

# DATA AND RIGHTS

NEW GTC  
FOR THE INDIRECT  
PURCHASING

CONTENT SUMMARY

# DATA AND RIGHTS.

## NEW GTC SECTION 15: RIGHTS TO BMW DATA (1).

### 15.2 Definition „BMW Data“

### 15.3 Rights of BMW to BMW Data

### 15.4 Rights of contractor to BMW Data

#### Summary

All Data, which is or will be

- Provided by BMW
- Created / collected / processed for BMW
- Stored on BMW Data carriers
- Obtained by the contractor resulting from a breach of contract

Not restricted as to content and time (within legal framework)

- Usage within scope of service provision (also between sub-contractors)
- Disclosure only if it is absolutely necessary (f.e. courts / authorities / auditors/ ...)

#### Background

- BMW has a legitimate interest of these data.
- These data requires a special level of protection.

Determination of the BMWs general position

Covers all mandatory utilizations / transfers of the contractor.

# DATA AND RIGHTS.

## NEW GTC SECTION 15: RIGHTS TO BMW DATA (2).

### 15.5 Prohibitions for contractor relating BMW Data

### 15.6, 15.8 Duty of disclosure of contractor

### 15.7, 15.8 Other obligations of contractor

#### Summary

- Unauthorized transfer of BMW Data to third parties
- Unauthorized procurement of BMW Data
- Collection of Data on BMW ownership, BMW property or BMW vehicles
- Transfer of Data beyond service provision
- Unauthorized use of BMW Data
- Before destruction of BMW Data
- Contractor has to transfer BMW Data to BMW if requested
- Contractor has to destroy all BMW Data after the end of service provision.

#### Background

Protection of BMW, employees, partners and customers

Protection of BMW, employees, partners and customers

Entitled control requirements by BMW

# DATA AND RIGHTS.

## NEW GTC SECTION 16: INFORMATION SECURITY (1).

### 16.1 Information security

### 16.2 Need of high level protection

### 16.6 Contact person & rights of audits

#### Summary

The contractor is obligated to secure BMW and his Data, which is used for the service provision, in customary industry standards against access, alteration, destruction and misuse.

If necessary BMW is allowed to request from the contractor

- A special level of protective measures
- Proof of an appropriate level of Information Security, especially by submitting appropriate certificates
- In case of certain levels of information security, the contractor has to designate a central contact person
- And BMW has the right to conduct an audit.

#### Background

Ensuring **confidentiality, availability** and **data integrity**.

Higher protection of very sensitive data

Examine the compliance of the agreed technical and organizational measures

# DATA AND RIGHTS.

## NEW GTC SECTION 16: INFORMATION SECURITY (2).

### 16.5 Obligations arising from a lack of Information Security

### 16.3, 16.4 No safety gaps during the Service Provision

### 16.7 Transfer of obligations within the supply chain

#### Summary

- Immediate obligation of notification
- Engaging in fact-finding activities and limitation of damages
- Support for recovering data
- Provide security report

- No malware
- No dangerous functions (f.e. undesirable initiation / rejection / alteration of Data)

Subcontractor shall also be obligated by the contractor.

#### Background

Damage minimization

Ensuring **confidentiality, availability** and **data integrity**.

Ensuring information security within the supply chain