

# DATA PROTECTION INFORMATION FOR CUSTOMERS/CONTRACT PARTNERS AND INTERESTED PARTIES

Information on data protection regarding our processing of customer and prospect data pursuant to Articles 13, 14 and 21 of the General Data Protection Regulation (GDPR)

## CM-Equity AG

Dear customer, dear prospective customer,

In accordance with the provisions of Art. 13, 14 and 21 of the General Data Protection Regulation (GDPR), we hereby inform you of the processing of the personal data collected about you and your rights under data protection law in this regard. Which data is processed in detail and how it is used depends largely on the requested or agreed services. In order to ensure that you are fully informed about the processing of your personal data within the framework of the performance of a contract or the implementation of pre-contractual measures, please take note of the following information.

### 1. CONTROLLER IN ACCORDANCE WITH THE DATA PROTECTION LAW

CM-Equity AG  
Kaufingerstraße 20  
80331 Munich  
+ 49 (0) 89 1890474 0  
info@cm-equity.de  
<https://www.cm-equity.de>

### 2. CONTACT DATA OF OUR DATA PROTECTION OFFICER

PROLIANCE GmbH / datenschutzexperte.de  
Datenschutzbeauftragter  
Leopoldstr. 21  
80802 München  
E-Mail: [datenschutzbeauftragter@datenschutzexperte.de](mailto:datenschutzbeauftragter@datenschutzexperte.de)

### 3. PURPOSES AND LEGAL BASIS OF THE PROCESSING

We process your personal data in accordance with the provisions of the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (subsequently referred to as BDSG 2018), insofar as these are necessary for the establishment, execution and performance of a contract and for the implementation of pre-contractual measures. If the disclosure of personal data is necessary for the initiation or execution of a contractual relationship or in the context of the execution of pre-contractual measures, processing in accordance with Art. 6 Para. 1 lit. b GDPR is lawful.

If you give us your express consent to process personal data for specific purposes (e.g. disclosure to third parties, evaluation for marketing purposes or advertising), the lawfulness of this processing is given on the basis of your consent pursuant to Art. 6 para. 1 lit. a GDPR. Any consent given may be withdrawn at any time with effect for the future (see section 9 of this data protection information).

If necessary and legally permissible, we process your data beyond the actual contractual purposes to fulfil legal obligations in accordance with Art. 6 Para. 1 lit. c GDPR. In addition, processing may be carried out to safeguard legitimate interests of us or third parties in accordance with Art. 6 Para. 1 lit. f GDPR. If necessary, we will inform you separately, stating the legitimate interest, insofar as this is required by law.

#### 4. CATEGORIES OF PERSONAL DATA

We process only such data which are connected with the contract initiation or the pre-contractual measures. This can be general data about your person or persons of your company (name, address, contact data etc.) as well as further data, if necessary, which you transmit to us in the context of the initiation of the contract.

#### 5. SOURCES OF DATA

We process personal data which we receive from you within the framework of establishing contact or a contractual relationship or within the framework of pre-contractual measures or which you provide via our tied agent.

#### 6. RECIPIENT OF THE DATA

We transfer your personal data within our company exclusively to those areas and persons who need this data to fulfil their contractual and legal obligations or to implement our legitimate interest.

We may transfer your personal data to companies affiliated with us to the extent permitted by the purposes and legal bases set out in Section 3 of this Data Protection Information.

Your personal data will be processed on our behalf on the basis of data processing agreements in accordance with Art. 28 GDPR. In these cases, we ensure that the processing of personal data is carried out in accordance with the provisions of the GDPR. The categories of recipients in this case are providers of internet services and providers of customer management systems and software.

Data will otherwise only be transferred to recipients outside the company if this is permitted or required by law, if it is necessary for the processing of the contract or, at your request, for the implementation of pre-contractual measures, if we have your consent or if we are authorized to provide information. Under these conditions, recipients of personal data may be, for example:

- External tax consultants

- Public bodies and institutions (e.g. public prosecutor's office, police, supervisory authorities, tax office) where there is a legal or official obligation,
- Recipients to whom the transfer is directly necessary for the purpose of establishing or performing the contract, such as custodian bank.
  - Further data recipients may be those parties for which you have given us your consent to transmit data.

## 7. TRANSFER TO A THIRD COUNTRY

A transfer to a third country is not intended.

## 8. DURATION OF DATA STORAGE

If necessary, we process and store your personal data for the duration of our business relationship or for the fulfilment of contractual purposes. This also includes the initiation and execution of a contract.

In addition, we are subject to various storage and documentation obligations, including those arising from the German Commercial Code (HGB) and the Fiscal Code (AO). The periods prescribed there for storage and documentation are between two and ten years.

Finally, the storage period also depends on the statutory limitation periods, which, for example, according to §§ 195 et seq. of the German Civil Code (BGB), can generally be three years, but in certain cases also up to thirty years.

## 9. YOUR RIGHTS

Every data subject has the right of access pursuant to Art. 15 GDPR, the right to rectification pursuant to Art. 16 GDPR, the right to erasure pursuant to Art. 17 GDPR, the right to restriction of processing pursuant to Art. 18 GDPR, the right to notification pursuant to Art. 19 GDPR and the right to data portability pursuant to Art. 20 GDPR.

In addition, you have the right to lodge a complaint with a data protection supervisory authority pursuant to Art. 77 GDPR if you are of the opinion that the processing of your personal data is not lawful. The right to lodge a complaint with shall be without prejudice to any other administrative or judicial remedy.

If the processing of data takes place on the basis of your consent, you are entitled to withdraw your consent to the use of your personal data at any time in accordance with Art. 7 GDPR. Please note that the withdrawal will only take effect for the future. Processing that took place before the revocation is not affected by this. Please also note that we may need to retain certain data for a certain period of time to comply with legal requirements (see Section 8 of this Privacy Policy).

## **Right to object**

**If your personal data is processed in accordance with Art. 6 para. 1 lit. f GDPR in order to safeguard legitimate interests, you have the right, pursuant to Art. 21 GDPR, to object to the processing of this data at any time for reasons arising from your particular situation. We will then no longer process this personal data unless we can prove compelling reasons for the processing. These must outweigh your interests, rights and freedoms, or the processing must serve the assertion, exercise or defense of legal claims.**

**In individual cases we process your personal data in order to operate direct advertising. You have the right to object at any time to the processing for the purpose of such advertising. This also applies to profiling in so far as it is related to this direct marketing. If you object to the processing for the purpose of direct advertising, we will not process your personal data for these purposes any longer.**

Please feel free to contact us using the contact details given in section 1 to protect your rights.

## **10. NECESSITY OF PROVIDING PERSONAL DATA**

The provision of personal data for the purpose of deciding whether to conclude a contract, perform a contract or take pre-contractual measures is voluntary. However, we can only make a decision within the framework of contractual measures if you provide personal data necessary for the conclusion of the contract, the performance of the contract or pre-contractual measures.

## **11. AUTOMATED DECISION-MAKING**

We do not use fully automated decision-making pursuant to Art. 22 GDPR for the establishment, performance or execution of the business relationship or for pre-contractual measures. Should we use these procedures in individual cases, we will inform you of this separately or obtain your consent if this is required by law.

## **12. DATA PROTECTION INFORMATION ON JOINT CONTROLLERSHIP**

The following explanations on joint controllership apply in addition to the previous sections.

In the course of the services in the area of investment via the Vivid Money App, CM-Equity AG (referred to as 'CME') and Vivid Invest GmbH (referred to as 'the Partner') work closely together. This also concerns the processing of personal data relating to you. The responsible parties are joint controllers and therefore jointly responsible for the protection of the personal data they process to the extent described below (Art. 26 GDPR).

### **12.1 ARRANGEMENT BETWEEN THE JOINT CONTROLLERS**

As part of their joint controllership, CME and the Partner have set out in a written agreement CME and the Partner have established a written agreement laying down which data protection obligations they are subject to and who will be the responsible instance to fulfill these obligations.

In particular, the agreement lays down who is responsible in which way for the exercise of data subject rights according to Art. 15-22 GDPR as well as for the fulfillment of information obligations according to Art. 12-14 GPDR (see item 12.3).

## 12.2 PROCESSING ACTIVITIES COVERED BY THE JOINT CONTROLLERSHIP

When you use the Vivid Money app, which is operated by our partner Vivid Money GmbH (“Vivid Money”), you have an opportunity to open an investment pocket. By opening this investment pocket, you will start receiving services via Vivid Invest GmbH. Within this pocket you can trade fractional shares, a service which we offer as CME. Certain personal data is necessary for entering into this agreement and for the subsequent delivery of included services. This data is processed by CME, Vivid Invest GmbH and any other third parties who help us to provide you with the investment services.

For you to enter into an agreement with CME and open an investment account, Vivid Invest GmbH and our partners process the following personal data: your name, email, passport/IDcard, photo/video of you, tax country, Vivid client ID, CME client ID.

As the Vivid Invest GmbH Agreement and the customer contracts are intertwined and connected to a common brokerage platform vis a vis the customers, the Vivid Invest GmbH (Partner) and CME jointly determine the purposes and means of processing and are therefore joint controllers within the meaning of Art. 26 GDPR.

The following types of personal data are collected and transmitted to CME and/or the Partner (non-conclusive list):

- KYC data from Solarisbank
- Data collected during the onboarding procedure
- Transactional data

Each party is responsible for the data processing in connection with its own contracts with customers. CME assumes responsibility for any collection, processing and use of personal data to the extent required by regulatory law, especially by applicable AML-laws (Geldwäschegesetz) (“**Brokerage Processes**”).

The Partner, by contrast, generally assumes responsibility for any collection, processing and use of personal data for its services as Vivid Invest GmbH for investment brokerage (Anlagevermittlung) („**Other Processes**“).

Any processing outside the scope of the processing operations listed above is carried out in each case under the separate responsibility and controllership of CME and Vivid Invest GmbH.

You will be informed separately by the respective controller about the areas in which [controller 1 and 2] act under their own responsibility.

### 12.3 WHO ASSUMES WHICH OBLIGATIONS UNDER THE GDPR AND WHAT DOES THAT MEAN FOR YOU AS THE DATA SUBJECT?

Within the scope of their joint controllership under data protection law, [Controller 1 and 2] have agreed which obligations under the GDPR should be fulfilled by whom and have specified this in a written agreement:

Obligations according to the GDPR	Brokerage Processes	Other Processes
Determining the purposes and means of the processing of data in the accordance with the Tied Agent Agreement.	CME	Partner
Definition of the type of personal data	CME	Partner
Art. 26 (2) 2: Provision of the essence of the arrangement to the data subject upon request	Partner	Partner
Art. 13, 14: Obligation to provide information	CME	Partner
Art. 15: Processing of requests for information	CME	Partner
Art. 16: Processing rectification requests	CME	Partner
Art. 17,18, 19: Processing of erasure requests, restriction of processing, notification of the erasure obligation	CME	Partner
Art. 20: Handling of requests for surrender (data portability)	CME	Partner
Art. 21: Handling of objections	CME	Partner
Art. 24, 32, 35, 36: Determination/documentation of technical and organizational measures, risk	CME	Partner

You can find the rights you are eligible for and the contact details for exercising your rights in section 9.

Please refer to

[https://website-static.vivid.money/static/legal-docs/en-de/invest\\_privacy\\_policy.pdf](https://website-static.vivid.money/static/legal-docs/en-de/invest_privacy_policy.pdf) for information on how our partner processes your personal data.

Regardless of the above regulations, data subject rights can be invoked with both data controllers at the following contact details:

#### Controller 1

CM-Equity AG ("CME"), which can be contacted at Kaufingerstraße 20, 80331 München, Germany

Contact data of the data protection officer

PROLIANCE GmbH / [www.datenschutzexperte.de](http://www.datenschutzexperte.de)

Datenschutzbeauftragter

Leopoldstr. 21

80802 München

Tel +49 89 2500 392 22

#### Controller 2

Vivid Invest GmbH Kemperplatz 1 10785 Berlin, Germany

Contact data of the data protection office: [dpo@vivid.money](mailto:dpo@vivid.money).