, address, place of residence, country;
- telephone number;
- email address;
- date of birth;
- IP address;
- legal form;
- term of address;
- whether the registrant has a lease; and
- if a payment is made with a credit card, only the last four digits will appear on the financial statement.



The vehicle data that is processed:

- registration number;
- make, model, type, year of manufacture;
- other information that can be obtained from publicly accessible databases;
- the vehicle registration certificate;
- the name, address, place of residence and country of the seller;
- the VIN;
- the purchase amount; and
- the sale amount (if applicable).

4. Purposes for processing

The Stichting only collects and processes your personal data for the purposes specified below:

- a. To represent the interests of registered affected car owners: your personal data is used to represent the interests of you as car owners who have suffered damage. Your personal data enables the Stichting to conduct negotiations with Volkswagen c.s. in order to reach an amicable settlement for you as car owners who suffered damage as a result of the emissions scandal and to distribute any received compensation.
- b. To handle and register your account: your personal data is used to register you as a car owner who has suffered damages and to handle your online account. If you create an account on the Website, we will store your Personal Data so that you don't have to re-submit it each time.
- c. To communicate with you: your personal data is used to communicate with you, to inform you about things that are important for your account and/or the use of the Website and to handle any complaints. To improve our website: your personal data is used to make our website function properly, to enable you to make an account and to improve the quality and effectiveness of our website. For more information about how we use cookies, we refer to Article 6 of this Privacy Policy.

If the Stichting intends to process the personal data further for a purpose other than the one for which the personal data was collected, we will provide information on this other purpose and any other relevant information before the data is processed further.

5. Legal grounds for processing

The Stichting processes your personal data on the basis of the following legal grounds:

- a. To represent the interests of all registered affected car owners: we process your personal data on the basis of your consent (art. 6(1)(a) GDPR), Please note that you can always withdraw your consent by contacting us. If you have withdrawn your consent, you can however no longer make use of our services.
- b. To handle and register your account: we process your personal data on the basis of your consent (art. 6(1)(a) GDPR). Please note that you can always withdraw your



consent by contracting us. If you have withdrawn your consent, you can however no longer make use of our services.

- c. To communicate with you: we process your personal data on the basis of our legitimate interests (art. 6(1)(f) GDPR), namely to carry out our normal activities by providing you with customer service and information about our activities / developments in relation to the legal proceedings / negotiations with Volkswagen.
- d. To improve our website: we process your personal data on the basis of our legitimate interests (art. 6(1)(f) GDPR), namely to carry out our normal activities by optimizing our website.

If and insofar as your personal data is processed on the basis of our legitimate interests, information can be obtained by you as to the so-called balancing test that was carried out to allow us to rely on this processing ground. Please find our contact details below.

6. How do we collect your personal data when you visit our Website?

We make use of cookies to ensure that the Website works properly. Cookies are small text files your browser stores on your computer. We use different types of cookies for different purposes.

- a. functional cookies: cookies that are necessary to make the Website function properly. This includes cookies that are necessary to create an account; and
- b. analytical cookies: cookies that give us insight into the way you use (parts of) the Website, enabling us to improve the Website and to tailor it as much as possible to what you find interesting and important. We use the data obtained via these cookies to study the use of the Website at an aggregate level, not an individual level. We only use third-party cookies to improve the quality and effectiveness of the Website. For instance, we use Google Analytics, which is configured in a privacy-friendly manner. Google Analytics processes the IP addresses on our behalf.

Most browsers enable cookies by default. You can set your browser settings in such a way that cookies are disabled or you receive a notification whenever a cookie is sent. However, some functions of the Website or services may not function properly if cookies are disabled.

In case we intend to use additional cookies that require your consent in the future, we will inform you thereof.

7. Third-party Personal Data Processing

For the purpose of representing the interests of the members of the Stichting and, as far as is required, achieving the objectives which have been set, we can share personal data with third parties including processors, such as:

- Parties to the settlement;
- Law firms;
- IT service providers;
- Hosting companies;
- Call centers or other service providers;
- Cloud providers.
- Third parties that may otherwise play a role in representing the interests of you as car owners in relation to Volkswagen.



The Stichting will not share personal data with third parties until after it has made agreements with these third parties regarding the processing of personal data. If the Stichting engages the services of a processor, it will conclude a processor's agreement with this processor in order to guarantee proper processing.

For sharing data with processors, no consent is required.

You consent to sharing data with third parties that may otherwise play a role in representing the interests of you as car owners in relation to Volkswagen. Before doing so we will however inform you about the relevant third party and provide you with the possibility to object against this processing.

We only store your personal data on servers within the EEA. In case we might share your personal data with third parties located outside the EEA, we will inform you thereof and conclude the relevant safeguarding measures to protect your personal data.

8. Security

The Stichting takes appropriate organisational and technical security measures to secure your personal data and to prevent its misuse, loss or amendment.

9. Retention Periods

We only store the personal data of the Website visitors for as long as the purposes for which we collect this data makes it necessary. Unless a statutory retention period applies:

- a. IP addresses are stored for no more than one month after the Stichting's objective has been achieved, since IP addresses can be used to identify unique individuals and locations. This is important for identifying the members of the Stichting;
- b. email addresses, user names and passwords are stored for a maximum of six months after the objective has been achieved and the settlement which has been reached has been fully implemented;
- c. name and address details, date of birth, telephone number, registration number and other information provided by you will be stored for a maximum of one month after the objective has been achieved and the settlement which has been reached has been fully implemented;
- d. communication with you will be stored for a maximum of six months after the objective has been achieved and the settlement which has been reached has been fully implemented.

You can ask the Stichting to delete your personal data at an earlier stage. If the personal data is no longer needed for the purposes for which the Stichting collected or otherwise processed the data, the Stichting will delete the personal data.

Your personal data will be deleted when you deregister with the Stichting. The Stichting is aiming to enable you to remove your own account. You will then be able to remove your account immediately.

10. Your Rights



In relation to the processing of your personal data, you have the following rights:

- a. **Right to withdraw consent:** In so far as our processing of your personal data is based on your consent, you have the right to withdraw consent at any time.
- b. **Right of access:** You have the right to request access to your personal data. This enables you to receive a copy of the personal data we hold about you (but not necessarily the documents themselves). We will then also provide you with further specifics of our processing of your personal data.
- c. **Right to rectification:** You have the right to request rectification of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected.
- d. **Right to erasure:** You have the right to request erasure of your personal data. This enables you to ask us to delete or remove personal data where: (i) the personal data are no longer necessary, (ii) you have withdrawn your consent, (iii) you have objected to the processing activities, (iv) the personal data have been unlawfully processed, (v) the personal data have to be erased on the basis of a legal requirement, or (vi) where the personal data have been collected in relation to the offer of information society services. We do not have to honour your request to the extent that the processing is necessary: (i) for exercising the right of freedom of expression and information, (ii) for compliance with a legal obligation which requires processing, (iii) for reasons of public interest in the area of public health, (iv) for archiving purposes, or (v) for the establishment, exercise or defence of legal claims.
- e. **Right to object:** You have the right to object to processing of your personal data where we are relying on legitimate interests as processing ground. Insofar as the processing of your personal data takes place for direct marketing purposes, we will always honour your request. For processing for other purposes, we will also cease and desist processing, unless we have compelling legitimate grounds for the processing which override your interests, rights and freedoms or that are related to the institution, exercise or substantiation of a legal claim.
- f. **Right to restriction:** You have the right to request restriction of processing of your personal data in case: (i) the accuracy of the personal data is contested by you, during the period we verify your request, (ii) the processing is unlawful and restriction is requested by you instead of erasure, (iii) we no longer need the personal data but they are required by you for the establishment, exercise or defence of legal claims, or (iv) in case you have objected to processing, during the period we verify your request. If we have restricted the processing of your personal data, this means that we will only store them and no longer process them in any other way, unless: (i) with your consent, (ii) for the establishment, exercise or defence of legal claims, (iii) for the protection of the rights of another natural or legal person, (iv) or for reasons of important public interest
- g. **Right to data portability:** You have the right to request to transfer of your personal data to you or to a third party of your choice (right to data portability). We will provide to you, or such third, your personal data in a structured, commonly used, machine-readable format. Please note that this right only applies if it concerns processing that is carried out by us by automated means, and only if the our processing ground for such processing is your consent or the performance of a contract to which you are a party (see above).
- h. **Automated decision-making:** You have the right not to be subject to a decision based solely on automated processing, which significantly impacts you ("which produces legal effects concerning you or similarly significantly affects you").
- i. **Right to complaint:** In addition to the above mentioned rights you have the right to lodge a complaint with a supervisory authority, in particular in the EU Member State of your habitual residence, place of work or of an alleged infringement of the GDPR at all times. Please be referred to [this webpage](#) for an overview of the supervisory authorities and their contact details. However, we



would appreciate the chance to deal with your concerns before you approach the supervisory authority so please contact us beforehand.

If you wish to make use of one of the rights referred to in this article, you can contact:

Stichting Car Claim
Röntgenstraat 18
NL-3261 LK Oud-Beijerland
Email addresses: info@stichtingcarclaim.com, info@derclaim.nl, or info@volksklagen.com.

The Stichting will inform you as soon as possible, at least within one month of receiving the request, about the outcome of your request. Depending on the complexity of the request and the number of requests, this period can be extended by a maximum of two months. The Stichting will inform you about such an extension within one month of receiving the request.

If your requests are manifestly unfounded or excessive, largely due to their repetitive nature, the Stichting will charge you a reasonable fee or refuse to comply with your request.

You also have the right to submit a complaint to the Data Protection Authority at all times.

11. Other Provisions

The Stichting is entitled to remove your account without notice at all times. In such an event, the Stichting will not be liable to pay you compensation for the termination of the account.

The Stichting reserves the right to change this Privacy Policy from time to time. It is your responsibility to review the applicable terms and conditions on a regular basis. The most recent revision/review of this Privacy Policy was in May 2018.

If a provision of this Privacy Policy is in conflict with the law, it will be replaced by a provision of a similar scope which reflects the original intention of the provision, this insofar as legally permissible. The other provisions will then remain in full force.

12. Definitions

In this Privacy Policy, the follow definitions apply:

Applicable privacy legislation	All applicable privacy legislation, including the General Data Protection Regulation ("GDPR") and the relevant national implementation acts.
Privacy Policy	This present privacy policy.
Stichting Car Claim	Stichting Car Claim Röntgenstraat 18 NL-3261 LK Oud-Beijerland Email: info@stichtingcarclaim.com Chamber of Commerce No.: 64250865



Website(s)	www.stichtingcarclaim.com and/or www.derclaim.nl and/or www.volksklagen.com

Other terms that are defined in the Applicable privacy legislation, such as "personal data", "(joint) controller", "processor", "data subject" and "processing" will have meaning as described in the Applicable privacy legislation.
