

Short Public Report

1. Name and version of the IT-based service:

AMV@System, function as provided in April 2014

2. Provider of the IT-based service:

Company Name:



AMV Networks GmbH

Address:

Audio Mobil Straße 5

5282 Ranshofen

Austria

Contact Person:

Klaus Floth

3. Time frame of evaluation:

March 2013 – April 2014

4. EuroPriSe Experts who evaluated the IT-based service:

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5. Certification Authority:

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6. Specification of Target of Evaluation (ToE):

The target of evaluation does include:

- AMV® On-Board-Unit ASG®
 - ASG® G2 Device
 - ASG® Initializer Version (Initialization of the On-Board-Unit)
 - ASG® ID Generator
- AMV® Data Center TrafficSoft®
 - TrafficSoft® J2EE Applicationserver
 - TrafficSoft® C2I-Gateway
 - TrafficSoft® SQL Databaseserver
 - TrafficSoft® Portal for the keeper of the vehicle
 - TrafficSoft® Portal for the garage
 - TrafficSoft® Interface for the contractual partners
- Legal Interfaces
 - Contracts with commercial business partners
 - Contracts with non-profit business partners
 - Contracts with AMV®System partners (garages, data processing service center, mobile telecom provider)

The target of evaluation does not include:

- ASG® G1 Device
- ASG® G2 OEM Device
- ASG® G2 X Device
- CAN System
- GPS System
- GSM/GPRS System
- Mobile telecom provider
- Other data processing services
- Third party networks (e.g. internet), internet service provider

- Private contractual partners
- Contractual partners under public law
- Data processing center/managed services at service provider Conova

7. General description of the IT-based services:

The AMV®System developed by AMV Networks is used for capturing real-time data of vehicles and their transmission in anonymous manner to non-profit business partners (e.g. federal government, communities, traffic information services, entities monitoring the roads and similar) for the purpose of traffic-control as well as in pseudonymised form to commercial business partners (e.g. insurance companies, mobility service centers and similar).

From a technical point of view, the AMV®System consists of two components, namely the hardware „Anonymous Sensor Data Gateway (ASG®)“ and the Software „TrafficSoft®“.

The ASG®-device is the hardware installed in vehicles by AMV-qualified garages (co-ordination partners) for the transmission of pseudonymized vehicle-specific data of the keepers of the vehicle. TrafficSoft® is the real-time data pool operated in a data processing center for filtering and transmission of the anonymous/pseudonymized vehicle-specific data to the recipient concerned.

At first, a garage certified by AMV Networks initializes the ASG®-device by means of the ASG®-initializer software, afterwards the ASG®-device is installed in the vehicle and connected to the vehicle's CAN-bus. The garage transmits SSL-coded and reduced vehicle data to the TrafficSoft® website, so that identification of the vehicle by AMV Networks GmbH is not possible. By the ASG® itself, only the ASG®-key is transmitted to the TrafficSoft® website, where it's decoded by the TrafficSoft® application and entered into the TrafficSoft® database. Afterwards the ASG® ID is transmitted to the ASG®.

After the garage installs the ASG® device, the keeper of the vehicle receives a sealed envelope from the garage, containing his ASG® ID, his password and his Business PIN. Throughout the whole installation process, the envelope is kept sealed.

Corresponding to the contractual agreements and privacy consent declaration(s) signed by the keeper of the vehicle, the vehicle-specific data determined from TrafficSoft® is put at the disposal of the following third parties:

- Non-profit business partners (public authorities like the federal government, federal countries, communities, traffic information services, traffic computers, road maintenance authorities as well as research facilities for traffic control) in anonymous form, as for this kind of transmissions no ASG® ID is needed
- Commercial business partners (e.g. insurance companies, mobility service centers). In these cases, the keeper of the vehicle grants access to his data within his right to informational self-determination by announcement of the ASG® ID as well as the Business PIN. Only parameters required by the data subscriptions that the vehicle keeper has consented to, are recorded and transmitted.
- Garages, to control functionality of the installed ASG®-device by means of the web based “garage portal”.

The keeper of the vehicle can keep himself informed on contracts with his business partners and their data access by means of a separate vehicle keeper portal.

The central systems responsible for operating the AMV®System (server, storage-components, active network-components) are located at the following sites:

- Data processing service center at Conova Communications GmbH, Karolingerstraße 36A, 5020 Salzburg, Austria
- Server room at AMV, AMV Networks GmbH, Audio-Mobil-Straße 5, 5282 Ranshofen, Austria (backup database dump)

8. Transnational issues:

Currently, the AMV®System operates only within Austria and the EU. Data Transfer to third countries presently does not occur.

9. Tools used by the manufacturer of the IT product / provider of the IT-based service:

- Linux
- Apache/ SSL

- JBoss
- MySQL

10. Edition of EuroPriSe Criteria used for the evaluation:

EuroPriSe Criteria November 2011

11. Evaluation results:

Considering the „fundamental aspects of processing“, it can be stated that AMV Networks GmbH has developed with the AMV®System a system in full compliance with data protection regulations.

Evaluation of the criteria concerning „processed personal data“ has shown that these are precisely specified, and that data processing happens with the explicit consent of the vehicle keeper. The keeper of the vehicle is able to inform himself at any time by means of the vehicle keeper portal on the business partners he concluded valid contracts with and the data transmitted to those partners. Furthermore, he has the option to cancel data transmissions at any time.

TrafficSoft® carries on transmitting data when passing on the vehicle from the keeper to a driver. In such cases, the driver also becomes data subject while the keeper of the vehicle is responsible for information duty.

In the context of a service contract, the company Conova provides managed services for the AMV Networks GmbH.

Further service providers are the AMV-qualified garages which install the ASG®-devices into the vehicles.

„Legal Basis“ of the AMV®System for the installation of the ASG® into the vehicle of the keeper and the capturing and transmitting vehicle-specific data to the TrafficSoft® website as well as to commercial and non-profit business partners, results from the following contracts and the consent declaration obtained from the keeper of the vehicle when concluding the contracts:

- „Contract with the keeper of the vehicle and privacy consent declaration“ – this contract regulates the legal position between the keeper of the vehicle

and the commercial business partner. In this contract, the keeper of the vehicle gives the right of access to data listed in detail at AMV Networks GmbH to the commercial business partner. By means of a separate declaration of consent the keeper of the vehicle can also agree to the transmission of vehicle-specific data – not traceable to the keeper of the vehicle – to non-profit business partners. With this contract, the keeper of the vehicle also permits the garage installing the ASG® into his vehicle the right of access to certain data, to control ASG® functionality by way of the TrafficSoft® portal. The contract also contains the data privacy rights the keeper of the vehicle is entitled to.

The conclusion of this contract is a prerequisite for installation of the ASG® by the garage.

- „AMV®System Agreement/Garage“ – this contract is concluded between the AMV Networks GmbH and the relevant garage. The contract regulates the legal position both regarding installation and deinstallation of the ASG® and the qualification of the garage requisite for installing the ASG®. The garage is forbidden to transmit personal data of the keeper of the vehicle to AMV Networks GmbH.
- „AMV®System Agreement/Business partner – this contract regulates the legal position between AMV Networks GmbH and the commercial business partner. It regulates transmission of the vehicle-specific data captured via TrafficSoft® (individualized package of vehicle-specific data) to the commercial business partner, subject to the condition that the keeper of the vehicle has concluded the „Contract with the keeper of the vehicle and privacy consent declaration“ with this partner. This contract quotes in detail which data is at the disposal of the commercial business partner.

The AMV®System does not process „sensitive data“ according to article 8 of the directive 95/46/EC.

As AMV Networks GmbH has no contact with the keeper of the vehicle at all, the „duties of information“ fall to the garage and the commercial business partners at conclusion of the „Contract with the keeper of the vehicle and privacy consent declaration“.

A system description of the AMV®System is situated on the website www.amv-

networks.com. The contract concluded between the keeper of the vehicle and the commercial business partner contains relevant regulations regarding the fulfillment of the rights for information, correction, erasure and objection.

Regarding the assessment of “internal data access” controls, it has to be stated that an effective access control system, customized to participants of the AMV®System, has been set up.

AMV Networks has implemented several technical and organisational measures to prevent unauthorized access to data, applications and systems and guarantee integrity, confidentiality and availability of the data of the AMV®System.

Also with regard to the possibility of access to the premises of AMV Networks adequate security measures have been implemented.

These measures comprise amongst others

- redundancy of server systems (redundant components, systems and use of virtualisation technology),
- implementation of physical access control and data usage control at data centers, servers and media of AMV Networks,
- realization of logical access control measures by implementing login-controls and authorization concepts,
- implementation of efficient change and patch management processes to keep devices of the AMV®System up-to-date,
- planning and implementation of a backup and recovery concept for the AMV®System.

The following measures have been implemented to protect the internal network of AMV Networks GmbH as well as the externally hosted AMV®Systems against external attacks:

- Redundant, powerful loadbalancing and firewall systems that control all network connections to the AMV®System,
 - The firewall-systems have been implemented and configured within the framework of the managed services centrally by the firewall-

administrators of the data processing center of Conova. They are permanently serviced (putting in security-updates)

- redundant, powerful firewall system that controls all network connections to the AMV Networks headquarter,
 - The firewall-system is serviced permanently by the AMV-IT (putting in security-updates)
- all critical information systems of the AMV®System such as firewalls, switches and servers are held up to date by applying regular updates and security patches for operating systems, databases and applications,
- area-wide deployment of antivirus software on all information systems of AMV Networks GmbH to prevent the spread of malware in the enterprise,
- usage of encryption for all transactions over insecure (public) networks.

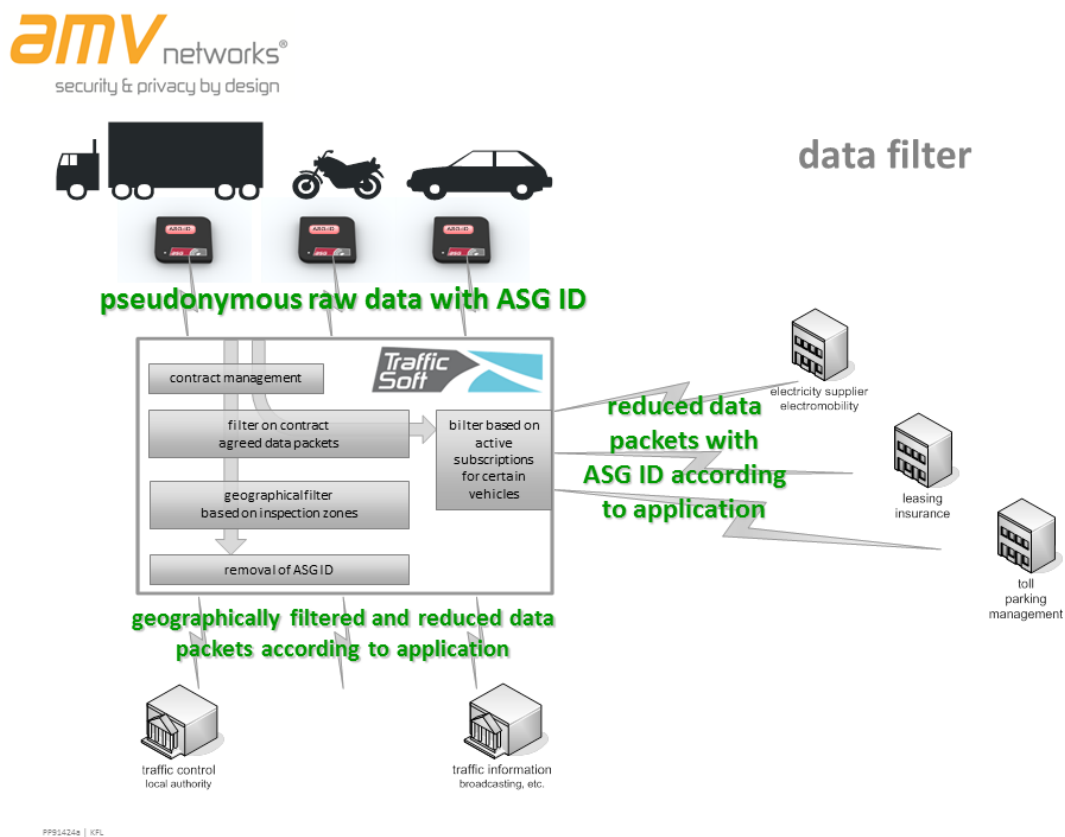
„Deletion of the data after completion of the requirements“ occurs according to EU data protection law, and particularly the Austrian data privacy act, taking into account system requirements and legal retention periods.

Evaluation of „Compliance of common privacy principles“ indicates that the criteria „strict appropriation“, „limitation of data volume“ and „data quality“ are paid special attention. Only data which are necessary for the operating of the AMV®System are captured and processed.

With reference to checkpoint „job processing“, it has to be stated that AMV Networks GmbH is using managed services by the ISO 27001 certified, external service provider Conova. AMV Networks GmbH has closed an appropriate privacy contract with Conova.

12. Data flow:

Data Flow in the AMV®System can be gathered from the following diagram:



13. Privacy-enhancing functionalities:

The AMV®System has been developed by the AMV Networks GmbH according to the principles „Privacy by design“, already comprising security, privacy and thereby the protection of personal rights in the basic concept. For instance, vehicle-specific data is transmitted to non-profit business partners exclusively in anonymous form. From a privacy point of view, the security and privacy concept of the AMV®System offers the advantage that the keeper of the vehicle decides which commercial business partners are allowed use of his data for claiming the relevant mobility services. Furthermore, the keeper of the vehicle is able at any time to check the usage rights granted by him, and also to revoke usage.

14. Issues demanding special user attention:

When leaving the vehicle to a driver, the keeper of the vehicle is obliged to inform the driver that the AMV®System carries on collecting and transmitting data. Additionally, the keeper of the vehicle is obliged to place the provided information card, informing the driver that the vehicle contains a telematic unit which collects GPS position and further parameters, at a well-visible position inside the vehicle. By this measure, the information duty according to the article 10 of the directive 95/46/EC is fulfilled in exemplary manner.

15. Compensation of weaknesses:

Not applicable.

16. Decision table on relevant requirements:

<i>EuroPriSe Requirement</i>	<i>Decision</i>	<i>Remarks</i>
Data Avoidance and Minimisation	excellent	The AMV®System uses only the required minimum of data.
Transparency	adequate	The informations placed on the website as well as in the contracts describe the system sufficiently
Technical-Organisational Measures	adequate	Regarding this criteria, physical and data access authorization systems have to be mentioned, as well as network security and backup and recovery procedures
Data Subject's Rights	excellent	Data subject information about the right of withdrawal and objection to processing, and the right of access, correction and erasure when gathering personal data, is provided exemplarily

Experts' Statement

We affirm that the above-named IT product has been evaluated according to the EuroPriSe Criteria, Rules and Principles and that the findings as described above are the result of this evaluation.

Vienna, 26th June 2014 Prof. KommR Hans-Jürgen Pollirer



Place, Date Name of Legal Expert

Signature

Vienna, 26th June 2014 Mag. Jürgen Stöger

Place, Date Name of Technical Expert

Signature

Certification Result

The above-named IT product passed the EuroPriSe evaluation.

It is certified that the above-named IT product facilitates the use of that product in a way compliant with European regulations on privacy and data protection.

Place, Date

Name of Certification Body

Signature