

## **SCC EVENTS GmbH Privacy Notice on the "mobility challenge" contest**

With this notice, we, SCC EVENTS GmbH (hereinafter also referred to as "SCC EVENTS" or "we"), are informing the contest participants about the processing of their personal data by SCC EVENTS GmbH and the rights to which they are entitled under the data protection regulations in the context of participation in the "mobility challenge" contest on the Instagram fan page @berlinmarathon of SCC EVENTS GmbH.

This document only describes the aforementioned data processing procedures.

In connection with participation in our events or the use of our offers, further personal data may be processed in connection with the respective purpose. Further information can be found in the data protection information of the respective event or offer, available at <https://www.scc-events.com/informationspflicht>.

### **1) Party responsible for data processing and the data protection officer**

SCC EVENTS GmbH, Olympiapark Berlin, Hanns-Braun-Strasse / Adlerplatz, 14053 Berlin  
Managing Directors: Christian Jost, Jürgen Lock  
E-Mail: [facebook@scc-events.com](mailto:facebook@scc-events.com)  
Phone: 030 / 30 12 88 - 10  
Fax: 030 / 30 12 88 - 40

The data protection officer can be contacted by post at the above address with the addition "Data Protection Officer" or by e-mail: [datenschutz@scc-events.com](mailto:datenschutz@scc-events.com)

#### **Information on joint responsibility:**

With regard to the use of the social media service Instagram, Meta Platforms Ireland Limited, Merrion Road, Dublin 4, D04 X2K5, Ireland (Instagram), there is joint responsibility for the use of individual functions by SCC EVENTS. Instagram provides various functions through which users can interact on Instagram (e.g. to participate in SCC EVENTS contests). In this context, Instagram, together with SCC EVENTS, is responsible for the delivery of the posts made on the Instagram fan page of SCC EVENTS and also for the deletion of illegal or inappropriate posts and content on the fan page. Instagram has no influence on the processing of participation data by SCC EVENTS in the context of this contest. Instagram operates the entire IT infrastructure of the platform under its own responsibility and on the basis of the user agreement concluded with users, available at <https://help.instagram.com/581066165581870>, maintains its own data protection declarations (available at <https://privacycenter.instagram.com/policy>) and provides further functions. Instagram is solely responsible for all matters relating to usage data to which SCC EVENTS has no access.

### **2) Purposes and legal basis of this data processing**

We process personal data of the contest participants for the purpose of organising and running the contest. The processing takes place when participating in the contest on the basis of the applicable conditions of participation, available at [https://www.scc-events.com/fileadmin/media/corporate/pdf/Gewinnspiele/english\\_TNB\\_Mobilitychallenge.pdf](https://www.scc-events.com/fileadmin/media/corporate/pdf/Gewinnspiele/english_TNB_Mobilitychallenge.pdf), in particular to determine and notify the winners.

We process your personal data in compliance with the applicable data protection provisions of the EU General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG).

The processing of personal data is based on the following legal bases:

- A) Article 6(1)(b) GDPR for fulfilment of pre-contractual measures and / or contractual obligations on the basis of the conditions of participation in the contest: The processing of personal data for participation in the contest on the Instagram fan page includes the processing of all personal data required for these purposes. This includes collecting the Instagram profile names of the contest participants and storing the submitted images

(photo/video), checking eligibility to participate, determining the winners and notifying the winners. After the winners have been determined, real names and email addresses will also be collected in order to send the prizes.

- B) Article 6(1)(c) GDPR: Personal data is also processed to fulfil legal obligations. These include, for example, retention obligations under commercial and tax law, obligations under company, contractual, data protection and civil law or regulatory and official requirements, including with regard to the fulfilment of verification and accountability obligations, taking into account and in compliance with legal provisions. The archiving of the surnames and first names of the winners is required by tax law.
- C) Article 6(1)(f) GDPR: On the basis of a balancing of interests, personal data is processed for the assertion of legal claims, for defence in legal disputes and to ensure IT and telecommunications security. Participation data is also processed to analyse participation statistics.
- D) Article 6(1)(a) GDPR: In some cases, processing takes place on the basis of consent for the explicitly stated purpose and in the case of voluntary provision of personal data by the contest participants. This includes, in particular, the publication of the contest entries and the Instagram profile names of the participants on the SCC EVENTS Instagram fan page "@berlinmarathon" on the basis of the confirming and consenting behaviour of the participants, taking into account the settings in their own Instagram user profile and the release settings, e.g. in the case of a photo uploaded by a participant, e.g. by a photo or video post on a personal Instagram story and tagging the BMW BERLIN-MARATHON Instagram account (@berlinmarathon), as well as the processing of the content of the image recordings, e.g. if the photo or video depicts the participating person (= "selfie"). In connection with Article 49(1)(a) GDPR, the personal data of the participants will be transferred to a third country by Instagram within the framework of joint responsibility and also processed there.

**Insofar as we have been granted consent (including by implied action) to process personal data for specific, aforementioned purposes, the lawfulness of this processing is given on the basis of the consent. Consent that has been granted can be revoked at any time. The withdrawal of consent does not affect the lawfulness of the data processed until the withdrawal.**

### 3) Recipients or categories of recipients of personal data

For the organisation and implementation of the contest, only those employees/departments within SCC EVENTS have access to the personal data that they need to fulfil the respective purpose. In order to fulfil our contractual services and legal obligations, personal data is sometimes processed by external service providers or, if necessary, by authorities, if this is necessary and legally permitted for the fulfilment of the aforementioned purposes. In doing so, we always observe the provisions of data protection law; in particular, processing by the service providers we use only takes place after the conclusion of contracts with corresponding confidentiality clauses.

<u>Recipient</u>	<u>Purpose of the transfer</u>
IT and telecommunications service provider	Maintenance, care and servicing of IT and telecommunications systems (hardware and software)
Telecommunications provider	Transport and storage of connection data
Meta Platforms Ireland Limited	Provision of the social media platform Instagram, operation of the Instagram fan page @berlinmarathon, provision of contributions to the contest, provision of statistics
Communications agency	Support with the editing of the Instagram fan page @berlinmarathon
E-mail provider	Transport of e-mails and attachments, sending of prizes
Data carrier destruction service provider	Disposal of files and data carriers
Data Protection Officer	Fulfilment of the audit and control mandate, support with data protection issues

In principle, it cannot be ruled out that personal data may be transferred to other countries outside the European Economic Area (EEA) (so-called third countries). Further information on the transfer of data to third countries is described in section 6.) of this document.

#### **4) Duration of data storage**

We process the personal data of the participants in order to carry out the contest during the contest period. The contest ends on 29.09.2024, 23:59 (CET).

All participation data will be stored until the final winner is determined as part of the prize drawing and deleted no later than 4 weeks after the winner has been fully determined. The winners' data will be archived for 10 years from the calendar year in which the prize was sent after the prize has been sent.

Direct messages and messages relating to our Instagram fan page @berlinmarathon are regularly deleted from our user profile after 6 months at the latest. Posts made publicly available on our Instagram fan page are generally not deleted unless their content violates applicable law or is clearly factually incorrect. Notwithstanding this, posts will also be deleted if a request for deletion is received from the person making the post, provided that the person cannot remove their post themselves. A description of the deletion of contributions can be found at: <https://help.instagram.com/711062676142607>. The right of objection and/or cancellation for those affected remains unaffected.

The storage of personal data for the assertion, exercise or defence of legal claims is possible and may extend the retention period.

We store data that is processed on the basis of consent until it is withdrawn or until the respective purpose is fulfilled. The revocation of consent does not affect the legality of the data processed until the revocation.

Statistical analyses are permanently stored by us. They do not contain any personal reference. The right to object remains unaffected.

Instagram user accounts and all activities associated with the user account will be deleted 90 days after the user profile has been logged out of Instagram. Further information on data storage at Instagram can be found at [https://privacycenter.instagram.com/policy/?annotations\[0\]=8.ex.1-IfWeNeedIt&annotations\[1\]=6.ex.2-DeleteYourInformationOr](https://privacycenter.instagram.com/policy/?annotations[0]=8.ex.1-IfWeNeedIt&annotations[1]=6.ex.2-DeleteYourInformationOr).

Data protection requests: The requests for information, correction, deletion or restriction of processing answered by us, as well as other requests from data subjects or supervisory authorities on data protection issues, are archived for 3 years from the end of the action for the purpose of accountability.

#### **5) Privacy rights for data subjects**

All data subjects have the right of access under Article 15 GDPR, the right to rectification of their data under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing of their data under Article 18 GDPR and the right to data portability under Article 20 GDPR.

Consent given can be revoked at any time. The revocation of consent does not affect the legality of the data processed until the revocation.

##### **Right of objection:**

In accordance with Article 21 GDPR, data subjects also have the right to object at any time to the processing of personal data concerning them.

##### **A) Right to object on a case-by-case basis (Art. 21(1) GDPR)**

Data subjects have the right to object, on grounds relating to their particular situation, at any time to processing of personal data concerning them which is based on Article 6(1)(f) GDPR (data processing on the basis of a balancing of interests). If the data subject objects, we will no longer process their personal data unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or the processing serves the establishment, exercise or defence of legal claims.

## **B) Right to object to the processing of data for direct marketing purposes (Art. 21(2) GDPR)**

If we process personal data for the purpose of direct marketing (e.g. by post or e-mail), data subjects have the right to object at any time to the processing of personal data concerning them for the purpose of such marketing. The processing of personal data for this purpose is not intended by SCC EVENTS in the context of organising the contest.

Data subjects can send their enquiries regarding the exercise of data subject rights informally by post or email, stating their full name, to: SCC EVENTS GmbH, Olympiapark Berlin, Hanns-Braun-Strasse / Adlerplatz, 14053 Berlin or [facebook@scc-events.com](mailto:facebook@scc-events.com)

### **Right of appeal:**

If data subjects suspect that their data is being processed unlawfully by SCC EVENTS, they can of course seek judicial clarification of the issue at any time. Data subjects also have every other legal option available to them. Irrespective of this, data subjects have the option of contacting a supervisory authority in accordance with Art. 77(1) GDPR. The right to lodge a complaint pursuant to Art. 77 GDPR is available to data subjects in the EU Member State of their place of residence, their place of work and/or the place of the alleged infringement, i.e. they can choose the supervisory authority to which they turn from the above-mentioned places. The supervisory authority with which the complaint has been lodged will then inform them of the status and outcome of the complaint, including the possibility of a judicial remedy pursuant to Art. 78 GDPR.

The data protection supervisory authority responsible for SCC EVENTS is:

*Berliner Beauftragte für Datenschutz und Informationsfreiheit*, Website: <https://www.datenschutz-berlin.de/>  
Tel.: +49 (0)30 13889-0; Fax: +49 (0)30 2155050; E-Mail: [mailbox@datenschutz-berlin.de](mailto:mailbox@datenschutz-berlin.de).

### **Note on the publication of contributed posts:**

Once personal data has been published on the Instagram fan page, the data can be accessed worldwide on the internet. Further dissemination or indexing by search engines or copies by third parties are therefore possible. Deletion of this data cannot be guaranteed at all times.

In principle, when personal data is published on the Internet (regardless of the platform selected), it cannot be ruled out that it will also be accessed from countries that do not have an adequate level of data protection. The authorised publication of personal data on the internet does not constitute a transfer of personal data to a third country in this sense.

Those affected can therefore contact us directly if they have any questions or requests regarding the published articles concerning them.

## **6) Data transfer to a third country or an international organisation**

We sometimes transfer personal data to third countries or international organisations. A list of these services and service providers that may be used in the context of participation in the contest is described in this section.

Third countries are countries outside the EEA in which the GDPR is not directly applicable. The level of data protection is not comparable to that in the EU. In order to compensate for the existing data protection deficit in the event of a lack of an adequacy decision, we have agreed further suitable guarantees for the processing of personal data with the service providers concerned in the third country or with the international organisation in addition to the standard data

protection clauses, so that the data protection standards for these data transfers are compatible with the statutory data protection provisions of the EU and adequate protection is guaranteed when processing personal data.

Name and address of the company	Role of the company, activities/purpose of the transfer	Legal basis for data transmission
Meta Platforms Ireland Ltd, Merrion Road, Dublin 4, D04 X2K5, Ireland / Headquarters: Meta Platforms, Inc, 1601 Willow Road, Menlo Park, CA 94025, USA	Shared responsibility, operation of the social media platforms Facebook and Instagram	International organisation, standard data protection clauses EU Controller-to-Controller <a href="https://www.facebook.com/legal/EU_data_transfer_addendum">https://www.facebook.com/legal/EU_data_transfer_addendum</a> <a href="https://www.facebook.com/legal/terms/page_controller_addendum">https://www.facebook.com/legal/terms/page_controller_addendum</a> <a href="https://www.facebook.com/legal/terms/dataprocessing">https://www.facebook.com/legal/terms/dataprocessing</a>

### 7) Voluntariness and obligation to provide personal data

Participation in the contest is always voluntary and only possible during the contest period. In order to participate in the contest, the data required for the organisation and implementation of the respective contest in accordance with the conditions of participation and contractually prescribed must be provided. Failure to provide the data means that participation in the contest is not possible. The Terms & Conditions of Participation are available at:

<https://docs.google.com/spreadsheets/d/17fD7oAQRQvrvpkWwEJ5jZe-46KxljOSDsuHY0RgMqzE/edit?gid=682120928#gid=682120928>.

Participation in the contest can be cancelled at any time during the contest period. The data provided will then no longer be included in the prize draw.

### Redemption of prizes

**Race entry for the BMW BERLIN-MARATHON 2025:** Data processing that is carried out to redeem prizes, e.g. as part of the event booking or by registering and using the user account in the online booking portal <https://login.scc-events.com/s/login/> and using the personalised voucher code with validity for a guaranteed race entry for the BMW BERLIN-MARATHON 2025 sports event, is not the subject of this data protection notice. Processing activities in connection with the use of the online booking portal or with participation in an SCC sporting event are described in the respective data protection notices, available at: <https://www.scc-events.com/informationspflicht>.

### 8) Automated decision-making, implementation of profiling

In principle, we do not use exclusively automated decision-making within the meaning of Article 22 GDPR to process contest data.

"Profiling" means any form of automated processing of personal data evaluating personal aspects relating to a natural person, in particular to analyse or predict the performance of work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements of the data subject, where this produces legal effects concerning the data subject or similarly significantly affects him or her. The participation data for the contest will not be processed for the purpose of profiling at SCC EVENTS.

It cannot be ruled out that the platform operator Meta Platforms Ireland Ltd (Instagram) may process the profile and behavioural data of users, for example to evaluate habits, personal relationships, preferences, etc. SCC EVENTS has no influence on the processing or disclosure of this data by Instagram. Information on data processing by Instagram can be found at the following link <https://privacycenter.instagram.com/policy>.