



Information sheet on the EU General Data Protection Regulation (GDPR)

Dear Ladies and Gentlemen,

On 25 May 2018, the new General Data Protection Regulation (GDPR) became effective. Since we have received numerous inquiries, we would like to inform you about what the GDPR means for the acceptance of card-based payments in retail.

1. Why do data protection matters concern me as a merchant?

As a merchant, you collect personal data from your customer when he/she is paying via card: Your customer's card number is personal data, since it refers to an identifiable natural person. Therefore, the other data collected in terms of the card payment, e.g. amount and date, are also personal data.

As a merchant, you are a so-called "controller" within the meaning of data protection law. EVO Payments International GmbH (EVO), as network operator and acquirer, is also responsible for data protection when processing your customers' data.

2. Do I have to conclude a data processing agreement with EVO?

Many of the requests reaching us relate to the requirement of a data processing agreement between you as a merchant and us as your network operator and acquirer. We would like to clarify the following:

Under the current legal situation, the supervisory authorities have treated both, merchants as well as network operators and acquirers as controller. There is no indication from the supervisory authorities that merchants will no longer be controller under the GDPR. It cannot be ruled out that the roles of the parties involved in card-based payment transactions have to be re-evaluated in the medium-term. However, it will be necessary to come to according agreements with the respective parties involved. These include not only the supervisory authorities but also the credit card organizations (Schemes), the German Banking Industry (DK) and the German Retail Association (HDE). Short-term isolated solutions are neither expedient nor necessary.

Please note in particular: We as network operators and acquirers cannot act as processors for you as merchants. In fact, we are not able to process personal data exclusively on behalf of you bound to your instructions. Our processes must be standardized for all our merchants and they are largely prescribed by the German credit industry, the credit card organizations and

the SEPA regulations. In addition, where we are acquirers, we have to fulfil a large number of legal obligations concerning the processing of card payments, particularly in connection with payment services and money laundering law.

3. As a merchant, am I subject to controller's obligations under the GDPR?

Yes, each controller has certain obligations according to the DSGVO. With respect to the acceptance of card-based payments in retail, in particular the information obligations under Articles 13 and 14 GDPR are essentially.

4. What do I have to do to inform my customers?

We have created a solution to make it as easy as possible for you to fulfil these information obligations. At the same time, this serves us to fulfil our own information obligations. Since it is only you as a merchant having direct contact with the customer. Therefore, only you as a merchant can inform the cardholder at the right time. We would like you to have no major effort to comply with the obligations under Articles 13 and 14 of the GDPR, but solely to adopt the following measures:

Stationary trading

- > Please place a clearly visible information sign (see template under "Materials" – "1. Information ") with the inscription "Data protection information for cardholders" at the cash desk and at entrance door of the shop. The sign contains a QR code and a URL forwarding the customer to a website with the information required by the GDPR.
- > Please fill in the name of your company and your contact details on the information sign. If you have a data protection officer in place, fill in his/her e-mail address as well.
- > Furthermore, you provide a print version of the information required by the GDPR at the cash desk. In order to do so, you can print out a few copies of our data protection declaration for the cardholder, which can be accessed under the following link:
www.evopayments.eu/en/data-protection/.

We will provide you with the information sign and the printed version of the information for the cash desk. We also operate the website with the information.

However, there are cases where you as a merchant have to do even more than the aforementioned:

- > If you not only settle card payments via EVO, but also via other acquirers and/or network operators, you must also inform the customer about these service providers as controller. In case of doubt, you have to place two information signs and provide two printed versions of the respective information at the cash desk.
- > If you not only use the standard procedures described by us in the information for your customers, when using card-based payments, but also process the personal data, e.g. in your POS system, our standard information is unfortunately not sufficient. In this case, we may not be able to support you and you should seek appropriate advice if you are not sure how to proceed.

E-Commerce / Online retailing

- > If you offer card payments on the Internet, we ask you to include the aforementioned data protection information for the cardholders in the privacy policy on your website. In this respect, you can integrate the text module from "Materials" – **"Fehler! Verweisquelle konnte nicht gefunden werden.. Fehler! Verweisquelle konnte nicht gefunden werden."** in your privacy policy.

5. What if customers have already been informed sufficiently by their bank?

If the customer has already received the sufficient information, you as a merchant do not have to inform him/her again. The card issuing bank may have already provided the customer with those information. Whether and how the customer has actually been informed, however, is most likely beyond our and your knowledge. However, according to the GDPR, as controller, we and you have to ensure that the customers have been provided with the sufficient information. Therefore, none of us can rely on the fact that the customer has already been informed by his bank.

Furthermore, it is not possible that the customer has received any information about you as a merchant and about us as an acquirer from his bank, since the bank cannot know each (retail) store where the customer will use his card. This is why the customer can receive this information only at your premises at the time of payment.

Our approach is therefore to provide the customer with sufficient information for each payment transaction.

6. What is the further procedure?

The German banking industry (DK) and the German Retail Association (HDE) had the opportunity to comment on the solution presented here. Coordination with the supervisory authorities has been initiated. The Federal Association of Payment Institutions (BVZI), where we are a member, is in contact with the supervisory authorities via the Federal Association of Electronic Cash Network Operators (BecN). As these institutions are currently completely overloaded, the coordination will still take some time. However, the rollout has therefore begun.

All of the parties involved assume that further changes may occur, in particular in the course of coordination with the supervisory authorities. We will make each and every effort to implement changes as far as possible by adapting the information text on our website, so that you as a merchant do not have any additional effort.

Materials

1. Information sign

Data Protection Information for Cardholders

Controller of the cash register:


Name: _____

Address: _____

Phone: _____

E-Mail: _____

Further information on Data Protection:



www.evopayments.eu/en/data-protection

Or by request.

2. Text module

Please add the following to your privacy policy on your e-commerce website:

On this website, payment is possible via the payment service of EVO Payments International GmbH, Elsa-Brändström-Straße 10-12, 50668 Köln, Germany (EVO).

The following payment methods are processed by EVO:
[Please name the payment methods provided, e.g. Mastercard, giropay]

We also transfer personal data such as bank details or credit card numbers to EVO. This type of processing is necessary for checking and settling the payment order, which is arranged in order to fulfill the contract you have concluded with us. The legal basis is Art. 6 para. 1 lit. b) GDPR.

For more information, please see EVO's privacy policy:
<https://www.evopayments.eu/en/data-protection>.