

# Nextbike New Zealand Ltd

## Privacy Policy

Updated July 2020

Nextbike New Zealand (Nextbike NZ) is committed to ensuring compliance with the New Zealand Privacy Act 1993 and the European Union's General Data Protection Regulation (GDPR). This Nextbike NZ Privacy Policy applies to anyone who visits the Nextbike NZ Website or uses Nextbike NZ Services. From time to time, Nextbike NZ may change this Privacy Policy and will post the changes on the Nextbike NZ Website. If You don't agree with the changes to the Privacy Policy then You may not be able to fully use Nextbike NZ's Website and Services.

### **1. THE INFORMATION THAT NEXTBIKE NZ COLLECTS:**

- a. Nextbike NZ collects from You:
  - i. Your Personal Information, including:
    1. Your name;
    2. Your age;
    3. Your contact information, including email address;
    4. Your credit card details;
    5. Your location when you rent a bike and Your location when you return a bike. Nextbike NZ does not collect information on your journey between these locations;
    6. Other information relevant to surveys You participate in and/or offers You accept; and
  - ii. Personal Information about anyone else that You give to Nextbike NZ.
- b. When You disclose Your Personal Information to Nextbike NZ, it must be accurate, complete, up-to-date and not misleading. If You give Nextbike NZ Personal information about someone else, then You must be authorised to do so and You must tell that person about this Privacy Policy.

### **2. HOW NEXTBIKE NZ COLLECTS YOUR PERSONAL INFORMATION**

- a. Nextbike NZ collects Your Personal Information only when needed and for lawful purposes connected with performing its functions or activities. You authorise the collection of Your Personal Information from Nextbike NZ when You:
  - i. Register on the the Nextbike NZ website on Your computer, mobile, tablet or any other electronic device for the purpose of renting our bikes and creating a user account;
  - ii. Rent a bike and when you return a bike
  - iii. Communicate with Nextbike NZ;
  - iv. Enter into any Nextbike NZ competition and/or promotion.
- b. Nextbike NZ may also collect Your Personal Information from publicly available sources or from Third Parties from time to time.

### **3. NEXTBIKE NZ WILL SHARE YOUR INFORMATION WITH NEXTBIKE GmbH**

Nextbike NZ Ltd is a licensed user of the technology and systems for bike rental and payment provided by Nextbike GmbH, a German Company. For the purposes of using their technology and systems Nextbike NZ Ltd shares your information with Nextbike GmbH. The privacy and data protection information for Nextbike GmbH is set out at <https://www.nextbike.de/en/privacy/> in two documents:

- i. Data Protection Leaflet
- ii. Privacy Policy

### **4. HOW NEXTBIKE NZ WILL USE YOUR PERSONAL INFORMATION**

- a. In accordance with clause 2.a, Your authorization allows Nextbike NZ to use Your Personal Information and (where necessary) to disclose Your Personal Information to Nextbike GmbH for the following Purposes:
  - i. for the Purpose of providing You with the Nextbike NZ Services, including to:
    1. Enable You to rent and return bikes with our remote unlocking and locking technologies;
    2. Enable you to make payment for the rental;
    3. Communicate with You, including to send promotional emails about new services, special offers, promotions or other information;
    4. Respond to Your queries regarding the Nextbike NZ Website or Services;
    5. Verify Your identity when You create a user account with Nextbike NZ;
    6. Administer Your account;
    7. Provide You with a good user experience;
    8. Develop new Services, features and/or Content; and
    9. Keep You updated on things that are happening at Nextbike NZ;
  - ii. For internal record keeping purposes;
  - iii. To the extent necessary to perform the purposes specified in this Privacy Policy and to allow for the operation of Nextbike NZ's business activities and functions;
  - iv. For any other purposes You authorize;and
  - v. To comply with Nextbike NZ's Legal Obligations.
- b. You agree that Nextbike NZ may share Your Personal Information with Nextbike GmbH to fulfil business transactions for the purposes specified in this Privacy Policy and the Nextbike GmbH Privacy Policy.

### **5. HOW LONG NEXTBIKE NZ HOLDS YOUR PERSONAL INFORMATION**

Nextbike NZ and Nextbike GmbH will hold Your Personal Information for as long as Your Personal Information is required for the Purposes and for as long as is necessary to comply with their Legal Obligations.

## **6. HOW NEXTBIKE NZ STORES AND PROTECTS YOUR PERSONAL INFORMATION**

Nextbike NZ and Nextbike GmbH will use reasonable care to protect Your Personal Information from unauthorized access, use, modification, disclosure, and loss.

## **7. FOR THE PURPOSE OF THE GDPR**

- a. Nextbike NZ is the data controller for personal data collected by it in the provision of its Services, support and assistance to You as the user. If Nextbike NZ uses personal data that has been collected by a Third Party it will process the information as a data processor on behalf of the Third Party that collected Your Personal Information.
- b. Request access to Your Personal Information: You have the right to request access to any Personal Information that Nextbike NZ and Nextbike GmbH holds about You, the right to know the source of Your Personal Information and the processing methods used by Nextbike NZ and Nextbike GmbH. If Nextbike NZ or Nextbike GmbH cannot give You access to the Personal Information that You have requested, then Nextbike NZ or Nextbike GmbH will let You know the legal reasons for not disclosing Your Personal Information. If You are not happy with the legal reasons provided, then You have the right to complain to the New Zealand Privacy Commissioner: [www.privacy.org.nz/your-rights/how-to-complain/](http://www.privacy.org.nz/your-rights/how-to-complain/).
- c. Request correction of Your Personal Information: You have the right to request correction of the Personal Information that Nextbike NZ or Nextbike GmbH holds about You. Nextbike NZ or Nextbike GmbH will correct Your Personal Information if it is necessary to ensure that Your Personal Information is accurate, up to date, complete and not misleading. If Nextbike NZ or Nextbike GmbH decides that it is unnecessary to correct Your Personal Information, Nextbike NZ or Nextbike GmbH will let You know the legal reasons for its decision. If You are not happy with those reasons, then You have the right to complain to the New Zealand Privacy Commissioner: [www.privacy.org.nz/your-rights/how-to-complain/](http://www.privacy.org.nz/your-rights/how-to-complain/).
- d. Request to restrict the use and processing of or delete Your Personal Information: You have the right to request that Nextbike NZ or Nextbike GmbH delete Your Personal Information when it is no longer needed for the Purposes, or withdraw your authorisation for Nextbike NZ or Nextbike GmbH to use Your Personal Information. You also have the right to restrict Your Personal Information from being processed in the event You consider Your rights and freedoms outweigh our legitimate interests in using Your Personal Information.

## **8. MINORS**

Nextbike NZ does not knowingly collect Personal Information from children (as defined by local laws) and does not target its Website and/or Services towards children.

## **9. WHAT HAPPENS IF YOU DON'T GIVE NEXTBIKE NZ YOUR PERSONAL INFORMATION**

- a. If You decide not to give Nextbike NZ Your Personal Information, or otherwise wish to withdraw your authorisation at any time, then You:
  - i. May not be able to use some of the Nextbike NZ Website and Services;
  - ii. Won't be kept updated on things that are happening at Nextbike NZ.

## **10. PRIVACY COMPLAINTS**

If You think that Your privacy rights have been breached, You can make a written complaint to Nextbike NZ at [nextbike.co.nz](https://www.nextbike.co.nz), or otherwise contact the NZ Privacy Commissioner at <https://www.privacy.org.nz/your-rights/making-a-complaint/complaint-form/>.

## **11. COOKIES**

- a. A cookie is a small file that can be placed on Your computer, mobile, tablet or any other electronic device when You visit the Nextbike NZ Website. Cookies allow the Website to recognise Your device. Nextbike NZ may use cookies in order to make it easier to use the Nextbike NZ Website and to help Nextbike NZ to analyse the profile of visitors and users in order to improve usability and features of the Nextbike NZ Website and Services.
- b. There are two types of cookies used by Nextbike NZ:
  - i. Session cookies. These are used to store information about Your activities so You can move from one webpage to another. These cookies track Your movement from webpage to webpage of a website so that You do not have to provide the same information provided on earlier webpages. Session cookies only remain in the cookie file of Your browser until You close the browser.
  - ii. Persistent cookies. These are used to store Your preferences to improve Your experience on future visits to the Nextbike NZ Website. For example, these cookies can remember log-in details or language preferences so that You don't have to continually re-enter these each time You visit the website. Persistent cookies stay in the cookie file of Your browser after You have closed Your browser, and activate again when You next visit that website.
- c. To enable some of the features and functionality of the Nextbike NZ Website, You will need to permit Nextbike NZ to place cookies on Your device. If You choose not to, then those features and functionality will not be available to You. You can remove or block cookies by using the settings in Your browser but it may affect Your ability to use the Nextbike NZ Website.

## 12. DEFINITIONS

**“Content”** means all content delivered via the Nextbike NZ Website and Services including all text, software, scripts, graphics, photos, sounds, music, videos, audio-visual works or combinations of works, live streaming, interactive features and other materials;

**“Including”** means including without limitation;

**“Legal Obligations”** means any legal or regulatory obligation that Nextbike NZ or Nextbike GmbH has under the laws of any relevant any country in relation to the collection, use, disclosure, storage or processing of Your Personal Information;

**“Nextbike NZ”** is a limited liability company incorporated under the laws of New Zealand;

**“Nextbike NZ Services”** means any products, services, software, Content, features, functionalities and any other services provided to You via the Nextbike NZ Website;

**“Nextbike NZ Website”** means the website (or websites) located at [www.nextbike.co.nz](http://www.nextbike.co.nz) operated by Nextbike NZ from time to time;

**“Personal Information”** means any information that can be used to directly or indirectly identify an individual, and includes Sensitive Information, and references to “Your Personal Information” also includes any Personal Information that You provide to Nextbike NZ about someone else;

**“Purposes”** means the purposes for which Your Personal Information is used and disclosed as specified in this Nextbike NZ Privacy Policy;

**“Sensitive Information”** means information about Your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, health or sexual orientation;

**“Third Parties”** means any person, company, body corporate, entity, governmental or regulatory authority in any country;

**“You”** means you as an individual and Your has a corresponding meaning