

National Toll Payment Services
Private company limited by shares
General Terms and Conditions
for individual agreements on certain services related to distance-based road
use authorisation provided by resellers

Annex 11

Starting from 25 May 2018, all of the European Union Member States shall apply Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, “GDPR”) in relation to the processing of personal data.

With respect to the obligation to apply the GDPR, with effect from 25 May 2018, the following provisions shall be added to the GTC for UD resellers (“GTC”) applicable to the resellers of the National Toll Payment Services Plc (NTPS Plc) selling services in the distance-based toll system (UD Toll System).

1. The Reseller acknowledges that, irrespective of whether they sell UD services in the integrated system or in the system provided by the Service Provider, Resellers never disclose personal data to NTPS Plc in their scope of activities falling under the scope of the GTC, and so NTPS Plc is not a recipient of any personal data made available by the data subject to the Reseller during the operation of the sales system. Accordingly, in respect of the processing of these personal data, it is the Reseller who shall be liable to the data subject for complying with the provisions of the GDPR.
2. The Reseller acknowledges that NTPS Plc is not able to record the personal data of any natural person performing sales activity on behalf of the Reseller using the reseller client programme provided by NTPS Plc, and so it does not carry out any processing with regard to such data.
3. In the case of the personal data of the natural persons using the UD Toll System’s services sold through the Reseller and in which personal data are processed by the Reseller: in case the Reseller is obliged to transfer these personal data to NTPS Plc in order to investigate or handle any customer complaint in accordance with the Consumer Protection Act, the Reseller agrees to fully inform the users thereof in its privacy notice prescribed by the GDPR, display the notice at a clearly visible location at its sales premises, and to draw the users’ attention to the privacy notice. In the case described in this section, the legal basis for data processing by NTPS Plc is the fulfilment of a legal obligation laid down in the Consumer Protection Act (i.e. investigation and handling of customer complaints). NTPS Plc may only use these data for the purpose of and to the

extent necessary for the efficient, fast and lawful handling of complaints. NTPS Plc shall be entitled to store the data for 5 (five) years under the relevant provision of the Consumer Protection Act (Section 17/A(7)) and in accordance with the general limitation period under civil law.

4. Pursuant to the GDPR, NTPS Plc shall be considered a controller, while the Reseller operating a non-integrated cash register system shall be considered a processor regarding the following customer data provided by the registered users of the UD Toll System in the course of registration:

- name of the customer (user)
- current account ID.

In this regard, the data processor provisions laid down in Annex 13 of the UD GTC, taking effect from 25 May 2018, shall be governing.

In the cases not expressly specified in this section, the Reseller shall be considered a controller regarding the personal data provided in relation to the UD Toll System's users.

5. Reseller agrees that, starting from 25 May 2018, it will take all measures necessary to ensure that the processing of personal data in the course of its activities as an e-vignette reseller complies with the GDPR.