



## Privacy Policy of Nufin GmbH

Version: 23.09.2021

Nufin GmbH, with its registered office at Ziegelstraße 16, 10117 Berlin, Germany, and registered with the Commercial Register of the Local Court of Charlottenburg under the registration number HRB 209209 (hereinafter also "**We**"), operates an Internet portal at [www.getmoss.com](http://www.getmoss.com) (the "**Moss Portal**") and a web and mobile application (the "**Moss App**") and, in cooperation with its partners, provides physical and virtual corporate cards (the "**Moss Cards**") together with a billing account and other functionalities for the management and control of corporate spending made with Moss Cards in an account (the "**Moss Account**") (together the "**Moss Services**"). The Moss Services are aimed exclusively at start-ups and small and medium-sized enterprises (SMEs).

The following information provides you with an overview of how we handle your personal data and your rights under data protection law, in particular the European Regulation (EU) 2016/679 (GDPR). This covers the scope and purpose of the processing of personal data by Nufin GmbH as the controller within the meaning of the GDPR when you are visiting the Moss Portal (section 2), using the Moss App (section 3) and using the Moss Services (section 4). Reference is made to the respective legal basis and justifications of the GDPR at the relevant points. This is followed by information on the storage period (section 5), the transfer of personal data to third parties (section 6), and the location of the respective data processing (section 7). Finally, you will find information on your rights (section 8).

We reserve the right to change this privacy policy from time to time in order to adapt it to current legal framework conditions, requirements of supervisory authorities or consequences from relevant case law. We may also change the privacy policy in order to adapt it to changed or new services or to combine additions and supplements in one document. A change will only affect the processing of your personal data for the future, a reduction of the level of data protection below the legal requirements is excluded. The current version is available on our website ([www.getmoss.com](http://www.getmoss.com)).

We would like to inform you separately about the use of cookies, you can find relevant information on our website as well.

### 1 Contact addresses: Who is responsible and whom can I contact?

The responsible controller as defined in Article 4 no. 7 GDPR is:

**Nufin GmbH**  
Ziegelstraße 16, 10117 Berlin  
Phone: +49 (0) 30 3119 3730  
E-mail: [support@getmoss.com](mailto:support@getmoss.com)

If you have any questions about the privacy policy, please contact our data protection officer:

**Nufin GmbH - Data Protection Officer**  
Ziegelstraße 16, 10117 Berlin  
Phone: +49 (0) 30 3119 3730  
E-mail: [datenschutz@getmoss.com](mailto:datenschutz@getmoss.com)

The supervisory authority responsible for us is:

**Berlin Commissioner for Data Protection and Freedom of Information**

Friedrichstr. 219, 10969 Berlin

Phone: +49 (0) 30 13889 0

Fax: +49 (0) 30 215 5050

E-mail: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de)

Website: [www.datenschutz-berlin.de](http://www.datenschutz-berlin.de)

## **2 Processing of data when visiting the Moss Portal**

### **2.1 Scope of data processing**

Our system automatically collects data and information from the computer system from which you access the Moss Portal. This involves processing the following data (the "**Log Data**"):

- Information about the type of browser and the version used (so-called user agent);
- the operating system of your computer system;
- the IP address of your computer system;
- the amount of data sent in bytes;
- the date, time and duration of access;
- the language setting.

Log Data – with the exception of the IP address – does not allow any personal reference. It is also not possible for us to establish a personal relationship via the assignment or linking of Log Data and IP address. The IP address is processed and stored by us in log files.

### **2.2 Purpose of the data processing**

Log Data, in particular your IP address, is collected to make the Moss Portal and its content available. For the data traffic between your computer system and the Moss Portal, a storage of the IP address is necessary. This is done to ensure the functionality and security of the Moss Portal and our information technology systems. In addition, this data can be used to optimize the performance of our server infrastructure, identify any problems and finally analyze and rectify them. At the same time, this is a continuous improvement of the Moss Services.

### **2.3 Legal basis**

To the extent the processing of your personal data is necessary for the performance of a contract or in order to take steps prior to entering into a contract, the legal basis for the collection of data is Article 6 (1) sentence 1 lit. b) GDPR (implementation of pre-contractual measures respectively contract performance).

The legal basis for the storage of the Log Data is Article 6 (1) sentence 1 lit. f) GDPR (protection of legitimate interests). According to this, the processing of personal data is lawful if it is necessary to safeguard the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject, which require protection of personal data. We have weighed this up in our favor to the extent that the data only interferes very slightly with the interests of the data subject, but for us it is necessary to store the data so that we can operate our systems and website in a stable and secure manner, in particular to detect attacks. In addition, we have an interest in measuring the utilization of our website.

### **3 Processing of data when using the Moss App**

#### **3.1 Scope of data processing**

When you use the Moss App, we process the following data:

- IP address of the user;
- Date and time of the request;
- Content of the request (concrete page);
- Access Status/HTTP Status Code;
- the amount of data transferred in each case;
- Operating system of the user;
- after a registration (cf. section 4.1.3) the corresponding UserID and OrgID.

#### **3.2 Purpose of the data processing**

We use the data processed when using the Moss App to offer our products and services and to fulfil our contractual and pre-contractual obligations. The data collected as part of the usage analysis enables us to make the Moss App more stable and customer-friendly by technically diagnosing and solving any problems that arise. In addition to stability, the IT security of the Moss App can also be guaranteed. In addition, the collected data also enables the further development of the Moss App and the Moss Services.

#### **3.3 Legal basis**

The legal basis for the data processed when using the Moss App is Article 6 (1) sentence 1 lit. b) GDPR (implementation of pre-contractual measures or contract performance), insofar as this data is necessary for the initiation and performance of the contract.

Furthermore, the processing of data is carried out on the basis of a balancing of interests in accordance with Article 6 (1) sentence 1 lit. f) GDPR (protection of legitimate interests). We have carried out this assessment in our favor to the effect that the data only interferes very slightly with the interests of the data subject, while we use the data, also in the interest of the data subject, to improve the stability and security of our products.

### **4 Processing of data when using the Moss Services in the Moss Portal or the Moss App**

#### **4.1 Scope of data processing**

The following describes the collection of data when (i) using our webchat, (ii) agreeing to a demo, (iii) registering as a customer, (iv) assessing creditworthiness, (v) communicating with our customer support, (vi) subscribing to our newsletter, and (vii) applying for jobs:

##### **4.1.1 Webchat**

In the context of the webchat, we collect the following personal data of the chat participant:

- Name, e-mail address, mobile number if applicable;
- Conversation history (chat logs);
- Circumstances of communication via webchat (e.g., IP address, time/date stamp).

The persons concerned are regularly persons who have an interest in our services, e.g., employees of a potential contractual partner.

#### **4.1.2 Arrangement of a Demo**

When you make an appointment for a personal demonstration of the Moss Services (the "**Demo**"), we collect the following data:

- Name, e-mail address and mobile number of the person requesting the Demo;
- Company name or designation of the potential contractual partner;
- Circumstances of communication, for example, by e-mail or by telephone (e.g., IP address, time/date stamp, telephone number);
- Approximate number of employees of the potential contractual partner.

The persons concerned are regularly the persons dealing with our product, e.g., in the purchasing department or also a managing director or otherwise an employee authorized to represent a potential contractual partner.

#### **4.1.3 Registration as a customer**

When registering a potential contractual partner on the Moss Portal or in the Moss App, we collect the following data:

- Company name or designation of the potential contractual partner;
- Legal form of the potential contracting party;
- if applicable, registration number and date of entry in the commercial register;
- Tax Identification Number;
- Address of the registered office or principal place of business of the contracting party;
- Details of the account-holding bank (e.g., name, BIC);
- IBAN of the specified company accounts;
- Language preferences;
- The name, e-mail address, and mobile number of the person for whom the Moss Account is being created;
- Name, e-mail address and mobile number of all additional users that are created;
- Name, date and place of birth, nationality and residence of the potential contractual partner's authorized representatives;
- Name, date and place of birth, nationality and place of residence of the beneficial owners within the meaning of the German Money Laundering Act (GwG);
- after successful registration optionally (i) the profile pictures of registered users as well as (ii) the name, e-mail address and profile picture of other team members invited by a user.

In the case of partnerships, the persons concerned are the natural persons who are partners and, irrespective of the legal form, the managing directors/board members and employees authorized to represent the potential contracting party as well as the employees of the potential contracting party whom the latter invites to use the Moss Services. Insofar as necessary in connection with audits under money laundering law, further persons affected may be existing beneficial owners within the meaning of the GwG.

#### **4.1.4 Assessment of credit rating**

In addition to information from publicly accessible sources (e.g., public registers), credit agencies and account information service providers for obtaining company-related information on creditworthiness, we collect and process the following data for assessing the creditworthiness of a potential contractual partner:

- Details of the account-holding bank (e.g., name, BIC);
- IBAN of the specified company accounts;
- Currency of the company accounts;
- Transaction data such as account number, references;
- Account balance, account movement;
- Name, date and place of birth, nationality and residence of the potential contractual partner's authorized representatives;
- Name, date and place of birth, nationality and residence of the beneficial owner within the meaning of the GwG.

In the case of partnerships, the persons concerned are natural persons who are partners, and, irrespective of the legal form, the managing directors and employees with power of representation as well as any beneficial owners within the meaning of the GwG.

#### **4.1.5 Communication with customer support**

When communicating with our customer support via telephone or e-mail, the following personal customer data in particular is processed:

- Name, e-mail address, mobile number if applicable;
- communication data corresponding to the respective request (e.g., IP address, time/date stamp);
- Transmitted content e.g., log files, screenshots.

The person concerned is in each case the person who makes use of the support and, if applicable, the persons whose personal data are contained in the data and documents that are transmitted to us.

#### **4.1.6 Newsletter**

Via the Moss Portal and the Moss App, you can subscribe to a newsletter at your request, provided that you provide us with a valid e-mail address. In order to be able to check whether you are the owner of the specified e-mail address or whether its owner agrees to receive the newsletter, we send an automated e-mail to the specified e-mail address (so-called double opt-in). Only after confirmation of the newsletter registration via a corresponding link in the confirmation e-mail do we include the specified e-mail address and your first and last name in our internal newsletter distribution list:

- E-mail address, first and last name if applicable;
- Circumstances of communication during registration, when sending the confirmation e-mail and when clicking on the link (e.g., IP address, time/date stamp, telephone number).

The person concerned is the person who subscribes to the newsletter.

#### **4.1.7 Job postings**

We process personal data in connection with job postings on the Moss Portal or Moss App:

- Last name, first name of the applicant;
- E-mail address of the applicant;
- Mobile number, if applicable;
- Curriculum vitae of the applicant, including references;
- Information about the current employer;
- Content of the application documents sent to us.

The person concerned is the person applying for a job.

## **4.2 Purpose of the data processing**

The collection and processing of data takes place

- in the case of section 4.1.1 for the purpose of product information and contract initiation. The personal data is required in particular to contact chat participants;
- in the case of section 4.1.2 for the purpose of initiating a contract, in particular for setting up and preparing a Demo appointment and, if applicable, for preparing a subsequent registration for the Moss Account. Personal data is required in particular for contacting;
- in the case of section 4.1.3 for the purpose of initiating and executing the contract with the potential contractual partner. The data enables the use of the Moss Services and the provision of data and documents to our partners, who thereby fulfil their legal and regulatory obligations. The data is also required for the security of the Moss Account, as only users assigned to the relevant Moss Account should be able to gain access and identify their company and persons associated with it. Crimes are to be prevented. Furthermore, in individual cases it may be a matter of asserting, exercising or defending legal claims;
- in the case of section 4.1.4 for the purpose of checking the creditworthiness and default risks of the potential contractual partner and determining the level of the financial limit of use of the Moss Cards. In particular, this involves checking whether, to what extent and with what risk distribution we can offer you a product or service;
- in the case of section 4.1.5 for the purpose of communication with our customer support;
- in the case of section 4.1.6 for the purpose of sending and managing the newsletter ordered in the individual case; and
- in the case of section 4.1.7 for the purpose of processing job applications with a view to meeting and recruiting potential employees or contacting them about future employment.

## **4.3 Legal basis**

The legal basis for the data processing described above is generally Article 6 (1) sentence 1 lit. b) GDPR (implementation of pre-contractual measures or contract performance). Within the scope of our business relationship, you must provide the personal data that is required for the establishment, implementation and termination of a business relationship and for the fulfilment of the associated contractual obligations or which we are legally obliged to collect. Without this data, we are generally unable to conclude a contract with you or to execute or terminate an existing contract. If you do not provide us with the necessary information, documents and respective information on changes, we will not be able to establish a desired business relationship or may have to terminate it at short notice.

In cases where processing is not absolutely necessary for the performance of the contract, the legal basis is Article 6 (1) sentence 1 lit. f) GDPR (protection of legitimate interests). We have weighed the interests in our favor to the extent that the collected data only slightly interferes with the interests of the data subject, while we use the data, also in the interest of the data subject, to improve the functionality, stability and security of our products. Important are, for example, the examination and optimization of processes for customer contact or business control and risk management within our company. This also includes, for example, the prevention of fraud and criminal acts as well as the provision of sufficient IT security. Furthermore, in individual cases it may be a matter of asserting, exercising or defending legal claims.

When processing your data in the sense of section 4.1.6 and section 4.1.7, the legal basis is your consent in accordance with Article 6 (1) sentence 1 lit. a) GDPR, and in the case of section 4.1.7 also Section 26 of the German Federal Data Protection Act (BDSG), provided that you have given your consent to the processing of personal data relating to you for one or more specific purposes. In these cases, the processing of data based on your consent is lawful until you revoke your consent. A revocation is possible at any time, is effective for the future and affects the processing of all data following the revocation. We consider the submission of application documents as consent.

Insofar as we collect data of identification and creditworthiness in sections 4.1.3 and 4.1.4, which we are legally obliged to collect, the legal basis is Article 6 (1) sentence 1 lit. c) GDPR (legal obligation). If we act on behalf of a third party, the legal basis on which the third party can rely is decisive. In this case, please refer to the privacy policy of the third party for more details.

## **5 Storage period**

Your data will be deleted as soon as it is no longer required to achieve the purpose for which it was collected (see sections 2.2, 3.2 and 4.2 above) and the respective statutory retention periods have expired in each individual case. Therefore, we do not process and store your data for longer than is necessary to fulfil our contractual and legal obligations.

In particular, it must be taken into account that your business relationship with us is generally a continuing obligation which is intended to last for many years.

In addition, we must retain your data, for example, in order to comply with legal, in particular commercial and tax law retention obligations. These may result from the German Commercial Code (HGB) and the German Fiscal Code (AO), among others. The retention periods to be observed by us are between two (2) and ten (10) full calendar years.

Furthermore, we store data to the extent necessary to preserve evidence in accordance with the statutory limitation periods. According to Sections 194 ff. of the German Civil Code (BGB), these are generally three (3), but in certain cases also up to thirty (30) full calendar years.

Data on claims from chargebacks and similar disruptions will be deleted as soon as the claim has been settled in full, unless they are part of documents that are subject to correspondingly longer retention periods in accordance with HGB and AO.

Data that we collect in connection with our newsletter (section 4.1.6) will be stored – subject to a possible request for deletion or revocation at any time by clicking on the link provided at the end of each newsletter e-mail or by sending an e-mail to [unsubscribe@getmoss.com](mailto:unsubscribe@getmoss.com) – for

as long as we need this data to send the newsletter. The data will also be deleted if we stop sending the subscribed newsletter.

## **6 Disclosure to third parties**

As a matter of principle, we do not pass on personal data to third parties. Within our company, only those departments that need your data to fulfil our contractual and legal obligations and to protect our legitimate interests will have access to it. Data will only be passed on to third parties, in particular to public bodies and institutions or service providers employed by us, in exceptional cases, if

- you have given your express consent to this in accordance with Article 6 (1) sentence 1 lit. a) GDPR; or
- a transfer is legally permissible and in particular required in accordance with Article 6 (1) sentence 1 lit. b) GDPR for the fulfilment of a contractual relationship with you or the implementation of pre-contractual measures; or
- in accordance with Article 6 (1) sentence 1 lit. c) GDPR, there is a legal obligation for the disclosure (e.g., following a request by state law enforcement authorities); or
- the disclosure is necessary in accordance with Article 6 (1) sentence 1 lit. f) GDPR for the protection of legitimate business interests and for the assertion, exercise or defense of legal claims and there is no reason to assume that you have an overriding legitimate interest in the non-disclosure of your data; or
- we use external service providers (so-called data processors) for data processing in accordance with Article 28 GDPR, who have previously been obligated to handle your data with care. These include, in particular, third-party services that we use for the functionality and improvement of the Moss Services and the security of our information technology systems (e.g., our hosting providers, cloud providers, services for connecting the Moss Services to your ERP systems, for customer communication or analysis of user behavior).

In all of the above cases, we ensure that third parties only have access to personal data that is necessary for the performance of individual tasks. Under no circumstances do we sell personal data to third parties.

## **7 Data processing in the European Union; exceptions**

The processing of your data generally takes place within the member states of the European Union (EU) or the European Economic Area (EEA). This also applies to cooperation with third-party services. A data transfer to third countries (countries outside the EU or the EEA) only takes place if this is necessary for the execution of your orders or the provision of your products or if it is required by law (e.g., fiscal or foreign trade reporting obligations) or if you have given us your consent. Where technically feasible, third-party services are used by us with activated IP anonymization.

When using individual third-party services, your IP address may be transferred to a server in the US. In the event that data is transferred to servers in the US and stored there, we include the respective current EU standard contractual clauses in the respective data processing conditions and have them signed or otherwise accepted by our third-party service providers. In this respect, all third-party services used by us are obliged to comply with the European data



protection directives and to guarantee the highest possible level of protection (cf. on the EU standard contractual clauses Article 46 (2) lit. c GDPR). In order to close legal protection gaps, we additionally follow the recommendation to supplement the provisions of the EU standard contractual clauses in a separate agreement. This significantly tightens the obligations of our service providers beyond the EU standard contractual clauses. We urge that this agreement be included as an appendix to the respective data processing conditions and signed by our third-party service providers.

## **8 Your rights**

If your personal data is processed by us on the basis of legitimate interests pursuant to Article 6 (1) sentence 1 lit. f) GDPR, you have the right to object at any time pursuant to Article 21 GDPR, insofar as reasons arise from your particular situation. If you wish to exercise your right of objection, an e-mail ([datenschutz@getmoss.com](mailto:datenschutz@getmoss.com)) will suffice. In such a case, we may only continue processing your data if there is a compelling reason that outweighs your interests, rights and freedoms. A compelling reason may arise in particular from the fact that the processing serves the assertion, exercise or defense of legal claims or we are forced by law to continue processing (for example, in the case of statutory file retention periods or other special legal regulations).

You also have the right

- to revoke your consent at any time with the consequence that we will no longer process the data based on this consent in the future (Article 7 (3) GDPR);
- to request information about whether we process your personal data (Article 15 (1) GDPR). If this is the case, you are entitled to further information (Article 15 (2) GDPR). In particular, you can request information about the processing purposes, the category of personal data, the categories of recipients to whom your data has been or will be disclosed, the planned storage period, the existence of a right to rectification, erasure, restriction of processing or objection, the existence of a right of complaint, the origin of your data if it has not been collected by us, as well as the existence of automated decision-making including profiling and, if applicable, meaningful information about its details. The right to information is limited by the right of third parties to the protection of their personal data (Article 15 (4) GDPR);
- to demand without delay the correction of incorrect personal data concerning you or the completion of incomplete personal data, also by means of a supplementary declaration (Article 16 GDPR);
- to request the erasure of your personal data stored by us, unless the processing is necessary for the exercise of the right to freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the establishment, exercise or defense of legal claims (Article 17 GDPR);
- to request the restriction of the processing of your personal data, insofar as (i) the accuracy of the data is disputed by you, (ii) the processing is unlawful, but you refuse the erasure of the personal data, (iii) we no longer require the data, but you need them for the assertion, exercise or defense of legal claims or (iv) you have objected to the processing pursuant to Article 21 (1) GDPR (Article 18 GDPR);

- to receive your personal data that you have provided to us in a structured, common and machine-readable format or to request the transfer to another controller (Article 20 GDPR);
- to lodge a complaint with a supervisory authority, without prejudice to any other administrative or judicial remedy (Article 77 GDPR).

If you have any questions about data protection in our company, please contact us at the contact address given in section 1.

Berlin, 23.09.2021