



DATA PROTECTION

GUIDELINE

Telematics systems are a principal component of successful fleet management today. Those who want to plan and utilize their fleet effectively cannot do without a well-engineered telematics solution.

As personal data can also be involved in the recording and analysis of vehicle data, the topic of data protection plays a key role. The legal regulations have become increasingly complex and multi-layered in recent years. This makes it even more important to have a clear idea of how telematics and data protection are connected.

In this guide, we would like to explain how to optimize the use of telematics systems while complying with all legal requirements.

Legal framework conditions

When telematics systems are used, a wide range of different information can be recorded. This includes technical data such as data from a trailer's cooling unit, braking performance or other maintenance information. It also includes non-personal data such as chassis number and license plate number, position data, location and speed history. There is also personal data such as driver's driving times, driving style analyses, etc. Data that is not personal in itself can become personal if you link it to driver data, e.g. in analyses.

The General Data Protection Regulation (GDPR) and the respective national data protection laws (e.g. BDSG) and laws for the protection of trade secrets are therefore decisive.

Data protection

If information is collected by a telematics system that allows conclusions about the driver's person and enables the identification of a natural person, personal data within the meaning of Art. 4 No. 1 GDPR is processed. In this case, the GDPR's scope of application is opened. The telematics system from idem telematics generally generates and processes data without personal reference. Therefore, there is no data protection concern. Only in exceptional cases is the processing of telematics data subject to the scope of application of the GDPR.

Telematics data is classified as technical data and is therefore not considered as personal data. Trailer telematics contains purely technical data, such as cooling unit, door locking, TPMS and load, or data without personal reference such as speed, position, etc.

However, linking the technical data with the name of a driver or the driver card number can create a personal reference. Another example: Entering master data such as the chassis number or the license plate number into the cargo-fleet portal and creating reports in which a clear assignment of driver and driver card number is possible for you as the customer. In these last two cases, data processing is relevant under data protection law and is your responsibility.

On what basis can personal data be processed?

Once it is possible to create driver-related analyses that enable the assessment of whether the driver complies with speed limits, chooses suitable routes or at which locations breaks are taken, the processed data falls within the scope of the GDPR. In this case, a legal basis for the processing of personal data is required. The relevant legal provisions of the GDPR for lawful data processing are Article 6 (1) a) - f) of the GDPR.

Accordingly, processing of personal data is lawful if the data subject has given consent, the processing serves to fulfil a contract, there is a legal obligation to process the data or the processing is carried out to protect the legitimate interests of the controller or a third party. It is important to check whether your company fulfils one of these so-called "permissions". Consult your data protection officer or legal advisor to find out whether your specific use of the data is legally permissible and what measures you may need to take. Tip: In connection with the optimisation of the supply chain,

a legitimate interest your part in the role of data controller can usually be well justified.

What other requirements do you need to fulfill?

- **Data processing agreement:** You must conclude an agreement with all service providers that are commissioned to process the relevant data, which guarantees the secure handling of the data. Idem telematics provides corresponding templates for this purpose.
- **Risk analysis:** To determine a possible risk, you should carry out a risk analysis (data protection impact assessment).
- **Legal basis for data processing:** Check on the basis of which authorisations you can best justify the processing of personal data and document them.
- **Information:** There is a legal obligation to provide information on the content and scope of data processing. Therefore, make sure that you keep your employees informed.

We recommend that you discuss the implementation of the requirements with your data protection officer or legal advisor.

Protection of trade secrets

(Telematics-) data is an important asset for your company and should be comprehensively protected. The Trade Secrets Act provides you with a basis for this. To ensure that this regulation is effective, you should also take further measures, for example as part of an information security management system (ISMS).

If you are interested in further information, please contact us - we will be pleased to provide you with it. This information is merely an indication and does not replace legal advice from your legal advisor or data protection officer. In this respect, idem telematics accepts no liability.

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